



Planning Inspectorate
Arolygiaeth Gynllunio

SCOPING OPINION:

Proposed Theddlethorpe Flexible Generation Project

Case Reference: EN0110008

Adopted by the Planning Inspectorate (on behalf of the Secretary of State)
pursuant to Regulation 10 of The Infrastructure Planning (Environmental
Impact Assessment) Regulations 2017

30 October 2025

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APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

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1. INTRODUCTION

- 1.1.1 On 23 September 2025, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from Theddlethorpe Flexible Generation Limited (the applicant) under regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) for the proposed Theddlethorpe Flexible Generation Project (the proposed development). The applicant notified the Secretary of State (SoS) under regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the proposed development and by virtue of regulation 6(2)(a), the proposed development is 'EIA development'.
- 1.1.2 The applicant provided the necessary information to inform a request under EIA regulation 10(3) in the form of a Scoping Report, available from: <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN0110008>
- 1.1.3 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the proposed development as currently described by the applicant. This Opinion should be read in conjunction with the applicant's Scoping Report.
- 1.1.4 The Inspectorate has set out in the following sections of this Opinion where it has / has not agreed to scope out certain aspects / matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects / matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 1.1.5 Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in appendix 1 in accordance with EIA regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in appendix 2. These comments have been taken into account in the preparation of this Opinion.
- 1.1.6 The Inspectorate has published a series of advice pages, including 'Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping (AN7)'. AN7 and its annexes provide guidance on EIA processes during the pre-application stages and advice to support applicants in the preparation of their ES.
- 1.1.7 Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from: 'Nationally Significant Infrastructure Projects: Advice pages'

- 1.1.8 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (e.g. on formal submission of the application) that any development identified by the applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or associated development or development that does not require development consent.

2. OVERARCHING COMMENTS

2.1 Description of the proposed development

(Scoping Report sections 4 and 5)

ID	Ref	Description	Inspectorate's comments
21.1	Paragraphs 4.7.1, 5.1.3, 5.5.5, and section 5.2	Flexibility and alternative processes	The Inspectorate notes the applicant's desire to incorporate flexibility into their draft development consent order (dDCO) application and its intention to apply a 'Rochdale Envelope' approach for this purpose. The Scoping Report states that the Theddlethorpe thermal generation facility will comprise either Combined Cycle Gas Turbines (CCGT) fuelled by natural gas (with carbon capture) or hydrogen, or Reciprocating Gas Engines (RGE) fuelled by natural gas or hydrogen. Optionality between CCGT and RGE and fuel choice (hydrogen or natural gas) are proposed to be maintained through to dDCO application stage unless project specifics in advance of this dictate otherwise. The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the proposed development have yet to be determined and provide the reasons for the flexibility sought. At the time of application, any proposed development options should not be so wide-ranging as to represent effectively different developments. The parameters should use the maximum envelope within which the built development may be undertaken to ensure a worst-case assessment. The ES should identify the parameters that have been assumed as the worst-case scenario for each aspect scoped into the assessment and ensure that interactions between aspects are taken into account relevant to those scenarios. The development parameters should be clearly defined in the dDCO and in the accompanying ES. The applicant, in preparing an ES, should consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations. The Inspectorate draws the applicant's attention to advice page: Rochdale Envelope, which states that "it will be for the authority responsible for issuing the

ID	Ref	Description	Inspectorate's comments
			development consent to decide whether it is satisfied, given the nature of the project in question, that it has 'full knowledge' of its likely significant effects on the environment."
212	Figures 4-1, 4-2, 5-9 and figure 2 of appendix E	Figures	The Inspectorate notes that some of the figures provided as part of the Scoping Report are of low resolution, making them difficult to read, in particular figures 4-1, 4-2, and figure 2 of appendix E. Figure 5-9 is also of low resolution and the labels are not particularly clear. The applicant should ensure that all figures in the ES are clear and features on the figures are clearly discernible.
213	Paragraphs 5.1.3 and 5.5.57	Connection to the proposed National Grid Lincolnshire Connector Substation A (LCS A)	The Scoping Report states that there may be the need for some ancillary connecting works at the proposed substation to facilitate the project linking to LCS A, which is proposed as part of the National Grid Grimsby to Walpole connection project. The ES should describe the relationship between the proposed development and any connected projects, such as LCS A, including the use of figures. This should include the extent to which the proposed development is dependent on their delivery and the development timelines of other projects (including the predicted lifespans once operational), with an explanation of how these will be coordinated to reduce environmental effects. Any assumptions made about connected projects should be explained, together with any uncertainty remaining and how this is addressed in the assessment.
214	Paragraphs 5.5.2 and 5.5.85	Construction, operational and decommissioning phase timescales and programme	The Scoping Report states that the proposed development will continuously operate as required by the national grid, potentially supplying electricity all day, every day. However, no specific temporal scope is set out in the Scoping Report for the construction, operational or decommissioning phases. The ES should clearly state the assumptions regarding the construction, operational and decommissioning phases, including the estimated duration and likely start and end date of each phase. The ES should also include detail on the anticipated construction phasing plan.
215	Sections 5.3, 5.5, 7.4, table	Scoping boundary and built parameters	The Scoping Report states that the 1,004hectare (ha) scoping boundary includes the current maximum extent of temporary and permanent land take for the construction, operation, maintenance and decommissioning of the proposed development. The Inspectorate notes that the applicant has presented the general areas of some elements of

ID	Ref	Description	Inspectorate's comments
	5.1 and appendix A		the proposed development and that the scoping boundary is subject to change as the design and EIA progresses. Section 5.5 of the Scoping Report describes the above ground infrastructure that is likely to be required as part of the thermal generation facility, electrolysis plant, desalination facility, two battery energy storage system (BESS) facilities and the substation but does not specify any built parameters, except for the maximum height of the CCGT chimney stack and maximum number of gas engines in table 5.1. The ES should clearly explain the location and design parameters (minimum and maximum height, width, length and depth) of the different project elements on which the assessment is based. It should assess any likely significant effects resulting from the construction, operation/ maintenance and decommissioning of these elements of the project.
21.6	Section 5.5	Natural resources	The Scoping Report states that natural resources will be required for the operational phase of the proposed development. The ES should include an estimate of the likely volume of the different natural resources that will be required in the operation of the proposed development, how these will be transported to the site, and an assessment of any likely significant effects arising from the use of such resources.
21.7	Paragraphs 5.5.13, 5.5.20 and table 5.1	Employment	The Scoping Report states that once operational, the proposed development will provide employment for at least 116 full-time equivalent personnel and that construction worker numbers would be well in excess of this. The ES should detail the number of full and part time jobs anticipated to be generated by all phases of the proposed development. It should be explained how the construction workforce would vary depending on the construction phasing.
21.8	Paragraph 5.5.29	Sea pipe installation	The Scoping Report states that the pipeline to source water for cooling, the electrolysis facility and desalination plant and to discharge saltwater brine would be installed via trenchless techniques, such as Horizontal Direction Drilling (HDD). The applicant's attention is drawn to the consultation response from Natural England (at appendix 2 of this Opinion), which raises concerns regarding the efficacy and feasibility of the use of trenchless techniques, such as HDD, for the sea pipe installation. The ES should clearly

ID	Ref	Description	Inspectorate's comments
			set out the methodology for the sea pipe installation and provide an associated assessment of any impacts on ground conditions, the water environment, pollution and benthic ecology and biodiversity. If there is potential for likely significant effects, appropriate mitigation and how this will be secured should be described in the ES. The applicant should seek to agree the scope of the assessment with relevant consultation bodies, including Natural England.
21.9	Paragraph 5.5.71	Demolition	The proposed development may involve demolition as part of the site clearance works. The ES should provide a description of any demolition works required and assessment of any resulting likely significant effects.
21.10	Paragraph 5.5.72	Lighting	In addition to operational lighting, the ES should clearly describe the location and design of lighting required along the construction working widths and at construction compounds. Any likely significant effects should be assessed.
21.11	Paragraphs 5.5.74 to 5.5.78	Access roads	The Scoping Report states that temporary and permanent access tracks may be necessary for construction and operational access to and from the proposed development. The Inspectorate notes that the applicant plans to discuss access with Lincolnshire Council and National Highways to confirm the access strategy and arrangements. The ES should identify the locations of access routes and assess any likely significant effects resulting from their construction, operation and decommissioning. The applicant's attention is directed to the consultation response from National Highways in appendix 2 of this Opinion.
21.12	Paragraph 5.5.78	Phasing	The Scoping Report indicates that construction may take place in phases. The ES should include an assessment of any likely significant effects arising from the phased nature of the construction of the proposed development, including risks of major accidents. Measures required to mitigate any significant effects should be clearly described in the ES and in the Construction Environmental Management Plan (CEMP) submitted with the application.

ID	Ref	Description	Inspectorate's comments
2.1.13	Paragraphs 5.5.79 and 5.5.80	Temporary construction compounds	The ES should describe the proposed number, location and parameters of temporary construction compounds and laydown areas required during construction and decommissioning of the proposed development. The ES should assess any likely significant effects arising from these works.
2.1.14	General	Decommissioning	The approach to decommissioning is not clear or consistent within the proposed aspect chapters. The Scoping Report states in section 7 that decommissioning will be scoped into the EIA and in section 5.5 (paragraphs 5.5.82 to 5.5.85) states that at the end of the operational phase, above ground infrastructure would be dismantled and removed up to a depth of up to 1m and subsurface elements may or may not be removed depending on the impacts associated with their removal. A Decommissioning Environmental Management Plan (DEMP) is proposed to be submitted as part of the dDCO. The Scoping Report also states that whilst any future programme for decommissioning is not yet known, the activities and management processes which will be put in place are assumed to be broadly similar to those associated with construction. On this basis multiple aspect chapters propose to scope out an assessment of decommissioning impacts, while others do not mention decommissioning at all and some aspect chapters scope decommissioning in. For the avoidance of doubt, the ES should include a high-level assessment of decommissioning effects as far as practicable. The ES should provide a description of any known activities and works which are likely to be required during decommissioning of the proposed development. Where the construction phase has been scoped in on the basis that significant effects could occur, this suggests that there is potential for significant effects to occur during the decommissioning phase. Where decommissioning effects are considered to be similar or no worse than effects which could occur during construction, a justification for this position should be provided.

2.2 EIA Methodology and Scope of Assessment

(Scoping Report section 7)

ID	Ref	Description	Inspectorate's comments
221	Section 7.5	Transboundary	The Scoping Report states that the applicant has considered the location, scale and nature of the proposed development and concludes that no transboundary or cross-border impacts are anticipated. The Inspectorate is not in a position to scope this matter until it has completed its own transboundary screening on behalf of the Secretary of State in due course.
222	Section 7.7 and 2	Good design	The legislation and guidance section of the Scoping Report does not mention the Planning Inspectorate's guidance notes including the recently published Nationally Significant Infrastructure Projects: Advice on Good Design available at https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-advice-on-good-design . The applicant is encouraged to review the Planning Inspectorate's advice and incorporate the principles into the proposed development.
223	Section 7.16 and appendix D	Cumulative effects	The Scoping Report provides a long list of potentially relevant proposals. The Inspectorate advises that Eastern Green Link 5 and Linconshire Reservoir should also be considered in the cumulative effects assessment in the ES.
224	General	Consultation	Reference is made to the Consultation Report that will be submitted with the dDCO application. Where cross-reference is made from the ES to relevant information contained in the Consultation Report the specific location therein should be identified. It is recommended that the ES contains a table demonstrating how the matters raised in the Scoping Opinion, including from consultees, have been addressed in the EIA.

ID	Ref	Description	Inspectorate's comments
225	General	Mitigation measures	High level information is provided on proposed embedded and enhancement measures for the construction and operational phases of the proposed development. The Inspectorate expects that mitigation and monitoring requirements will be further developed and clearly explained in detail within the ES. Mitigation measures should be proposed for construction, operational and decommissioning effects where necessary or details with evidence as to why mitigation and further monitoring are not required should be provided. The ES should clearly present how mitigation measures have followed the mitigation hierarchy, how delivery would be secured and whether relevant consultation bodies agree on the adequacy of the measures proposed.
226	General	Professional judgement	Where the ES utilises professional judgement to either assign significance or in the absence of a recognised methodology, the ES should provide a justification and clearly explain the criteria used to inform the professional judgement. Where professional judgement is used to assess the significance of a 'moderate effect' which is not considered a significant effect, this should clearly be stated and explained in the ES.
227	General	Marine users	The applicant's attention is directed to the consultation response from the Maritime and Coastguard Agency (MCA) in appendix 2 of this Opinion. The ES should have regard for the potential impacts of the construction and maintenance of the proposed seawater intake and outfall pipeline on the other marine users or provide evidence of the absence of likely significant effects and demonstrate agreement with the relevant consultation bodies.
228	General	Study area	The ES should clearly explain how the study area(s) for each aspect have been defined, with reference to the relevant industry guidance, sensitive receptors and extent of likely impacts. The ES should also

ID	Ref	Description	Inspectorate's comments
			include figures that illustrates the study areas and location of sensitive receptors used to inform each of the EIA aspect assessments. The selection of study areas should also be discussed and agreed wherever possible with relevant consultation bodies.

3. ENVIRONMENTAL ASPECT COMMENTS

3.1 Landscape and Visual

(Scoping Report section 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.1	General	Decommissioning	See ID 2.1.14.
3.1.2	Paragraph 8.5.6 and table 22.2	Landscape and visual affects along the cable corridor (operation)	The Scoping Report proposes to scope out an assessment of landscape and visual affects along the cable corridor during operation, on the basis that the cables will be underground and so will have no landscape or visual effects. The Inspectorate agrees that in general the introduction of the underground cables is unlikely to give rise to significant long-term effects on landscape character during operation of the proposed development. However, it is unclear whether any easement required would result in permanent landscape changes and the potential for such effects should be considered. In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope this matter from the assessment. Accordingly, the ES should include an assessment of this matter or the information referred to demonstrating the absence of likely significant effects and agreement with the relevant consultation bodies.
3.1.3	Table 22.2	Residential visual amenity (operation)	The Scoping Report proposes to scope out an assessment of residential visual amenity during the operational phase, on the basis that the nearest dwelling is 400m from the site boundary and its setting is protected by tree cover planted to screen the adjacent former gas terminal. The Scoping Report also states that while there is a dwelling within 100m of the Strubby Airfield Site, it is unlikely that any large infrastructure will be located nearby due to a variety of constraints. However, if a final scheme results in a potential effect on residential visual amenity then a study will be undertaken. In the absence of

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			further detail, the Inspectorate cannot agree to scope this matter out at this time. The ES should include an assessment of the likely significant effects on residential visual amenity during the operational phase or provide evidence to demonstrate the absence of likely significant effects including evidence of agreement with relevant consultation bodies.

ID	Ref	Description	Inspectorate's comments
3.14	Paragraphs 8.3.16, 8.5.4 and 8.5.5	Viewpoints	The Inspectorate notes that viewpoints will be prepared in accordance with the Landscape Institute's guidance, produced for winter and summer views and agreed with affected Local Planning Authorities (LPAs). Efforts should be made to agree the number and location of viewpoints with relevant consultation bodies. The ES should include confirmation of the consultation undertaken, together with evidence of agreement about the final viewpoints selected. Where any disagreement remains, an explanation as to how the final selection was made should be provided. The ES should include a plan to illustrate the location of viewpoints in relation to the proposed development. Consideration should be given to the production of night-time visualisations to support the assessment of effects from lighting requirements.
3.15	Paragraphs 8.3.21 to 8.3.24	Zone of Theoretical Visibility (ZTV)	The Inspectorate notes that figure 8-1 provides a preliminary ZTV for a worst case CCGT chimney height of 110m and that separate ZTVs will be prepared for the tallest elements within each of the three main sites once more details are known about the structures. The ES should clearly evidence and justify the final extent of the ZTVs used and ensure that any assessment of significance is based on the worst-case scenario.
3.16	Section 8.4	Mitigation	The Inspectorate acknowledges that the project will include landscape mitigation and enhancement measures but at this stage specifics are unknown. The ES should clearly describe any proposed landscaping and how visual effects are expected to alter as a result. The ES should clearly present any assumptions made about the height that any

ID	Ref	Description	Inspectorate's comments
			proposed planting would have reached by the assessment years for the purposes of generating visual representations and reaching the assessment conclusions.

3.2 Terrestrial Ecology and Biodiversity

(Scoping Report section 9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
321	Paragraphs 9.4.16 and 9.6.3	Decommissioning	See ID 2.1.14.
322	Paragraph 9.6.4 and tables 9.1 and 22.4	Direct impacts on designated sites (construction)	The Scoping Report proposes to scope out an assessment of direct impacts on designated sites during the construction phase, on the basis that all designated sites are located outside the proposed development boundary and therefore there is no potential for direct habitat loss. The Inspectorate notes that table 9.1 of the Scoping Report identifies that the study area is adjacent to Saltfleetby-Theddlethorpe Dune & Gibraltar Point Special Area of Conservation (SAC), Humber Estuary Special Protection Area (SPA) and Ramsar site, Saltfleetby-Theddlethorpe Dunes Site of Special Scientific Interest (SSSI) and Lincolnshire Coronation Coast National Nature Reserve (NNR). On this basis and in the absence of further detail regarding the location, type or duration of construction activities, the Inspectorate cannot agree to scope this matter out. The ES should include an assessment of direct impacts on designated sites including on any functionally linked land during all phases of the proposed development, where likely significant effects could occur. The applicant's attention is drawn to the consultation response from Natural England, at appendix 2 of this Opinion, regarding potential impacts of HDD and concerns in relation to the location of the intake and outflow pipe. The assessment of impacts on designated sites should include consideration of direct effects, together with effects arising from pollution, hydrological changes, and changes to air quality, where likely significant effects could occur. The assessment should be informed by the findings of other ES chapters, for example air quality and water quality. The

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			applicant should seek to agree the scope of the assessment with relevant consultation bodies, including Natural England.
323	Paragraph 9.6.5 and tables 9.2 and 22.4	Permanent and temporary loss of agricultural land (construction)	The Scoping Report proposes to scope out an assessment of permanent and temporary loss of agricultural land during the construction phase, on the basis that they are of low ecological value, would be mostly reinstated post-construction (with the exception of permanent infrastructure) and that although these landscapes offer resources for protected and notable species, these effects would be captured in an assessment of these species as important ecological features. The Inspectorate notes that habitat and species surveys of the agricultural land have yet to have been undertaken, including of areas of arable land within the proposed development, and also that table 9.2 proposes that surveys will be undertaken in respect of rare arable weeds. In the absence of ecological survey data to inform the baseline and the ecological value of agricultural land affected by the proposed development, the Inspectorate cannot agree to scope out impacts to agricultural habitat at this stage. The ES should include an assessment of impacts to important ecological features, including any notable habitats, where likely significant effects could occur or demonstrate the absence of a likely significant effect with agreement from the relevant consultation bodies.
324	Paragraph 9.6.6 and table 22.4	Fugitive dust emissions (construction)	The Scoping Report proposes to scope out an assessment of fugitive dust emissions during site clearance activities that may result in smothering of vegetation during the construction phase, on the basis that any potential effects are expected to be managed through standard good practice measures set out in the CEMP for environmental legislative compliance. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees to scope this matter out of further assessment for construction.
325	Paragraphs 9.3.23,	Introduction of invasive non-native	The Scoping Report proposes to scope out an assessment of INNS during the construction phase, on the basis that any potential effects are expected to be managed through standard good practice measures set out in the CEMP for environmental legislative

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
	9.6.6 and table 22.4	species (INNS) (construction)	compliance. However, paragraph 9.3.23 of the Scoping Report states that a review of the Viking Carbon Capture and Storage (CCS) Pipeline DCO ES, which partially overlaps with the proposed development study area, identified non-native shrimp species present in a ditch within the centre of the proposed thermal generation sites and states that it may be present within other ditches within the study area. The Inspectorate advises that the ES should identify and describe any INNS present in the baseline and include an assessment if there is the potential for significant effects to occur.
326	Paragraph 9.6.7 and table 22.4	Noise and visual disturbance from BESS facilities and underground gas cables (operation)	The Scoping Report proposes to scope out an assessment of noise and visual disturbance from the two BESS facilities and underground gas cables during the operational phase, on the basis that these would be limited to repair and maintenance activities that would be short-term, infrequent and small in scale therefore unlikely to result in significant effects on important ecological features. At this stage, with no information regarding the location, type or duration of operational or maintenance activities, the Inspectorate does not agree to scope this matter out. Accordingly, the ES should include an assessment of these matters or demonstrate the absence of a likely significant effect and agreement with the relevant consultation bodies.
327	Paragraphs 9.3.9, 9.3.11, 9.3.20, 9.3.21, 9.3.26 and tables 9.1 and 9.2	Receptors - natterjack toad, grass snake, common lizard, slow worm, adder, brown hare, white-clawed crayfish and terrestrial invertebrates	It is proposed to scope out surveys for natterjack toad, grass snake, common lizard, slow worm, adder, brown hare, white-clawed crayfish and terrestrial invertebrates on the basis that the site is located beyond their known current geographical distribution and/ or due to a lack of suitable habitat availability and/ or impacts would be temporary and reversible and adequately managed through appropriate precautionary working methods. The Scoping Report states that the likely location of all elements of the proposed development is not yet known, and ecological surveys have not been undertaken and thus the likely presence/ absence of such species potentially affected by the proposed development is not yet known. The Scoping Report also states that the natterjack toad is a qualifying feature of the Humber Estuary Ramsar Site, Saltfleetby-Theddlethorpe Dunes

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			SSSI and Lincolnshire Coronation Coast NNR. On this basis, the Inspectorate does not agree that effects on natterjack toad, grass snake, common lizard, slow worm, adder, brown hare, white-clawed crayfish and terrestrial invertebrates can be scoped out of the assessment at this stage. This information should be set out in the ES. Relevant surveys should be undertaken and reported in the ES and an assessment provided where significant effects are likely to occur, or evidence should be provided demonstrating agreement with the relevant consultation bodies of the applicant's approach and the absence of a likely significant effect.

ID	Ref	Description	Inspectorate's comments
328	Paragraph 5.5.64	Biodiversity mitigation and enhancement	The Scoping Report states that areas of the site would be used for biodiversity mitigation and enhancement. The ES and its accompanying figures should clearly differentiate between areas of land proposed for mitigation and those proposed for enhancement purposes.
329	Paragraphs 9.3.1 and 9.4.15	Study area	See ID 2.2.8.
3210	Paragraph 9.3.2	Baseline	The Scoping Report (paragraph 9.3.2) states that the desk study which comprises the scoping baseline has been undertaken utilising data from the multi-agency geographical information for the countryside (MAGIC) database and the ES for the Viking CCS Pipeline DCO. The Scoping Report does not state if data from the Viking CCS Pipeline DCO or other proposed and existing projects will be utilised as part of the baseline in the ES. For the avoidance of doubt, the ES should utilise the most recently available representative datasets at the time of production. The Inspectorate acknowledges that data and

ID	Ref	Description	Inspectorate's comments
			knowledge regarding the baseline environment exists from surveys and assessments for other proposed and existing projects. The Inspectorate understands the benefits of utilising this information to supplement site specific survey data but advises that suitable care should be taken to ensure that the information in the ES remains representative and provides a robust baseline. Where data from other projects is used to support the assessment, the ES should confirm that these are truly comparable. The applicant should make effort to agree the suitability of information used for the assessments in the ES with relevant consultation bodies.
3211	Paragraph 9.3.7	Hedgerows	The Scoping Report states that the proposed thermal generation site comprises arable farmland with boundary hedgerows. The ES should confirm the overall length of hedgerow likely to be affected by the proposed development and categorise the amount likely to be subject to temporary and/ or permanent effects.
3212	Table 9.2	Surveys – Great Crested Newt, bats, water vole, otter, badger, breeding birds, wintering birds, aquatic invertebrates, fish and eels	Efforts should be made to agree the scope, timing and extent of survey effort with relevant consultation bodies prior to survey work commencing. Evidence of any agreement or otherwise should be presented in the ES.
3213	Paragraph 9.7.1	Limitations and uncertainties	The Scoping Report states that it is assumed that access to all land would be available for the survey scope but recognises that this may not be possible and where land parcels are not accessible, robust assumptions will be made and a precautionary approach taken. The Inspectorate strongly advises that every effort should be made to undertake a comprehensive suite of surveys and any gaps in survey coverage should be very limited. The ES should explain what efforts were made to obtain access and how any gaps in survey data would be addressed.

ID	Ref	Description	Inspectorate's comments
3214	Paragraphs 9.4.4, 9.4.5, 9.5.2 and 9.7.2	Biodiversity Net Gain (BNG)	The Scoping Report states the applicant's assumption is that delivery of a minimum 10% BNG will be mandatory for NSIPs at the time the dDCO application is submitted and will include this in the scope of the proposed development. The Inspectorate is content with this approach. For the avoidance of doubt, BNG should not be considered as mitigation when determining likely significant effects for the purposes of the EIA and should be separated out from the assessment of effects.
3215	General	Freshwater fish baseline	The Scoping Report does not mention using the Environment Agency's fish survey data to inform the ecology baseline. In their consultation response at appendix 2 of this Opinion, the Environment Agency note European eel, river lamprey and brown/ sea trout present within the Zol. The ES should assess potential impacts on freshwater fish, supported by robust baseline survey data, unless otherwise agreed with relevant consultation bodies.
3216	General	Sensitive environmental information	Under Regulation 12(5)(g) of the Environmental Information Regulations 2004, public bodies have a responsibility to avoid releasing sensitive environmental information that could bring about harm to sensitive or vulnerable ecological features. The applicant should take a risk-based approach to identifying where disclosure could lead to environmental harm. The sections in the ES where specific survey and assessment data relating to the location of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in separate annexes by the applicant. The applicant's approach should be proportionate and only use these separate annexes for species where there is a genuine risk of harm. All other assessment information should be included in an ES chapter, as normal, with a placeholder providing a justification as to why annexes have been withheld and that a full version of the ES they have been submitted to the Inspectorate and may be made available subject to request.

3.3 Archaeology and Heritage

(Scoping Report section 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
33.1	Paragraph 10.4.12	Decommissioning	See ID 2.1.14.
33.2	Paragraph 10.6.1 and table 22.6	Changes in setting (construction)	The Scoping Report proposes to scope out an assessment of changes in setting during the construction phase, on the basis that these effects are considered temporary and unlikely to have a durable effect on any heritage assets. The Inspectorate considers that the Scoping Report does not provide justification as to why construction will not affect the setting of designated heritage assets. The layout of the proposed development, including the location of construction compounds and access points has not been finalised and no temporal scope is set out in the Scoping Report for the construction phase. If these were to be located close to a heritage asset, this could result in a significant effect during construction. As such, the Inspectorate does not agree to scope this matter out at this stage. On this basis, the ES should include an assessment of temporary setting impacts on the heritage assets during construction or provide evidence of the absence of likely significant effects and demonstrate agreement with the relevant consultation bodies.
33.3	Paragraph 10.6.3 and table 22.6	Damage to archaeology (operation)	The Scoping Report proposes to scope out an assessment of damage to archaeology during the operational phase, on the basis that once the site is constructed there are unlikely to be further effects on any below-ground asset. The Inspectorate is content that damage to archaeology during operation is unlikely to result in significant effects and that this matter can be scoped out of further assessment.

ID	Ref	Description	Inspectorate's comments
334	Paragraphs 10.4.10 and 10.4.11	Study area	See ID 2.2.8.
335	Paragraph 10.3.3	Archaeology surveys	The Scoping Report states that a geophysical survey followed by targeted intrusive archaeological evaluations will be undertaken to assess potential archaeology. The applicant should make efforts to agree the scope, methodology and timing of such activities with relevant consultation bodies including Historic England and the host local authorities. The results and assessment of effects to archaeology should be clearly presented within the ES along with a description of any uncertainties or assumptions applied and confirmation of any further survey and evaluation required and how this would be secured.
336	Paragraph 10.3.4	Impacts to setting	The Scoping Report states that the impact on setting will be reliant on the landscape assessment and associated ZTV. Cross-reference can be made to the landscape and visual ES assessment to avoid duplication. See ID3.1.5.

3.4 Water Environment

(Scoping Report section 11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
34.1	Paragraph 11.3.14 and table 22.8	Impact on Calceby Marsh SSSI (construction and operation)	The Scoping Report proposes to scope out an assessment of impacts on Calceby Marsh SSSI on the basis that it is located approximately 5km upstream from the site. The Inspectorate agrees effects on Calceby Marsh SSSI are unlikely to result in significant effects and is content for this matter to be scoped out of further assessment. However, if during detailed design, new pathways are identified which may result in likely significant effects on the SSSI, these should be assessed.
34.2	Paragraph 11.10.2 and table 22.8	Fresh or updated modelling of flood risk along the Wold Grift Drain	The Scoping Report proposes to scope out fresh or updated modelling of flood risk along the Wold Grift Drain on the basis that it is more than 1.5km from all aspects of the proposed development and an extensive area of open marshland lies between the watercourse and the proposed development which is lower than the lowest part of the proposed development. The Inspectorate agrees that this matter can be scoped out from further assessment provided risk associated with flooding along Wold Grift Drain is assessed in the ES based on existing data available.
34.3	Paragraph 11.10.3 and table 22.8	Quantitative groundwater assessment and monitoring	The Inspectorate notes that no quantitative assessment of risk to groundwater or groundwater monitoring is proposed on the basis that local flood risk is reported to be low due to the clayey nature of the surface geology across the study area and as the Scoping Report assumes no deep excavations, groundwater abstractions or discharges are required. Given the nature of the proposed development and the information provided within the scoping report the Inspectorate does not agree to scope this matter out at this stage; agreement should be sought with the relevant consultation bodies. The ES should clearly justify any assumptions made and confirm if any deep excavations, groundwater

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			abstractions or discharges are required. The applicant's attention is drawn to comments from the Environment Agency at appendix 2 of this Opinion.
344	Paragraph 11.10.4 and table 22.8	Effects on the water environment from marine abstraction for the electrolysis plant	The Scoping Report proposes to scope out an assessment of impacts from the proposed abstraction for the electrolysis plant on the water environment on the basis that abstraction would be from the marine environment (the North Sea). Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate is not in a position to agree to scope this matter out from the assessment at this stage. Accordingly, the ES should include an assessment of this matter or the information referred to demonstrating the absence of likely significant effects and agreement with the relevant consultation bodies.
345	Paragraphs 11.6.2 and 11.4.22	Decommissioning	See ID 2.1.14.

ID	Ref	Description	Inspectorate's comments
346	Paragraph 5.5.29	Brine	The Scoping Report does not state how much higher the salinity of the discharge saltwater brine following desalination and electrolysis processes will be. This should be clearly stated within the ES. The applicant's attention is drawn to the consultation response from the Environment Agency at appendix 2 of this Opinion.
347	Paragraph 11.3.20 and figure 11.4	Flood zones 3a and 3b	The Scoping Report identifies that part of the proposed development area is in flood zone 3 but does not differentiate between flood zone 3a and 3b. Flood risk has been identified using the Environment Agency Flood Map which the Inspectorate is aware does not distinguish between flood zone 3a and 3b.

ID	Ref	Description	Inspectorate's comments
			As the Flood Risk Vulnerability Classification for development and need to apply particular tests (according to the Government's Flood risk and coastal change Planning Practice Guidance) differs according to the flood zones in which a development is to be located, the description within the ES of the baseline flood risk for the proposed development should distinguish between flood zones 3a and 3b. This should be shown on a figure. The ES should specify what infrastructure would be in which flood risk zones.
34.8	General	Water demands during construction	The Scoping Report does not set out water demands during construction. The ES should clearly set out the water demand needed for construction activities such as dust suppression, concrete batching, potable and domestic supplies to welfare stations. The applicant's attention is drawn to the consultation response from the Environment Agency at appendix 2 of this Opinion.

3.5 Ground Conditions and Land Contamination

(Scoping Report section 12)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
35.1	Paragraph 12.6.3 and table 22.10	Exposure to contamination through direct contact, ingestion and inhalation by workers, adjacent users and adjacent residents (construction)	The scoping report proposes to scope out this matter on the basis that good practice measures within the CEMP would control the potential direct contact risks associated with encountering any unknown contamination during construction. Measures managing and storing materials to avoid spillages would also be implemented through a Code of Construction Practice (CoCP) and CEMP. The Inspectorate agrees that with appropriate mitigation in place, the proposed development is unlikely to result in significant effects and is content to scope this matter out of further assessment, provided that the CEMP, CoCP and ES outline the appropriate measures in place to protect receptors from exposure to contamination through direct contact, ingestion and inhalation and mechanism(s) by which these are secured.
35.2	Paragraph 12.6.4 and table 22.10	Impact on mineral resources (all phases)	The scoping report states that there are no extant mineral operations, areas safeguarded for minerals or areas designated for geological interest on site or surrounding it and proposes to scope out an assessment of the impact of the proposed development on mineral resources. The Inspectorate is content that the proposed development is unlikely to lead to significant effects on mineral resources and agrees to scope this matter out of further assessment.
35.3	Table 22.10	Encountering non-recorded land contamination (operation)	The applicant proposes to scope out this matter on the basis that no further ground disturbance is expected during operation and there are unlikely to be further changes that would mobilise land contamination not previously encountered. The Inspectorate agrees the non-recorded contaminated land is unlikely to result in significant effects during operation and is content to scope this matter out of further assessment. However, the ES should provide evidence that there would be no activities undertaken during the operation

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			of the proposed development that could lead to the creation of contamination pathways through the disturbance or release of contaminants.

ID	Ref	Description	Inspectorate's comments
354	Paragraph 12.4.9	Study area	See ID 2.2.8. The applicant's attention is also drawn to the comments made by the Environment Agency, at appendix 2 of this Opinion, regarding the study area.
355	General	BESS and firewater	The ES should include consideration of the potential for escape of firewater (water that has been used in fire-fighting) and contaminants that it may contain as an impact pathway to soil, surface and groundwater receptors. Appropriate mitigation measures should be set out for any likely significant effects identified. The applicant's attention is drawn to the consultation response from the Environment Agency on this matter, at appendix 2 of this Opinion.

3.6 Agriculture and Soils

(Scoping Report section 13)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
36.1	Paragraph 13.6.3 and table 22.12	Loss of agricultural land (construction and decommissioning)	The applicant proposes to scope out an assessment of effects on agricultural land during construction and decommissioning on the basis that any effects would be short-term and would relate to potential impacts on soil rather than agricultural productivity. Given the nature of the proposed development, the Inspectorate is not content to scope this matter out at this stage, the ES should confirm the predicted construction and decommissioning timeline and ensure that effects of agricultural land loss are assessed over the entire lifetime of the proposed development including the construction, operational, and decommissioning phases. The applicant's attention is directed to the consultation response from East Lindsey District Council in appendix 2 of this Opinion.
36.2	Table 22.12	Impact of cable route on agricultural land and soils (operation)	The Scoping Report proposes to scope out this matter on the basis that the land above the cable corridor would be restored following construction and is unlikely to be impacted during operation. The Inspectorate agrees that the operational phase is unlikely to result in significant additional adverse effects on agricultural land and soils from the cable route and agrees to scope this matter out from further assessment. However, the ES should ensure that the impacts of soils during construction of the cable route corridor have been appropriately assessed and the quality of agricultural land within the cable route corridor is clearly set out.

ID	Ref	Description	Inspectorate's comments
36.3	Figure 13-1	Agricultural land quality map extract	Figure 13-1 illustrates the agricultural land quality of the area near the proposed development site. However, figure 13-1 does not illustrate the location of the order limits, as a result it is difficult to ascertain the agricultural land classification for the site. The ES

ID	Ref	Description	Inspectorate's comments
			should include figure(s) that clearly show the extent and location of Best and Most Versatile (BMV) agricultural land within the order limits.
364	Paragraph 13.4.2	Soil and agricultural land classification surveys	The applicant states that a site-specific survey will be undertaken to establish the specific grade of agricultural land and soil nature across the site. The Inspectorate expects that an agricultural land classification survey for the whole site, including the cable route, will be undertaken to support the ES, unless there is substantial justification dictating otherwise. The ES should contain a clear tabulation of the areas of land in each BMV classification to be temporarily or permanently lost as a result of the proposed development, with reference to accompanying map(s) depicting the grades. Specific justification for the use of the land by grade should be provided. Consideration should also be given to the use of BMV land in the applicant's discussion of alternatives.

3.7 Transport and Access

(Scoping Report section 14)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
37.1	General	Decommissioning	See ID 2.1.14.

ID	Ref	Description	Inspectorate's comments
372	Paragraph 5.5.58	Traffic and transport	The ES should clearly set out the number and type of trips required for construction, operation/ maintenance and decommissioning of the proposed development and this information should underpin all relevant assessments in the EIA. The applicant's attention is directed to the consultation response on this point from National Highways in appendix 2 of this Opinion.
373	Paragraph 14.3.1	Study area	See ID 2.2.8.
374	Paragraph 14.3.2	Construction access points and vehicle routes	The expected route(s) of construction traffic to access all areas of the proposed site, including the cable route and construction compound(s), and the anticipated number of vehicle movements (including vehicle type, peak hour and daily movements) should be included in the ES. The location of vehicle routes and access points should be depicted on a supporting plan(s).
375	Paragraph 14.3.5	Waterborne transport	The Scoping Report states that alternative means, such as a beach landing, are being considered for the delivery of abnormal loads to the site. The ES should include an assessment of the likely significant effects arising from transportation of abnormal indivisible loads (AIL) via each proposed transportation method and clearly describe any proposed mitigation measures and how these would be secured.

ID	Ref	Description	Inspectorate's comments
3.76	Paragraph 14.3.6	Public Rights of Way (PRoW)	The ES should include an assessment of the impacts to users of PRoW during construction which are likely to result in significant effects. Any such assessment should be supported by pedestrian/ user counts where necessary and efforts should be made to agree the locations for such counts with relevant consultation bodies. Where relevant, the ES should assess potential in-combination effects between aspect assessments, for example noise, air quality, socio-economics and visual amenity. The locations of any diversions or closures should be illustrated on suitable figures in the ES.
3.77	General	Hazardous loads	The ES should include an assessment of likely significant effects arising from the transportation of hazardous loads during construction, operation and decommissioning of the proposed development, and identify any mitigation required, including drainage systems and how this would be secured through the dDCO.

3.8 Air Quality

(Scoping Report section 15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
381	Paragraph 15.6.4 and table 22.15	Assessment of road traffic emissions (operation)	The Scoping Report proposes to scope out this matter on the basis that operational traffic movements are not anticipated to exceed the relevant Environmental Protection UK (EPUK) and Institute of Air Quality management (IAQM) thresholds for assessment. Provided that operational traffic movements do not exceed the relevant thresholds and pending the confirmation of agreement with the relevant highways authority, the Inspectorate agrees that this matter can be scoped out of further assessment. However, the ES should provide figures for the predicted number of traffic movements during operation, including during planned maintenance periods.
382	General	Decommissioning	See ID 2.1.14.

ID	Ref	Description	Inspectorate's comments
383	Section 15.3	Air quality baseline	The Inspectorate notes that there is no reference to project-specific air quality surveys being proposed by the applicant. The Scoping Report states that baseline conditions would be determined from data obtained from publicly available sources including East Lindsey District Council, Air Pollution Information System (APIS) and the Department for Environment, Food and Rural Affairs (Defra). This approach should be discussed and agreed with relevant consultation bodies and the ES should explain how the air quality monitoring data is representative of the baseline.
384	Paragraph 15.4.28	Ecological receptors	Paragraph 15.4.28 of the Scoping Report states that an assessment of the potential for likely significant effects on the relevant ecological receptors would be undertaken and the results reported within the ecology ES chapter. The ES should provide clear cross references between the ES air quality chapter and the ES ecology chapter. Efforts should

ID	Ref	Description	Inspectorate's comments
			be made to agree the ecological receptors to be included in the assessment with relevant consultation bodies.
385	General	Guidance	The applicant's attention is drawn to the Defra advice 'PM2.5 Targets: Interim Planning Guidance'. The ES should explain how key sources of air pollution within the proposed development have been identified and how action has been taken to minimise emissions of PM2.5 or its precursors.

3.9 Noise and Vibration

(Scoping Report section 16)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
39.1	Paragraphs 16.5.16 and 16.7.9	Decommissioning	See ID 2.1.14.
39.2	Paragraph 16.7.2 and table 22.17	Site activity vibration (construction)	The Scoping Report states that significant vibration effects during construction are unlikely as the nearest noise sensitive receptors (NSRs) are likely to be located over 50m from potential construction vibration sources and no percussive or impact piling is expected to be required. The ES should confirm whether percussive or impact piling would be required during construction. Provided that percussive or impact piling is not required, the Inspectorate considers that the potential for significant effects during construction is low and agrees that this matter can be scoped out of further assessment. However, if percussive or impact piling is required during construction, the ES should provide an assessment of this matter or evidence demonstrating the absence of likely significant effects and agreement with the relevant consultation bodies.
39.3	Table 22.17	Underwater noise (construction)	The applicant proposes to scope out this matter on the basis that construction of the potential sea water pipeline is expected to use land-based HDD and there would be no likely significant effects on marine NSRs. However, the exact construction methodology has not been confirmed. In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope this matter from the assessment. Accordingly, the ES should include an assessment of this matter or the information referred to demonstrating the absence of likely significant effects and agreement with the relevant consultation bodies.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			The applicant should make efforts to agree the approach for an underwater acoustic assessment and any baseline data required to inform such an assessment, with relevant consultation bodies. Cross reference to the marine environment and ecology ES chapters should be provided where relevant.
394	Paragraph 16.7.7	Vibration assessment (operation)	The Inspectorate is content that based on the nature and location of the proposed development, impacts from operational vibration are not likely to result in significant effects and this matter can be scoped out of further assessment.
395	Paragraph 16.7.8 and table 22.17	Road traffic noise (operation)	The Scoping Report seeks to scope out effects from operational road traffic noise on the basis that the operation of the proposed development is unlikely to result in a considerable increase in traffic flows; however, the predicted number of vehicle movements during operation are not quantified in the Scoping Report. The Inspectorate recognises that significant effects on road traffic noise receptors are unlikely during operation. However, further information on the predicted number of vehicle movements during operation, including any planned maintenance periods, should be provided in the ES. The Inspectorate considers that provided this information is included in the ES and the relevant operational traffic thresholds are not exceeded, this matter can be scoped out of further assessment.

ID	Ref	Description	Inspectorate's comments
396	Paragraphs 16.6.4 and 16.4.6	Sound level survey locations	For the avoidance of doubt, the ES should provide figure(s) displaying the location of noise monitoring in relation to any noise sensitive receptors.
397	Paragraph 16.5.13	Geographical scope	See ID 2.2.8.

ID	Ref	Description	Inspectorate's comments
398	General	Ecological NSRs	The ES should provide an assessment of the potential noise and vibration impacts on ecological NSRs, where significant effects are likely to occur. The ES should provide clear cross references to the ecology and marine biodiversity aspect chapters, where relevant. The applicant's attention is drawn to the response from Natural England in appendix 2 of this Opinion.

3.10 Socio-Economic

(Scoping Report section 17)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.1	Paragraphs 17.7.10 to 17.7.15 and table 22.19	Temporary disruptions to socio-economic receptors (construction)	The Scoping Report proposes to scope out temporary disruptions on existing residents, business and employment units, community assets, PRoWs, other access routes and tourist attractions and accommodations, from construction activities and additional construction traffic associated with the on-site delivery of the proposed development. This is on the basis that temporary disruptions are unlikely to be significant due to their temporary nature and localised impact and any potential impacts would be mitigated through the CEMP. The Scoping Report also states that the assessment of these potential impacts would be assessed within the air quality; noise and vibration; transport and access; population and human health; and landscape and visual assessments. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate is not in a position to agree to scope this matter out from the assessment at this stage. Accordingly, the ES should include an assessment of this matter or the information referred to demonstrating the absence of likely significant effects and agreement with the relevant consultation bodies.
3.10.2	Paragraphs 17.7.17, 17.7.29 and table 22.19	Provision of local services (construction and operation)	The Scoping Report proposes to scope out impacts on local services from a construction and operational workforce in the local area on the basis that, any construction impacts would be temporary, and the construction and operational impacts would be disbursed throughout the district and county and the operational impact on healthcare infrastructure will be considered in the population and human health chapter. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees to scope this matter out of further assessment for construction and operation.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.103	Paragraph 17.7.27 and table 22.19	Tourism (operation)	The Scoping Report proposes to scope out an assessment of visual impacts on tourist attractions and accommodations during the operational phase, on the basis that this will be assessed as part of the archaeological and cultural heritage and landscape and visual chapters. The Inspectorate is not in a position to agree to scope this matter from the assessment at this stage. Accordingly, the ES should include an assessment of this matter or the information referred to demonstrating the absence of likely significant effects and agreement with the relevant consultation bodies.
3.104	Paragraphs 17.7.30 to 17.7.32 and section 5.5	Decommissioning phase effects for employment generation (decommissioning)	See ID 2.1.14.

ID	Ref	Description	Inspectorate's comments
3.105	Section 17.5	Methodology	The applicant should make efforts to agree the approach to the assessment with the relevant consultation bodies, to ensure it is appropriate to the construction, operation and decommissioning of the proposed development.

3.11 Population and Health

(Scoping Report section 18)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.11.1	Paragraph 18.4.17	Decommissioning	See ID 2.1.14.
3.11.2	Section 18.6 and tables 188.8 and 188.9	The following impacts during construction and operation of the proposed development: • Health related behaviours - risk taking behaviour • Social environment – housing; and relocation • Institutional and built environment – health and social care	The Scoping Report proposes to scope out an assessment of the following population and health matters during construction and operation: • Health related behaviours – risk taking behaviour. • Social environment – housing; and relocation. • Institutional and built environment – health and social care. On the basis that the proposed development does not include demolition of any dwellings or the provision of any residential development and the construction and operational workforce are anticipated to commute on a daily basis rather than relocate to the local area and therefore not impact on housing demand or health and social care services. Given the nature of the proposed development and the information provided in the Scoping Report, the Inspectorate agrees that these matters are unlikely to give rise to significant impacts. As such, these matters can be scoped out of further assessment.
3.11.3	Section 18.6 and tables 188.8 and 188.9	Health related behaviours – diet and nutrition (construction and operation)	The Scoping Report proposes to scope out an assessment of diet and nutrition during construction and operational phases, on the basis that while the proposed development results in the loss of agricultural land, this would not have a material impact on growth of food or access to food. Given the nature of the proposed development, the Inspectorate agrees that it is unlikely to give rise to likely significant effects on diet and nutrition. As such, this matter can be scoped out of further assessment.

3.11.4	Section 18.6 and tables 188.8 and 188.9	Social environment – community safety (construction and operation)	The Scoping Report proposes to scope out an assessment of community safety during construction and operation, on the basis that the site would be secured during construction and operation and the safety of construction and operational workers would be ensured through relevant measures required under the Health and Safety at Work Act. Given the nature of the proposed development, the Inspectorate agrees that it is unlikely to give rise to likely significant effects on community safety. As such, this matter can be scoped out of further assessment.
3.11.5	Section 18.6 and tables 188.8 and 188.9	Social environment – community identity, culture, resilience and influence (construction and operation)	The Scoping Report proposes to scope out an assessment of community identity, culture, resilience and influence during the construction and operational phases, on the basis that any lighting effects would be assessed as part of the landscape and visual chapter of the ES. The Inspectorate is content with this approach.
3.11.6	Section 18.6 and tables 188.8 and 188.9	Social environment – social participation, interaction and support (construction and operation)	The Scoping Report proposes to scope out an assessment of social participation, interaction and support during the construction and operational phases, on the basis that the proposed development would not result in the loss of any community resources and therefore effects are unlikely. Given the nature of the proposed development, the Inspectorate agrees that it is unlikely to give rise to likely significant effects on social participation, interaction and support. As such, this matter can be scoped out of the assessment.
3.11.7	Section 18.6 and tables 188.8 and 188.9	Economic environment – education and training (construction and operation)	The Scoping Report proposes to scope out an assessment of education and training during the construction and operational phase, on the basis that any potential effects will be considered within the socio-economic chapter or as part of the assessment of vulnerable groups. The Inspectorate is content with this approach.
3.11.8	Section 18.6 and tables 188.8 and 188.9	Bio-physical environment – water quality or availability (construction and operation)	The Scoping Report proposes to scope out an assessment of water quality and availability during the construction and operational phases on the basis that this impact will be assessed within the water environment chapter of the ES. The Inspectorate is content with this approach.

3.11.9	Section 18.6 and tables 188.8 and 188.9	Bio-physical environment – land quality (construction and operation)	The Scoping Report proposes to scope out an assessment of land quality during the construction and operational phases on the basis that this impact will be assessed within the ground conditions chapter of the ES. The Inspectorate is content with this approach.
3.11.10	Section 18.6 and table 188.8	Bio-physical environment – radiation (construction)	The Scoping Report proposes to scope out an assessment of radiation during the construction phase, on the basis that the proposed development would not include any sources of ionising or non-ionising radiation. Given the nature of the proposed development, the Inspectorate agrees that it is unlikely to give rise to likely significant effects on radiation. As such, this matter can be scoped out of the assessment.
3.11.11	Section 18.6 and tables 188.8 and 188.9	Institutional and built environment – built environment (construction and operation)	The Scoping Report proposes to scope out an assessment of the built environment during the construction and operational phases, on the basis that construction impacts on non-residential receptors will be assessed as part of the assessment of vulnerable groups and during operation significant population health implications associated with the proposed development are not anticipated. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
3.11.12	Section 18.6 and tables 188.8 and 188.9	Institutional and built environment – wider societal infrastructure and resources (construction and operation)	The Scoping Report proposes to scope out an assessment of wider societal infrastructure and resources during the construction and operational phases, on the basis that significant population health implications associated with the proposed development are not anticipated. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
3.11.13	Section 18.6 and table 188.9	Social environment – transport modes, access and connections (operation)	The Scoping Report proposes to scope out an assessment of transport modes, access and connections during the operational phase, on the basis that operational transport movement would be limited to operational staff and occasional maintenance and delivery periods. Given the nature of the proposed development, the Inspectorate agrees that it is unlikely to give rise to likely significant effects. As such, this matter can be scoped out of the assessment.

3.11.14	Section 18.6 and table 188.9	Economic environment – employment and income (operation)	The Scoping Report proposes to scope out an assessment of employment and income during operation, on the basis that the operational workforce is anticipated to be relatively small. Given the nature of the proposed development, the Inspectorate agrees that it is unlikely to give rise to likely significant effects on employment and income. As such, this matter can be scoped out of the assessment.
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ID	Ref	Description	Inspectorate's comments
3.11.15	Section 18.7	Inter-related topics	The population and health section of the Scoping Report states that the assessment will draw from and build upon the technical outputs from several inter-related technical topics. The ES should include appropriate cross-references to relevant assessments presented in other technical chapters of the ES such as, noise and vibration, air quality, flood risk, water quality, and residual soil contamination.

3.12 Climate Change

(Scoping Report section 19)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.121	Paragraph 19.8.5 and table 22.23	GHG emissions impacts from on-site construction activities, energy and water use (construction)	The Scoping Report proposes to scope out an assessment of Greenhouse Gas (GHG) emissions impacts from on-site construction activities, energy and water use on the basis that these are non-material to the assessment, regulated by other legislation and are not proposed to be assessed quantitatively. In the absence of further detail, the Inspectorate cannot agree to scope this matter out at this time. Accordingly, the ES should include an assessment of GHG emissions impacts from on-site construction activities, energy and water use or provide information demonstrating the absence of likely significant effects and agreement with the relevant consultation bodies.
3.122	Paragraph 19.8.11 and table 22.23	GHG emissions impact from the operational workforce commuting and from potable water use, wastewater treatment and waste management (operation)	The Scoping Report proposes to scope out an assessment of GHG emissions impact from the operational workforce commuting and from potable water use, wastewater treatment and waste management, on the basis that impacts will be de minimis and not material to the assessment, but this will be confirmed through a screening calculation for the Preliminary Environmental Information Report (PEIR). In the absence of further detail, the Inspectorate cannot agree to scope this matter out at this time. The ES should include an assessment of this matter or provide information demonstrating the absence of likely significant effects and agreement with the relevant consultation bodies.
3.123	Paragraphs 19.8.15 to 19.8.19 and 19.9.9 to 19.9.11	Decommissioning	See ID 2.1.14.

3.124	Paragraphs 19.9.1 to 19.9.5 and table 22.23	Climate risks to the workforce or construction programme (construction)	The Scoping Report proposes to scope out climate risk during construction due to the short timeframe of the construction phase and good practice measures that will be included in the CEMP. The Scoping Report does not provide the duration of the construction period and no specific details are presented on the potential risks or adaptations that would ensure that those risks would not be significant. While the Inspectorate agrees that the short duration is unlikely to lead to significant effects, the ES should describe the potential risks and the control measures that are considered to be sufficient to ensure significant effects would not arise.
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ID	Ref	Description	Inspectorate's comments
3.125	Paragraph 19.2.18 and table 19.1	Policy relevant to climate change	Reference should also be made in the ES climate change chapter to the National Policy Statement (NPS) for natural gas electricity generating infrastructure (EN-2) and NPS for natural gas supply infrastructure and gas and oil pipelines (EN-4).

3.13 Marine Environment and Biodiversity

(Scoping Report section 20)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.13.1	Section 20.14 and paragraph 20.16.2	Decommissioning	See ID 2.1.14.
3.13.2	Tables 20.8 and 22.25	All impacts to benthic intertidal ecology (construction)	The Scoping Report states that the seawater intake and outfall pipeline would be subsurface and installed via HDD until approximately 0.66 km past the Mean Low Water Spring (MLWS). As such, states that there would be no physical disturbance or habitat loss to benthic intertidal habitats during construction of the proposed development, and the applicant proposes to scope out this matter from further assessment. The Inspectorate notes that the exact construction methodology has not been confirmed in the Scoping Report. The Inspectorate considers that an assessment of this matter should be provided, or the ES should otherwise explain, with evidence of agreement from relevant consultation bodies, the absence of likely significant effects.
3.13.3	Tables 20.8 and 22.25	All impacts to benthic intertidal ecology (operation)	The Scoping Report proposes to scope out this matter on the basis that there would be no physical disturbance or habitat loss to benthic intertidal habitats during operation of the proposed development. However, the operation and maintenance activities of the seawater intake and outfall are not fully described in the Scoping Report. In the absence of information such as evidence demonstrating clear agreement with relevant statutory consultation bodies, the Inspectorate is not in a position to agree to scope this matter out from the assessment. Accordingly, the ES should include an assessment of temporary habitat loss and disturbance during operation or the information referred to demonstrating the absence of likely significant effects and agreement with the relevant consultation bodies.

3.134	Tables 20.8 and 22.25	Effects associated with the discharge of brine during operation of the outfall (construction)	The Scoping Report states that no brine is proposed to be discharged during construction and therefore there is no pathway for salinity-related impacts on the marine environment. On this basis, the Inspectorate agrees that this matter can be scoped out of further assessment.
3.135	Tables 20.8 and 22.25	The following impacts to the marine environment during construction of the proposed development: • increased Suspended Sediment Concentrations (SSCs) and associated deposition • resuspension of contaminated sediments	The Scoping Report seeks to scope out these matters on the basis that effects from increases in SSCs and resuspension of contaminated sediments would be localised and temporary in nature. The Inspectorate considers that the ES should assess the impacts from the sedimentation and resuspension of sediments during construction or provide evidence demonstrating agreement with the relevant consultation bodies, such as the Marine Management Organisation (MMO), and the absence of likely significant effects. Any proposed mitigation measures should be clearly set out in the ES and the CEMP.
3.136	Tables 20.8 and 22.25	Increased risk of introduction and spread of INNS (construction and operation)	The Scoping Report proposes to scope out this matter on the basis that the risk of INNS introduction and spread of INNS would be minimised by adherence to biofouling guidelines and standard protocols embedded within the Environmental Management Plan (EMP). The Inspectorate considers that the ES should assess the impacts from the introduction and spread of INNS or provide evidence demonstrating agreement with the relevant consultation bodies and the absence of likely significant effects. Any proposed mitigation measures should be clearly set out in the ES, the CEMP and OEMP.

3.13.7	Tables 20.8 and 22.25	Introduction and colonisation of hard structures (construction)	The Scoping Report states that whilst hard structures would be introduced in the marine environment during construction (such as the intake and outfall infrastructure), colonisation by marine organisms would occur over time and this matter is proposed to be scoped out of further assessment. Provided the introduction and colonisation of hard structures is assessed for the operational phase, the Inspectorate agrees that this matter can be scoped out of further assessment.
3.13.8	Tables 20.8 and 22.25	Accidental pollution (construction)	The applicant proposes to scope out this matter on the basis that the risk of accidental pollution from vessels and equipment during construction would be minimised through use of good industry practice for vessels and the application of relevant guidelines for the prevention of pollution at sea. The Inspectorate agrees that such effects are capable of mitigation through standard management practices and can be scoped out of the assessment. The ES should provide details of the proposed mitigation measures to be included in the CEMP. The ES should also explain how such measures will be secured.
3.13.9	Tables 20.8 and 22.25	Effect of heat from brine discharge (construction)	The Scoping Report states that no thermal increase of discharged brine and no brine is proposed to be discharged during construction, see ID 3.13.4. The Inspectorate agrees that construction of the proposed development is unlikely to lead to significant effects of heat from brine discharge and is content to scope this matter out of further assessment.
3.13.10	Tables 20.8 and 22.25	Effects from entrainment and impingement associated with the operation of the intake structure (construction)	The Inspectorate agrees that construction of the proposed development is unlikely to lead to effects from entrainment and impingement associated with operation of the intake structure and is content for this matter to be scoped out of further assessment.
3.13.11	Tables 20.8 and 22.25	Effects on shellfish receptors associated with underwater noise emissions from construction of the	The Scoping Report seeks to scope out this matter on the basis that there is no potential impact-receptor pathway. The Inspectorate notes that the exact construction methodology has not been confirmed in the Scoping Report.

		intake and outfall infrastructure (construction)	In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope this matter from the assessment. Accordingly, the ES should include an assessment of this matter or the information referred to demonstrating the absence of likely significant effects and agreement with the relevant consultation bodies. The ES should also consider the potential for noise and vibration impacts on shellfish and fish from construction activities. The applicant should make efforts to agree the approach for an underwater acoustic assessment and any baseline data required to inform such an assessment, with relevant consultation bodies. Cross reference to the noise and vibration ES chapter should be provided where relevant.
3.13.12	Paragraph 20.3.4 and tables 20.8 and 22.25	Disturbance to seal haul-out sites (construction and operation)	The Scoping Report proposes to scope out this matter as the closest seal haul-out sites are located approximately 26 km north of the proposed development and there is no potential for disturbance. The Inspectorate notes that a 100km study area is proposed to be used in the assessment of marine mammals which is inconsistent with the proposal to scope out the seal haul-out sites. However, the Inspectorate considered that the proposed development is unlikely to lead to disturbance to seal haul-out sites and agrees to scope this matter out of further assessment.
3.13.13	Tables 20.8 and 22.25	Temporary habitat loss/ disturbance (operation)	The Scoping Report proposes to scope out this matter on the basis that there will be no further temporary habitat loss and/ or disturbance during the operation phase. However, the operation and maintenance activities of the seawater intake and outfall are not fully described in the Scoping Report. In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope this matter out from the assessment. Accordingly, the ES should include an assessment of temporary habitat loss and disturbance during operation or the information referred to demonstrating the absence of likely significant effects and agreement with the relevant consultation bodies.

3.13.14	Tables 20.8 and 22.25	The following impacts to the marine environment during operation of the proposed development: • increased SSCs and associated deposition • resuspension of contaminated sediments	The applicant seeks to scope out these matters on the basis that no activities during the operational phase are expected to cause significant increases in SSCs or resuspension of contaminated sediments. The Inspectorate notes that limited information has been provided regarding potential maintenance activities during operation. Therefore, the Inspectorate considers that the ES should include an assessment of these matters or provide evidence demonstrating the absence of likely significant effects and agreement with the relevant consultation bodies, such as the MMO. Any proposed mitigation measures should be clearly set out in the OEMP.
3.13.15	Tables 20.8 and 22.25	Effect of heat from brine discharge (operation)	The scoping report states that the temperature of the returned brine during operation would not be elevated beyond that of the surrounding seawater. On this basis, the Inspectorate agrees that there is limited potential for thermal effects on marine receptors and is content to scope this matter out of further assessment.
3.13.16	Tables 20.8 and 22.25	Effects on benthic receptors from entrainment and impingement associated with the operation of intake (operation)	The Scoping Report proposes to scope out this matter on the basis that benthic receptors are sessile communities and therefore no impact-receptor pathway exists. The Inspectorate agrees that entrainment and impingement associated with the operation of seawater intake is unlikely to impact sessile receptors. However, benthic ecology can also include mobile species that are susceptible to entrainment and impingement. In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope out this matter. Accordingly, the ES should include an assessment of this matter, including effects on relevant fish and shellfish receptors, or the information referred to demonstrating the absence of likely significant effects and agreement with the relevant consultation bodies.
3.13.17	Tables 20.8 and 22.25	Effects associated with underwater noise emissions from operation of intake and	The Inspectorate agrees that operation of the seawater intake and outfall infrastructure is unlikely to lead to significant underwater noise or vibration effects on marine habitats and species and agrees to scope this matters out of further assessment.

		outfall infrastructure (operation)	
3.13.18	Tables 20.8 and 22.25	Increased underwater noise from vessels (operation)	The Scoping Report proposes to scope out this matter on the basis that there would only be a minor increase in vessel numbers during operation from occasional site inspections. The Inspectorate recognises that increased underwater noise from vessels is unlikely to result in significant effects on marine ecology receptors during operation. However, further information on the predicted number of vessel movements during operation should be provided in the ES. The Inspectorate considers that provided this information is included in the ES, this matter can be scoped out of further assessment.
3.13.19	Tables 20.8 and 22.25	Increased vessel activity which may result in collision risk to marine mammals (operation)	The Scoping Report proposes to scope out this matter on the basis that there would only be a minor increase in vessel numbers during operation and a vessel management plan would be provided to include a code of conduct for vessel operators to manage vessel speed and routes. The Inspectorate agrees that increased collision risk to marine mammals during operation is capable of mitigation through standard practices and can be scoped out of further assessment. The ES should provide details of the proposed mitigation measures to be included in the vessel management plan. The ES should also explain how such measures will be secured.
3.13.20	Tables 20.8 and 22.25	Effects on marine mammals associated with the discharge of brine during operation of the outfall (operation)	The Scoping Report to seeks to scope out this matter on the basis that marine mammals are highly mobile and so can easily move away from localised areas of increased salinity. The Inspectorate notes that modelling to confirm the dispersion of brine has not been undertaken. The Inspectorate does not have sufficient information to agree to scope this matter out at this stage. The ES should include an assessment of this matter or should otherwise explain, with evidence of agreement from relevant consultation bodies, why significant effects are not likely to occur.

3.1321	Tables 20.8 and 22.25	Effects on marine mammal receptors from entrainment and impingement associated with the operation of intake (operation)	The Scoping Report states that marine mammals are not susceptible to entrainment or impingement due to their size and swim speed and therefore proposes to scope this matter out of further assessment. The Inspectorate agrees that operation of the seawater intake is unlikely to lead to effects on marine mammal receptors from entrainment and impingement and agrees to scope this matters out of further assessment.
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ID	Ref	Description	Inspectorate's comments
3.1322	Section 20.3	Study areas	Section 20.3 of the Scoping Report describes the study area(s) that have been identified for the assessment of benthic habitats and species, fish and shellfish and marine mammals. However, limited justification is provided to explain the study areas chosen. For each group of receptors assessed (benthic species, fish and shellfish and marine mammals), the ES should set out the range/ activities which have been used to inform the study area. A figure should be provided to depict the study area and where possible agreement should be sought from relevant consultation bodies. See ID 2.2.8.
3.1323	Section 20.5	Baseline environment	The applicant should ensure that the ES is informed by appropriate surveys to determine the presence and absence of protected and notable species, including marine mammals, migratory and non-migratory fish and intertidal and benthic species. The ES should ensure the marine biodiversity baseline is robust and clearly justify the extent and scale of surveys undertaken. The applicant should seek agreement from relevant consultation bodies on the scale and extent of any surveys undertaken, evidence of which should be provided within the ES.
3.1324	Table 20.2	Qualifying features of the Humber Estuary SAC	Table 20.2 lists the statutory designated sites and their relevant qualifying features within the marine environment and biodiversity study area. However, river lamprey (<i>Lampetra fluvialilis</i>) has been omitted from Table 20.2. River lamprey is also a qualifying feature of the Humber Estuary SAC and should be included within the assessment as part of their lifecycle is spent within the marine environment, or the applicant should otherwise

			explain, with evidence of agreement from relevant consultation bodies, why significant effects are not likely to occur.
3.1325	Section 20.7	Diadromous fish species	The applicant's attention is directed to the consultation response from the Environment Agency in appendix 2 of this Opinion. The ES should provide an assessment of the potential impacts of the proposed development on diadromous fish species, including sea trout (<i>Salmo trutta</i>), European eel (<i>Anguilla anguilla</i>) and European smelt (<i>Osmerus eperlanus</i>) or the applicant should agree an approach with relevant consultation bodies and provide commentary in the ES.
3.1326	Paragraph 20.15.1	Mitigation measures	The applicant should consider controlling the timing of activities during construction and operation to avoid key and sensitive periods to species, for example fish spawning and migration periods. The ES should describe the proposed mitigation measures and explain how such measures will be secured. Effort should be made to agree the approach to mitigation with the relevant consultation bodies.
3.1327	Table 20.7	Potential impacts	The applicant's attention is drawn to the response from the Environment Agency in appendix 2 of this Opinion. The ES should assess the potential impacts on fish resulting from thermal uplift and increase in flow velocity associated with operation of the proposed outfall pipeline, where significant effects are likely to occur.

3.14 Other Environmental Topics

(Scoping Report section 21)

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
3.14.1	Section 21.2	Light	The Scoping Report proposes to scope out a detailed lighting assessment and states that lighting would be designed to reduce unnecessary light spill outside of the order limits in accordance with a lighting strategy which would be included in the dDCO application. The Inspectorate agrees that a standalone chapter can be scoped out of further assessment provided that the potential lighting effects on habitats and protected species are considered within the relevant aspect chapters. The ES should include details of the proposed lighting strategy and explain how any mitigation would be secured.
3.14.2	Section 21.3	Arboriculture	The Inspectorate agrees that construction, operation and decommissioning of the proposed development is unlikely to lead to significant effects on arboriculture and is content for this aspect to be scoped out of further assessment.
3.14.3	Section 21.4	Radiation	The Scoping Report states that the effects from electromagnetic fields (EMF) and non-ionising radiation would be assessed as part of the population and health ES chapter. The Inspectorate is content with this approach and agrees that a standalone chapter can be scoped out of further assessment. The EIA methodology chapter should provide clear cross-referencing to where the relevant direct and indirect impacts from radiation has been considered in the ES.
3.14.4	Section 21.5	Heat	The Inspectorate agrees that construction, operation and decommissioning of the proposed development is unlikely to lead to significant effects from heat and is content for this aspect to be scoped out of further assessment. The applicant should provide an assessment of the potential thermal implications of buried cables on groundwater receptors where relevant in the water environment chapter. The applicant's attention is drawn the Environment Agency's consultation response in appendix 2 of this opinion.

3.14.5	Section 21.6	Waste	The Scoping Report seeks to scope out a standalone chapter on waste but proposes to provide information on the types and quantities of waste in the ES. Moreover, paragraph 21.6.5 states that measures would be included in the CEMP to manage construction waste in accordance with the waste hierarchy. In the absence of information regarding the nature and quantities of waste which are likely to be produced by the proposed development, the Inspectorate is not content to scope this matter out at this stage. The ES should provide an assessment of the solid and liquid waste generated by all phases of the proposed development, including any hazardous waste, or provide evidence demonstrating the absence of likely significant effects and agreement with the relevant consultation bodies. The applicant's attention is drawn to the consultation response from the Environment Agency, at appendix 2 of this Opinion, regarding a historic landfill site within the proposed boundary and a permitted waste site on the boundary.
3.14.6	Section 21.7	Major accidents and disasters	The Scoping Report proposes to scope out a detailed assessment of major accidents and disasters on the basis that risks of major accidents would be suitably assessed, regulated and controlled by other legislative frameworks. Furthermore, paragraph 21.7.11 states that where risks are identified that have the potential to result in significant adverse effects on an environmental receptor, design/ embedded mitigation to reduce the risk would be identified. The Inspectorate agrees that a standalone chapter can be scoped out of further assessment provided that the risk of fire associated with the two BESS facilities is assessed in the ES, where relevant. The ES should also set out relevant mitigation measures, such as fire-fighting and containment measures, and how their delivery has been secured.
3.14.7	Section 21.8	Aviation	The Scoping Report proposes to scope out an assessment of aviation on the basis that the height of the stacks and buildings associated with the proposed development are comparable to the building and stack heights consented within the region. The Inspectorate directs the applicant's attention to the consultation response from the Ministry of Defence (MOD), at appendix 2 of this Opinion. In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, including

			the Civil Aviation Authority and MOD, the Inspectorate is not in a position to agree to scope out this aspect from the assessment. Accordingly, the ES should include an assessment of the potential impacts on aviation or the information referred to demonstrating the absence of likely significant effects and agreement with the relevant consultation bodies.
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ID	Ref	Description	Inspectorate's comments
3.14.8	N/A	N/A	N/A

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES

Bodies prescribed in schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the ‘APFP Regulations (as amended)’)

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Secretary of State for Defence	Ministry of Defence
The relevant parish councils	Theddlethorpe All Saints and St Helens Parish Council
	Mablethorpe and Sutton Town Council
	Withern with Stain Parish Council
	Maltby Le Marsh Parish Council
	Gayton Le Marsh Parish Council
	Aby with Greenfield Parish Council
	Alford Town Council
	Bilsby & Farlesthorpe Parish Council
	Huttoft Parish Council
	Swaby Group Parish Council
The Environment Agency	Environment Agency
Natural England	Natural England
The Forestry Commission	Forestry Commission - East & East Midlands
The Historic Buildings and Monuments Commission for England (known as Historic England)	Historic England

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Maritime and Coastguard Agency	Maritime & Coastguard Agency
The Maritime and Coastguard Agency - Regional Office	The Maritime & Coastguard Agency - North East England
The relevant internal drainage board	Lindsey Marsh Drainage Board
The relevant Highways Authorities	Lincolnshire County Council
	National Highways
The Civil Aviation Authority	Civil Aviation Authority
The Health and Safety Executive	Health and Safety Executive
United Kingdom Health Security Agency, an executive agency of the Department of Health and Social Care	United Kingdom Health Security Agency
NHS England	NHS England
The Crown Estate Commissioners	The Crown Estate
The relevant police authority	Lincolnshire Police and Crime Commissioner
The relevant ambulance service	East Midlands Ambulance Service NHS Trust
The relevant fire and rescue authority	Lincolnshire Fire and Rescue Service

TABLE A2: RELEVANT STATUTORY UNDERTAKERS

‘Statutory undertaker’ is defined in The APFP Regulations (as amended) as having the same meaning as in section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
The relevant Integrated Care Board	NHS Lincolnshire Integrated Care Board
NHS England	NHS England
The relevant NHS Trust	East Midlands Ambulance Service NHS Trust
Railways	National Highways Historical Railways Estate
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	Environment Agency
The relevant water and sewage undertaker	Anglian Water
The relevant public gas transporters	Cadent Gas Limited
	Northern Gas Networks Limited
	Scotland Gas Networks Plc
	CNG Services Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd

STATUTORY UNDERTAKER	ORGANISATION
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Harlaxton Gas Networks Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Inovyn Enterprises Ltd
	Last Mile Gas Ltd
	Leep Gas Networks Limited
	Mua Gas Limited
	Quadrant Pipelines Limited
	Stark Works
	National Gas
The relevant electricity distributors with CPO Powers	National Grid Electricity Distribution (East Midlands) Limited
	Northern Powergrid (Yorkshire) plc
	Advanced Electricity Networks Ltd
	Aidien Ltd
	Aurora Utilities Ltd
	Eclipse Power Network Limited
	Energy Assets Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Green Generation Energy Networks Cymru Ltd

STATUTORY UNDERTAKER	ORGANISATION
	Harlaxton Energy Networks Limited
	Independent Distribution Connection Specialists Ltd
	Independent Power Networks Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Mua Electricity Limited
	Optimal Power Networks Limited
	Stark Infra-Electricity Ltd
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited
The relevant electricity transmitters with CPO Powers	National Grid Electricity Transmission Plc
	National Grid Electricity System Operation Limited
The relevant electricity interconnectors with CPO Powers	Aminth Energy Ltd
	Nu-Link Interconnector UK Ltd

TABLE A3: LOCAL AUTHORITIES AS DEFINED IN SECTION 43(3) OF THE PA2008

LOCAL AUTHORITY
West Lindsey District Council
Boston Borough Council
North Kesteven District Council
North East Lincolnshire Council

LOCAL AUTHORITY
East Lindsey District Council
Lincolnshire County Council
North Northamptonshire Council
Peterborough City Council
North Lincolnshire Council
Rutland County Council
Cambridgeshire County Council
Norfolk County Council
Nottinghamshire County Council
Leicestershire County Council

TABLE A4: THE MARINE MANAGEMENT ORGANISATION

Section 42(1)(a) of the PA2008 requires consultation with the Marine Management Organisation in any case where the proposed development would affect, or would be likely to affect, any of the areas specified in subsection 42(2).

ORGANISATION
The Marine Management Organisation

TABLE A5:: NON-PRESCRIBED CONSULTATION BODIES

ORGANISATION
Cambridgeshire and Peterborough Combined Authority
Royal National Lifeboat Institution

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
Aby with Greenfield Parish Council
Anglian Water
East Lindsey District Council
Environment Agency
Forestry Commission
Health and Safety Executive
Historic England
Lincolnshire County Council
Mablethorpe and Sutton Town Council
Maritime and Coastguard Agency
Ministry of Defence
National Gas
National Highways
NATS En-Route Safeguarding
Natural England
North Kesteven District Council
North Lincolnshire Council
Royal Mail
Rutland County Council
Theddlethorpe All Saints and St Helens Parish Council
United Kingdom Health Security Agency
West Lindsey District Council

Patten, Jack

From: Marie Steed <abypc.clerk@gmail.com>
Sent: 20 October 2025 12:56
To: Theddlethorpe FGP
Subject: Feedback

You don't often get email from abypc.clerk@gmail.com. [Learn why this is important](#)

Feedback below as requested.

Battery storage is so environmentally harmful. The mining of lithium leads to huge areas losing habitats and biodiversity. Scarce water supplies get diverted away from indigenous communities and the extraction process can lead to water pollution. Harmful chemicals get released into the air posing health risks to local populations. Also we shouldn't turn a blind eye to the amount of [REDACTED] involved in the mining practices. This is a case of mining not happening in my backyard so it'll be fine to have the storage in the UK.

Carbon Capture - this can also pose huge risks to the environment and health including the potential for CO2 leakage. The process itself is hugely energy intensive, increasing emissions from power generation and transport. Leakage can also contaminate groundwater.

As you can tell I am against Theddlethorpe proposals as the environmental damage outweighs any benefit.

Kind regards,
Aby with greenfield Parish council

Jack Patten
Environmental Advisor
The Planning Inspectorate
By email: Theddlethorpefgp@planninginspectorate.gov.uk

Lancaster House, Lancaster Way,
Ermine Business Park, Huntingdon,
Cambridgeshire. PE29 6XU

www.anglianwater.co.uk
strategicgrowth@anglianwater.co.uk

Our ref: Theddlethorpe FGP/Scoping

21 October 2025

Dear Jack,

THEDDLETHORPE FLEXIBLE GENERATION EIA SCOPING NOTIFICATION AND CONSULTATION – ANGLIAN WATER RESPONSE

Thank you for the opportunity to comment on the scoping report for the above project. Anglian Water is the statutory water and sewerage undertaker for the proposed project area, and this response is in our statutory capacity regarding water resources, water supply network, water recycling centres (WRCs), water recycling assets and the sewer network, as well as the related role of surface water drainage.

Anglian Water works to support the construction and operation of nationally significant infrastructure projects that are conducted in accordance with the Water Industry Act 1991. We would expect the next stages of the project to include reference to any existing infrastructure managed and owned by Anglian Water, and any provision of replacement infrastructure or requirements for new infrastructure.

Anglian Water works with developers, including those constructing projects under the 2008 Planning Act, to ensure requests for alteration of sewers, wastewater and water supply infrastructure are planned to be undertaken with the minimum of disruption to the project and customers. We would encourage on-going engagement to ensure that Anglian Water and the developer have reached agreement on the approach to assets and connections in order that these matters in advance of the submission of the draft DCO for examination.

5. The Proposed Development

It is noted that due to the flexible energy generation capability being promoted by this project, there is no certainty on the infrastructure required to support the generation - only what 'may' or 'could' be needed, depending on the source of energy and/or production of hydrogen (para 5.1.3). Anglian Water supports the need for the EIA to ensure a clear understanding of assumptions and cumulative construction impacts to represent a 'worst case' scenario, so that the assessment of

likely significant effects is robust (para 5.1 .9); with the use of the 'Rochdale Envelope' approach to address the flexibility of design.

It is understood that beyond the proposed locations for the thermal facility, BESS's and substation, there are various underground cable route options, which will be rationalised following further survey of the routes, with further detail proposed in the PEIR and ES [paras. 5.5.53-5.5.56]. Anglian Water notes that the Scoping Report identifies that there will be instances where the Project by interact with existing utilities infrastructure, where modifications or diversions may be necessary to facilitate project construction [para 5.4.15 and 5.5.62].

Anglian Water notes that Chapter 21 includes reference to utilities under major accidents and disasters. A utility search should be conducted to identify any existing infrastructure constraints. Maps of Anglian Water underground assets are available to view at the following link:
<http://www.digdat.co.uk/>

Anglian Water has identified some of the following interfaces with our assets within the scoping boundary:

- Main site for temporary construction compound and the thermal facility and electrolysis is adjacent to existing water mains, and the desalination pipeline interfaces with a rising main (pressurised sewer).
- Underground cable corridors interfaces include:
 - Large diameter water main to Maltby Le Marsh Water Treatment Works
 - Access road to Strubby Water Recycling Centre - 24/7 access required in case of emergency and operational maintenance
 - Water mains, rising mains and gravity sewers all identified within the scoping boundary
- The Project should seek to assess whether there are any diversion requirements, the appropriate method of cable installation (HDD or open cut), and suitable mitigation of thermal dispersion impacts from the underground cables.

We advise Applicants for nationally significant infrastructure projects, particularly those likely to have a number of interfaces with our underground assets, to contact Anglian Water to discuss provision of further technical/design assessments for clash detection, identification of potential diversions, and asset protection measures. This will help to ensure that the proposed order limits are suitable to accommodate such works and help de-risk the delivery programme for the Project if any specific issues are identified at an early stage. Anglian Water agrees that safe working practices and arrangements should be agreed prior to undertaking works [para. 21.7.6].

The Outline Construction and Environment Management Plan(oCEMP) [identified in para 5.581] should encompass any additional mitigation measures required to safeguard below-ground utilities from interference and Protective Provisions for Anglian Water would be expected to be agreed with the Applicant for inclusion in the DCO submission.

Anglian Water requires that the following standoff distances are applied for working each side of the medial line of our pipes. The text is drawn from our template Protective Provisions which will need to be agreed with Anglian Water prior to the DCO submission.

- (a) 4 metres where the diameter of the pipe is less than 250 millimetres.
- (b) 5 metres where the diameter of the pipe is between 250 and 400 millimetres, and
- (c) a distance to be agreed on a case-by-case basis and before the submission of the Plan under sub-paragraph (1) is submitted where the diameter of the pipe exceeds 400 millimetres.

These distances are a starting point for design, assessment, diversion or mitigation measures including crossing provisions.

Ancillary Infrastructure Works

These enabling works may include the need to divert or reroute local utility services [para 5.5.68] as well as connections to mains water supply and sewerage systems at the two BESS locations and the Theddlethorpe site for operational purposes as well as employee welfare facilities. Anglian Water would encourage early engagement through a pre-planning enquiry to provide an assessment for these connections. This will also help to inform the PEIR and ES water resources chapters. Anglian Water also emphasises that water and sewerage connections should also be considered for construction elements of the project, including welfare facilities at temporary construction compounds. This will address the matters raised in para. 5.5.73 regarding the existence and adequacy of the existing sewerage infrastructure.

6. Stakeholder Engagement

Anglian Water notes the Applicant's intention to continue consultation with technical stakeholders [para. 6.1.3]. As a statutory consultee and the water and sewerage undertaker for the area defined by the scoping boundary, Anglian Water would welcome structured engagement with the Applicant, in line with the requirements of the 2008 Planning Act and guidance.

Experience has shown that early engagement and then agreement is required between NSIP applicants and statutory undertakers during design and assessment and well before submission of the draft DCO for examination. Consultation at the statutory PEIR stage would in our view be too late to inform design and may result in objections and delays to the project, including potentially requests to change the project's Order Limits to ensure Anglian Water services to existing customers and to support growth are not prejudiced.

As part of the wider progression of the project alongside the ES, Anglian Water recommends discussion on the following issues:

- Impact of development on Anglian Water's water and water recycling assets;
- The design of the project to minimise interaction with Anglian Water assets/ critical infrastructure and specifically to avoid the need for mitigation works and diversions which have associated carbon costs;
- Requirement for potable and raw water supplies (if any) and the inclusion of the WRA in the PEIR;
- Requirement for water recycling connections (if any);

- Confirmation of the project's cumulative impacts (if any) with Anglian Water projects;
- The Draft Development Consent Order (DCO), including draft Protective Provisions; and
- Requirements specifically to ensure Anglian Water's services are maintained during construction.

Advice on the form and content of suitable Protective Provisions in the draft Development Consent Order should be sought.

7. Approach to EIA

7.16 Approach to Cumulative Effects

Anglian Water recognises that cumulative schemes are generally based on existing and/or approved development, given that the information is readily available from local authority planning registers or the Planning Inspectorate website [para. 7.16.8]. It is not clear whether projects in early stages of development that are brought to the attention of the Applicant and have the potential to interact in a cumulative manner, will be considered in the PEIR and ES. As Anglian Water is also considering desalination options on the Lincolnshire coast, it is considered to be a matter that the Applicant should assess.

Anglian Water is also the Applicant for the Lincolnshire Reservoir, which would be an NSIP relevant for identification on the long list [Appendix D], when establishing appropriate spatial and temporal limits and considering the Zone of Influence for each of the environmental factors.

11. Water Environment

Geology and Hydrogeology

Source Protection Zones

The southern route option to the north of Maltby le Marsh and the Skirbeck Drain is partially within SPZ1 and passes through SPZ2 - as identified in para 11.3.17 and Figure 111-3. Anglian Water has abstraction points and a water treatment works at Maltby le Marsh.

Anglian Water would expect groundwater protection measures to be implemented to protect principal aquifers used for drinking water abstraction - particularly within SPZs 1 and 2. Whilst an initial review of the depth of superficial deposits has indicated that a significant degree of protection to groundwater resources would be provided [para 11.3.51], Anglian Water would expect hydrogeological risk assessments to be carried out in these areas to ascertain the risk to controlled waters (groundwater). Anglian Water would request to be further consulted, ideally via stakeholder liaison meetings, once route options and proposals are fully understood, and welcome the intention stated in 11.4.1 to approach Anglian Water and other stakeholders for further comment.

It is not considered that risk to groundwater should be scoped out at this stage, given the proposed cable route option through SPZs 1 and 2. As this route will also need to consider a large diameter water main in the vicinity, and sufficient clearance to avoid any adverse impacts on our infrastructure, it should be demonstrated that the superficial deposits are of sufficient depth to protect our assets, whilst not adversely impacting on groundwater resources.

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Huntingdon, Cambridgeshire, PE29 6XU.

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Dewatering activities would be addressed through the Environment Agency's National Permitting Service in terms of granting licenses while ensuring sufficiency of groundwater resources for abstractors and the environment.

Flood Risk

Surface Water run-off

Anglian Water notes the intention to ensure surface water run-off is appropriately managed via the drain network/drainage channels in proximity to the key site areas for the TES and BESS/Substation. Anglian Water welcomes the intention to produce a standalone Flood Risk Assessment (FRA) to support the ES, and a Surface Water Management Plan (SWMP). Anglian Water would expect the Project to follow the surface water drainage hierarchy, with SuDS as the preferential option.

Scope of Environmental Impacts and Effects

Whilst most of the land within the draft order limits is agricultural there are interfaces with some of our water and sewer pipes that operate under pressure. The Scoping Report does not identify flooding from other sources such as sewer flooding; however, further detail regarding potential temporary effects on flood risk from third party infrastructure works during construction of the Project should be provided in the Flood Risk Assessment, given the interfaces between the Project and Anglian Water assets.

These interfaces should be managed through the Protective Provisions for Anglian Water and agreed construction practices in the Construction Environment Management Plan (CEMP). Horizontal direct drilling (HDD) for the new marine outlet/inlet pipes for example, will need to take account of a rising main (pressurised sewer) that runs between Theddlethorpe and Mablethorpe to avoid pollution risk to protected habitats.

In terms of the potential adverse effects identified during operation, Anglian Water agree that potential contamination from spent fire-suppression water should be included. As part of our raw water source risk assessments, Anglian Water assesses catchments for the presence of potentially polluting activities which can lead to pro-active engagement and chemical sampling to ensure treatment and monitoring at our sources is robust and proportionate to the risks present within those catchments. Our catchment risk assessments focus on the Zone 1 and 2 and will extend further if there are known specific risks of concern. The most appropriate body with regulatory powers to protect the water environment is the Environment Agency, who would consider whether there is as unsatisfactory risk which could lead to groundwater pollution, and would suggest the most appropriate controls or mitigation measures.

Water Resources

The Anglian Water region is identified as 'seriously water stressed' in the Environment Agency's 2021 classification of water stressed areas. One specific point for the Environmental Statement (ES) therefore and in view of the potential impacts on water resources, is that the applicant is advised to consider the published Water Resources East [Regional Plan](#) which sets out the collective water companies position in the east of England. The Water Resource Management Plan (WRMP) for Anglian Water is available on our [website](#) and we would advise these documents are referenced in the data sources in 11.4.2. The AWS [Non-Domestic Water Requests policy paper](#) means that the project's PEIR and ES will need to consider water resources and water efficiency and that a Water Resources Assessment (WRA) will be required to be produced by the applicant and agreed with Anglian Water if non-domestic water demand is likely to exceed 20m³/day (even for temporary/time-limited periods through construction). The WRA will need to address water and

wastewater for the project's temporary construction compounds and activities as well for permanent operational sites including the onsite substation.

Whilst the Project includes a desalination plant, Anglian Water recommends that the WRA is an integral part of the Water Environment chapter of the ES. The PEIR and ES should assess the project's water supply requirements during construction and operation to address the potential effect on the Lincolnshire East Water Resource Zone [Table 11.2]. The flows needed to fill water storage tanks for fire suppression is one example (if the Applicant decides not to use rainwater harvesting on site to meet this non potable demand) and will need to be assessed by us to advise whether a supply is feasible when assessed in terms of the potential to jeopardise domestic supply or at a significant financial or environmental cost. The Water Resources Assessment (WRA) should set out a daily demand for each stage of the project and whether this is for domestic or non-domestic uses. Anglian Water can provide a template WRA to assist with the scope of information to support the PEIR and ES. Anglian Water do not agree that the project will not have any impact on water resources, until a WRA demonstrates potable water demands of the project as stated in para 11.10.4.

The completion of the WRA will enable the project to demonstrate that it is maximising water efficiency and protection of finite water resources which are needed to support the region's growth. The Applicant should confirm that there will be no temporary concrete batching facilities with consequent water demands and so not require an on-site non-domestic supply. However, it is noted that 14.3.2 states that ready-mix concrete deliveries are included in the delivery of construction materials. Water requirements for firefighting measures and construction traffic (dust suppression/ wheel washing areas) should also be explained. Further advice on water capacity and options can be obtained by submitting a pre-development enquiry via InFlow [InFlow | Development Services](#)

Desalination

Anglian Water's Water Resources Management Plan for 2025-2050 (WRMP24) was published in September 2024 and outlines how water supplies in our region will be managed to meet current and future needs, in order to mitigate challenges such as climate change impacts, the need to protect the environment by reducing the amount of water we abstract, and growth demands (population and industry). Whilst the WRMP includes a step-change in demand management, there is a clear requirement for new supply-side options which include two new reservoirs, as well as utilising other sources of water including desalination.

As a result, Anglian Water is looking to develop two desalination schemes in Norfolk and Lincolnshire in AMP8 (2025-2030). Investment is outlined in our PR24 Business Plan to develop proposals for the two desalination schemes with an expectation that construction could start in 2030, with a potential in-service date of 2035 - 37. The main driver to accelerate the development of the Lincolnshire Desalination Plant is the water demand for industrial users on the South Humber Bank. The scale of the demand is not yet known; however, a clear scope is intended to be defined by 2027 to include both industrial and potable demand. A site at Theddlethorpe, near Mablethorpe Lincolnshire, was identified as part of the WRMP24 process for the purpose of high-level costing, however, a robust site selection process is required to identify the preferred site, which is currently underway.

As a consequence of this nationally significant infrastructure project (NSIP) coming forward, Anglian Water considers the plans for including desalination as part of the flexible energy generation plant, to potentially offer opportunities for project alignment, reducing overall costs, and minimising environmental impacts. Anglian Water welcomes the reference to engagement with Anglian Water in para 11.4.1, and considers that continuing previous discussions with the project promoter would be in both parties' interests regarding future water resources for the Project and the wider sub-region.

Wastewater Treatment

Wastewater treatment and connections have not been addressed in the Scoping Report. Anglian Water would seek to understand how wastewater from the site is intended to be managed through temporary measures with no need to connect to existing sewerage network. We would suggest that this is confirmed at an early stage, or that a pre-application is made to request a connection through our Inflow platform, so that connections can be appropriately planned for.

12. Ground Conditions and Land Contamination

As stated in 12.3.5 water is abstracted for public water supply from the chalk aquifer within SPZ1 at Maltby le March. Anglian Water agrees with the embedded mitigation measures identified including measures to mitigate effects from spills from the storage of fuel, chemicals and materials, and mobilisation of existing ground contamination, identified in 12.5.1. As stated in 12.6.3, we agree that good practice measures through construction would be implemented in the Code of Construction Practice (CoCP) and the CEMP. Anglian Water would seek to ensure that appropriate measures are included to reduce risk of contamination that may impact abstraction for public water supply and minimise risk of damaging our water supply and sewerage assets which may present pollution risks to the local environment.

14. Transport and Access

Anglian Water notes that there will be construction deliveries to the site. Whilst general traffic impacts on the roads will be assessed. Anglian Water has concerns regarding new site accesses/bellmouths to temporary construction compounds that are laid over our existing underground assets, which large and abnormal loads may adversely impact if the depth of soil covering our assets has been reduced. We would seek appropriate mitigation measures to be addressed in the Construction Traffic Management Plan (CTMP) and CEMP to avoid any adverse impacts arising from construction traffic loading on the operation of our assets.

21. Other Environmental Topics

21.5 Heat: Anglian Water notes that there will be localised heating of the trench fill material and soil immediately above and adjoining the underground electricity cables. The PEIR and ES should ensure that there are adequate mitigation measures in place to avoid any adverse impacts on our underground assets where the proximity to the underground heat sources may impact on the stability of our pipe materials and can create septicity issues within sewers.

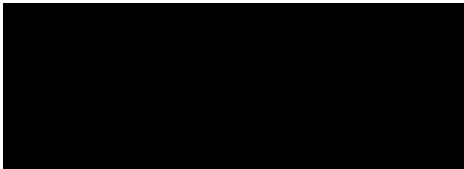
21.7 Major accidents and disasters: Anglian Water notes that para 21.7.6 identifies that the site is crossed by a number of utilities, including easement and separation distances to be maintained. The intention for the Applicant to agree safe working practices with the utility operators is

welcomed. Our suggested approach to these matters is addressed in our response under Chapter 5 The Proposed Development.

Next steps

Please do not hesitate to contact strategicgrowth@anglianwater.co.uk on these aspects or should you require clarification on the above response or during the pre- application to decision stages of the project.

Yours sincerely,



Tessa Saunders
Strategic and Spatial Planning Lead

Environmental Services Operations
Group 3
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Sir or Madam,

Re: EN0110008 - Application by Theddlethorpe Flexible Generation Ltd for the Theddlethorpe Flexible Generation Project (the proposed development).

EIA Scoping Consultation under the Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) – Regulations 10 and 11.

Thank you for your consultation request under regulation 10(6) of the EIA Regulations. East Lindsey District Council (ELDC), as a consultation body and host authority, wishes to make the following comments in regard to the information provided within the Environmental Impact Assessment (EIA) Scoping Report.

Introduction

The Project consists of a flexible generation plant facility (up to 1.5 GW) (Gas Engines or Combined Cycle Gas Turbines [CCGT]) powered by either natural gas, hydrogen or a combination of natural gas and hydrogen combustion, including a carbon capture plant if natural gas CCGT technology is used, with electrolysis hydrogen production facility and Battery Energy Storage System (BESS) (up to 1 GW). The site is on land adjacent to the decommissioned Theddlethorpe Gas Terminal, and on land at Stain Lane and Strubby Airfield.

The EIA Scoping Response does not reflect the views of the County Council and nor does it make comments upon matters that are the County Councils Statutory Function such as acting as Local Highway and Transport Authority, Minerals & Waste Planning Authority and Lead Local Flood Authority. There is also agreement with the County Council, that they will act on the Districts behalf in relation to Archaeology matters.

In producing this EIA Scoping Response, ELDC has not sought directly the views of the public or local interest groups as to any particular matters that should be reflected in the EIA Scoping Response.

This representation sets out in the first section the relevant local planning policy and comments upon the EIA Scoping Report submitted by the Applicant and the second part Appendix A includes the Landscape and Visual comments from AAH Landscape Consultants.

Local Planning Policy Context

The Local Plan for East Lindsey comprises the Core Strategy 2018 and the Settlement Proposals Document 2018. The relevant policies within the East Lindsey Local Plan (ELLP) are:

- Strategic Policy 10 (SP10) – Design.
- Strategic Policy 11 (SP11) – Historic Environment.
- Strategic Policy 16 (SP16) – Inland Flood Risk.
- Strategic Policy 17 (SP17) – Coastal East Lindsey.
- Strategic Policy 23 (SP23) – Landscape.
- Strategic Policy 24 (SP24) - Biodiversity and Geodiversity.
- Strategic Policy 25 (SP25) – Green Infrastructure.
- Strategic Policy 27 (SP27) – Renewable and Low Carbon Energy
- Strategic Policy 28 (SP28) – Infrastructure and S106 Obligations.

ELDC Comments on EIA Scoping Report

General Comments

Regulation 10 (3) of the EIA Regulations provides the list of information that a request for a scoping opinion must include and ELDC agree that this has been provided within the Applicants EIA Scoping Report.

ELDC wishes to reiterate the importance of the site selection process. ELDC wishes to see a clear presentation of how the Applicants have reached a chosen design to take forward to EIA and DCO application, and how stakeholder feedback and environmental constraints and opportunities have fed into this process. ELDC expect to see the footprint of the project minimised as much as possible to avoid environmental impacts to sensitive receptors within East Lindsey. This is particularly important for the siting of the permanent infrastructure.

ELDC welcomes the Strategic choice, confirmed at paragraph 4.4.4, of an underground only cable connection.

ELDC notes the Applicant's desire to incorporate flexibility into their draft DCO and its intention to apply a 'Rochdale Envelope' approach for this purpose. Where the details of the Proposed Development are not defined precisely, the Applicant will apply a worst-case scenario, as set out at paragraphs 5.2 and 5.5.9 of the EIA Scoping Report. The Applicant should explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. The development

parameters will need to be clearly defined in the draft DCO and in the accompanying ES.

ELDC also notes that there is further design refinement work of the technology to be used, cable route, location of construction compounds and the location of the different elements of the scheme to be carried out. If the design refinement results in the being altered or moved significantly within the Scoping Boundary, then effects scoped in or out should be reviewed. This should be considered as the EIA process develops.

Agricultural Land

ELDC welcomes the Applicants confirmation at paragraph 13.4.2 that site specific soil surveys will be undertaken to establish the specific grade of agricultural land within the site.

ELDC wishes to see the minimisation of impacts whether short, medium, or long term upon the agricultural resource within the District, as per National Policy Statement for Energy (EN-1), minimisation of impact to Best and Most Versatile agricultural land. ELDC wishes to see any permanent loss of agricultural land minimised through the site selection and design phases.

ELDC expect that the handling, storage and reinstatement of soil should be carried out in accordance with a Soil Management Plan (SMP) which sets out good practice mitigation to minimise temporary adverse effects on the soil resource.

There is also the potential for adverse impacts to farming practices through the temporary loss of land availability, restricted access and disruption caused by temporary working areas and construction traffic, as well as to the soil resource itself. This should also be considered within the ES.

For the reasons above ELDC do not agree to the scoping out of loss of agricultural land during construction at Table 22.12.

Landscape and Visual

The District Council have commissioned AAH Landscape Consultants to provide landscape and visual support for the Theddlethorpe FG Project. AAH Landscape Consultants have provided feedback and advice to the Council upon the EIA Scoping Report. A full copy of the report prepared by AAH Landscape Consultants is attached at Appendix A which has reviewed the EIA Scoping Report. Appendix A should be read in conjunction with and taken as part of the District Councils EIA Scoping Response.

Noise and Vibration

The approach to the identification of Noise Sensitive Receptors and monitoring locations for baseline monitoring should be agreed with all relevant stakeholders (in particular Environmental Health Officers) prior to any further development of the assessment.

We have concerns with the classification of sensitivity of receptors detailed in chapter 16 (Noise and Vibration) particularly in regard to Very High, Medium and Low Sensitivity as follows:

- **Very High: Subject to particular circumstances.** This is ambiguous and it's unclear as to the interpretation of this.
- **Medium: Residential properties, hotels, hospitals, nursing homes and care homes and sites of historic or cultural importance.** A residential receptor should not be considered as medium sensitivity. Residents of the area have continuous occupancy typically wishing to enjoy their property and garden amenity areas with full consideration given to any environmental impacts. The residential makeup includes sensitive groups of people including children, the elderly and people with health conditions. To consider residential properties as medium could have the effect of under-estimating impacts, resulting in inadequate mitigation and potential harm to residents. Noting that we would consider nursing homes and care homes to be offered the same protection as residential homes. We do not object to a hotel being a medium sensitivity.
- **Low: Area used primarily for leisure, including PRow, sports facilities, offices and retail businesses.** This also requires greater perspective on the individual circumstances in relation to an office that may require a good level of sound protection and may be better placed in a medium category dependant on the type of business.

Air Quality

ELDC welcome the future submission of detailed assessment of air quality impacts from traffic movements during construction on the identified vulnerable receptors, Construction phase dust emissions, and Operational phase process emissions.

Cultural Heritage

ELDC also notes that there is further design refinement work of the technology to be used, cable route, location of construction compounds and the location of the different elements of the scheme to be carried out. Whilst these are uncertain, ELDC considers it is premature to rule out likely significant effects for change to setting during construction at Table 22.6. ELDC therefore disagrees with the scoping out of this effect.

Construction Activities

ELDC would welcome the submission of a detailed construction and environmental management plan and supporting documents in due course, to reduce impacts to vulnerable receptors from noise, dust, artificial light from temporary site lighting/vehicle driving & working lights and any other more permanent fittings for the duration of the

project and emissions from all sources related to the project. This should include the steps to be taken to achieve the reduced impact and details of compliance monitoring to ensure those steps taken are effective.

Socio economic

ELDC also notes that there is further design refinement work of the technology to be used, cable route, location of construction compounds and the location of the different elements of the scheme to be carried out. Whilst these are uncertain, ELDC considers it is premature to rule out likely significant effects for temporary disruption and tourism at Table 22.9. ELDC therefore disagrees with the scoping out of these effects unless the matters are considered under other Chapters of the ES.

Cumulative Impacts

ELDC welcomes confirmation that a CEA will be carried out. ELDC consider that such an assessment as well as considering the cumulative effects of the environmental topics also it will need to pay particular attention to:

- The potential for the EGL 3 & 4 landfall and cable corridor construction activities to coincide with those of Theddlethorpe Flexible Generation Project particularly the pipeline to the North Sea.
- The potential for G to W Construction particularly the Lincolnshire Connection Substation B (but not limited too) construction activities to coincide with Theddlethorpe Flexible Generation Project.

The ES should include all different types of development which may lead to a cumulative impact, not just those which are similar in nature to the Proposed Development. ELDC expect continued consultation upon the scope of projects to be included with the CEA as part of the ES.

Appendix D sets out the Cumulative Development Long List and ELDC considers that the Eastern Green Link 5 (EGL 5) should be added to the list due to the proximity of the Project but particularly as the Converter Station is proposed either to the north-east of Bilsby or north-west of Huttoft and would also connect to a new Substation (Lincolnshire Connection Substation B part of separate NGET project G to W).

Conclusion

This document provides comments by East Lindsey District Council on the Theddlethorpe FG Environmental Impact Assessment Scoping Report (September 2025), requested by the Planning Inspectorate on the 24th September 2025 (Reference EN0110008).

If you have any queries, please do not hesitate to contact the case officer Joe O'Sullivan. Many Thanks

Yours Faithfully

J. O'Sullivan

Joe O'Sullivan
Nationally Significant Infrastructure Projects Manager

Enc. Appendix A

Technical Memorandum 1: AAH TM01

South & East Lincolnshire Councils Partnership; Theddlethorpe Flexible Generation NSIP; Landscape and Visual Scoping Opinion

This Review has been carried out by AAH Consultants (**AAH**) on behalf of South & East Lincolnshire Councils Partnership (**SELCP**) and relates to landscape and visual issues and elements only. It is based upon a review of the relevant sections of the following Theddlethorpe Flexible Generation NSIP documents, downloaded from <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN0110008/documents>

- *Theddlethorpe Flexible Generation NSIP; Scoping Report September 2025*

While the focus of this review is on Landscape and Visual matters, other information provided within the Scoping Report, and any associated Appendices, has also been considered, providing background and context to the site. As the project is at an early stage, the Order Limits have yet to be defined, with the information presented within the applicants Scoping Report based on a *Scoping Boundary*. Paragraph 5.3.2 clarifies that the scoping boundary covers an area to include “...all elements of the Proposed Development as these are known at the scoping stage”. We have assumed this has been defined to represent the maximum extent of development, but the Scoping Boundary will also undergo refinement and subsequently be replaced by the Order Limits as the scheme progresses.

Therefore, due to this iterative process of refinement, there will need to be further consultation with the applicant in regards to agreeing the final content and detail of the landscape and visual elements of the submission.

We expect the production of a Landscape and Visual chapter to be included within the Environmental Statement (**ES**), which would be in the form of a Landscape and Visual Impact Assessment (**LVIA**), which should, along with any supporting information (such as plans, photographs, visualisations or figures), reflect current best practice and guidance from, as a minimum, the following sources:

- ‘Guidelines for Landscape and Visual Impact Assessment’, (**GLVIA3**), April 2013 by the Landscape Institute (**LI**) and Institute of Environmental Management and Assessment (**IEMA**);
- ‘An Approach to Landscape Character Assessment’, Natural England (2014);
- ‘Technical Guidance Note (TGN) 06/19 Visual Representation of Development Proposals’, 17th September 2019 by the Landscape Institute (**LI**);
- ‘Technical Guidance Note (TGN) 1/20 Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs)’, 10th January 2020 by the Landscape Institute (**LI**);
- ‘Technical Guidance Note (TGN) 04/20 Infrastructure’, April 2020 by the Landscape Institute (**LI**);
- ‘Technical Guidance Note (TGN) 2/21 Assessing landscape value outside national designations’, May 2021 by the Landscape Institute (**LI**); and

- ‘*Technical Guidance Note (LITGN) 2024-01 Notes and Clarifications on Guidelines for the Landscape and Visual Impact Assessment Third Addition (GLVIA3)*’, August 2024 by the Landscape Institute (LI);

Overall, we would expect that the assessment of potential Landscape and Visual effects and evolving proposals relating to the scheme, as a Nationally Significant Infrastructure Project (**NSIP**), follow an iterative process of engagement and consultation to ensure the following are not fixed at this stage and are discussed, developed and agreed at subsequent technical meetings with SELCP and other appropriate stakeholders:

- LVIA Methodology;
- Development, and subsequent ZTV, parameters;
- Study Area extents (distance);
- Viewpoint quantity and locations;
- Photomontage/Accurate Visual Representations (**AVRs**):
 - Quantity and location;
 - Phase depiction;
 - AVR Type and Level.
- Mitigation Measures/Landscape Scheme/Site Layout;
- Cumulative effects, including surrounding developments to be considered; and
- The extent as to which a Residential Visual Amenity Assessment (**RVAA**) or initial Survey should be considered (based on the Landscape Institute TGN 2/19) if there are residential properties with receptors likely to experience significant effects to their visual amenity.

We have reviewed the Scoping Report, and the following should be considered in the evolving assessment and layout:

Methodology

As stated previously, the LVIA should be carried out in accordance with GLVIA3 and associated guidance, and undertaken by suitably qualified personnel. The overview of the proposed methodology provided at paragraph 8.3.15 is typical of those used for ES Chapters where potential significant effects can be considered and reflects the guidance in GLVIA3. We would request that the most up to date technical guidance be used and the full methodology is provided to allow further interrogation and comment at the next phases of the project.

Table 8.1 Levels of effect and their significance presents Moderate levels of effect as “important but, are not likely to be key decision-making factors”, and subsequently we have assumed that the intent is that these would not be classed as Significant Effects. However, this is not aligned with the overall judgement of Significance within the overall ES methodology, which is identified in paragraph 7.14.1 as a ‘Moderate’ or “Major’ degree of significance is deemed to be ‘Significant’”. This approach has the potential to provide inconsistency with the other chapters of the ES, and while there is scope for discipline specific deviation from the overall ES methodology, we are unsure as to why the LVIA would be different in terms of identifying a Significant

or Not-Significant of effect. This has the potential to underplay the number and extent of Significant landscape and Visual effects.

Professional judgement is promoted throughout the Methodology, which is aligned with GLVIA 3; however, it is important that the application of this judgement be explained and transparent throughout. This is particularly important where the significance of Moderate effects is assessed, particularly where these Moderate effects are judged to be Not-Significant by the author.

Scope of the Study Area

It is acknowledged in Paragraphs 8.3.21 and 8.3.22 that an initial study area of 20km has been allowed for due to the potential extensive views possible of the thermal chimneys (as a tall element within the scheme), and this also covers the eastern, higher land of the Lincolnshire Wolds. At this early stage, we recommend these extents are discussed and further reviewed as the full extent of potential visibility of the development is not yet fully known, and while the scoping report identifies that the chimneys are likely “slender” in design and difficult to discern beyond 20km there is the potential that visibility beyond these study area extents may ultimately be identified, subject to final designs.

Once the study area has been defined, the LVIA should also provide a justification for the full extent/distance, which would be further refined as part of the iterative process.

Landscape

The landscape baseline and a range of published landscape character assessments have been identified in *Section 8.3*. Further detail on these character areas is provided in paragraphs 8.3.8 to 8.3.12. These are subsequently utilised to form an initial list of baseline landscape character receptors identified in paragraph 8.5.2, and landscape features in paragraph 8.5.3. However, as the scheme progresses and designs are refined, we recommend these are reviewed. To align with GLVIA3 the LVIA should include an assessment of landscape effects at a range of scales and needs to include both relevant published landscape character assessments and the LVIA authors own judgements of the landscape character of the site and study area should this vary from published assessments.

Visual

Visual amenity is considered from paragraph 8.5.4, which identifies a range of initial visual receptors covering visitors, road users, residents, workers, users of PROW and footpaths. However, at this early stage of the project we request these be reviewed, refined and consulted upon further once proposals have been developed: we are not in a position to confirm their inclusion or omission at this stage.

We would expect that the visual assessment would clearly identify the visual receptors, which would subsequently be the focus of the visual assessment. The LVIA should not just contain an assessment of any agreed viewpoints, it must focus on receptors. The viewpoints are to illustrate the visual effects, and the visual

assessment should clearly reference receptors to representative viewpoints to aid this.

The visual assessment should take account of the 'worst case scenario' in terms of maximum parameters and winter views, including effects at construction, Operational Phase (year 1), Residual Phase with mitigation planting having established (10 to 15 years), and at the Decommissioning Phase.

Viewpoints and Photomontages

At this early stage, no viewpoints to represent views from visual receptors have been identified. Therefore, due to the evolving design, the final locations of viewpoints are to be reviewed and subsequently agreed with SELCP and other relevant stakeholders. The final viewpoint selection should consider views of taller and more conspicuous elements, once the scheme layout is more developed, as well as consider potential key, or sensitive, viewpoints or visual receptors. We would welcome an initial discussion and subsequent workshop (on site if appropriate) with the applicant team in regards to proposed viewpoints.

To gain an understanding of the visibility of the scheme and how the development would appear in the surrounding landscape, Photomontages/AVRs should be produced. The number and location of the agreed viewpoints to be developed as Photomontages/AVRs should be agreed with SELCP and other relevant stakeholders and produced in accordance with *TGN 06/19 Visual Representation of Development Proposals*. At this stage, it is deemed appropriate that these should be produced to illustrate the proposals at different phases: Existing Situation (baseline), Operational (year 1) and Residual with planting established (10 to 15 years). The Photomontage/AVR Level and Type, as well as which viewpoints would be developed as photomontages, is to be discussed and agreed.

Cumulative impacts

Section 8.8 covers Cumulative effects. Cumulative Landscape and Visual effects should be assessed in regards to other major developments, and in particular similar energy infrastructure or renewable energy developments, as appropriate in regards to proximity and scale. This should consider both Combined (in same view) or Sequential (when the observer has to move to another viewpoint to see the same or different developments) effects. Cumulative effects of multiple energy infrastructure schemes across the region are of particular concern, and we would expect a wider consideration of these schemes be considered in any cumulative assessment, as well as an assessment as to how the future baseline will likely be changed through introduction of these schemes.

Residential Visual Amenity Assessment (RVAA) or Surveys

Table 22.2 identifies that a Residential Visual Amenity Assessment (**RVAA**) is proposed to be scoped out of the ES during the Operation stage. At this stage, it is currently unclear if there are residential properties with receptors likely to experience significant effects to their visual amenity. If there are potential significant effects, due

to the scale of some of the above ground elements of the scheme, these may ultimately meet the visual amenity threshold and an RVAA, based on the Landscape Institute TGN 2/19, may be required. The scale of the scheme has the potential to give rise to significant effects to local residents, including effects on residents private visual amenity. The layout should also respond to potential views and proximity to any properties to mitigate any potential adverse effects.

Mitigation and Layout

As this is an iterative process, at this stage it is not relevant to comment on any potential mitigation or layout of the development. However, best practice guidance, relevant published landscape character assessment's and Local and County Council Policy and Guidance shall be referred to and implemented as appropriate.

We would also expect any landscape and planting scheme is coordinated with other relevant disciplines, such as ecology, heritage or civils (e.g. SuDS features), to improve the value of the landscape and reflect appropriate local and regional aims and objectives. Planting should be well considered and not just placed to screen proposals, as this may have a negative effect such as appearing out of character or foreshortening open or panoramic views. A Landscape Scheme and associated Outline Landscape and Ecological Management Plan should accompany the ES which should cover as a minimum the establishment period, which is assumed would be up to 15 years to cover the period up to the residual assessment.

The management plan should provide for both new planting and existing retained vegetation and how it will be managed and protected through all phases of the development. Any vegetation loss to facilitate development, including access and wider highways works or abnormal vehicular routes for construction, must be clearly identified in the submission.

Oliver Brown CMLI
AAH Landscape

██████████ [@aahconsultants.co.uk](mailto:██████████@aahconsultants.co.uk)

████████████████████

12 October 2025

Nadia Luhr
Planning Inspectorate
Emailed to:
theddlethorpefgp@planninginspectorate.gov.uk

Our ref: XA/2025/100449/01
Your ref: EN0110008

Date: 17 October 2025

Dear Nadia Luhr

**Planning Act 2008 (as amended) and The Infrastructure Planning
(Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) –
Regulations 10 and 11**

**Application by Theddlethorpe Flexible Generation Limited (the applicant) for
an Order granting Development Consent for the Theddlethorpe Flexible
Generation Project (the proposed development).**

Thank you for consulting the Environment Agency (EA) on the Environmental Impact Assessment (EIA) Scoping Opinion for the above Nationally Significant Infrastructure Project (NSIP) which we received on 23 September 2025.

We have reviewed the submitted documents insofar as they relate to our remit. A full list of documents reviewed is presented in Appendix 1.

We do not agree with the scope of the EIA and would recommend that a greater range of impacts on groundwater and contaminated land, water resources/ quality, fish and marine biodiversity are scoped in to meet the requirements of the EIA Regulations. Please see attached Appendix 2 for detailed comments.

Please note this review is on the EIA process only. Other assessments required such as Flood Risk Assessment (FRA), Habit Regulations Assessment (HRA) and Water Framework Directive (WFD) have not been included. We would recommend the developer consult us on the scopes of these studies in due course. Please note if any of these assessments result in impacts then these will need to be scoped back into the EIA process.

Please note this response does not represent our final view in relation to any future Development Consent Order (DCO), or any environmental permit applications made to us. Our final views will be based on all relevant information including applications and guidance available at the time of submission.

If you require any further details, please contact us on the email address below.

Yours sincerely,

Laura Edwards
Planning Specialist – Environment Agency
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List of Appendices

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Appendix 1 – List of Documents Reviewed

Theddlethorpe Stratera Scoping Report; Main Text and Appendices A to D
(September 2025)

Theddlethorpe Stratera Appendix E (September 2025)

Appendix 2 – Detailed comments related to the scope of the EIA

We disagree with the Scoping for the following reasons.

Groundwater and Contaminated Land

Document Reference(s): Chapter 11 Water Environment, Table 11.1 and Chapter 12 Ground conditions	
Issue	We consider that construction of the scheme has the potential to impact groundwater flow and resource, including dewatering. The report also notes that the Primary aquifer at the project location is Chalk. This has high transmissivity and is under extreme pressure from existing abstraction.
Impact	Potential adverse effects are not scoped in or out. This activity has the potential to impact on nearby abstraction, it is not apparent if this will be assessed in the scope of the assessment.
Solution	Scope in this potential adverse effect or provide justification for its omission.

Document Reference(s): Chapter 11 Water Environment, Table 11.2	
Issue	The applicant has not considered the potential for permanent change in groundwater flow patterns due to underground infrastructure. This applies to the operational and post-operational phase.
Impact	Large diameter pipelines and building foundations can have an impact on groundwater flow patterns which may persist for as long as the infrastructure is in place.
Solution	Scope in this potential adverse effect or provide justification for its omission. A foundation works risk assessment may be required.

Document Reference(s): Chapter 11 Water Environment, Section 11.10.3	
Issue	We do not agree with the justification to scope out risks to groundwater receptors, and so we are not satisfied that this can be scoped out.
Impact	Potential for risks to groundwater receptors, and interactions with groundwater, to not be adequately assessed.
Solution	Consider scoping in risks to groundwater receptors or provide further justification for its omission.

Additional narrative/ explanation

No information is given to support no deep excavations, groundwater abstractions or discharges. The proposed chimney height is 85 to 110m. Indicative foundation depths are not given, but we cannot rule out that they will extend into the bedrock chalk without substantial additional information. A foundation works risk assessment may be required.

Whilst we acknowledge the significant thickness of superficial deposits overlying the principal aquifer, the groundwater in the Chalk aquifer can be sub-artesian. For this reason, future potential excavation of the overlying deposits or Horizontal Directional Drilling crossing needs to be carefully considered. We would welcome consultation on a Hydrogeological Risk Assessment. Likewise, as the proposed development is underlain by principal aquifer, we would recommend the use of piling risk assessments on any sites where there is chance of mobilising potential contaminants or disturbing aquifers is proposed.

Furthermore, the potential for encountering shallow groundwater, and hydrogeological continuity between superficial and bedrock aquifers is not considered.

In 11.10.3, the applicant states: “there should be no need to progress any groundwater monitoring”. This contradicts 11.4.4, where the applicant commits to “A programme of water level and water quality monitoring over a period of at least 12 months will be initiated”. Clarity is needed. We are strongly in favour of the proposal for at least 12 months of monitoring. Water quality monitoring which accurately assesses the baseline of the water environment prior to construction activity can help measure the success of any mitigation and drainage strategies if it is continued during and following on from the construction activity. Water quality monitoring locations should be upstream and downstream of any proposed water crossings/ discharges, and should be at a suitable frequency.

Document Reference(s): Chapter 21.5 Heat, Section 21.5.2

Issue	The applicant scopes out heating impact on soils on the basis that this is assessed in the soils chapter. The applicant states “localised heating of the trench fill material and soil immediately above and adjoining ... is ordinarily very minor” but does not support this with any evidence.
Impact	Potential adverse effects to shallow groundwater, groundwater abstractions and groundwater dependent terrestrial ecosystems (Saltfleetby-Theddlethorpe Dunes (SSSI)). The desalination and electrolysis processes can increase the temperature of water so effluent may have decreased water quality.
Solution	Provide further evidence to justify scoping out this source.
Additional narrative/ explanation We are mindful that work is being carried out in this area in relation to heating of groundwater from ground source heating and cooling systems but there is currently no guidance relating to the potential thermal implications of high voltage buried electricity cables. The Environment Agency’s Chief Scientist’s Group has published a report for Ground Source Heating and Cooling (GSHC) systems (Environmental Impacts of Temperature Changes from Ground Source Heating and Cooling Systems). In this study, a ‘thermal plume’ was defined as the region around a GSHC system that experiences a 1 degree C temperature change or greater. While the study is not directly applicable to thermal emission from underground cables, an equivalent benchmark could be considered when assessing heat pollution from underground High Voltage (HV) cables. The Chief Scientist’s Group states that the environmental factors with the greatest influence on thermal plume development include groundwater flow and bulk thermal conductivity. It identifies that impacts may occur by direct (temperature change) and indirect (e.g. changes in water chemistry) means. At this stage we ask for the potential thermal implications of buried cables, in relation to risks to groundwater, to be considered further via desk-based assessment.	

Water Quality

Document Reference(s): Chapter 11: Water Environment	
Issue	<u>Construction processes</u> Table 11.1 lists the Potential Adverse Effects to the Water Environment during Construction. One of the effects is "Pollution arising from construction processes including sediment, oils and cementitious material." However, we recommend that pollution from fuels and chemicals be added to this list so that the scope is inclusive of all risks. Construction processes should be listed in Chapter 12 too. These impacts should be scoped in for all phases, not just construction.
Impact	If the scope is incomplete, then impacts resulting from pollution from fuels and chemicals may not be fully assessed and mitigated, and this could result in water quality deteriorating.
Solution	Be consistent in the approach to scoping construction processes and list all worse-case pollutant sources. Pollution arising from spills from fuel, oil, chemicals, and cementitious material, and increases to sediment resulting from construction processes should be scoped in for all phases of the development. It is relevant to operation, as well as construction and decommissioning, as vehicles and substances storage on-site may continue during operation as a result of maintenance requirements. We recommend that the site operations that are intended on being done regularly throughout operation should be listed to increase understanding of the potential effects.

Document Reference(s): Chapter 20: Marine Environment and Chapter 22: Summary and Conclusions	
Issue	<u>Increased suspended sediment</u> Table 20.8 and Table 22.25 suggests that increased suspended sediment concentrations and resuspension of contaminated sediments are scoped out. We disagree with this as there is a chance that during construction, this can negatively affect the marine water quality, especially resulting from HDD exit points.
Impact	Vessel movement; and associated and construction and removal of structures during construction and decommissioning can increase the chance of sediments and resuspension of contaminants which can negatively impact marine water quality.
Solution	Deterioration in water quality due to suspension of sediments resulting from the release of drilling should be scoped in for construction and decommissioning. Release of sediment-bound contaminants from disturbed sediments resulting from seabed preparation, cable installation etc should also be scoped in for construction and decommissioning.

Water Resources

Document Reference(s): Chapter 11 – Water Environment	
Issue	Operational water demands are understood to be supplied from North Sea abstraction. However, water demands during construction have not been described by the report and should be in scope.
Impact	Whilst construction is deemed to be temporary, it has the ability to have high water demand through activities such as dust suppression; concrete batching; concrete/machine washing; potable and domestic supplies to welfare stations
Solution	An appraisal of all consumptive water demands should be undertaken to accompany the Environmental Statement. This should list: • All consumptive activities • Estimates of volumes of water required for each; • Intended sources of water supply (Anglian Water Services; tanker; rainwater; other abstraction); • An initial appraisal of the Abstraction licensing strategy to evaluate potential abstraction licence conditions.
Additional narrative/ explanation The location of this development is in an area of serious water stress (as identified in our report Water stressed areas – 2021 classification (https://www.gov.uk/government/publications/water-stressed-areas-2021-classification)). Anglian Water Services (AWS), who supply the region of this development, is subject to licence reductions (caps) on its groundwater licences to manage the risk of deterioration of the associated water bodies, according to the principles set out in the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (WFD Regulations). The company's 2024 water resources management plan (WRMP24) has set out that it will be reliant on seeking to defer some licence reductions until new strategic supplies can be developed (e.g. via strategic schemes; see Section 4.4.3 Time-limited and permanent licences in WRMP). This means that until these new sustainable supplies are available, supplies will be as a result of deferring some licence changes under Regulation 19 of the Water Framework Regulations risking deterioration in associated water bodies. AWS has adopted a “Non-Domestic Water Requests Policy” for which it asks of applicants who require non-domestic water supply to complete Water Resource Assessment to understand water demands, water efficiency measures and to effectively forecast water supply requirements. Therefore, we advise that the applicant engages in conversation with AWS to ensure that supply can be achieved for the development's needs, (this water resources assessment would satisfy the comment above). The environmental impact of any proposed abstraction will be determined during a licence application outside of planning. However, restrictive conditions of a licence can affect the feasibility of the project and influence detailed design or construction processes which can be addressed now. Should water not be available from AWS for non-domestic purposes, alternative sources of supply need to be appraised in order to avoid potentials delays pre-commencement as other sources are not guaranteed and should not be underestimated.	

Fisheries/ Biodiversity/ Marine/ Geomorphology

Document Reference(s): Chapter 20 Marine Environment and Biodiversity, Section 20.7	
Issue	Diadromous fish species are not included in the scope.
Impact	There could be multiple impact-pathways to these receptors as a result of the proposal, particularly around entrainment/impingement, changes to water quality as result of discharge, noise impacts and construction impacts.
Solution	Atlantic salmon, sea trout (<i>Salmo trutta</i>), European eel (<i>Anguilla anguilla</i>), European smelt (<i>Osmerus eperlanus</i>), river lamprey, sea lamprey and twaite shad are all likely to be present within the Zone of Influence and should be scoped into the EIA.

Document Reference(s): Chapter 5: The Proposed Development ; Chapter 11: Water Environment and Chapter 20 Marine Environment and Biodiversity, 20.1.1, 20.14.1, 20.16.2,	
Issue	Decommissioning has been scoped out. There is no reference to how pipework below 1m depth will be dealt with.
Impact	Materials left in situ after decommissioning will degrade over time and potentially release harmful chemicals into the substrate and water column.
Solution	Scope in decommissioning because of the novel impact decommissioning can have on the marine environment. Scope in pollution arising from decommissioning processes; pollution arising from mobilisation of contamination; pollution arising from deconstruction of cable route and pipework; and impacts on flows and water quality during decommissioning.
Additional narrative/ explanation	
During decommissioning it is assumed that hardstanding, structures and concrete will be removed up to a depth of up to 1m. However, no reference is made to anything beyond this depth. This is likely to result in high sediment disturbance, and the use of machinery and vehicles onsite increased the risk of pollution from fuels and oils.	

Document Reference(s): Chapter 20 Marine Environment and Biodiversity; 20.15.1, 20.16, Table 20.8	
Issue	Intertidal benthic habitats have been scoped out of further assessment for the construction phase.
Impact	Horizontal Directional Drilling (HDD) close to the surface can cause the sediment above to become unstable and collapse. If the punch out hole is before or at the Mean Low Water Springs (MLWS) this would impact the surrounding intertidal sediments and the benthic community within them.
Solution	Scope in Intertidal benthic habitats for construction because the wording in section 20.15.1 suggests the drilled punch out hole could be in very close proximity to the intertidal zone (past Mean Low Water Springs MLWS) and not 0.66km away.

Document Reference(s): Chapter 20 Marine Environment and Biodiversity; 20.16, Table 20.8

Issue	Effects on shellfish receptors associated with underwater noise emissions from construction scoped out
Impact	There is evidence that noise in the marine environment affects shellfish and crustaceans in a variety of ways Frontiers Marine invertebrates and noise
Solution	Scope in the effects on shellfish receptors associated with underwater noise emissions from construction.

Appendix 3 – General comments for consideration

Flood risk / coastal defence asset proximity

Document Reference(s): Chapter 11: Water Environment	
Issue	The Scoping Report has not fully acknowledged the risk posed by the proposed development, particularly during the construction phase, to the nearby flood risk and coastal defence assets.
Impact	Damage or degradation of defences could compromise their ability to manage flood risk, leading to increased flood risk during or after construction.
Solution	The risks posed by the construction works to the flood risk and coastal defences assets should be considered. The applicant should provide full details of all flood defences and associated assets within the study area, including their current condition, crest levels and standard of protection. This will allow assessment of potential impacts to defences and any mitigation required, taking the development and climate change into account, to ensure flood risk is not increased over the proposed development lifetime.
Additional narrative/explanation: We advise the applicant to survey the pre- and post-works condition of any assets they will interact with and remediate any defects identified. Please note that excessive vibrations can also cause damage to flood defence assets, reducing their effectiveness and longevity. Therefore, we would expect vibration levels to be monitored during works and for the applicant to identify safe thresholds that would not adversely affect the flood assets. We expect any activities to have a minimum of 8 metres setback from fluvial main rivers and defences, and 16 metres from any tidal main rivers and defences, wherever possible. Please see Appendix 4 for further advice on Flood Risk Assessments.	

Groundwater and Contaminated Land

Document Reference(s): Chapter 11 Water Environment, Table 11.1, Table 11.2 and Section 11.6.2	
Issue	Not all receptors are listed. We consider that these tables should include: • all aquifers, including superficial secondary • Source Protection Zones (SPZs) as distinct receptors in their own right • all water abstractions (licensed and unlicensed) • chalk streams
Impact	Risks to receptors might not be adequately considered if they are not specifically listed.
Solution	Ensure these receptors are included in the assessment of all relevant potential adverse effects.

Additional narrative/ explanation

Abstractions and aquifers are receptors in their own right. Source Protection Zones and chalk streams are also receptors.

The Battery Energy Storage System at Stain Lee is adjacent to a chalk stream, the Great Eau (TF4514485021). The chalk stream designation ends at the grid reference provided, but it could potentially be affected by the development of the BESS if the superficial deposits are in hydraulic connectivity with the stream. There does not appear to be any reference made to this priority habitat within the Baseline Hydrological Assessment in 11.4.2.

Document Reference(s): Chapter 11 Water Environment, Section 11.2 and Chapter 12 Ground Conditions and Land Contamination, Section 12.2

Issue	Summary of legislation and guidance to be used is limited. In Chapter 11, no specific documents are mentioned. In Chapter 12, only the NPS for Energy EN-1 is discussed.
Impact	The applicant may not follow all necessary relevant guidance.
Solution	Other standard (non-exhaustive) EIA legislation, policy and guidance relating to groundwater and contaminated land is listed below.

Additional narrative/ explanation

EIA legislation and policy:

- Part IIA, Environmental Protection Act 1990 (relevant in terms of assessment of contaminated land)
- The Environmental Permitting Regulations (England & Wales) 2016 (last revised March 2020) (relevant with respect to environmental permits)
- Overarching NPPS Electricity Networks Infrastructure (NPS EN-5) (January 2024) Incorporates principals for electricity networks infrastructure applications inc. Transmission and distribution systems.
- Environmental Damage (Prevention and Remediation) (England) (Amendment) Regulations 2019
- National Planning Policy Framework
- Environment Act
- County/District Council Local Plans

EIA guidance:

- Construction Industry Research and Information Association (CIRIA), 2001, [Contaminated Land Risk Assessment. A guide to good practice \(C552\)](#)
- IEMA [now ISEP], 2022, [A new perspective on Land and Soil in Environmental Impact Assessment](#)
- Environment Agency, 2025, [EA Land Contamination Risk Management](#)
- Environment Agency, 2018, [Environment Agency's Approach to Groundwater Protection](#)

Document Reference(s): Chapter 11 Water Environment, Section 11.4.11

Issue	The description of the proposed Water Framework Directive (WFD) Assessment only includes surface water bodies. A WFD groundwater body covering this area is not discussed in the proposed assessment scope.
Impact	Potential impacts on WFD groundwater body may not be adequately assessed.

Solution	Ensure all relevant WFD bodies within the study area are included in the assessment.
Additional narrative/ explanation Section 11.4.17 currently does not list usage as a parameter to assess the sensitivity of receptors. The sensitivity of receptors should also consider if waters are used for purposes like bathing and/or fishing which are of both social and economic value. In addition to freshwater surface water bodies; transitional and coastal watercourses and waterbodies should be included. Additionally, any sensitive freshwater or marine habitats should be listed in the WFD Assessment.	

Document Reference(s): Chapter 12 Ground Conditions and Land Contamination, sections 12.3.2 and 12.4.3	
Issue	The applicant states that “No landfill or ‘made land’ is known to exist within the Proposed Development Boundary”. We have records of an historic landfill within the site boundary. We expect made ground to be present at any road crossings, and highly likely within close proximity of the site, especially Strubby Airfield and the decommissioned Theddlethorpe Gas Terminal. We are aware of Per- and poly fluoroalkyl substances (PFAS) contamination within shallow groundwater beneath a site adjacent to the Development Consent Order (DCO) boundary. We suspect a further potential PFAS source at another site adjacent to the DCO boundary.
Impact	Risks associated with landfill and made ground may have been overlooked. PFAS contamination is known to be present in groundwater in this area.
Solution	The applicant states that a Phase 1 desk study will be completed. Historical landfills and other brownfield sites should be included in this study. We recommend that the applicant follow the Land Contamination: Risk Management guidance when completing this study, and anything else concerning land affected by contamination. We will expect any potentially active pathway to soil or groundwater contamination to be further investigation through intrusive works.

Document Reference(s): Chapter 12 Ground Conditions and Land Contamination, sections 12.3.1 and 12.4.9	
Issue	The applicant’s proposed study area for this chapter is not clearly defined. In 12.3.1, the applicant proposes a study area to be set by the proposed development boundary. In 12.4.9 it states: “a study area that extends 250m from the boundary of the Proposed Development Site will be adopted. This will be extended for hydrogeology to 1km from the Proposed Development Site.”
Impact	The proposed development boundary is insufficient to adequately identify potential contamination sources.
Solution	We disagree with the study area defined in 12.3.1. The area defined in 12.4.9 is the absolute minimum that we would find acceptable. This should be extended for geology and hydrogeology where notable potentially contaminative off-site sources are identified.

Document Reference(s): Chapter 12 Ground Conditions and Land Contamination, Table 112.1 [assume 12.1] and Section 12.6.6	
Issue	Not all receptors are listed. We consider that these tables should include all aquifers, including superficial secondary.

Impact	Risks to receptors might not be adequately considered if they are not specifically listed.
Solution	Ensure these receptors are included in the assessment of all relevant potential adverse effects.

Fisheries

Document Reference(s): Chapter 5 The Proposed Development, Table 5.1	
Issue	Clarity as to quantity of water required as the worst case parameter.
Impact	It states that up to 1800 m ³ /hr of water will be required (for electrolysis), but this table should also include 63000 l/s of water required as cooling water for the Combined Cycle Gas Turbines thermal generation facility stated in paragraph 5.5.11. Abstraction of water can impact on fish through entrapment.
Solution	Clarification required as to quantity of water required to ensure the worst case parameter is being assessed in the Environmental Statement.

Document Reference(s): Chapter 9 Terrestrial Ecology and Biodiversity, 9.3.1	
Issue	The desktop study does not include Environment Agency fish survey data.
Impact	The full understanding of the impacts from the proposal cannot be fully understood unless adequate fish baseline data is included within the EIA.
Solution	The EIA should include fish baseline data for any main watercourses within the site boundary. Our records show that European eel, river lamprey and brown/sea trout are present within the Zone of Influence.

Document Reference(s): Chapter 9 Terrestrial Ecology and Biodiversity, 9.5.1	
Issue	Not committing to trenchless techniques for watercourse crossings.
Impact	Open cut crossing techniques can cause permanent damage to aquatic habitat and species.
Solution	Trenchless techniques should be prioritised and committed to in order to avoid impacts on aquatic ecology.

Document Reference(s): Chapter 9 Terrestrial Ecology and Biodiversity, 9.2.1 and Chapter 20, 20.2.2	
Issue	The Salmon and Freshwater Fisheries Act 1975 and The Eels (England and Wales) Regulations 2009 have not been included in the list of legislation that is relevant to biodiversity. The legal responsibility on the developer pertaining to this fish specific legislation has not been considered.
Impact	This infers that the impacts on fish from the construction, operation and decommissioning have not been fully considered.
Solution	Both pieces of legislation should be listed as relevant in the terrestrial ecology and biodiversity chapter of the ES.
Additional narrative/explanation:	

Parts of The Salmon and Freshwater Fisheries Act 1975 relevant to this type of development and that should be considered, are (but not exhaustive) Part 1, Sections 2 and 4.

The Eels (England and Wales) Regulations 2009 state that 17 (1) requires that any diversion structure capable of abstracting at least 20 cubic metres of water through any one point in any 24-hour period must be screened appropriately or exempted. We encourage early engagement with our pre-app permitting service in order to understand the requirements of the intake design. The intake design must incorporate Best Achievable Eel Protection. Guidance can be found at LIT 60516 - Screening at intakes: measures to protect eel and elvers (available on request to the Environment Agency).

Document Reference(s): Chapter 20 Marine Environment and Biodiversity, Table 20.7 Operation: Fish and Shellfish Ecology.

Issue	The potential impacts on fish resulting from thermal uplift associated with the outfall discharge have not been scoped in. Additionally, the effects of increased flow velocity due to the discharge on fish populations have also not been scoped in.
Impact	Thermal uplift from the discharge can cause physiological stress in fish and disrupt normal behavioural patterns. Elevated flow velocity may also act as a behavioural cue, attracting fish that exhibit positive rheotaxis. This attraction could result in entrainment, increased vulnerability to predation, and potential disruption of migratory movements.
Solution	Both impacts on fish from thermal uplift and increase flow velocity as a result of the outfall discharge should be considered.

Document Reference(s): Chapter 20 Marine Environment and Biodiversity, Table 20.1

Issue	The baseline desk study has not included Environment Agency Transitional & Coastal (TraC) waterbody fish survey data.
Impact	Not all fish receptors will be identified leading to an incomplete EIA.
Solution	Include our Transitional & coastal water fish surveys (NFPD) - data.gov.uk survey database.

Document Reference(s): Chapter 20 Marine Environment and Biodiversity, Table 20.2 and paragraph 20.7.4

Issue	Not all fish features of the Humber Estuary Special Area of Conservation (SAC) are listed here.
Impact	The Habitats Regulation Assessment and Environmental Statement may not assess all impacts on all receptors.
Solution	River lamprey (<i>Lampetra fluviatilis</i>) are also a feature of the SAC and should be included in the marine chapter as they spent part of their lifecycle in the marine environment as adults.

Geomorphology

Document Reference(s): Chapter 9 Terrestrial Ecology and Biodiversity – 9.5.1	
Issue	Trenchless crossings are considered for watercourse crossings – it is uncertain as to what this consideration will involve
Impact	Poorly designed watercourse crossings may impact natural functioning of the watercourse, e.g. impede sediment and water movement pathways. Open cut crossing techniques may also impact stability of banks and watercourse bed.
Solution	Consider the type of watercourse crossing on a case-by-case basis, taking into consideration the activity of the channel, the geomorphic processes and any habitat features that may be present.

Installations

Document Reference(s): Chapter 12: Ground Conditions and Land Contamination	
Issue	There are concerns relating to the movement of per- and polyfluoroalkyl substances (PFAS) contaminated waters from the site into adjacent water bodies.
Impact	Land and water immediately adjacent to the development may contain PFAS.
Solution	Benchmarking the level of contamination present within the development area is essential to ensure that the eventual surrender of any environmental permit is not delayed by the presence of historic contamination.

Waste

Document Reference(s): Other Environmental Topics Chapter 21, 21.6 Waste and Materials & Appendix B	
Issue	Historic Landfills and permitted waste sites have not been scoped in
Impact	There is a historic landfill within the proposed boundary and a permitted waste site on the boundary.
Solution	Further details should be given on how proposals will impact source receptor pathways to land and water environment and fire risk.

Water Quality

Document Reference(s): Chapter 5: The Proposed Development; Chapter 11: Water Environment; and Chapter 21: Other Environmental Topics	
Issue	BESS Fires Further information about BESS drainage and firewater containment must be included in the Environmental Statement.
Impact	If there are insufficient controls on firewater containment and management, this could severely impact the water quality of water receptors.
Solution	Risk to water quality from a BESS / Substation fire should be considered. An Operational Environmental Management Plan (OEMP) or a Battery Safety Management Plan (BSMP) should be produced to mitigate some of the risks of fire. Mitigation measures should be agreed in outline/framework documents.
Additional narrative/ explanation:	

If the substations do contain oil transformer, in the event of a fire, there would be a pathway for contamination to get into surface water runoff. Therefore, further design details must be implemented. Both the BESS and the substations designs need to include provisions for preventing contamination to water quality in the event of a fire.

Document Reference(s): Chapter 5: The Proposed Development

Issue	<u>Brine discharge</u> It is unclear how much higher the salinity discharge is expected to be and there is limited mention of modelling the saltwater brine discharge.
Impact	Increase salinity can reduce the water quality and make it toxic for certain benthic creatures.
Solution	We need to see further details on salinity that clearly describe the effluent streams and discharges to water, and any proposed modelling.

Document Reference(s): Chapter 5: The Proposed Development

Issue	<u>HDD</u> Section 5.5.29 says that a pipeline would be installed using Horizontal Directional Drilling (HDD) but there is no mention of a drilling fluid management plan.
Impact	Frac-outs during are not uncommon during HDD and can result in fine sediments being released.
Solution	Applicant must produce a drilling fluid management plan, as part of the Construction Environmental Management Plan (CEMP), and must take all the steps that are reasonably practicable to minimise pollution during HDD.

Additional narrative/ explanation (if necessary)

This management plan is sometimes called a bentonite breakout plan. We acknowledge that Table 22.7 says that "Pollution – watercourse crossings" is scoped in, which we agree with.

Document Reference(s): Chapter 5: The Proposed Development

Issue	<u>Foul water</u> Sections 5.5.38 and 5.5.79 suggest that there will be onsite welfare units provided, but there is no information on the intended foul water strategy.
Impact	Any foul waste generated will need to be contained, and then either connected to a sewer, tankered away, or treated and discharged under permit. If not managed correctly it can greatly increase the about of nutrients, and other contamination, in receiving water courses and water bodies.
Solution	A foul water disposal strategy should be provided.

Additional narrative/ explanation:

If sewage will be discharged to public sewer, the applicant should consult with the local water company to ensure that adequate sewer capacity is available, and no adverse effects will occur because of the connection. If treatment and discharge at the site is required, the applicant should consider any potential impacts of this discharge and confirm that a water discharge activity permit will be sought. If road transport to an offsite disposal facility is required, then there should be regard for this within the waste management procedures.

Document Reference(s): Chapter 11: Water Environment

Issue	<u>Water receptors</u> In Table 11.2 Wold Grift Drain & Great Eau (river) are not named as receptors.
Impact	Water receptors are as risk from not being included in further assessment if they are not scoped in.

Solution	All relevant water receptors should be included.
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Water Resources

Document Reference(s): Chapter 4 - Main alternatives considered	
Issue	The scope of the further information about technology choices and the necessary optionality proposed to be provided through the application is unclear.
Impact	We recognise the need to balance water efficiency with power generation efficiency in order for the project to meet its low carbon objectives. However, the project has significant water demands and associated impacts. We request to see the options appraisal undertaken for cooling and Hydrogen production techniques with reference to water volumes required.
Solution	A Best Available Techniques (BAT) assessment and/or options appraisal should be made available with the application (or earlier) for consultation.

Marine

Document Reference(s): Chapter 20 Marine Environment and Biodiversity; 20.4	
Issue	Water Framework Directive – Clearing the Waters habitats are missing from 20.4 Data Sources, particularly chalk reefs which are classified as a sensitive habitat.
Impact	Chalk reefs are sensitive habitats, vulnerable to disturbance and sedimentation. Chalk Reef provide a unique habitat for a range of marine species along the Lincolnshire coastline.
Solution	The data for Chalk reefs is available via DEFRA Magic Map , which the author said was included as a data source. We believe the pipe will overlap with mapped chalk reef habitat so this should be checked.

Document Reference(s): Chapter 20 Marine Environment and Biodiversity; 20.4 Data Sources	
Issue	This doesn't reference any Environment Agency Open Data on benthic invertebrates or fish from GB640402492000 waterbody.
Impact	Effects cannot be determined if all the data is not taken into consideration.
Solution	Please take this data into consideration.

Document Reference(s): Chapter 20 Marine Environment and Biodiversity; 20.5 Baseline Environment	
Issue	We are aware of Sabellaria reef mapping by Natural England in the near vicinity so suggest this is double checked for proximity. This may not be a publicly available data set.
Impact	Effects cannot be determined if all the data is not taken into consideration.
Solution	Please take this mapping into consideration.

Document Reference(s): Chapter 20 Marine Environment and Biodiversity; 20.11 Magnitude of Impact	
Issue	We consider the suggested six months is a long period to class as a negligible impact.
Impact	Six months is long enough to interrupt the lifecycle of some marine benthic invertebrates and affect reproduction in fish and recruitment in young fish and shellfish cohorts.
Solution	We cannot find any reference to time in this CIEEM 2024 Guidelines for Ecological Impact Assessment in the UK and Ireland, so we would like additional justification for the time frames referenced in Table 20.5.

Appendix 4 – Informatives and Advice to the Applicant

Advice to Applicant Flood Risk

Sequential approach to site layout

In accordance with the National Planning Policy Framework and the sequential test (paragraph 168), development should apply a sequential, risk-based approach to the location of development, taking account of all sources of flood risk and the current and future impact of climate change, to avoid (where possible) flood risk to people and property. The project should take a sequential approach where it can, and if there are any opportunities for development to be located outside of Flood Zones 2 and 3 this should be prioritised. A sequential approach should be taken to any site layout decisions within the site boundary, locating the most vulnerable elements of the development to areas of the lowest risk. The most vulnerable development may be any equipment that would be damaged by flood waters.

No loss of floodplain storage

Any land raising or increase in built footprint (permanent or temporary) within the 1% Annual Exceedance Probability plus an appropriate allowance for climate change fluvial flood extent can lead to an increase in flood risk elsewhere and floodplain compensation would be needed for any loss of floodplain storage within this flood extent. Floodplain compensation should be provided on a level-for-level and volume-for-volume basis. We would recommend avoiding storing any materials in the floodplain wherever possible.

Flood Risk Assessment

In accordance with paragraph 5.8.14 of National Planning Statement EN-1, the Flood Risk Assessment should identify and assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks will be managed, taking account of climate change.

The flood risks proposed to be scoped into the assessment, as identified in Tables 22.7 and 22.8, do not fully encompass all the fluvial and tidal flood risks we would recommend being considered.

Areas of the site lie within Flood Zone 3, which is land defined as having a high probability of flooding, from both rivers and the sea. Any works (temporary or permanent) within the tidal or fluvial floodplain, could be at high risk of flooding. Works may also interfere with fluvial flood routes and flood storage capacity, resulting in an increase in flood risk to offsite receptors. Failure to assess the full range of tidal and fluvial flood risks, across both the construction and operational phases of the development, could lead to an underestimation of the risks and subsequent insufficient flood risk mitigation.

Failure to account for future flood risk, including the credible maximum climate change scenarios, could result in underestimating long-term flood risk, leading to inadequate design, increased vulnerability and potential future retrofitting costs.

Although we support what the scoping report currently proposes to be scoped into the assessment (see Tables 22.7 and 22.8), we advise the following are also covered:

1. The risks from fluvial and tidal flooding (including residual risk of defence breach or failure) to the construction works (unless all activities will be taking place outside of the 1 in 100 year fluvial flood extent and the 1 in 200 year tidal flood extent).

2. The fluvial and tidal flood risks to the proposed development (including residual risk of defence breach or failure), up to and including the 1 in 100 year + climate change fluvial flood event and the 1 in 200 year + climate change tidal flood event.
3. (For the operational phase) The fluvial flood risks posed elsewhere as a result of any land raising or building within the floodplain (not exclusively limited to the 'development platform' referred to in Table 22.8).
4. The risks posed to both the construction works and the proposed development from a combined tidal and fluvial flood event (as per the risk discussed in paragraph 11.3.28).

We also advise that the reference to 'temporary changes in land cover' referred to in Table 22.7, in relation to inland flood risk, be amended to also include any temporary raising of ground levels, temporary construction facilities, and any temporary storage of materials, all within the 1 in 100 year fluvial flood extent.

Please consider sea level rise over a minimum of 75 years in line with non-residential development or include a requirement within the Development Consent Order that the development would be decommissioned by 2080. Please also consider a Credible Maximum climate change scenario for sea level rise.

The applicant should refer to the GOV.UK guidance and advice '[Flood risk assessments: climate change allowances](#)' for further information on how to assess future flood risk using the appropriate climate change allowance. The applicant should also identify the correct [flood risk vulnerability classification](#) for the proposed development to inform the assessment of climate change.

Chapter 11: Water Environment; Section 11.3.23 describes how current guidance published by the Environment Agency indicates that sea level might rise by 0.68 metres by 2080. This is reflective of the Upper Sea level rise estimates for the Anglian management area. It is noted that the proposed development lifetime is 50 years. Please note that, in line with the [Planning Practice Guidance for Flood Risk and Climate Change](#), non-residential/commercial development is considered to have a lifetime of 75 years as a starting point, which is the lifetime we recommend the applicant base their assessment of climate change on. This would change the final assessment year for sea level rise to 2105 rather than 2080 although the fluvial uplift allowances would not change.

Additionally, please note that a Credible Maximum scenario should also be assessed. This should be treated as a sensitivity to ensure the development can be adapted to higher climate change over its lifetime should this materialise. Further details can be found online at [Flood risk assessments: climate change allowances - GOV.UK](#). It should be used to inform future decisions regarding the decommissioning of certain aspects of the proposed scheme.

Flood Modelling

Section 11.4.7 page 124. This section notes that a review of existing flood model outputs has identified deficiencies in the model base and therefore further detailed technical analysis will be undertaken to quantify the current and future flood risk to the site. This is welcomed. Please be aware, the Flood Estimation Handbook (FEH) catchment descriptor and statistical method updates (FEH25) were released in September of this year, and it will be important to consider this in any new hydrological assessments that are undertaken to inform updated modelling. In addition, please consider the guidance on using modelling for Flood Risk Assessment available online at: [Using modelling for flood risk assessments - GOV.UK](#)

Section 11.10.2 page 130. It is noted that updated modelling of flood risk along the Wold Grift drain is scoped out of the assessment and risk along the Wold Grift drain will be based

on the existing data available. The latest modelling of the Wold Grift drain was undertaken by Jacobs on behalf of the Environment Agency in 2019. Climate change uplifts of +25%, +35%, and +65% were applied to this modelling. The latest climate change allowances for the Witham management catchment for the 2080s epoch for the Higher Central and Upper scenarios are 32% and 57% respectively. With regards to the climate change allowances applied to the existing modelling, these are conservative when compared to the latest climate change allowances. The hydrological boundary conditions applied to the 2019 hydraulic modelling are old and newer methods will soon become available, for example FEH25, which may influence the calculated design flood flows within the hydraulic modelling.

The existing (2019) hydraulic modelling only shows some flood risk to the site in only the most extreme events, for the example the 0.1% (1 in 1000) annual exceedance probability (AEP) scenario plus 65% climate change. On this basis the rationale to not update the modelling for the Wold Grift drain is considered reasonable on the basis that this watercourse is distant from the red line boundary, the climate change allowances applied to the 2019 modelling are conservative with respect to more recent estimates, and only the most extreme events are shown to encroach into the red line boundary for the development.

Flood Risk Activity Permit (FRAP) informative

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- On or within 8 metres of a main river (16 metres if tidal)
- On or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- On or within 16 metres of a sea defence
- Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- In a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549.

The applicant should not assume that a permit will automatically be forthcoming once a Development Consent Order (DCO) has been approved, and we advise the applicant to consult us at the earliest opportunity.

Disapplication

If any of the works are likely to require a FRAP, we recommend that you inform us at the earliest opportunity if you are seeking to disapply the Environmental Permitting Regulations (England and Wales) 2016 for flood risk activities. Please note that the DCO will need to include protective provisions for our benefit if the need for FRAPs is disapplied.

Watercourse Crossings

General considerations for watercourse crossings and landfall

The following are general guiding principles to consider when designing watercourse crossings / coastal landfall to avoid negatively affecting geomorphology and natural processes:

- Avoid unnecessary interference with natural processes. For instance, encourage use of trenchless techniques such as Horizontal Directional Drilling (HDD) to minimise the likelihood of cables entering the water environment.
- Ensure watercourse crossing design is informed by assessment of fluvial processes and geomorphology. For example, depth of HDD crossing should consider the likelihood of vertical channel change.
- Ensure coastal landfall infrastructure is located outside of areas expected to be impacted by coastal change over the duration of the project.
- Avoid designs which present legacy risks to natural processes and geomorphology beyond the project lifespan. For example, infrastructure such as access tunnels which are left in-situ after decommissioning could be exposed by future coastal erosion or river movement, becoming an impediment to natural processes.
- Consider opportunities to deliver Water Framework Directive (WFD) mitigation measures/ Biodiversity Net Gain (BNG) uplift as part of the design.
- Avoid preventing delivery of mitigation measures, e.g. avoid bringing cables to surface level in floodplains earmarked for future river restoration or flood defence works (including construction of bypass channels).

Notes:

- i. WFD applies to all surface waterbodies, not just those designated for monitoring purposes.
- ii. Small watercourses and WFD - watercourses with a catchment less than 10km² connected to a downstream WFD waterbody take the classification of that waterbody.
- ii. BNG guidelines indicate that structures built within 10 m of the bank top of a watercourse qualify as encroachment, which may affect the uplift score calculated using the BNG Watercourse metric.

[BNG guidance is mentioned here because our usual easement for structures, operations, launch pits is to be at least 8m away from the watercourse bank or landward base of fluvial defence structure/embankment (16m if defence structure is for tidal purposes). As stated in the note above, BNG watercourse metric considers anything within 10m of banktop to be encroaching on the watercourse.]

- Any potential construction, operational, and decommissioning phase impacts that the proposed scheme may have on the river must be subject to a WFD Assessment to our satisfaction.
- Any infrastructural developments on river/floodplain environments should be designed and delivered to have a minimal impact on natural river dynamics (e.g. erosion, deposition, meander migration etc.) and should not place any significant limitations on future river restoration projects.
- Geomorphologically dynamic behaviour is deemed likely to intensify in the next decades in line with Flood Estimation Handbook (Flood Estimation Handbook (FEH) | UK Centre for Ecology & Hydrology (ceh.ac.uk)). Therefore, any infrastructure developments should also take some account of the likelihood for increased lateral

and vertical river dynamics anticipated to result from continued hydro-climatic intensification (e.g. 'a flood-rich epoch') over the remainder of the 21st century (i.e., future proofed designs that are not just based on present-day baseline geomorphological configuration/behaviour).

- If river crossings (bridges, culverts, and buried cables) are required as part of the development, we would expect to see geomorphologically robust designs that will cause minimal impacts on natural fluvial processes operating in the river/floodplain environment over the course of the 21st century.

Further guidance in regard to river crossings can be found in the following document:

[SEPA, 2010. Engineering in the water environment: good practice guide River crossings Second edition. SEPA](#)

Watercourse sensitivity

- Care should be taken by applicants when determining watercourse sensitivity, especially the use of Q95 scores. Rivers with a higher Q95 flow are not more sensitive than rivers with a lower Q95. In the case of water quality, the reverse of this is true, with less dilution meaning a higher sensitivity to change. Some watercourses with low Q95 may also be winterbournes, and therefore cannot accommodate change easily, as they would be dry for most of the year.
- WFD designation is a method of monitoring and classifying the ecological health of the water environment and not an indication of greater or lesser sensitivity to change. Therefore, watercourses with a WFD designation are no more sensitive than those which have not been designated.

Sensitivity to change cannot be determined from a desk study alone. When determining the sensitivity of a watercourse, the applicant should ensure that professional judgement and the results of any surveys are also incorporated into the assessment.

Biodiversity

The reference to the Great Ouse Special Protection Area (SPA) (potential new marine inlet/outfall - p.129) should potentially refer to the Greater Wash SPA instead.

Environmental Permitting

The activities set out within the scoping report will require an environmental permit in line with the requirements of the Environmental Permitting (England & Wales) Regulations 2016. Energy generations via the combustion of natural gas or hydrogen, carbon capture, the production of hydrogen, water abstraction and discharge are all listed or directly associated activities. Additionally, certain elements may also fall under the Control of Major Accidents Hazard (COMAH) Regulations 2015 which would require a separate authorisation.

Permitting of complex industrial processes can take an extended period of time. To ensure the shortest possible determination period following submission of an application for the required authorisations, the applicant should seek the advice of the Environment Agency's National Permitting Service. Enhanced pre-application advice is a chargeable service. Details can be found at [Get advice before you apply for an environmental permit - GOV.UK](#)

If dewatering is required, it will require an abstraction licence if it doesn't meet the criteria for exemption in [The Water Abstraction and Impounding \(Exemptions\) Regulations 2017 Section 5: Small scale dewatering in the course of building or engineering works](#). It may also

require a discharge permit if it falls outside of our [regulatory position statement for dewatering discharges](#).

If the applicant does not meet the exemption and requires a full abstraction licence, applicants should be aware that some aquifer units may be closed for new consumptive abstractions in this area. More information can be found on GOV.UK: [Abstraction licensing strategies \(CAMS process\)](#) and [Apply for a water abstraction or impounding licence](#).

Consumptive abstraction from Groundwater is not available from Chalk. More details can be found in the [Abstraction Licensing Strategy](#) for the catchment. If the dewatering activity can be demonstrated to be discharged to the same source of supply without intervening use (i.e. non-consumptive), this will increase the likelihood of a licence being granted.

Please note that the typical timescale to process a licence application is 9-12 months. The applicant may wish to consider whether a scheme-wide dewatering application rather than individual applications would be beneficial. We suggest talking to our National Permitting Service early in the project planning.

Temporary dewatering of wholly or mainly rainwater that has accumulated in an excavation may be exempt from an Environmental Permit for a Water Discharge Activity. More information can be found on our website: [Temporary dewatering from excavations to surface water: RPS 261](#). Note that this does not permit discharge of groundwater from a passive or active dewatering activity or permit the abstraction of groundwater.

The applicant may also need to consider discharge of groundwater, especially if it is contaminated. More information can be found on our website: [Discharges to surface water and groundwater: environmental permits](#).

The use of drilling muds for the directional drilling may require a groundwater activity permit unless the 'de minimis' exemption applies. Early discussion about this is also recommended.

Brine discharge will be subject to a discharge permit. Guidance in relation to discharging and permits is available at the following links:

- [Discharges to surface water and groundwater: environmental permits - GOV.UK](#)
- [Get advice before you apply for an environmental permit - GOV.UK](#)

The applicant should consider that all negatively buoyant discharges need to undergo statistical modelling. Current guidance is that excess salinity should not exceed 40 ppt at a mixing zone boundary of 250m. Where sensitive species exist, excess salinity should be assessed based on species sensitivity. Further advice can be provided on engagement with the Environment Agency.

Groundwater and Contaminated Land

Batter Energy Storage Systems (BESS) Site Design

We strongly recommend that all BESS sites have fully sealed drainage systems, with penstock valves which activate automatically if a fire breaks out.

Where BESS sites are designed with fire extinguishing systems that do not rely on water, fire crews may still use water for boundary cooling, and this can contain pollutants from the burning units, including any associated chemical leakage, and dust and ash from the air. As such, we expect firewater capture to be included in any design. Operation and activation of penstocks should be included within any maintenance schedule. Firewater must be tested for relevant contaminants to determine if it can be released, or if it needs to be removed from the site for disposal elsewhere.

Where gravel is proposed to be used within an impermeable drainage basin, the operator must demonstrate how they will manage accumulation of silt and pollutants within the base of the gravel. Contaminants from a fire event may accumulate in the gravel even if firewater runoff is identified as being suitable for release. These contaminants would then be released into the natural environment over longer periods of time.

The National Fire Chief's Council has published detailed guidance on recommended fire protection measures for BESS sites. We recommend the applicant refers to this when designing the scheme: [Grid Scale Battery Energy Storage System planning – Guidance for FRS \(nfcc.org.uk\)](https://www.nfcc.org.uk/grid-scale-battery-energy-storage-system-planning-guidance-for-frs)

We would recommend objecting to a BESS site in this development unless there is a sealed drainage system in place to adequately contain and manage any fire-fighting effluent or contaminated surface waters generated by a fire at the site, to ensure that there is no discharge of polluted water to ground or surface water bodies.

See also the Environment Agency's [groundwater protection position statements](#).

There is guidance on BESS design and fire protection measures available on the government website:

- [Fire prevention plans: environmental permits - GOV.UK](#)
- [Health and safety in grid scale electrical energy storage systems \(accessible webpage\) - GOV.UK](#)
- [Pollution prevention for businesses - GOV.UK](#)

We strongly recommend that a Battery Safety Management Plan (or equivalent) be in place for the operational phase of this scheme. The plan could form part of the environmental permit for the development. The plan should include full details on management of fires and firewater.

Waste on site

If excavated materials are to be used on the development site, the applicant will need to comply with the exclusion from the Waste Framework Directive (WFD) article 2(1) (c) for those of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...') for waste controls to not apply to their use. Meeting these criteria will mean environmental permitting requirements do not apply.

Where the developer cannot meet the criteria, they will need an appropriate environmental permit from us or to register an exemption.

A deposit of waste to land must either be a disposal or a recovery activity. The legal test for recovery is set out in Environmental Permitting (England and Wales) Regulations 2016, and is defined in schedule 9 and/ or schedule 1A (Article 3(15) of WFD) as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. We have produced guidance on the recovery test which can be viewed at [Waste recovery plans and deposit for recovery permits - GOV.UK](#).
- You can find more information on the WFD here: [Environmental permitting guidance: The waste framework directive - GOV.UK](#)

More information on the definition of waste can be found here: [Legal definition of waste guidance - GOV.UK](#)

More information on the use of waste in exempt activities can be found here: [Waste exemption guides - GOV.UK](#)

The Environment Agency does not regulate non-waste operations. The person producing the material will need to decide if it is waste or a by-product. If it is waste they can consider if it meets End of Waste criteria. You can [check if your material is waste](#) or [get an opinion from the definition of waste service](#) on if a material is a by-product or meets 'end of waste' status. There is a cost for this service.

Waste to be taken off site

In order to meet the applicant's duties under the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood-based products) may be either a hazardous or non-hazardous waste dependent upon whether or not they have had preservative treatments.

Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require high temperature incineration in a directive compliant facility. More information on this can be found here: [Classify different types of waste: your legal responsibilities - GOV.UK](#).

Cables left in situ at decommissioning

The applicant has proposed that some or all buried cables may be left in situ indefinitely at decommissioning. We do not currently have specific guidance or a regulatory position about this in the context of groundwater and land contamination. However, we recommend that cables are removed entirely at the end of the project's functional lifespan. We ask the applicant to consider the potential effects of cables being left in situ, such as deterioration of plastic and metal over extended time periods, and the release of these materials into soil and groundwater.

The applicant should refer to regulatory guidance and general best practice at the time of decommissioning. Whilst the current intention may be for these to be left in the ground, we strongly recommend that the applicant considers full cable removal in their designs. Allowance should be made at this stage for cable removal should it be later deemed necessary, so that the method of installation does not mean this cannot be reasonably achieved.

It is important to consider that use of plastic ducting to facilitate easy removal of cables may have its own impacts. This ducting could degrade over time in a similar manner to plastic cable housing, with some residual risk to sensitive receptors.

Water Resources

Straterra are a member of Water Resources East (WRE). In its Water Resource Management Plan 2024 (WRMP24), Anglian Water has proposed a desalination option at Mablethorpe which could form a strategic resources option to meet future supply deficits.

The water demands of low carbon industry are of significant concern for the Humber cluster and desalination may well comprise part of the solution. Anglian Water are considering both public water supply (potable) and supply to industry (non-potable) options.

We encourage Stratera to remain engaged with WRE with regards to the intention to develop desalination at this location to maximise the effectiveness of regional water resources planning.

Water Quality- additional documents

There is ongoing compliance work at the site related to the potential for there to be unpermitted storm discharges in the summer at Mablethorpe water recycling centre (the receiving treatment works).

Whilst we agree that “Accidental pollution during construction” has been scoped out, according to Table 22.25. We encourage the Applicant to produce a document, similar to the Construction Environmental Management Plan (CEMP), to cover the management of the marine environment, and this should include details of a Marine Pollution Contingency Plan (MPCP) which will deal with any spills and collision incidents to mitigate any risks to marine water quality during construction.

We support that section 11.4.9 it suggests that there will be an operational Surface Water Management Plan (SWMP). However, we do advise that a surface water drainage plan during construction is also prepared.

With regard to Sustainable Drainage Systems (SuDS), refer to CIRIA’s The SuDS Manual (C753) and Guidance on the construction of SuDS (C768).

There is no reference to an Operational Environment Management Plan. We strongly advise that one is produced to manage any welfare and maintenance during the operation phase.

Patten, Jack

From: Squire, Sandra [REDACTED]@forestrycommission.gov.uk>
Sent: 20 October 2025 18:09
To: Theddlethorpe FGP
Subject: Theddlethorpe Flexible Generation Project EIA Scoping Consultation - EN0110008

You don't often get email from [REDACTED]@forestrycommission.gov.uk. [Learn why this is important](#)

Thank you for consulting the Forestry Commission on this application.

As a Non-Ministerial Government Department, the Forestry Commission provide no opinion supporting or objecting to an application. Rather we provide advice on the potential impact that the proposed development could have on trees and woodland including ancient woodland.

We note one of the proposed cable routes is adjacent to Withern Wood Ancient Semi Natural Woodland, also that the area proposed to connect to the National Grid is adjacent to Hornby/Mother Wood Ancient Semi Natural Woodland.

The area identified for the Thermal Facility and Electrolysis contains a 1.7ha area of mixed deciduous woodland priority habitat and one of the potential construction compound locations also contains a 0.55ha area of mixed deciduous woodland priority habitat. There are also some smaller mixed deciduous woodlands in the proposed cable corridor area and adjacent to the substation location.

Ancient Woodland:

Ancient woodlands are an irreplaceable habitat. They have great value because they have a long history of woodland cover, being continuously wooded since at least 1600AD with many features remaining undisturbed.

Section 5.4.32 of EN-1 – The Overarching National Policy Statement for Energy states:

"Applicants should include measures to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both the construction and operational phases"

We would particularly refer you to further technical information set out in Natural England and Forestry Commission's [Standing Advice on Ancient Woodland](#) – plus supporting [Assessment Guide](#) and ["Keepers of Time" – Ancient and Native Woodland and Trees Policy in England](#).

The Standing Advice states that proposals should have a buffer zone of **at least** 15m from the boundary of ancient woodlands to avoid root damage which can result in loss or deterioration of the woodland. Where assessment shows impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone. For example, the effect of air pollution from development that can result from a significant increase in traffic or dust from construction.

For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be **at least** 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area.

Where possible, buffer zones should contribute to wider ecological networks and be part of the green infrastructure of the area. They should consist of semi-natural habitats such as including woodland, scrub, heathland and wetland.

There is a need to consider both the direct and indirect impacts resulting from construction.

Direct impacts can include, but are not limited to, damaging or compacting soil, damaging functional habitat connections and changing the woodland ecosystem by removing the woodland edge or thinning trees. Indirect impacts can also include reducing the amount of semi-natural habitats next to ancient woodland, increasing the amount of dust, light, air or soil pollution or changing the landscape character of the area.

Due to the irreplaceable nature of ancient woodland and ancient and veteran trees, most temporary effects will result in irreplaceable damage.

We would expect to see a detailed assessment of any impacts to the ancient woodlands, including details of measures to be taken to reduce and mitigate any effect.

It is essential that fuels, chemicals or water materials such as topsoil, minerals or hardcore are not stored on Ancient woodland soils or under the woodland canopy.

Mixed deciduous woodland – Priority Habitat:

Mixed Deciduous woodlands are on the National Forest Inventory and the Priority Habitat Inventory (England).

They were recognized under the UK Biodiversity Action Plan as being the most threatened, requiring conservation action. The UK Biodiversity Action Plan has now been superseded but this priority status remains under the Natural Environment & Rural Communities Act 2006. (NERC) Sect 40 “Duty to conserve and enhance biodiversity” and Sect 41 – “List of habitats and species of principle importance in England”.

Section 5.11.27 of EN-1 of the Overarching National Policy Statement for Energy states:

“Existing trees and woodlands should be retained wherever possible.....The applicant should assess the impacts on, and loss of, all trees and woodlands within the project boundary and develop mitigation measures to minimise adverse impacts and any risk of net deforestation as a result of the scheme. Mitigation may include, but is not limited to, the use of buffers to enhance resilience, improvements to connectivity and improved woodland management. Where woodland loss is unavoidable, compensation schemes will be required, and the long term management and maintenance of newly planted trees should be secured”

Fragmentation is one of the greatest threats to mixed deciduous woodland. Woodlands can suffer loss or deterioration from nearby development through loss of connectivity, damage to soils, roots and vegetation and changes to drainage and air pollution from an increase in traffic or dust, particularly during the construction phase of a development. Loss of habitat connectivity is a particular concern where the woodland would become isolated in its landscape and surrounded by development on several sides or is completely surrounded by it.

For any woodland within the development boundary, land required for temporary use or land where rights are required for the diversion of utilities, the Root Protection Zone must be taken into consideration. The Root Protection Zone (as specified in British Standard 5837) is there to protect the roots of trees, which often spread out further than the tree canopy.

Protection measures include taking care not to cut tree roots (e.g., by trenching) or causing soil compaction around trees (e.g., through vehicle movements or stacking heavy equipment) or contamination from poisons (e.g., site stored fuel or chemicals) and fencing off these areas to prevent unintended incursions into the root protection zone as well as dust prevention measures to reduce any potential impact of dust pollution.

Net Deforestation and Tree Planting:

It is expected that there will be thorough assessment of all trees within the project boundary to identify any ancient or veteran trees in line with good arboricultural practice (BS 5837), also to assess any net loss of trees and the development of mitigation measures to minimise any risk of net deforestation because of the scheme.

Hedgerows, individual trees and woodlands within a development site should also be considered in terms of their overall connectivity between woodlands affected by the development.

Where woodland loss is unavoidable, we would expect to see significant compensation and the use of buffer zones to enhance the resilience of neighbouring woodlands. These zones should include further tree planting or a mosaic of semi-natural habitats.

Perhaps with the creation of some larger woodland blocks and hedgerow/hedgerow trees between existing woodland blocks, to link them and ensure maximum gains to increase habitat connectivity, making woodlands more resilient and to benefit biodiversity across the whole site, not solely in specific isolated areas to be used as screening. Ideally we would like to see woodland creation to be carried out in 5ha blocks or that connecting planting with existing woodlands, should create blocks of at least 5ha.

With the Government aspiration to increase tree and canopy cover to 16.5% of land area in England by 2050, The Forestry Commission is seeking to ensure that tree planting is a consideration in every development not just as compensation for loss. However, there are a number of issues that need to be considered when proposing significant planting schemes:

The species and provenance of new trees and woodland needs to be considered to ensure a resilient treescape which can cope with the full implications of a changing climate. The biosecurity of all planting stock also needs to be considered to avoid the introduction of pests and diseases.

Plans should also be in place to ensure the long term management and maintenance of new and existing woodland, perhaps by creation of a UK Forestry Standard compliant management plan, with access also needing to be considered for future management.

If you require any further information, please do not hesitate to contact me.

Best wishes

Sandra

Sandra Squire

**Local Partnership Advisor
East & East Midlands**

Tel: [REDACTED]



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Email: theddlethorpefgp@planninginspectorate.gov.uk

Dear Mr Patten

Date: 14/10/2025

**PROPOSED THEDDLETHORPE FLEXIBLE GENERATION PROJECT (the project)
PROPOSAL BY THEDDLETHORPE FLEXIBLE GENERATION LIMITED (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as
amended) REGULATIONS 10 and 11**

Thank you for your letter of 23 September 2025 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records, the proposed DCO application boundary for this Nationally Significant Infrastructure Project is within the consultation zones of several major accident hazard sites ['MAHS'] and major accident hazard pipelines ['MAHP']. This is based on the **Error! Reference source not found.** 'redline boundary' in the drawing Appendix A "Site Location Plan" Rev A 30.07.25 page 273 of the EIA scoping report: [TFG010 EIA Scoping Report Template](#).

Due to the scale and complexity of the site boundary against the number of consultation zones in this area and the resulting difficulties in cross-referencing against each other, HSE requested GIS files of the DCO boundary. However, this was not received, so HSE cannot give an accurate list of the MAHSs and MAHPs for this consultation. Instead, an approximate box was drawn over the general area to ascertain what MAHSs and MAHPs were within that box. At the next consultation, it is recommended that the GIS version of the DCO boundary be provided so that HSE can accurately identify the specific MAHs and MAHPs within its GIS system. On this basis, the following MAHSs and MAHPs were found.

HSE's records indicate that the major accident hazard sites are:

- ConocoPhillips (UK) Ltd, Theddlethorpe Gas Terminal, Mablethorpe, Lincs, LN12 1NQ, HSE Ref. #1091.
- Transco, Natural Gas Terminal, Theddlethorpe, Mablethorpe, Lincs, LN12 1NQ, HSE Ref. #1092.

HSE's records indicate that the major accident hazard pipelines are:

- National Grid:
 - 8 Feeder Theddlethorpe / Hatton, HSE Ref. 7036, Transco Ref. 1307.
 - 17 Feeder Theddlethorpe / Hatton, HSE Ref. 7038, Transco Ref. 1309.
- Uniper:
 - Theddlethorpe Gas Terminal Control to Killingholme Reception Centre (20''' section), HSE Ref. 7240.
 - Theddlethorpe Gas Terminal Control to E.ON Distribution Centre (30''' section), HSE Ref. 11167.
- Angys Energy PLC:
 - Saltfleetby to Theddlethorpe Gas Terminal pipeline, HSE Ref. 1032766.

The Applicant should contact the above operators to verify the above, and to inform an assessment of whether the proposed development is vulnerable to a possible major accident. There are three particular reasons for this:

- i. The pipeline operator may have a legal interest in developments in the vicinity of the pipeline. This may restrict developments within a certain proximity of the pipeline.
- ii. The standards to which the pipeline is designed and operated may restrict major traffic routes within a certain proximity of the pipeline. Consequently, there may be a need for the operator to modify the pipeline or its operation, if the development proceeds.
- iii. To establish the necessary measures required to alter/upgrade the pipeline to appropriate standards.

HSE's Land Use Planning advice is dependent on the location of areas where people may be present in relation to HSE's consultation zones [[HSE: Land use planning - HSE's land use planning methodology](#)]. Based on the information in the EIA Scoping Report September 2025 there is not yet enough detail for HSE to give advice. It is recommended in looking at locations for occupied buildings to test them by using the HSE Planning Advice Web App at [HSE's Planning Advice Web App - Land Use Planning - HSE](#).

Please note that the advice is based on HSE's existing policy for providing land-use planning advice and the information which has been provided. HSE's advice in response to a subsequent planning application may differ should HSE's policy or the scope of the development change by the time the Development Consent Order application is submitted.

Would Hazardous Substance Consent be needed?

Hazard classification is relevant to the potential for accidents. Hazardous substances planning consent is required to store or use any of the Categories of Substances or Named Hazardous Substances set out in Schedule 1 of [The Planning \(Hazardous Substances\) Regulations 2015](#) as amended, if those hazardous substances will be present on, over or under the land at or above the controlled quantities. There is an "addition rule" in Part 4 of Schedule 1 for below-threshold substances.

Based on the EIA Scoping Report September 2025, it is not clear whether the applicant has considered the hazard classification of any chemicals that are proposed to be present at the development. For example, natural gas and hydrogen are relevant hazardous substances for requiring hazardous substances consent. Paragraph 21.7.9 on page 245 recognises the potential that the site may be in scope of the COMAH regulations. Consideration should be given to whether hazardous substances planning consent is required, and if so, please consult the relevant Hazardous Substance Authority (usually the Local Planning Authority) on submitting an application.

Consideration of Risk Assessments

[Regulation 5\(4\)](#) of the [Infrastructure Planning \(Environmental Impact Assessment\) Regulations 2017](#) requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE's role in NSIPs is summarised in Advice Note 11

“working with public bodies in the infrastructure planning process” Annex G on the Planning Inspectorate’s website: [Nationally Significant Infrastructure Projects - Advice Note Eleven, Annex G: The Health and Safety Executive - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-eleven-annex-g-the-health-and-safety-executive). This document includes consideration of risk assessments under the heading “Risk assessments”.

In the EIA Scoping Report September 2025, it was not clear if there was consideration of risk assessments arising from the development’s vulnerability to major accidents (e.g. from the above identified sites and/or pipelines). We would advise that this is considered further in line with Advice Note 11 Annex G taking account of the following: *“it may be beneficial for applicants to undertake a risk assessment as early as possible to satisfy themselves that their design and operation will meet the requirements of relevant health and safety legislation as design of the Proposed Development progresses.”*. Note that there are no requirements for any risk assessments submitted to and approved by the relevant planning authority, to also be considered by HSE.

Explosives sites

Explosives Inspectorate has no comment to make as there are no HSE licenced explosives sites in the vicinity of the proposed development.

Electrical Safety

No comment from a planning perspective.

At this time, please send any further communication on this project directly to the HSE’s designated e-mail account for NSIP applications at nsip.applications@hse.gov.uk . We are currently unable to accept hard copies, as our offices have limited access.

Yours sincerely

Pp Shirley Rance

Cathy Williams
CEMHD4 NSIP Consultation Team



Historic England

Direct Dial: 07468 701417

Our Ref: PL00800003

Planning Inspectorate
Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol
BS1 6PN

21 October 2025

Dear Sir or Madam,

HISTORIC ENGLAND ADVICE

Your Ref: EN0110008

Our Ref: PL00800003

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) - Regulations 10 and 11

Application by Theddlethorpe Flexible Generation Limited (the applicant) for an Order granting Development Consent for the Theddlethorpe Flexible Generation Project (the proposed development) Scoping Consultation

Thank you for contacting us on 23rd September 2025 regarding the PINS Scoping Request for Theddlethorpe Flexible Generation Project. We have reviewed the documents supplied to us, as referenced below, and have the following comments to make.

- Theddlethorpe Flexible Generation Scoping Report (dated September 2025), ref. TFG010

We understand the Proposed Development is for the construction and operation of a flexible generation plant facility (up to 1.5 GW), with electrolysis hydrogen production facility and Battery Energy Storage System (BESS) (up to 1 GW), known as the Theddlethorpe Flexible Generation Project, on land adjacent to the decommissioned Theddlethorpe Gas Terminal, and on land at Stain Lane and Strubby Airfield, all within the East Lindsey district, Lincolnshire. We note the flexible generation thermal plant (Gas Engines or Combined Cycle Gas Turbines [CCGT]) will be powered by either natural gas, hydrogen or a combination of natural gas and hydrogen combustion,



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including a carbon capture plant if natural gas CCGT technology is used.

The electrolysis facility to produce hydrogen gas will have an associated desalination plant and pipeline into North Sea. The project substation will be located near Woodthorpe and Strubby Airfield, and a cable connection route via underground cabling from the flexible generation thermal plant, linking to the two BESS locations and project substation, to a new substation proposed as part of the National Grid Grimsby to Walpole connection project.

Historic England Advice:

Having reviewed the EIA Scoping Report, we note the principal infrastructure, as set out in Chapter 5, has the potential to have direct and indirect impacts on heritage assets. These would include built heritage and buried archaeology of both designated and undesignated status. We have addressed our more detailed comments below in relation to the Onshore and Offshore Project Elements respectively.

Onshore Project Elements:

We recommend that a full desk-based assessment is conducted using available datasets to feed into the EIA and inform future surveys and evaluation that may be required. The use of multiple datasets is crucial to an effective process of heritage assessment and management of potential impacts. Portable Antiquity Scheme (PAS) data, geophysical survey, deposit modelling, aerial photo data, lidar, cartographic and documentary sources, fieldwalking, and targeted trial trenching should all be included - building an integrated picture of archaeological potential and sensitivity.

Additionally, it is essential this Desk-Based Assessment (DBA) includes a comprehensive analysis of the site's geology, undertaken by a suitably qualified and experienced geoarchaeologist. This geoarchaeological desk-based work should be completed prior to the design and implementation of any geophysical survey. Its findings must directly inform the selection and development of the geophysical survey methodology.

Failure to conduct this geoarchaeological assessment in advance risks the selection of inappropriate geophysical techniques. Without a clear understanding of the underlying geology, there is a significant chance that the chosen method will be ineffective in identifying buried archaeological remains that could be affected by the proposed development.

This recommended approach aligns with current sector good practice, as outlined in the following guidance:

- Geoarchaeology: Using Earth Sciences to Understand the Archaeological Record: <https://historicengland.org.uk/images->



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[books/publications/geoarchaeology-earth-sciences-to-understand-archaeological-record/>](https://historicengland.org.uk/images-books/publications/deposit-modelling-and-archaeology/)

- Deposit Modelling and Archaeology: Guidance for Mapping Buried Deposits: [<https://historicengland.org.uk/images-books/publications/deposit-modelling-and-archaeology/>](https://historicengland.org.uk/images-books/publications/deposit-modelling-and-archaeology/)
- EAC Guidelines for the Use of Geophysics in Archaeology: Questions to Ask and Points to Consider: [<https://doi.org/10.5281/zenodo.10671298>](https://doi.org/10.5281/zenodo.10671298)

As general advice the earlier and more thorough site investigations that are made, the greater the ability of energy projects to deploy their relatively high degree of elasticity in design such that impacts can be avoided, minimised or effectively mitigated. Where intrusive investigations focus on only the most inflexible scheme elements prior to DCO, further targeted assessment post-consent will be needed. Provided the non-intrusive work is robust and the requirements are sound, this is not in itself problematic, if understandings of archaeological significance can still be reflected in design in a proportionate manner to importance and sensitivity.

We note the proposed study areas present in Chapter 10 'Cultural Heritage' are suggested as 1km for archaeology and 10-15km for setting of heritage assets, and 20km study area for the landscape and visual assessment, as set out in Chapter 8. We welcome the proposed study areas but encourage the applicant to retain a flexible approach to all study areas, especially given that the proposed heights and number of stacks is not yet determined, should the need for adjusting the study area arise during the EIA process.

Paragraph 5.4.9-10 state that there are no listed buildings exist within the Scoping Boundary, but there are several listed buildings exist in the wider area and within 5 km of the site. There is also the Scheduled Monument 'Moated Site' (NHRE: 1017375) exists within the Scoping Boundary, located at Stain Lane. As a nationally significant archaeological site, we strongly recommend the development on the scheme works to avoid any impacts to the Scheduled area and mitigate any impacts to its wider landscape and setting.

Additionally, the proposed maximum height of the chimney stacks of 110m, as set out in Chapter 5 'The Proposed Development' will create a significant visual presence within the landscape. These have the potential to cause significant heritage impacts through alteration of setting, due to the high visibility as outlined in the provided Zone of Visual Influence figure. This impact needs to be robustly assessed across the 20km visual study area including but not limited to the views to and from the Lincolnshire Wolds National Landscape.

We wish to highlight two highly graded assets that lie in closest proximity to the chimney:

- Grade I Church of All Saints - <https://historicengland.org.uk/listing/the-list/list->



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[entry/1062991>](#)

Grade II* Church of St Helen - <https://historicengland.org.uk/listing/the-list/list-entry/1147259>

Within the Environmental Impact Assessment, where likely impacts to designated heritage assets fall below the threshold for a significant effect in EIA terms, they would still need to be reported alongside the Environmental Impact Assessment through a statement of harm as the Examining Authority will need to weigh all harm to designated heritage assets.

Offshore Project Elements:

We understand from the information supplied the project will include an intake and outtake pipe for the desalination facilities, which are planned to be installed using Horizontal Directional Drilling (HDD) to below Mean High Water Springs (MHWS). From the description of the works presented in this report, we can summarise there are potential impacts to archaeological receptors below MHWS from the HDD drilling (subject to drilling depths) and exit pits.

We note that no consideration has been given within the Scoping Report for heritage assets below MHWS. It is advised that an archaeological desk-based assessment is commissioned from an appropriate and experienced marine archaeological contractor working to recognised professional standards, such as those defined by the Chartered Institute for Archaeologists. This is essential to qualify any material or features of historic environment interest revealed by geophysical or geotechnical surveys and create a comprehensive baseline for these licence areas.

The EIA should therefore set out further guidance documents it will follow on the assets of survey data, such as the Historic England Deposit Modelling and Archaeology Guidance for Mapping Buried Deposits.

Furthermore, with regards to the collection of geoarchaeological data, it is important there is a method statement for retention, storage and stage 1 and 2 assessments in place, which contains clear objectives in line with relevant research frameworks.

Further, we request the need for any archaeological reports produced as a part of this development to be recorded via OASIS V (Online Access to the Index of archaeological InvestigationS).

Please copy future correspondence to e-midlands@HistoricEngland.org.uk.

Yours Sincerely

Pip Naylor



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Inspector of Ancient Monuments

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Date: 21 October 2025

Dear Sir/Madam,

Ref: EN0110008

Proposal: Scoping Consultation under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by Theddlethorpe Flexible Generation Limited (the applicant) for an Order granting Development Consent for the Theddlethorpe Flexible Generation Project (the proposed development)

Thank you for your letter dated 23 September 2025 consulting Lincolnshire County Council (LCC) on the Environmental Impact Assessment Scoping Report produced by Statera dated September 2025.

LCC have reviewed the information in the Scoping Report and accompanying appendices and have the following comments to make on the scheme and scoping boundary shown in Appendix A of the Scoping Report.

Legislative Context, Policy and need for EIA (Chapter 2)

Chapter 2 of the Scoping Report sets out relevant national and local planning policies that are proposed to be reviewed within the Environmental Statement (ES). LCC notes the references to National Policy, such as the National Policy Statements (NPS), the Planning Act 2008, the NPPF and Planning Practice Guidance (PPG) and the need for renewable energy to reach national Net Zero targets by 2030. Reference is made to local planning policy within paragraphs 2.4.21 to 2.4.23 of the Scoping Report. References include the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (2016), Lincolnshire Minerals and Waste Local Plan Site Locations (2017), alongside East Lindsey's

emerging local planning policy. LCC is currently updating the Minerals and Waste Local Plan and welcomes the reference to this in paragraph 2.4.23.

Main Alternatives Considered (Chapter 4)

The Council believes that a consideration of alternatives should be presented. Reasonable alternatives include different layouts, scales, technologies adopted, design parameters as well as different sites. The ES should explain in detail what criteria have been used to identify the chosen option and explain what criteria have been applied as well as reasons why other alternatives have been dismissed.

In regard to alternative sites, this is key as the proposal includes connection into a new substation (Lincolnshire Connection Substation A; LCSA) proposed by National Grid as part of the Grimsby to Walpole scheme; a new high-voltage electricity transmission line. This connection is a key project requirement and is the identified connection into the national grid by the project. The ES will need to explain in detail what criteria have been used to identify the chosen option and what criteria have been applied as well as reasons why other alternatives have been dismissed and therefore explain and justify why this site has been chosen. The Grimsby to Walpole scheme and therefore LCSA, is still in the pre-application stage of the NSIP process, and therefore the application has not yet been submitted to the Planning Inspectorate for consideration. LCC would wish for consideration to be given to the scenario should the Grimsby to Walpole scheme be refused what alternative connection option would be considered for this scheme, the ES should cover this possibility.

The Council notes the Applicant's explanation for the defined area of search and the rationale for siting the proposed development in proximity to the National Gas Transmission System and the proposed LCSA substation. The Council acknowledges that these represent key technical and operational constraints that influence site selection for large-scale energy generation and Battery Storage Energy Systems (BESS).

Nevertheless, LCC is concerned that no other alternative site locations for the proposed project outside the area of search have been considered, particularly given this is a 'national infrastructure project' and therefore other National Grid substations and gas transmission network locations could act as connection points into the transmission network and relevant national gas infrastructure for operation. LCC would expect to see an explanation and evidence as to why sites outside of the defined search buffers (e.g. beyond the 20km and refined 10km radius) were not considered feasible, particularly where these might reduce environmental and/or cumulative impacts on local communities, sensitive receptors and designated landscapes.

The assessment of alternative sites should also consider the scope for connection into existing National Grid connection points and explain why this optionality has been dismissed. The Applicant should also address whether opportunities exist for co-location or

infrastructure sharing with other energy developments e.g. cable routes, to minimise land take and cumulative construction effects.

The Council supports the early consideration of underground cable route options, noting that this would minimise visual and landscape impacts relative to an overhead line. However, LCC would like to see the ES include detailed comparative assessment of the two proposed cable routes (northern and southern routes), including effects on agricultural land quality, drainage, biodiversity, heritage assets, PRow and construction access (traffic and transport). The ES should thoroughly assess temporary construction impacts, particularly road network disruption, soil handling, and cumulative impacts with other NSIPs within Lincolnshire, such as Grimsby to Walpole, where overlapping construction periods have the potential to cause major disruption.

Proposed Development (Chapter 5)

The Council recognises that Theddlethorpe will involve thermal generation (up to 1.5 GW), electrolysis and two BESS facilities connected by underground cable to NGET's proposed LCS A. Whilst LCC appreciates the early stage this project is at, further detail and clarification to ensure that the ES adequately assesses the likely significant environmental effects and impacts on local communities, infrastructure and the environment is required.

The proposed development would be connected by underground cables to two separate BESS locations, one at Strubby Airfield and the second at Stain Lane, and to a customer substation near Woodthorpe, before connecting into the proposed National Grid LCS A (part of the National Grid Grimsby to Walpole scheme).

LCC notes the intention to use the Rochdale Envelope approach, which involves assessing 'maximum case' construction impacts to represent a 'worst case' scenario. The Council would also hope to see the same methodology used on operational and decommissioning impacts, as the scale of the project (1,004 hectares) has the potential to cause major individual and cumulative environmental and social impacts. This is highlighted by paragraph 5.4.1 which states current land use predominantly consists of agricultural fields, hedgerows and some mature trees, with the wider area being "rural in character with small settlements and a limited road network" (paragraph 5.4.3). The design parameters and worst-case scenarios and therefore limits of deviation should be clearly defined and justified in the ES.

The proposed development and its associated infrastructure crosses predominantly rural and agricultural landscapes, with multiple settlements, PRow and sensitive environmental designations. The ES should provide a comprehensive baseline of landscape, agricultural land quality, hydrology, flood risk, ecology and heritage assets across the full cable corridor and compound areas. Temporary and permanent land take should also be identified alongside cumulative effects with other nearby large-scale energy infrastructure projects.

The Council would expect the ES to provide mitigation, monitoring and management measures to protect local communities, landscape and visual impacts and the environment.

Stakeholder Engagement (Chapter 6)

The Council notes the applicant's approach to stakeholder engagement set out within paragraph 6.1.3 and 6.1.4 of the scoping report. The Applicant first introduced the project to LCC in September 2024. LCC will continue proactively engaging with the applicant on the proposals. As noted within section 6.2 of the scoping report a "*Principal Areas of Disagreement Summary Statement (PADSS) will be developed and maintained with core project stakeholders where appropriate*". The PADSS would later inform the Statement of Common Ground (SoCG), LCC would expect a PADSS to be developed in consultation with LCC throughout the pre-app process. Any engagement or development of PADSS/SoCG with Lincolnshire Fire and Rescue (LFR) should form part of the wider LCC document.

Approach to EIA (Chapter 7)

LCC wishes to request that a separate topic chapter be included for cumulative effects. This allows a holistic view of cumulative effects which will arise due to the Proposed Development. Please see section below regarding cumulative effects.

For the ES to be an open and robust assessment of the likely significant effects, it should provide an assessment over the anticipated life of the development, as far as reasonably possible, so that the full impact of the development can be understood. LCC are of the opinion that the impacts of the decommissioning phase should therefore be included in the assessment. LCC believe it is unreasonable to 'assume' the decommissioning impacts will be broadly similar to those associated with construction (paragraph 5.5.85).

Landscape and Visual (Chapter 8)

This Review has been carried out by AAH Consultants (AAH) on behalf of Lincolnshire County Council (LCC) and relates to landscape and visual issues and elements only.

While the focus of this review is on Landscape and Visual matters, other information provided within the Scoping Report, and any associated Appendices, has also been considered, providing background and context to the site. As the project is at an early stage, the Order Limits have yet to be defined, with the information presented within the applicants Scoping Report based on a *Scoping Boundary*. Paragraph 5.3.2 clarifies that the scoping boundary covers an area to include "*...all elements of the Proposed Development as these are known at the scoping stage*". We have assumed this has been defined to represent

the maximum extent of development, but the Scoping Boundary will also undergo refinement and subsequently be replaced by the Order Limits as the scheme progresses.

Therefore, due to this iterative process of refinement, there will need to be further consultation with the applicant in regards to agreeing the final content and detail of the landscape and visual elements of the submission.

We expect the production of a Landscape and Visual chapter to be included within the Environmental Statement (ES), which would be in the form of a Landscape and Visual Impact Assessment (LVIA), which should, along with any supporting information (such as plans, photographs, visualisations or figures), reflect current best practice and guidance from, as a minimum, the following sources:

- *'Guidelines for landscape and Visual Impact Assessment'*, (GLVIA3, April 2013 by the Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA);
- *An Approach to Landscape Character Assessment'*, Natural England (2014);
- *'Technical Guidance Note (TGN) 06/19 Visual Representation of Development Proposals'*, 17th September 2019 by the Landscape Institute (LI);
- *'Technical Guidance Note (TGN) 1/20 Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs)'*, 10th January 2020 by the Landscape Institute (LI);
- *'Technical Guidance Note (TGN) 04/20 Infrastructure'*, April 2020 by the Landscape Institute (LI);
- *'Technical Guidance Note (TGN) 2/21 Assessing landscape value outside national designations'*, May 2021 by the Landscape Institute (LI); and *'Technical Guidance Note (LITGN) 2024-01 Notes and Clarifications on Guidelines for the Landscape and Visual Impact Assessment Third Addition (GLVIA3)'*, August 2024 by the Landscape Institute (LI);

Overall, we would expect that the assessment of potential Landscape and Visual effects and evolving proposals relating to the scheme, as a Nationally Significant Infrastructure Project (NSIP), follow an iterative process of engagement and consultation to ensure the following are not fixed at this stage and are discussed, developed and agreed at subsequent technical meetings with LCC and other appropriate stakeholders:

- LVIA Methodology;
- Development, and subsequent ZTV, parameters;
- Study Area extents (distance);
- Viewpoint quantity and locations;
- Photomontage/Accurate Visual Representations (AVRs):
 - Quantity and Location;
 - Phase depiction;

- AVR Type and Level
- Mitigation Measures/Landscape Scheme/Site Layout;
- Cumulative effects, including surrounding developments to be considered; and
- The extent as to which a Residential Visual Amenity Assessment (RVAA) or initial Survey should be considered (based on the Landscape Institute TGN 2/19) if there are residential properties with receptors likely to experience significant effects to their visual amenity.

We have reviewed the Scoping Report, and the following should be considered in the evolving assessment and layout:

Methodology

As stated previously, the LVIA should be carried out in accordance with GLVIA3 and associated guidance and undertaken by suitably qualified personnel. The overview of the proposed methodology provided at paragraph 8.3.15 is typical of those used for ES Chapters where potential significant effects can be considered and reflects the guidance in GLVIA3. We would request that the most up to date technical guidance be used and the full methodology is provided to allow further interrogation and comment at the next phases of the project.

Table 8.1 Levels of effect and their significance presents Moderate levels of effect as “important but, are not likely to be key decision-making factors”, and subsequently we have assumed that the intent is that these would not be classed as Significant Effects. However, this is not aligned with the overall judgement of Significance within the overall ES methodology, which is identified in paragraph 7.14.1 as a ‘Moderate’ or “Major’ degree of significance is deemed to be ‘Significant’”. This approach has the potential to provide inconsistency with the other chapters of the ES, and while there is scope for discipline specific deviation from the overall ES methodology, we are unsure as to why the LVIA would be different in terms of identifying a Significant or Not Significant of effect. This has the potential to underplay the number and extent of Significant landscape and Visual effects.

Professional judgement is promoted throughout the Methodology, which is aligned with GLVIA 3; however, it is important that the application of this judgement be explained and transparent throughout. This is particularly important where the significance of Moderate effects is assessed, particularly where these Moderate effects are judged to be Not Significant by the author.

Scope of the Study Area

It is acknowledged in Paragraphs 8.3.21 and 8.3.22 that an initial study area of 20km has been allowed for due to the potential extensive views possible of the thermal chimneys (as a tall element within the scheme), and this also covers the eastern, higher land of the Lincolnshire Wolds. At this early stage, we recommend these extents are discussed and further reviewed as the full extent of potential visibility of the development is not yet fully

known, and while the scoping report identifies that the chimneys are likely “slender” in design and difficult to discern beyond 20km there is the potential that visibility beyond these study area extents may ultimately be identified, subject to final designs.

Once the study area has been defined, the LVIA should also provide a justification for the full extent/distance, which would be further refined as part of the iterative process.

Landscape

The landscape baseline and a range of published landscape character assessments have been identified in *Section 8.3*. Further detail on these character areas is provided in paragraphs 8.3.8 to 8.3.12. These are subsequently utilised to form an initial list of baseline landscape character receptors identified in paragraph 8.5.2, and landscape features in paragraph 8.5.3. However, as the scheme progresses and designs are refined, we recommend these are reviewed. To align with GLVIA3 the LVIA should include an assessment of landscape effects at a range of scales and needs to include both relevant published landscape character assessments and the LVIA authors own judgements of the landscape character of the site and study area should this vary from published assessments.

Visual

Visual amenity is considered from paragraph 8.5.4, which identifies a range of initial visual receptors covering visitors, road users, residents, workers, users of PROW and footpaths. However, at this early stage of the project we request these be reviewed, refined and consulted upon further once proposals have been developed: we are not in a position to confirm their inclusion or omission at this stage.

We would expect that the visual assessment would clearly identify the visual receptors, which would subsequently be the focus of the visual assessment. The LVIA should not just contain an assessment of any agreed viewpoints, it must focus on receptors. The viewpoints are to illustrate the visual effects, and the visual assessment should clearly reference receptors to representative viewpoints to aid this.

The visual assessment should take account of the 'worst case scenario' in terms of maximum parameters and winter views, including effects at construction, Operational Phase (year 1), Residual Phase with mitigation planting having established (10 to 15 years), and at the Decommissioning Phase.

Viewpoints and Photomontages

At this early stage, no viewpoints to represent views from visual receptors have been identified. Therefore, due to the evolving design, the final locations of viewpoints are to be reviewed and subsequently agreed with LCC and other relevant stakeholders. The final viewpoint selection should consider views of taller and more conspicuous elements, once the scheme layout is more developed, as well as consider potential key, or sensitive,

viewpoints or visual receptors. We would welcome an initial discussion and subsequent workshop (on site if appropriate) with the applicant team in regards to proposed viewpoints.

To gain an understanding of the visibility of the scheme and how the development would appear in the surrounding landscape, Photomontages/AVRs should be produced. The number and location of the agreed viewpoints to be developed as Photomontages/AVRs should be agreed with LCC and other relevant stakeholders and produced in accordance with *TGN 06/19 Visual Representation of Development Proposals*. At this stage, it is deemed appropriate that these should be produced to illustrate the proposals at different phases: Existing Situation (baseline), Operational (year 1) and Residual with planting established (10 to 15 years). The Photomontage/AVR Level and Type, as well as which viewpoints would be developed as photomontages, is to be discussed and agreed.

Cumulative impacts

Section 8.8 covers Cumulative effects. Cumulative Landscape and Visual effects should be assessed in regards to other major developments, and in particular similar energy infrastructure or renewable energy developments, as appropriate in regards to proximity and scale. This should consider both Combined (in same view) or Sequential (when the observer has to move to another viewpoint to see the same or different developments) effects. Cumulative effects of multiple energy infrastructure schemes across the region are of particular concern, and we would expect a wider consideration of these schemes be considered in any cumulative assessment, as well as an assessment as to how the future baseline will likely be changed through introduction of these schemes.

Residential Visual Amenity Assessment (RVAA) or Surveys

No mention of a residential visual amenity assessment is made within the scoping report. At this stage it is currently unclear if there are residential properties with receptors likely to experience significant effects to their visual amenity. If there are potential significant effects, due to the scale of some of the above ground elements of the scheme, these may ultimately meet the visual amenity threshold and a Residential Visual Amenity Assessment (RVAA), based on the Landscape Institute TGN 2/19), may be required. The scale of the scheme has the potential to give rise to significant effects to local residents, including effects on resident's private visual amenity. The layout should also respond to potential views and proximity to any properties to mitigate any potential adverse effects.

Mitigation and Layout

As this is an iterative process, at this stage it is not relevant to comment on any potential mitigation or layout of the development. However, best practice guidance, relevant published landscape character assessment's and Local and County Council Policy and Guidance shall be referred to and implemented as appropriate.

We would also expect any landscape and planting scheme is coordinated with other relevant disciplines, such as ecology, heritage or civils (e.g. SuDS features), to improve the value of the landscape and reflect appropriate local and regional aims and objectives. Planting should be well considered and not just placed to screen proposals, as this may have a negative effect such as appearing out of character or foreshortening open or panoramic views. A Landscape Scheme and associated Outline Landscape and Ecological Management Plan should accompany the ES which should cover as a minimum the establishment period, which is assumed would be up to 15 years to cover the period up to the residual assessment.

The management plan should provide for both new planting and existing retained vegetation and how it will be managed and protected through all phases of the development. Any vegetation loss to facilitate development, including access and wider highways works or abnormal vehicular routes for construction, must be clearly identified in the submission.

Terrestrial Ecology and Biodiversity (Chapter 9)

General comments

The biodiversity and ecological elements of the Applicant's Environmental Statement covers both terrestrial and marine ecology and biodiversity. LCC has focused its resources on reviewing the terrestrial elements of the scheme and would expect Natural England and / or the Marine Management Organisation to lead on marine elements.

Section 9 of the Scoping Report discusses terrestrial ecology and biodiversity. Having reviewed this and other sections of the report relevant to terrestrial ecology and biodiversity, subject to the comments below, LCC supports the approach to the assessment of ecological impacts.

Baseline Conditions

Study Area

LCC agrees that the study area and associated Zones of Influence are appropriate.

Current Baseline

No field surveys have been conducted at this stage of the project and information presented in the report results solely from desk-based studies.

A suite of important ecological sites ranging from internationally designated sites to locally important sites have been identified. The Applicant will need to identify potential impact pathways for these sites and their interest features and present an analysis of potential impacts, along with associated avoidance and mitigation measures at PEIR stage.

Desk based studies have also indicated the presence of a range of habitats and species within the study area. Surveys to establish the precise locations of these habitats and presence / absence of species will be required to identify any impacts and to inform mitigation and enhancement opportunities.

Paragraph 9.3.9 states that a breeding population of natterjack toad is known to be present in the area. This species was previously confined to coastal sand dune habitats but is now thought to be expanding to more inland areas. LCC recommends further information on the species' current distribution is obtained from local Natural England and Lincolnshire Wildlife Trust officers who manage the Saltfleetby Theddlethorpe Dunes NNR.

Further baseline data collection

LCC agrees with the list of proposed ecological surveys set out in Table 9.2. All ecological surveys should follow industry standard guidance unless otherwise agreed with relevant stakeholders.

Specific comments in relation to the planned surveys are as follows:

- LCC will expect to see a plan identifying where any TPO, veteran and ancient trees/woodlands are located within the site and showing that consideration has been given to suitable working distances within proximity to trees. LCC advises that ancient woodland data for the county has recently been updated by the Greater Lincolnshire Nature Partnership. The Applicant may already have access to this data but should ensure that the most up to date information is being used to assess impacts including from field surveys commissioned in support of the application.
- In addition to this, the AWI generally omits woodlands smaller than 2ha. Therefore, The Applicant should ensure that all woodlands in the zone of influence have been suitably assessed during field surveys to clarify the presence / absence of potential ancient woodland.
- Breeding bird surveys should be designed to ensure that species whose breeding activity may not necessarily be encompassed within the scope of a standard breeding bird survey (e.g. due to the timing of their breeding activity) are accurately recorded. Relevant species will include but may not be limited to barn owl and quail.
- Given the presence of a suite of ecologically important sites designated for their importance for migratory bird populations in the vicinity of the proposal, the Applicant will need to ensure they have access to sufficient data to determine potential impacts on these populations. Consideration should be given to appropriate timing of surveys during the year to detect areas outside the

designated site boundaries used by birds i.e. Functionally Linked Land.

Ornithological surveys should also cover more than a single year to help ensure that results are not skewed by any particularly harsh weather patterns. LCC notes and welcomes details in Table 9.2 which confirm that wintering bird surveys will be carried out over two winters.

- 9.3.26 sets out a series of receptors which the Applicant proposes to scope out of further assessment. This list includes terrestrial invertebrates. LCC agrees that terrestrial invertebrates can be scoped out of further surveys but suggests that desk survey information from these species may be useful to inform mitigation and biodiversity net gain plans.

Assessment of Cumulative Impacts and Effects

The requirement for assessment of cumulative effects on ecology is identified at 9.91. There are a number of development proposals of varying scales in the vicinity of this proposal. These range from small scale housing developments to NSIP scale energy developments. The combined implications for habitat loss, land-use change, and associated impacts on species will need careful consideration in the Environmental Statement.

Other Biodiversity Assessments

Given the potential for impacts on statutorily designated sites, the Applicant should provide the information reasonably required for a Habitats Regulations Assessment. The Planning Inspectorate will need to undertake a Habitats Regulations Assessment and satisfy itself that sufficient information has been submitted by the Applicant to enable this to be completed.

Biodiversity Net Gain

LCC welcomes the Applicant's commitment at 9.5.2 to undertake a Biodiversity Assessment and to deliver a minimum of 10% BNG.

No details of how any gains will be achieved are presented at this stage and the Applicant will need to ensure that habitat surveys are carried out to appropriate standards to allow the population of the Statutory Biodiversity Metric and calculation of the level of gains achieved. The current best practice method for this is set out in the Statutory Biodiversity Metric User Guide. A MoRPH assessment will be required to calculate baseline river units where watercourses (with the exception of ditches) are present in or adjacent to the proposed DCO boundary.

LCC encourages the Applicant to work with other developers and stakeholders in the area to identify opportunities to deliver BNG strategically including by keeping up to date with emerging local strategies such as the Greater Lincolnshire Local Nature Recovery Strategy.

Commitments to deliver BNG will need to be secured in the DCO and the Applicant will need to demonstrate that the commitments made to delivering BNG are achievable.

Future engagement and consultation

LCC welcomes further engagement with the Applicant in relation to ecology and biodiversity and confirms that LCC's Infrastructure Ecologist will be happy to engage with the Applicant during the EIA process.

Archaeology and Heritage (Chapter 10)

Built Heritage

The principal concern at this stage relates to the proposed CCGT chimney stack, understood to be approximately 110 metres high, which is likely to form a prominent new vertical element within the surrounding low-lying coastal landscape. Given its scale and form, there is clear potential for change to the setting and character of nearby designated heritage assets, including churches and other landmark structures within several kilometres of the site.

While the scoping material identifies a 20 km ZTV for landscape and visual purposes, the approach to built heritage should be proportionate and data led. LCC advises a two-tier study area for the identification of above-ground heritage receptors:

- a primary study area of 3 km from the Order Limits for all designated above-ground heritage assets; and
- a flexible extended area of up to 5 km, applied on a significance-led basis, to include Grade I and II* Listed Buildings, Scheduled Monuments, and other heritage assets of demonstrably high sensitivity, where intervisibility or changes to setting may reasonably be anticipated.

The applicant should provide a tabulated schedule of all designated heritage assets within the 3 km study area and the additional high-value assets up to 5 km, including each asset's name, designation grade, National List UID, and measured distance to the Order Limits. This will support early agreement on which receptors require detailed assessment.

The methodology should follow Historic England's GPA3 and be clearly signposted within the heritage chapter of the ES from the LVIA, to ensure consistency in viewpoint selection and cumulative visibility assessment. The BESS and inverter buildings should also be clearly described in terms of number, layout, and massing, to determine whether their combined form could give rise to localised or cumulative setting effects.

Early engagement with LCC's Historic Environment Officers is advised to agree the scope and focus of the built heritage assessment and to ensure that key receptors and viewpoints are appropriately identified.

Archaeology

LCC are for the most part optimistic with the proposed approach to Archaeology laid out within the scoping report.

The Council are pleased to see that within Section 4.5 on Site Selection Factors and Constraints, Cultural Heritage has been part of the initial consideration of factors to determine the preferred sites that are proposed for the flexible generation, BESS, project substation and cable connection route corridor.

Regarding the requirements for archaeological work which will need to be completed before the DCO submission, LCC would expect the desk-based evaluation to be complete and the field evaluation to be well underway by the time the PEIR is produced. The Council see that a number of rapid assessments and heritage desk-based assessments have been produced already (Section 10.3.1 of the Scoping Report). LCC would note that we have not been consulted over the scope of these assessments, something that is seen as a potential flaw and would advise consultation is undertaken at the earliest possible opportunity and that the assessments are provided for review. Indeed, in Section 6.1.1, the Applicant sets out that early consultation with key stakeholders is an important part of the process and LCC would urge this is initiated for Archaeology and Cultural Heritage.

Our standard advice is that it is vital that the desk-based assessment is comprehensive and effective, utilizing the sources as set out within the Lincolnshire Archaeology Handbook¹ as desk-based work provides the basis for initial understanding and in particular the list of sources set out in Appendix 4. This is informed by and built upon by a full air photo/LiDAR assessment and geophysical survey which in turn assists in the development of the trial trenching programme.

Within Section 10.3.3, it states that the geophysical survey will identify concentrations of archaeological features and inform the intrusive archaeological evaluation. We would point out that the archaeological assessment process is iterative and that other types of survey, such as the aerial photographic analysis and LiDAR, mentioned in Section 10.4.3, will also benefit the understanding of archaeological potential and contribute to the formulation of the archaeological evaluation strategy. In addition, under-utilised techniques such as field walking can be valuable in furthering our understanding of archaeological potential.

The evaluation work must be completed in time to inform the mitigation strategy which will lay out how the developmental impact on archaeology will be dealt with, therefore this will need to be submitted as part of the EIA. An effective programme of evaluation trenching is essential. Historic England Advice Note 17: Planning and Archaeology states that 'Appropriate evaluation can support the smooth and speedy progression of the development and help to manage the developer's risk early in the planning process'². It also states that

¹ [Archaeology handbook 2024 - Lincolnshire County Council](#)

² [HEAN 17 Planning and Archaeology](#)

‘Data gathered can also help to inform a costed mitigation strategy, the benefits of which include a reduction in the chances of unexpected risks and associated costs, and potentially the scope to allocate the cost of archaeology appropriately into financial forecasts’³.

The provision of sufficient baseline information to identify and assess the impact on known and potential heritage assets is required by Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (Regulation 5 (2d)), which state "The EIA must identify, describe and assess in an appropriate manner...the direct and indirect significant impacts of the proposed development on...material assets, cultural heritage and the landscape"⁴, National Planning Statement Policy EN1 (Section 5.8)⁵, and the National Planning Policy Framework⁶.

In terms of our ability to provide advice during the process leading up to submission of the DCO, the Chartered Institute for Archaeologists Standard and guidance for archaeological advice by historic environment services stipulates that ‘Advisors should only make a recommendation in response to a development proposal where the significance of assets affected by the development proposal and the scale of any loss of significance is adequately understood. Where there is insufficient evidence, advisors should recommend that further information be gathered prior to determination of the proposal. Requirements for the gathering of further information should always be focused on informing decision making’⁷. Limited survey data can impact the appropriate formulation of an effective mitigation strategy, project timescales and lead to unnecessary and avoidable costs.

Please be advised that most of Lincolnshire is not suitable for trenching over the wet winter months so it is pragmatic to ensure there is sufficient time built into the programme during those seasons where evaluation work, particularly trenching, can be effectively undertaken.

Section 5.5.1 describes the likely scope of development parameters. We would consider it essential that these are all included within the archaeological assessment, particularly the ancillary infrastructure works, including any necessary demolition, cabling, connection to the national gas network, boundary treatments, security equipment, lighting, landscaping, access tracks, earthworks, surface water management, and any other works necessary to enable the Proposed Development. This includes Biodiversity Net Gain areas.

The early statements regarding the baseline historic environment (Section 10.3.2) will require further assessment, particularly the cropmarks in proximity to the Scheduled Monument at Stain Farm and associated with the medieval settlement of Stain. These have the potential to be of high significance and sensitivity, and we would suggest should be

³ *Ibid*

⁴ [The Infrastructure Planning \(Environmental Impact Assessment\) Regulations 2017](#)

⁵ [EN-1 Overarching National Policy Statement for Energy](#)

⁶ [National Planning Policy Framework](#)

⁷ [CIfA-SandG-Archaeological-Advice-by-HER-2020.pdf](#)

evaluated early with the possible option of being removed from the red line boundary entirely for the BESS and cabling at Stain Lane.

We agree that the geographic scope as set out in Section 10.4.10 is appropriate for understanding the archaeological baseline. We would defer to our colleagues on above ground heritage, and the scope of any assessment of visual impact and setting should be discussed with them.

We have concerns regarding the apparent omission of consideration of archaeological impacts during any decommissioning stage. Within Section 5.5.83, it states that during decommissioning it is assumed that hardstanding, structures and concrete will be removed up to a depth of up to 1m. This may have a substantial impact upon any buried archaeological remains and thus we consider it appropriate to scope in archaeological impact in the final Cultural Heritage and Archaeology Management Plan.

Within Section 5.2.2, the Applicant states that the Rochdale Envelope approach will be used. This is acceptable at certain points and stage within the proposed development boundary, but we would point out that where the developer proposes the Rochdale Envelope in dealing with their application, it is essential that an understanding of the archaeological resource is achieved to allow for informed and appropriate mitigation. This can only be achieved through adequate assessment of the full impact zone and the timely provision of the results of both non-intrusive and intrusive surveys to inform the baseline evidence and subsequent informed fit for purpose mitigation strategy. This is essential where there are heritage assets of high significance and therefore potential for major adverse impacts. This is in accordance with NSIPs Advice Note Nine which states that “Implementation of the Rochdale Envelope assessment approach should only be used where it is necessary and should not be treated as a blanket opportunity to allow for insufficient detail in the assessment. Applicants should make every effort to finalise details applicable to the Proposed Development prior to submission of their DCO application. Indeed, as explained earlier in this Advice Note, it will be in all parties’ interests for the Applicant to provide as much information as possible to inform the Pre-application consultation process”⁸.

There is no mention within the Archaeology and Heritage chapter regarding public engagement and enhancement. For a scheme this size, we would anticipate considerable opportunities to be available for enhancement of the historic environment, in addition to public engagement. We would expect an outline Public Archaeology and Community Engagement Strategy (PACES) to be produced in advance of the DCO submission and for the final PACES to be agreed as part of the consent, if granted. Consideration of enhancement of the historic environment is invaluable in balancing the impacts of any development proposal and interest in archaeology, particularly any remains which have been found locally, can be massive and, if done well, can have the potential to foster high amounts of positive publicity. It can increase both physical and mental well-being and offset elements of a development

⁸ [Nationally Significant Infrastructure Projects - Advice Note Nine: Rochdale Envelope - GOV.UK](#)

which may be poorly perceived or have a visibly negative impact on surrounding communities, and its value has recently been reported on for Lincolnshire⁹.

There is limited detail on potential embedded mitigation and residual impacts (Section 10.5). We would expect this to be considerably more advanced once the non-intrusive assessment is completed and planning for the intrusive surveys has commenced.

In summary, at DCO submission stage, we would expect there to be a draft Archaeological Mitigation Strategy and a Cultural Heritage and Archaeology Management Plan, which is based on the results of the non-intrusive and intrusive works, setting out how the Applicant will manage archaeology through the lifetime of the scheme and a Public Archaeology and Community Engagement Strategy.

Regarding management plans in general, consideration of impacts to archaeology should be included within the other topic-specific management plans. We have seen in other NSIP submissions a lack of interoperability in the assessment and understanding of the impacts, for example the heritage or archaeology chapter does not include reference to the impacts of proposed ecological mitigation measures or drainage strategies which would have extensive ground impacts to the archaeological horizon. We would therefore strongly encourage an integrated approach to undertaking assessments informed by an understanding of the range of impacts which would result from the Theddlethorpe scheme, and that documents such as the topic-specific management plans inform the assessment chapters including archaeology and cultural heritage.

Water Environment (Chapter 11)

LCC in its role as Local Lead Flood Authority (LLFA) has reviewed the Scoping Report and associated figures. Water Environment, Chapter 11 of the Scoping Report sets out the methodology for assessment of hydrological context and major likely potential effects on the water environment and their significance.

Section 11.4.6 to 11.4.10 of the report, acceptably outlines how a Flood Risk Assessment and Drainage Strategy will be prepared. However, LCC notes the number of designated sites within 5km of the site and the majority of the site being within Flood Zone 3. Paragraphs 11.3.23 to 11.3.24 state that towards the end of the project's 50-year lifetime, rising sea levels by 2080 are expected to cause flooding. LCC would expect the ES to fully consider these impacts, and the precise nature of flooding possible within their assessment.

As the Applicant continues to develop their Flood Risk Assessment, Drainage Strategy and scoping details, LCC would appreciate continuing engagement to ensure the scope of these technical documents are discussed further with the LLFA.

⁹ [valuesofheritagereport2025.pdf](#)

Agriculture and Soils (Chapter 13)

Provisional Agricultural Land Classification (ALC) mapping for the study area is presented Figure 13.1: Agricultural Land Quality Map Extract. Taken from Natural England's ALC Maps. The Scoping Boundary is largely comprised of Grade 3 (good or moderate quality agricultural land) with pockets of Grade 2 (good quality agricultural land) within the small extent of the Scoping Boundary.

The loss of best and most versatile (BMV) agricultural land, which is critical to national food security, is a particular concern for Lincolnshire. As a result of the number of large-scale energy proposals that are coming forward in the county, many thousands of hectares of BMV could potentially be lost. The ES should clearly identify how much of the land is assessed to be grade 3a and above (BMV land). The Council will wish to see built infrastructure located in areas that are not classified as BMV land.

A detailed ALC survey has not yet been undertaken, as stated within paragraph 13.4.2. *"A Phase 2 site specific survey will then be undertaken to establish specific grade of agricultural land and soil nature across the Proposed Development site. The extent of survey will be developed in discussion with stakeholders such as Natural England so that a representative and accurate picture of land grade and soil is established for the purpose of consideration as part of the EIA."* This approach is welcomed and LCC would expect a detailed ALC assessment to be included within the ES.

LCC notes the intention to provide an Outline Soil Resources and Management Plan (oSRMP) to support the ES, this is welcomed. LCC would expect the final document to be discharged via Requirement. LCC would also wish for an Environmental Clerk of Works to be appointed during the construction period of development.

A suitable SRMP sets out the principles and procedures for general good practice mitigation for soil management during the construction works to minimise the adverse effects on the nature and quality of the soil resource. In populating the document, it will be necessary to identify the individual areas of land and the route for soil stripping, trenching, restoration and similar.

It does not appear that impacts to agricultural drainage have been assessed within Chapter 11 of the Scoping Report. The impacts of agricultural drainage should be assessed within the ES, LCC would expect the proposal to be designed to work in harmony with existing drainage systems.

Cumulative effects are discussed within paragraph 13.9.1 of the scoping report and states *"The effects of the Proposed Development will be considered cumulatively with relevant developments in the vicinity in consideration of shared sensitive soil and agricultural receptors across projects"*. Due to the large number of proposed NSIP developments within

the county, the impact upon BMV quality agricultural land is widespread. LCC would expect the assessment of cumulative effects upon BMV land to be considered county wide.

Transport and Access (Chapter 14)

Highways

LCC in its role as Highway Authority has reviewed the Scoping Report, Chapter 14. LCC will require a full Transport Assessment (TA) to be submitted in support of the ES. This should consider the impact of the development on highway capacity and safety and identify any necessary mitigations to ensure that these are not unacceptable impacts. Paragraph 14.1.2 advises that a TA will be prepared and LCC Officers can meet and discuss the scope of the TA with the developer as necessary, this is welcomed.

It is noted that paragraph 14.6.2 states that “no road junction capacity assessments will be undertaken as the likely scale of the temporary construction phase is highly unlikely to result in junction capacities being exceeded.” As the Scoping Report does not provide numbers of peak construction vehicles per link, LCC does not rule out at this stage that junction assessments may be required.

LCC also requires that the Cumulative Assessment considers the possibility for the 5 other NSIP construction activities listed in Table 7.4 (and Eastern Green Link 5) to occur concurrently with the construction of this scheme. LCC considers that this would be the ‘worst case scenario’. LCC have seen slippages in the proposed timescales of other NSIP projects currently granted within Lincolnshire, this possibility should be considered fully within the ES.

PRoW

LCC have reviewed the Public Rights of Way information within Chapter 14, and note at a minimum, Public Footpath 253 will be directly affected by the proposed works as well as the County Green Lane (Unclassified Road) called Crook Bank, which forms an important link within the local network. Crook Bank functions as a well-used informal bridleway by local people. LCC would also expect to see King Charles III England Coast Path (ECP) and claimed routes within the locality fully considered and assessed within the ES.

The scope of the assessment should include consideration of improvements to Crook Bank roadway, provision of temporary alternative routes during the construction phase, and potential for a permanent diversion of Public Footpath 253 to a more practicable and useful location. The use of culverts rather than bridges should be explored to support easier future maintenance.

Socioeconomics (Chapter 17)

Temporary workforce

Paragraph 17.2.6 does accept that 'local population flux' should be considered because of instruction in EN-1 and is welcome. However, the potential effects of temporary construction workers in the area (paragraph 17.2.6 of the Scoping Report) is only briefly mentioned elsewhere in the Scoping Report and is then scoped out. This should be scoped in within the context of NPS EN1 paragraph 5.13.4 and particularly the sixth bullet point below it. It is welcomed that paragraph 17.7.16 scopes demographic changes and demand for housing in, the scale of the demand would be determined by comparing the level of skilled labour availability locally to the specific needs of the Proposed Development (17.7.13).

LCC considers the scoping report downplays the potential change to demand for services and facilities (paragraphs 17.7.10-17.7.15), and 'social cohesion' (table 188.8) (also at paragraph 5.13.4 of EN1) during the construction phase. However, construction, while temporary, could last for a number of years and while the project does not result in the loss of services and facilities, or permanently change the population and cohesion of settlements, an increase in temporary residents is likely to have an effect.

Baseline

From para 17.4.12 it is disappointing that the Future Baseline is derived from information behind a subscription (footnotes 76 to 81 of the report) and not freely available to view. Additionally, the data presented would be more easily comparable if percentages of the total employees at each geographical scale were provided alongside the numbers employed.

Approach to Assessment

Regarding paragraph 17.5.11, it is not possible to say with certainty that the housing need and therefore community assets will be limited to East Lindsey. Mablethorpe and Louth are the nearest towns within the district, but housing may be needed in Grimsby or further afield, especially if there are impacts arising from a number of construction projects taking place at the same time.

Embedded Mitigation and Enhancement Measures

LCC would expect that an Employment and Skills Plan would be prepared, and would welcome the development of an Employment, Skills and Supply Chain Plan to describe how the Theddlethorpe Flexible Generation Project would promote the delivery of economic benefits to people and businesses locally and across Greater Lincolnshire (paragraph 17.6.2). Paragraph 17.7.2 and 17.7.3 describe potential local labour shortages and state that specialists are likely to be drawn from the wider region, nation and abroad. It also states that this is likely to result in training and upskilling opportunities for the workforce to be employed during construction, including low-skilled, unemployed or economically inactive, and vulnerable groups in the district and region.

Scope of Impacts and Effects

The construction of the Proposed Development is likely to generate significant employment opportunities, both locally, regionally and nationally (17.7.2). This would be anticipated to not only require the involvement of 'traditional' construction trades and labourers, but also of specialist and skilled workers within the energy and professional, scientific and technical activities sectors.

LCC seeks clarification on the meaning of paragraph 17.7.6. It is unclear whether this suggests that the applicant is unable to make assumptions regarding employment levels, which seems unlikely.

Para 17.7.17 scopes out local services. Part (only part) of that rationale is workers would 'likely choose to reside in a range of locations'. This is an assumption with no evidence. Although it seems fair, there is no explanation of the assumption and in the absence of job numbers it is difficult to assess potential impacts (or lack of). If the number of workers during the construction phase is likely to be high (and not local), the applicant may like to consider the timescale for project development as local services can be under pressure during the summer season due to the high number of visitors in the area.

The Council do not support the scoping out of impacts on tourism within paragraph 17.7.27. Tourism, along the coast and within the Lincolnshire Wolds, plays a significant role in the economy of East Lindsey, which is likely to be vulnerable to the impacts of construction and operation, especially as the main site is within close proximity to one of the District's largest tourist destinations and service centres at Mablethorpe.

In terms of tranquillity, the area around the proposed locations of the BESS sites is an open landscape which is sparsely populated and a holiday destination in which part of the experience is seeking a level of tranquillity. The Scoping report states that the effect of the Project on tranquillity in terms of aural changes and the effect on rurality, openness, wildness and remoteness will be assessed (8.5.9). This is welcomed.

Dark sky Nightscape (8.5.10). Although not yet designated as protected, the night sky in the Lincolnshire Wolds is an important feature of the area and significantly adds to the beauty of the National Landscape. It is enjoyed by residents and visitors alike. As the Theddlethorpe Flexible Generation Project develops, it should note that the Lincolnshire Wolds Countryside Service is investigating options for enhanced recognition of its valued dark skies, potentially via the International Dark-Sky Association.

In this context, the Lincolnshire Wolds National Landscape, formerly the Area of Outstanding National Beauty (AONB) is not a point, as described in the report as 5km to the southwest of Strubby (5.4.11 and 8.3.6). It is a linear topographical feature, nationally designated and protected, stretching from Swallow, near Grimsby, in the north, to Spilsby at its southernmost aspect. This Wolds feature constitutes the highest land between Kent and the North Yorkshire Moors and lies east of the three sites.

Cumulative Effects

The cumulative impacts on socio-economic receptors need to be comprehensively considered, and where necessary supported by strategies and plans, for example accommodation strategies in the case of local accommodation.

These potential impacts could all be more significant when considered with the cumulative impacts of the many NSIP and major energy TCPA applications in Lincolnshire.

It would be helpful to the reader if paragraph 17.10.1 had cross referenced Chapter 7, and in particular Table 7.4: Initial Stage 2 Shortlist to make clear the proposed schemes that will be considered in assessing cumulative impacts. The Council do, however, agree with the stated zone of influence for socioeconomics, as this recognises that as a rural area socio-economic effects could arise further afield than in other areas.

It would also be useful to see the NSIPs mapped, that have been listed on page 280, and which are located within the 30km Zone of Interest (paragraph 17.10.1). This is to better understand visually, the impacts on the various receptors in this narrow landscape band which is bounded in the west by the North Sea and in the east by the Lincolnshire Wolds National Landscape. If high numbers of energy related installations have been approved or planned under the Town and Country Planning Act, these would be of interest as well. LCC has requested on other NSIP projects an inter-relationship report to be produced in support of the ES and its cumulative effects chapter, LCC would also seek an inter-relationship report in support of this application.

The tables provided in Chapter 22 Summary and Conclusion, provide, in a clear easy to read format, the matters that are scoped in and those scoped out. It would be useful to have a visual reference to these within the topic chapters.

Agricultural Land

LCC has provided comments relating to agricultural land above in response to Chapter 13 of the scoping report. LCC welcomes the scoping in of impacts on land and soils at construction, operational and decommission phases. LCC also considers that the economic effects relating to the loss of agricultural land should also be assessed. This should not only include the direct loss of agricultural jobs within the proposed order limits but also the indirect upstream and downstream economic effects. The removal of land from agriculture would have an impact on the upstream inputs (supply of seed fertilisers, farm machinery etc) and downstream supply chains.

Population and Health (Chapter 18)

As part of the transition to low-carbon energy systems, flexible generation facilities are increasingly incorporating hydrogen production via electrolysis and BESS. These technologies offer significant environmental benefits but also introduce new public health considerations.

Electrolysis powered by renewable energy sources produces green hydrogen without emitting air pollutants. This can lead to measurable improvements in local air quality by reducing nitrogen oxides (NO_x), particulate matter (PM2.5), and other harmful emissions typically associated with fossil fuel combustion.

However, hydrogen is highly flammable and while modern facilities are designed with robust safety systems, including leak detection, ventilation, and fire suppression, risks are still present and therefore must be scoped in and carefully managed. Other potential health impacts from battery storage, such as fire risk, must also be considered and mitigated with control, containment, and extinguishing provision to the satisfaction of Lincolnshire Fire and Rescue.

‘Site Noise Activity’ during the operation phase is welcomed in the ‘scoped in’ summary of noise and vibration matters, due to the noise from the BESS (electricity humming) in an otherwise extremely quiet place, leading to greater impact on residents living nearby.

It is essential to understand the cumulative effects of the proposal (e.g. build-up of Electromagnetic Fields (EMF’s)) to mitigate against any potential impact on mental health (e.g. mental health impacts from perceived risk from EMFs) in addition to physical health. Cumulative impacts do not appear to have covered EMFs from other electricity generation, transmission, or storage infrastructure and should be scoped in.

The Landscape and Visual chapter sets out changes to the physical landscape and the views experienced by people during construction and operation which could present a risk to the local populations’ mental health due to a change in how the landscape is perceived. For example, the site being adjacent to the decommissioned Gas Terminal to Flexible Generation, is another ‘industrial’ facility in that area which is otherwise open countryside.

The Stakeholder Engagement chapter is welcomed, as transparent communication with local communities from the beginning of this Project is vital within the engagement strategy.

Climate Change (Chapter 19)

LCC is pleased to see that climate change and the assessment of GHG emissions are proposed to be scoped in, and that the primary study area will be a 25km grid square in which the Proposed Development is located, which will include consideration of the coastal environment and transmission cable and pipeline routes. The Council notes that the Applicant intends to use guidance from the ISEP (the Institute of Sustainability and Environmental Professionals) guide to ‘Assessing Greenhouse Gas Emissions and Evaluating

their significance’ in addition to IEMA ‘Environmental Impact Assessment Guide to: Climate Change Resilience and Adaptation, 2020’.

It is noted the Scoping Report at paragraph 19.6.1 states the UKCP18 dataset will be used to establish potential climatic conditions at the Proposed development Site, with projections for global emissions pathway RCP8.5 being used as a worst-case approach. The Council notes that paragraph 19.9.1 considers extreme weather impacts such as storms, rainfall, freezing and heatwaves, which includes an intensification of existing variability of weather events in the UK.

The cumulative impact also needs to be considered alongside other proposed NSIP-scale schemes, such as Viking CCS. LCC is pleased to see operation phase will be scoped in (paragraph 19.9.8) but is disappointed the Applicant intends to scope out a decommissioning assessment for climate change, and suggests this be scoped in for the full lifetime assessment of the development to be considered.

Other Environmental Topics (Chapter 21)

Waste and Materials

LCC welcomes the references made to both the existing Minerals and Waste Local Plan (MWLP) (2016/17) and the emerging Lincolnshire MWLP within the scoping report.

As identified in Paragraph 12.3.7 and following a review of the proposed cable routes against the MWLP mapping, LCC agrees that there is no intersection with any Mineral Safeguarding Areas (MSAs), either for specific sites or safeguarded materials.

One safeguarded site, Greenaway Green Waste Services, is located close to the proposed red-line boundary, specifically close to one of the cable routes. The applicant should carefully consider any potential implications arising from this proximity, particularly in terms of any restrictions to the access roads.

In terms of waste management, LCC welcomes the reference in Paragraph 21.6.4 to the waste hierarchy and looks forward to reviewing further details of how the applicant intends to implement this approach.

The Council accepts the proposal in Paragraph 21.6.5 to scope waste out as a standalone chapter of the ES and will review the relevant information in the relevant sections of the ES and Construction Environmental Management Plan (CEMP). However, LCC will also expect to see an Operational Environmental Management Plan (OEMP) and a Decommissioning Environmental management Plan (DEMP) to demonstrate the applicant’s plans for how waste will be managed during the operational and decommissioning phases of the project. This reflects the applicant’s confirmation in Paragraph 21.6.3 which states “The generation

of waste during construction, operation and decommissioning of the Proposed Development has the potential to cause impacts on the capacity of the waste infrastructure in the region”.

Major Accidents and Disasters

Lincolnshire Fire and Rescue have been consulted as part of this scoping consultation response and have provided the below information.

Recognising that LFR are statutory consultees as a result of the Planning Act 2008 and applications that involve ‘National Significant Infrastructure Projects’ (NSIPs), we will work and engage with the developer as the project evolves, to ensure it complies with the statutory responsibilities that we enforce.

As the UK moves towards more sustainable energy methods, there is an increase in new technologies involving the storage of electricity, including Battery Energy Storage Systems (BESS), typically tied into large/grid scale solar farms.

The UK Government has now published health and safety guidance for this type of energy storage system. The guidance aims to improve the navigability of existing standards and provide a clearer understanding of relevant health and safety standards that the grid scale electrical energy storage system industry, which includes lithium-ion batteries, can apply to its own process(es).

The National Fire Chiefs Council (NFCC) encourages applicants and the local planning authority to have early engagement with their local fire and rescue service, continuing throughout the planning process. This is outlined in the government guidance on planning for renewable and low carbon energy.

The NFCC has produced guidance for fire and rescue services, which gives recommendations on Grid Scale Battery Energy Storage System Planning. This guidance is based upon a range of supporting materials including academic research, national and international standards, case studies and industry guidance. It relates specifically to grid scale (typically 1 MW or larger) BESS in open air environments, using lithium-ion batteries.

LFR would expect that any early engagement sent to us via the dedicated email address below, outlines how your proposed site meets the expectations of this guidance document. Once you have considered this document, and provided us with a detailed plan, the Service will be able to provide further guidance on your proposal.

The Service’s expectation is that a comprehensive risk management process is undertaken by operators to identify hazards and risks specific to the facility and develop, implement, maintain, and review risk controls. From this process, a robust Emergency Response Plan should be developed.

Whilst every site is different the NFCC guidance will be used by fire and rescue services to evaluate the measures the Applicant proposes. With early engagement and advice using the guidance, the risks posed to people, property and the environment can be planned for by you and control measures can be put in place to minimise disruption and harm to people, property and the environment.

LFR emphasises the importance of early and continued engagement to develop robust fire safety provisions that reflect both statutory requirements and emerging best practices. LFR recognise this as the initial planning consultation and further development of the requirements will happen during further engagement.

NFCC Recommendation	LFR Comments
System design and construction, testing and decommissioning	Further information required
Confirmation of battery type	Further information required
Lithium Ferrous Phosphate or Lithium Ion	Further information required
First or second Gen	Further information required
UL 9540, and UL 9540 a	Further information required
Testing	Further information required
Detection and monitoring	Further information required
Deflagration Prevention and Venting	Further information required
Suppression systems	Further information required
Access	
Site access	Further information required
Access between BESS units and unit spacing	Further information required
Site Conditions	
Water Supplies	Further information required
Contaminated water management	Further information required

Signage	Further information required
Exposure risks	Further information required
Vegetation control	Further information required
Emergency Plans	
A Risk Management Plan	Further information required
An Emergency Response Plan	Further information required
Environmental impacts	Further information required

Please email any queries or consultations regarding Grid Scale Battery Energy Storage Systems that are proposed to be or are in Lincolnshire to Fire.Safety@lincolnshire.gov.uk .

Cumulative effects

The Applicant's approach to the assessment of cumulative effects is set out within each topic chapter.

The cumulative assessment should cover both intra project and inter project effects which in addition to setting out the approach and methodology clearly identifies other relevant projects and the potential for cumulative effects, any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources. It should also provide an assessment of the significance of the potential cumulative impacts identified likely duration of the impacts (including phasing details) and mitigation measures.

LCC wishes to highlight the potential for significant cumulative effects with other NSIP's. The applicant should take into consideration the geographical scale of the NSIP projects in Lincolnshire in combination and consequently the scale of the study area that will be necessary to identify the full extent of the developments and the potential significant cumulative impacts which could occur over a wide geographical area.

LCC would also question why Eastern Green Link 5 (EGL5) has not been included within the short and long list (Table 7.4 and Appendix D). Being approximately 19km from the proposed Order Limits of the Theddlethorpe Flexible Generation Project, it falls within the 20km boundary set by the Applicant and should be included within the short and long list.

Furthermore, the project would overlap with Grimsby to Walpole, Eastern Green Links 3 and 4, Outer Dowsing Offshore Wind, Ossian Wind Farm and Viking CCS Pipeline, making it highly likely that significant cumulative effects and potential overlap and interaction would occur (as stated as a requirement in paragraph 7.16.22 for a project to be included within the short list), for example landscape and visual, biodiversity and traffic. This reinforces the need for a separate topic chapter on cumulative effects.

The Council are concerned the cumulative impact of these projects have the potential to overwhelm local communities, and significantly adversely impact the environment, for example the council are also concerned with the potential for significant transport related impacts during the construction phase as a result of multiple NSIP schemes being developed over a similar time period, in an area of Lincolnshire that is rural in nature with a limited network capacity, which is unsuitable for heavy flows of traffic, particularly ones involving HGV's. Therefore, LCC would expect a separate standalone chapter within the ES covering Cumulative effects/impacts.

Should the multiple NSIP schemes proposed within this vicinity occur at the same time, all with similar traffic projections the County could see a considerable uplift of traffic on key existing A roads in the County.

A further concern is the impact that this project and cumulatively with other NSIP projects could have on tourism in the area. Greater Lincolnshire has a high-quality and varied visitor economy offer across city, coast and countryside. Up to 50 miles of coastline, an AONB, and hundreds of visitor attractions contribute. The Greater Lincolnshire's Visitor Economy in 2022 was estimated to be worth over £2.49bn per annum and supports approximately 30,000 full time equivalent jobs.

LCC will expect full consideration to be given to the cumulative impacts with all other proposals in the PEIR and ES as they are progressed and will welcome the opportunity to input in the Cumulative development long and short list in due course.

Yours Faithfully,

Amy Charlesworth

On Behalf of Neil McBride,

Head of Planning.

Patten, Jack

From: Deputy <deputy@mablethorpesutton-tc.gov.uk>
Sent: 09 October 2025 11:08
To: Theddlethorpe FGP
Subject: Your ref: EN0110008

Categories: EST

You don't often get email from deputy@mablethorpesutton-tc.gov.uk. [Learn why this is important](#)

Dear Sirs

In response to your recent contact made to Mablethorpe & Sutton Town Council as consultee, at the meeting of the Planning Committee held on Monday 6th October,

It was proposed, seconded and

Resolved: That consideration be given and addressed within the Environmental Statement with regard to the following matters:-

- Noise and vibration
 - Traffic and access
 - Air quality implications
 - Landscape and visual intrusion from cooling towers and possible vapour plumes
 - Risk to nature reserves, wildlife and protected coastal habitats
 - Impact to marine life of high saline brine discharge into the sea
 - The potential impact of stress on the health and wellbeing of local residents
 - Cumulative impact
- - Battery security with regard to both potential malicious intent or other external factors

Kind regards

Sue Archibald
Deputy Clerk



www.mablethorpesutton-tc.gov.uk



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Maritime &
Coastguard
Agency

Helen Duncan
Maritime and Coastguard Agency

Spring Place
105 Commercial Road
Southampton
SO15 1EG

www.gov.uk/mca

16th October 2025

Via email: theddlethorpefgp@planninginspectorate.gov.uk

Dear Planning Inspectorate

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) – Regulations 10 and 11

Application by Theddlethorpe Flexible Generation Limited (the applicant) for an Order granting Development Consent for the Theddlethorpe Flexible Generation Project (the proposed development)

Thank you for your letter dated 23 September 2025 inviting comments from The Maritime and Coastguard Agency (MCA) on the consultation including Scoping Report for the proposed Theddlethorpe Flexible Generation Project.

The Scoping Report has been considered by representatives of UK Technical Services Navigation, and the Maritime and Coastguard Agency (MCA) would like to respond as follows:

The MCA has an interest in the works associated with the marine environment, and the potential impact on the safety of navigation, access to ports, harbours and marinas and any impact on our search and rescue obligations. The MCA would expect the impact of works in, on or over the marine environment to be subject to the appropriate consents under the Marine and Coastal Access Act 2009 before carrying out any marine licensable works.

We note that the project includes (but not limited to) the installation of:

- Flexible generation thermal plant (Gas Engines or Combined Cycle Gas Turbines [CCGT]) powered by either natural gas, hydrogen or a combination of natural gas and hydrogen combustion, including a carbon capture plant if natural gas CCGT technology is used;
- Electrolysis facility to allow for the production of hydrogen gas with associated desalination plant and pipeline into North Sea;

- Battery Energy Storage System (BESS), associated infrastructure, at Stain Lane and at Strubby Airfield;
- Project substation located near Woodthorpe/Strubby Airfield, and;
- Cable connection route via underground cabling from the flexible generation thermal plant, linking to the two BESS locations and project substation, to a new substation proposed as part of the National Grid Grimsby to Walpole connection project.

On this occasion, the location of the marine element of the proposed works, the outfall and water intake pipe, do not fall within the jurisdiction of a Statutory Harbour Authority (SHA) and therefore the safety of navigation falls to the MCA where the pipelines will be located.

The MCA would like to ensure that the extent of the outfall pipes does not impact other marine uses and at this stage it is not clear on the outfall methodology for construction, whether the pipelines will be buried or protected. The application should therefore detail the arrangements for the pipelines and how the impact on other users will be minimised. We note the pipelines extend 660 m offshore in close proximity to an RNLI station and likely other marine users.

The MCA would recommend that the proposed works in the marine environment are considered to ensure that all risks introduced by the proposed pipeline into the North Sea are mitigated. Consideration should also be given to the impact on other marine users within the vicinity. At this stage, this has not yet been considered by the applicant and further consultation with other marine users may be required depending on the outfall arrangements and any reduction in navigable water depth.

I hope you find this useful at scoping stage.

Yours sincerely,

Helen R Duncan

Helen Duncan
Marine Licensing Project Lead
UK Technical Services Navigation



Defence Infrastructure Organisation

Victoria James
Ministry of Defence
Safeguarding Department
St George's House
DIO Headquarters
DMS Whittington
Lichfield
Staffordshire
WS14 9PY

E-mail: DIO-safeguarding-statutory@mod.gov.uk

www.mod.uk/DIO

20th October 2025

Your reference: EN0110008
Our reference: DIO 10068822

Nadia Luhr
The Planning Inspectorate
Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol

Dear Nadia,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) – Regulations 10 and 11

Theddlethorpe Flexible Generation Project Scoping Consultation

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

Theddlethorpe Flexible Generation Limited have sought a formal scoping opinion for their proposed 'Theddlethorpe Flexible Generation Project', which will constitute a Nationally Significant Infrastructure Project (NSIP). The proposed development comprises of multiple components located at 3 locations, connected with associated subterranean cable infrastructure development corridors. The principal location is the Theddlethorpe Thermal and Electrolysis Site (TES). At which, it is proposed that a flexible thermal generation plant facility (up to 1.5 GW) which may be powered by natural gas or hydrogen, along with an electrolysis hydrogen production facility and desalination facility with associated water pipeline infrastructure into the North Sea. Located At the Stain Lane and Strubby Airfield sites, Battery Energy Storage Systems (BESS) (up to 1 GW), inverter installations and associated infrastructure will be developed.

Onshore Development

The entirety of the proposed development site contained by the red line boundary (ref. Appendix A) is located within Low Flying Area (LFA) 11, in which fixed military aircraft engaged in low flying training may fly as low as 250 feet (76.2m) above terrain features. The possible use of cranes or other tall or narrow profile plant equipment or temporal structures during construction and decommissioning phases may introduce obstruction hazards to low flying military aircraft. Accordingly, such potential impacts will need to be taken into account and relevant mitigation measures, as may be necessary, identified in conjunction with the MOD.

The eastern most extent of the proposed development, at the Theddlethorpe TES, is located approximately 2.79 km south, southwest of the boundary of the designated air Danger Area D307 that contains Donna Nook air weapon range (AWR). This AWR is used by military aircraft to practise firing and bombing against surface targets. This locality is frequently used by low flying military aircraft using the range.

At section 5.5.10 of the scoping report submitted, it is identified that a chimney stack will be needed at the thermal generator facility. Depending upon the fuel source used, this may need to be up to 110m in height. A tall narrow profile structure of this scale at this locality has the potential to introduce an obstruction hazard to low flying military aircraft using the Donna Nook AWR. This would have implications to military air traffic safety and associated military training activities conducted at the AWR. This will need to be taken into account in the design of the proposed development, to include relevant mitigation measures as may be identified as necessary by the MOD.

It is also noted that at section 5.5.12, it is identified that the thermal plant will have a cooling facility which will emit a visible plume. It is possible that such emissions may have implications to low flying military aircraft using the AWR. Accordingly, this potential impact upon military training operations will also need to be considered.

The scoping report states that hydrogen gas produced at the proposed facility will not be stored at the intended development site (ref/ section 5.5.27), and there is no indication that the facilities proposed would include a facility to discharge large volumes of unspent combustible gases in an emergency situation. However, it would be appropriate for the applicant to consider whether the operation of the proposed facilities included in the development will require any form of mandatory air exclusion zones or otherwise imposes restrictions on the use of the airspace adjacent to the AWR.

The scoping report identifies that biodiversity enhancement will be incorporated into the proposed development. At section 5.5.64, it is identified that land to the north-east of the Theddlethorpe TES is available to support such enhancement measures. This part of the development site occupies a MOD safeguarding zone protecting Donna Nook AWR in which the MOD must be consulted on development schemes that may attract or support large or flocking birds hazardous to air traffic. Therefore, the applicant should consider the type of biodiversity enhancement measures proposed in this area of the development site, as well as the design of any surface drainage water attenuation bodies that may be included in the development to ensure they do not increase birdstrike hazard to military aircraft using the AWR.

Offshore Development

The scoping report identifies that the desalination facility to be located at the Theddlethorpe TES will require water intake and outlet pipes extending out into the North Sea. The report also identifies that associated filters and smaller pipes may also be installed in the marine environment to facilitate the dispersal of the saline discharge. The spatial extent of any such maritime installations is not made clear at this stage. Should it be proposed that any such maritime

infrastructure associated with the development extend northwards into Danger Area D307, then it would be necessary for the applicant to ensure that the proposed development and associated works during construction and decommissioning phases will be compatible with the military activities conducted at Donna Nook AWR.

Summary

At this early consultation stage, where no precise details are available for the exact dimensions and locations of the proposed development, MOD representations are limited to the principle of the development only.

In summary the MOD has concerns and requests that issues identified above are flagged to the applicant to take into account in preparing their application for the proposed development. The MOD should be consulted at all future stages for this proposed development to complete a full detailed safeguarding assessment.

The MOD must emphasise that the advice provided within this letter is in response to the data and/or information detailed above/in the developer's documents titled Scoping Report dated September 2025. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely

V. James

Vicki James
Assistant Safeguarding Manager
DIO Safeguarding

Submitted via email to: theddlethorpefgp@planninginspectorate.gov.uk

Date: 20th October 2025

Dear Sir/Madam,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by Theddlethorpe Flexible Generation Limited (the Applicant) for an Order granting Development Consent for the Theddlethorpe Flexible Generation Project (the Proposed Development)

I refer to your email dated 23/09/2025 regarding the above proposed DCO. This is a response on behalf of National Gas Transmission PLC (NGT). Having reviewed the scoping consultation documents, NGT wishes to make the following comments regarding gas infrastructure which may be affected by proposals.

NGT has 2 feeder mains located within or in proximity to the Order limits. Details of this infrastructure is as follows:

- Feeder Main – FM17 – Theddlethorpe to Hatton
- Feeder Main – FM08 – Theddlethorpe to Hatton
- NGT Freehold – LL257295
- Cathodic Protection Groundbeds/TR
- Ancillary apparatus

Please note that NGT has existing easements for these pipelines which provides rights for ongoing access and prevents the erection of permanent / temporary buildings/structures, change to existing ground levels or storage of materials etc within the easement strip.

You should also be aware of NGT's guidance for working in proximity to its assets, further guidance and links are available as follows.

CATHODIC PROTECTION SYSTEM

To ensure a high level of safety and reliability in operation, National Gas Transmission's assets are protected by a cathodic protection system. It is essential that buried steel pipework associated with the transmission and distribution of natural gas is designed, installed, commissioned and maintained to withstand the potentially harmful effects of corrosion and that the corrosion control systems employed are monitored to ensure continued effectiveness. Installations in the vicinity of National Gas Transmission's assets which may potentially interfere

with the cathodic protection system must be assessed and approved by National Gas Transmission, and appropriate control measures must be put in place where required.

Installations which have the potential to interfere with National Gas Transmission's Cathodic protection system include (but are not limited to):

1. High voltage cable crossings and parallelism
2. High voltage ac pylon parallelism
3. Battery Energy Storage Systems
4. Third party pipelines with cathodic protection systems
5. PV Solar arrays

Further information on D.C interference can be found in UKOPA/GPG/031 Edition C Microsoft Word - UKOPA GPG 031 DC Interference Ed 1.docx

Microsoft Word - UKOPA GPG 031 DC Interference Ed 1.docx (hold ctrl and click to access) Further information on A.C. interference can be found in UKOPA/GPG/027 UKOPA Good Practice Guide UKOPA Good Practice Guide (hold ctrl and click to access)

The safe limits for transfer voltage and impressed current that a high-pressure gas pipeline can be exposed to are outlined in T/PL/ECP/1, T/PL/ECP/2 and BS EN 50122-1. These are the safe limits for non-electrically trained personnel.

Where the Promoter intends to acquire land, extinguish rights, or interfere with any of NGT's apparatus, NGT will require appropriate protection and further discussion on the impact to its apparatus and rights including adequate Protective Provisions. A Deed of Consent will also be required for any works proposed within the easement strip.

Key Considerations:

- NGT has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings, or structures, change to existing ground levels, storage of materials etc.
- Please be aware that written permission is required before any works commence within the NGT easement strip. Furthermore a Deed of Consent will be required prior to commencement of works within NGT's easement strip subject to approval by NGT's plant protection team.
- Any large installations which may result in a large population increase in the vicinity of a high pressure gas pipeline must comply with the HSE's Land Use Planning methodology, and the HSE response should be submitted to National Gas Transmission for review.
- The below guidance is not exhaustive and all works in the vicinity of NGT's asset shall be subject to review and approval from NGT's plant protection team in advance of commencement of works on site.

General Notes on Pipeline Safety:

- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and NGT's Dial Before You Dig Specification

for Safe Working in the Vicinity of NGT Assets. There will be additional requirements dictated by NGT's plant protection team.

- NGT will also need to ensure that its pipelines remain accessible during and after completion of the works.
- Our pipelines are normally buried to a depth cover of 1.1 metres, however actual depth and position must be confirmed on site by trial hole investigation under the supervision of a NGT representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of NGT High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a NGT representative. A safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Below are some examples of work types that have specific restrictions when being undertaken in the vicinity of gas assets therefore consultation with NGT's Plant Protection team is essential:
 - Demolition
 - Blasting
 - Piling and boring
 - Deep mining
 - Surface mineral extraction
 - Landfilling
 - Trenchless Techniques (e.g. HDD, pipe splitting, tunnelling etc.)
 - Wind turbine installation - minimum separation distance of 1.5x the mast/hub height is required, and any auxiliary installations such as cable or track crossings will require a deed of consent.
 - Solar farm installation
 - Tree planting schemes

Traffic Crossings:

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at agreed locations.
- Permanent road crossings will require a surface load calculation, and will require a deed of consent.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.

- The type of raft shall be agreed with NGT prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the NGT pipeline without the prior permission of NGT
- NGT will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to NGT.
- An NGT representative shall monitor any works within close proximity to the pipeline to comply with NGT specification T/SP/SSW22

New Asset Crossings:

- New assets (cables/pipelines etc) may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- The separation distance for a cable >33kV is 1000mm and pre and post energisation surveys may be required at National Gas Transmission's discretion. A risk assessment/method statement will need to be provided to, and accepted by National Gas Transmission prior to the deed of consent being agreed. Where a new asset is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres.
- A new service should not be laid parallel within an easement strip
- Clearance must be at least 600mm above or below the pipeline
- An NGT representative shall approve and supervise any cable crossing of a pipeline.
- A Deed of Consent is required for any cable crossing the easement

Where the promoter intends to acquire land, extinguish rights, or interfere with any of NGT apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO. NGT requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection.

Adequate access to NGT pipelines must be maintained at all times during construction and post construction to ensure the safe operation of our network.

Yours Faithfully

Asset Protection Team

Further Safety Guidance

To download a copy of the HSE Guidance HS(G)47, please use the following link:

<https://www.hse.gov.uk/pubns/books/hsg47.htm>

Working Near National Gas Assets

<https://www.nationalgas.com/land-and-assets/working-near-our-assets>

Specification for Safe Working in the Vicinity of National Gas High Pressure Pipelines and Associated Installations

<https://www.nationalgas.com/document/82951/download>

Tree Planting Guidance

<https://www.nationalgas.com/document/82976/download>

Excavating Safely

<https://www.nationalgas.com/document/82971/download>

Dial Before You Dig Guidance

<https://www.nationalgas.com/document/128751/download>

Essential Guidance:

<https://www.nationalgas.com/gas-transmission/document/82931/download>

Solar Farm Guidance

<https://www.nationalgas.com/document/82936/download>



Our ref: NH/25/13071

Your ref: EN0110008

Theddlethorpe Flexible Generation Project

Aishah Fiyaz

Assistant Spatial Planner

Three Snowhill,

Queensway,

Birmingham,

B4 6GA

Tel: [REDACTED]

15 October 2025

Via email: theddlethorpefgp@planninginspectorate.gov.uk

Dear Sir or Madam,

EIA Scoping request in relation to proposed Theddlethorpe Flexible Generation Project

Thank you for giving National Highways (formerly Highways England) the opportunity to comment on the above-mentioned EIA scoping opinion.

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth.

In responding to sustainable development consultations, we have regard to DfT Circular 01/2022: The Strategic Road Network and the Delivery of Sustainable Development ('the Circular'). This sets out how interactions with the Strategic Road Network should be considered in the making of plans and development management considerations. In addition to the Circular, the response set out below is also in accordance with the National Planning Policy Framework (NPPF) and other relevant policies.

The SRN in the vicinity of the application site is the A180 trunk road.

Screening and Scoping for an Environmental Impact Assessment (EIA)

It is understood by National Highways that due to the nature of the development and size of the application area exceeding 25 hectares, the proposal falls within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations"). As such, any planning application would need to be accompanied by an Environmental Impact Assessment.

In accordance with the above, the applicant is seeking formal confirmation from Rutland County Council that an EIA is required and a formal scoping to determine the items for inclusion in the EIA.

Development Proposal

The proposed developed involves Generating Stations of up to 1.5GW generation capacity.

The nearest point of impact on the Strategic Road Network (SRN) is the A46/A15 junction, located approximately 46km east of the redline boundary shown in Appendix A.

National Highways Considerations

We have reviewed the EIA Scoping Report, dated September 2025 prepared by Statera, and set out our specific and general comments below for your consideration.

Future Baseline (Section 14.3)

We note that staff working at the construction site will arrive and depart by car. To enable us to determine the impact of the proposed site on the SRN, we would require further information on the proposed shift times for construction staff, construction staff and HGV trip generation and distribution.

During the operational phase, it is anticipated that there could be up to 116 full-time equivalent (FTE) staff employed at the site. It is predicted that the operational traffic movements will predominantly use the Local Road Network (LRN) from existing population centres. We are content with this assumption.

Traffic data will be obtained from the Department for Transport (DfT) Road Traffic Database and Automatic Traffic Count (ATC) surveys.

National Road Traffic Forecasts (NRTF) Low growth assumptions will be used to determine future year traffic flows.

As stated in Paragraph 5.5.78, the construction phase of the project will be transitory and will be separated into phases. The PEIR, ES and DCO will provide information on the construction phases and types of construction activities. We look forward to receiving the documents for review in due course.

General guidance

We acknowledge that you will prepare a Preliminary Environmental Information Report (PEIR) or replacement document, Transport Assessment (TA), Construction Traffic Management Plan (CTMP), Environmental Statement (ES) and an Abnormal Indivisible

Load (AIL) Route Strategy Report where appropriate in support of the forthcoming planning application, and we look forward to receiving these for review.

Construction Traffic Management Plan (CTMP)

We understand that a Construction Traffic Management Plan (CTMP) will be prepared to support this application. The CTMP should identify the period(s) during which construction activities will take place, the number of trips likely to be generated, the types of vehicles involved, and, for heavy construction traffic, an appropriate diversion route or traffic management plan to minimise local impacts.

We welcome further information on the routing, timing and management of any special or abnormal deliveries or vehicular movements, as stated in Paragraph 5.5.74 and 5.5.76.

The CTMP should include, but is not limited to, the following details:

1. Hours of working, date works will commence and anticipated completion date/duration.
2. Anticipated average two-way daily traffic numbers associated with the construction phase of the project.
3. Confirmation of the intended construction access arrangements to and from the site from the SRN (A46).
4. The arrangements for routing of construction vehicles to and from the site.
5. Details of any special or abnormal deliveries or vehicular movements.
6. Site Contact Details responsible for ensuring Health & Safety and handling of complaints.

Important Note

These comments do not imply a pre-determined view on the acceptability of the proposed development in traffic, environmental or highway terms. They specifically address matters related to National Highways' responsibilities to manage and maintain the Strategic Road Network (SRN) in England, in line with DfT's Circular 01/2022, to support the sustainable delivery of growth. Comments on the Local Road Network should be sought from the Local Highway Authority.

If I can be of any further assistance on this matter, please do not hesitate in contacting me.

Yours sincerely,



Aishah Fiyaz
Midlands Operations Directorate
Email: @nationalhighways.co.uk

Patten, Jack

From: NATS Safeguarding <NATSSafeguarding@nats.co.uk>
Sent: 29 September 2025 11:31
To: Theddlethorpe FGP
Subject: RE: EN0110008 - Theddlethorpe Flexible Generation Project - EIA Scoping Consultation and Notification [SG40213]

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Our Ref: SG40213

Dear Sir/Madam

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully

NATS

NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk



NATS Internal

From: Theddlethorpe FGP <theddlethorpefgp@planninginspectorate.gov.uk>
Sent: 23 September 2025 14:06
Subject: EN0110008 - Theddlethorpe Flexible Generation Project - EIA Scoping Consultation and Notification

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Dear Sir/Madam

Please see attached correspondence on the proposed Theddlethorpe Flexible Generation Project.

The applicant for the proposed development intends to make an application for Development Consent under the Planning Act 2008. The applicant has sought a scoping opinion from the Planning Inspectorate, on behalf of the Secretary of State, as to the scope and level of detail of the information to be provided within the Environmental Statement that will accompany its future application.

The Planning Inspectorate has identified you as a consultation body to inform the Scoping Opinion and is therefore inviting you to submit comments by **21 October 2025**. The deadline is a statutory requirement that cannot be extended.

Further information is included within the attached letter.

Kind regards
Jack Patten



Jack Patten ()
Environmental Advisor
The Planning Inspectorate

 [@PINSgov](https://twitter.com/PINSgov)  [The Planning Inspectorate](https://www.linkedin.com/company/the-planning-inspectorate/)  planninginspectorate.gov.uk

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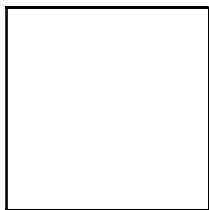
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Date: 21 October 2025
Our ref: 528202
Your ref: EN0110008



Nadia Luhr
Planning Inspectorate
theddlethorpefgp@planninginspectorate.gov.uk

Consultations
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 900

BY EMAIL ONLY

Dear Nadia Luhr

Environmental Impact Assessment Scoping Consultation under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulation 11

Proposal: An Order granting Development Consent for the Theddlethorpe Flexible Generation Project
Location: East Lindsey, Lincolnshire

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 23 September 2025, received on 23 September 2025.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

A robust assessment of environmental impacts and opportunities, based on relevant and up to date environmental information, should be undertaken prior to an application for a Development Consent Order (DCO). Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

We have had three pre-application updates with Statera Energy, on behalf of Theddlethorpe Flexible Generation Limited (the Applicant), to understand more about the application and its timelines. These are the first detailed plans Natural England have seen to be able to make comment on potential impacts from Theddlethorpe Flexible Generation NSIP (the Project) to designated sites, protected landscapes, soils and agricultural land.

The information presented in the Scoping Report allows us to make comments on the scope of the ES. The below is considered a significant issue for impacts to designated sites:

Sea pipe and associated infrastructure

The proposed sea pipe location at Theddlethorpe is of particular concern given its location within the Saltfleetby to Theddlethorpe Dunes Site of Special Scientific Interest (SSSI) and Saltfleetby to Theddlethorpe Dunes and Gibraltar Point Special Area of Conservation (SAC). Given the importance and sensitivity of the features and slow / limited recoverability, our default advice is for all undergrounded infrastructure options to avoid this location. And if, once the feasibility of alternative options and design details has been appraised, avoidance

is found not to be possible, we advise that only trenchless options which have been rigorously demonstrated to be technically feasible should be progressed. However, from our experience of other cable projects along the Lincolnshire coast, Natural England has significant concerns regarding the efficacy and feasibility of the use of Horizontal Directional Drilling (HDD) for sea pipe installation in this area.

Therefore, we advise that comprehensive **pre-consent** geotechnical investigations will be required to support any application. And that these surveys in their own right are likely to have a significant effect on designated site features and will need to be heavily mitigated as part of any planning or marine licence application.

We therefore strongly advise alternative landfall options are progressed. The ES should clearly set out how the mitigation hierarchy has been followed when considering the options.

For any further advice on this consultation please contact consultations@naturalengland.org.uk.

Yours sincerely

Sustainable Development Team
East Midlands Area Team

Annex A – Natural England’s Advice on EIA Scoping

1 General principles

1.1.1 Regulation 11 of the Infrastructure Planning Regulations 2017 - (The EIA Regulations) sets out the information that should be included in an ES to assess impacts on the natural environment. This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
- Appropriately scaled and referenced plans which clearly show the information and features associated with the development
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- A description of the aspects and matters requested to be scoped out of further assessment with adequate justification provided.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), cultural heritage and landscape and the interrelationship between the above factors
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- An outline of the structure of the proposed ES.

2 Cumulative and in-combination effects

2.1.1 The ES should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.

2.1.2 An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

- a) existing completed projects;
- b) approved but uncompleted projects;
- c) ongoing activities;
- d) under consideration by the consenting authorities; and
- e) plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

- 2.1.3 Table 1 below lists those plans / projects Natural England are aware of and believe should be considered in the cumulative assessment. It is noted that these are listed within the Cumulative Developments Long List, Appendix D of the Scoping Report.

Table 1: Plans or projects Natural England is aware of for consideration in the ES

Project / Plan	Status
Eastern Green Link 3 / 4	Pre-application
Eastern Green Link 5	Pre-Application
Grimsby to Walpole	Pre-application
Ossian Energy Transmission	Pre-Application
Outer Dowsing	Decision
Viking Carbon Capture and Storage	Approved

3 Environmental data

- 3.1.1 Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at <http://www.naturalengland.org.uk/publications/data/default.aspx>.
- 3.1.2 Detailed information on the natural environment is available at www.magic.gov.uk. This includes Marine Conservation Zone GIS shapefiles.
- 3.1.3 Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).
- 3.1.4 Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local Wildlife Trust, local geo-conservation group or other recording society.

4 Designated nature conservation sites

4.1 Internationally designated and European sites

- 4.1.1 European site conservation objectives are available at <http://publications.naturalengland.org.uk/category/6490068894089216>.
- 4.1.2 Evidence Plans are a useful mechanism NSIP applicants can use to agree what information should be provided to the Planning Inspectorate and Natural England when undertaking Habitats Regulations Assessment (HRA). Agreeing the evidence-needs of the project early prior to applying for Development Consent will help reduce delays in the process. More information on Evidence Plans is available [here](#).
- 4.1.3 Natural England's Impact Risk Zones incorporate internationally designated sites and features and can be used to help identify the potential for the development to impact on a European Site. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).
- 4.1.4 The ES should thoroughly assess the potential for the proposal to affect internationally designated sites of nature conservation importance / European sites,

including marine sites where relevant. This includes Special Protection Areas (SPA), Special Areas of Conservation (SAC), listed Ramsar sites, candidate SAC and proposed SPA.

4.1.5 Article 6 (3) of the Habitats Directive requires an appropriate assessment where a plan or project is likely to have a significant effect upon a European Site, either individually or in combination with other plans or projects.

4.1.6 The development site is within or may impact on the following **European / internationally designated nature conservation sites**:

- Humber Estuary SAC,
- Humber Estuary SPA,
- Humber Estuary Ramsar,
- Saltfleetby – Theddlethorpe Dunes & Gibraltar Point SAC, and
- Greater Wash SPA.

4.1.7 Table 2 lists out the sites, their designated features and potential impact pathways from the Project. More details on the impact pathways are given in the subsequent sections.

4.1.8 Also included is Annex B, which includes further information on the waterbird assemblage at Humber Estuary SPA and Annex C, which details bird survey guidance for passage and wintering birds using functionally linked land (FLL) from the Humber Estuary SPA.

Table 2: Potential impacts to internationally designated / European sites

Site name	Features which the ES will need to consider	Potential impact pathways where further information / assessment is required
Humber Estuary SAC	H1110 Sandbanks which are slightly covered by sea water all the time H1130 Estuaries H1140 Mudflats and sandflats not covered by seawater at low tide H1150 Coastal lagoons H1310 Salicornia and other annuals colonising mud and sand H1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) H2110 Embryonic shifting dunes H2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('White dunes') H2130 Fixed dunes with herbaceous vegetation ('Grey dunes') H2160 Dunes with <i>Hippophae rhamnoides</i> S1095 Sea lamprey, <i>Petromyzon marinus</i> S1099 River lamprey, <i>Lampetra fluviatilis</i> S1364 Grey seal, <i>Halichoerus grypus</i>	Direct and indirect impacts, including FLL for mobile species from: Construction Impacts • Temporary habitat loss and fragmentation from cabling and construction. Including barrier effects to migratory species (lamprey species). • Degradation of habitats from Horizontal Directional Drilling (HDD) installation and pollution events. • Degradation of habitats from traffic emissions. • Degradation of habitats from construction surface water run-off, including to any functionally linked habitat for lamprey. • Disturbance from noise, light and vibration. Operation Impacts • Permanent habitat loss and fragmentation from permanent infrastructure. Including barrier effects to migratory species (lamprey species). • Degradation of habitats from any sea pipe leakage impacting underlying geology and hydrology. • Mortality of lamprey species resulting from water abstraction infrastructure. • Degradation of habitats from any sea pipe leakage impacting underlying geology and hydrology. • Degradation of habitats from heat emitted from sea pipe. • Degradation of habitats from traffic and process emissions. • Surface water run-off from permanent infrastructure, including to any functionally linked habitat for lamprey. • Disturbance from noise, light and vibration.
Humber Estuary SPA	Avocet, <i>Recurvirostra avosetta</i> - A132-A, b Avocet, <i>Recurvirostra avosetta</i> - A132-A, nb Bar-tailed godwit, <i>Limosa lapponica</i> - A157, nb Bittern, <i>Botaurus stellaris</i> - A021, b	Direct and indirect impacts, including FLL for mobile species from: Construction Impacts

Site name	Features which the ES will need to consider	Potential impact pathways where further information / assessment is required
	Bittern, <i>Botaurus stellaris</i> - A021, nb Black-tailed godwit, <i>Limosa limosa islandica</i> - A616, nb Dunlin, <i>Calidris alpina alpina</i> - A672, nb Golden plover, <i>Pluvialis apricaria</i> - A140, nb Hen harrier, <i>Circus cyaneus</i> - A082, nb Knot, <i>Calidris canutus</i> - A143, nb Little tern, <i>Sterna albifrons</i> - A195, b Marsh Harrier, <i>Circus aeruginosus</i> - A081, b Redshank, <i>Tringa totanus</i> - A162, nb Ruff, <i>Calidris pugnax</i> - A151, nb Shelduck, <i>Tadorna tadorna</i> - A048, nb Waterbird assemblage	• Temporary supporting habitat loss and fragmentation from cabling and construction. • Degradation of supporting habitats from HDD installation and pollution events. • Degradation of supporting habitats from traffic emissions and dust deposition. • Degradation of supporting habitats from construction surface water run-off. • Disturbance from noise, light and vibration. Operation Impacts • Permanent supporting habitat loss and fragmentation from infrastructure. • Degradation of supporting habitats from any sea pipe leakage impacting underlying geology and hydrology. • Degradation of supporting habitats from heat emitted from sea pipe. • Degradation of supporting habitats from traffic and process emissions. • Degradation of supporting habitats from surface water run-off from permanent infrastructure. • Disturbance from noise, light and vibration.
Humber Estuary Ramsar	Bar-tailed godwit, <i>Limosa lapponica</i> - Wintering Black-tailed godwit, <i>Limosa limosa</i> - Passage Black-tailed godwit, <i>Limosa limosa</i> - Wintering Dunlin, <i>Calidris alpina</i> - Passage Dunlin, <i>Calidris alpina</i> – Wintering Estuary Golden plover, <i>Pluvialis apricaria</i> - Passage Golden plover, <i>Pluvialis apricaria</i> - Wintering Grey seal, <i>Halichoerus grypus</i> Knot, <i>Calidris canutus</i> - Passage Knot, <i>Calidris canutus</i> - Wintering Natterjack toad, <i>Epidalea calamita</i> Redshank, <i>Tringa totanus</i> - Passage Redshank, <i>Tringa totanus</i> - Wintering	Direct and indirect impacts, including FLL for mobile species from: Construction Impacts • Temporary supporting habitat loss and fragmentation from cabling and construction. Including barrier effects to migratory species (lamprey species, natterjack toads and ornithological features). • Degradation of supporting habitats from HDD installation and pollution events. • Degradation of supporting habitats from traffic emissions and dust deposition. • Degradation of supporting habitats from construction surface water run-off, including to any functionally linked habitat for lamprey and natterjack toads. • Disturbance from noise, light and vibration.

Site name	Features which the ES will need to consider	Potential impact pathways where further information / assessment is required
	River lamprey, <i>Lampetra fluviatilis</i> - Passage Sea lamprey, <i>Petromyzon marinus</i> - Passage Shelduck, <i>Tadorna tadorna</i> - Wintering Waterbird assemblage - Wintering	Operation Impacts • Permanent supporting habitat loss and fragmentation from infrastructure. Including barrier effects to migratory species (lamprey species, natterjack toads and ornithological features). • Mortality of lamprey species resulting from water abstraction infrastructure. • Degradation of supporting habitats from any sea pipe leakage impacting underlying geology and hydrology. • Degradation of supporting habitats from heat emitted from sea pipe. • Degradation of supporting habitats from traffic and process emissions. • Degradation of supporting habitats from surface water run-off from permanent infrastructure, including to any functionally linked habitat for lamprey and natterjack toads. • Disturbance from noise, light and vibration.
Saltfleetby – Theddlethorpe Dunes & Gibraltar Point SAC	H2110 Embryonic shifting dunes H2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('White dunes') H2130 Fixed dunes with herbaceous vegetation ('Grey dunes') H2160 Dunes with <i>Hippophae rhamnoides</i> H2190 Humid dune slacks	Direct and indirect impacts from: Construction Impacts • Temporary habitat loss and fragmentation from cabling and construction. • Degradation of habitats from HDD installation and pollution events. • Degradation of habitats from traffic emissions and dust deposition. • Degradation of habitats from construction surface water run-off. Operation Impacts • Permanent habitat loss and fragmentation from infrastructure. • Degradation of habitats from any sea pipe leakage impacting underlying geology and hydrology. • Degradation of habitats from heat emitted from sea pipe. • Degradation of habitats from traffic and process emissions. • Degradation of habitats from surface water run-off from permanent infrastructure.
Greater Wash SPA	Common scoter, <i>Melanitta nigra</i> - A065, nb Common tern, <i>Sterna hirundo</i> - A193, b Little gull, <i>Hydrocoloeus (Larus) minutus</i> - A177, nb	Direct and indirect impacts, including FLL for mobile species from: Construction Impacts

Site name	Features which the ES will need to consider	Potential impact pathways where further information / assessment is required
	Little tern, <i>Sterna albifrons</i> - A195, b Red-throated diver, <i>Gavia stellata</i> - A001-A, nb Sandwich tern, <i>Thalasseus sandvicensis</i> - A191, b	• Temporary supporting habitat loss and fragmentation from cabling and construction. • Degradation of supporting habitats from HDD installation and pollution events. • Degradation of supporting habitats from traffic emissions and dust deposition. • Degradation of supporting habitats from construction surface water run-off. • Disturbance from noise, light and vibration. Operation Impacts • Permanent supporting habitat loss and fragmentation from infrastructure. • Degradation of supporting habitats from traffic and process emissions. • Degradation of supporting habitats from surface water run-off from permanent infrastructure. • Disturbance from noise, light and vibration.

4.2 Nationally designated sites

4.2.1 Sites of Special Scientific Interest

4.2.2 Sites of Special Scientific Interest (SSSI) are protected under the Wildlife and Countryside Act 1981 (as amended). Further information on the SSSI and its special interest features can be found at www.magic.gov.uk.

4.2.3 Natural England's SSSI Impact Risk Zones can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

4.2.4 The ES should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSIs and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects.

4.2.5 The development site is within or may impact on the following **Sites of Special Scientific Interest**:

- Humber Estuary SSSI, and
- Saltfleetby - Theddlethorpe Dunes SSSI.

4.2.6 Humber Estuary SSSI although outside the usual impact risk zone is included due to it underpinning the European designations, which are included for further assessment.

4.2.7 Further information on the SSSIs and the expected impact pathways from the Project are included in Table 3.

4.2.8 National Nature Reserves

4.2.9 We welcome the inclusion of the Lincolnshire Coronation Coast National Nature Reserve (NNR) within the Scoping Report. The impacts to the habitats and biological features of this site from the Project should be covered under the assessments of the associated SSSIs, SPAs, SACs and Ramsar sites. We would encourage no prejudice of future management of the NNR from the Project.

Table 3: Potential impacts to nationally designated sites

Site name	Features which the ES will need to consider	Potential impact pathways where further information/assessment is required
Humber Estuary SSSI	The Humber Estuary is a nationally important site with a series of nationally important habitats. These are the estuary itself (with its component habitats of intertidal mudflats and sandflats and coastal saltmarsh) and the associated saline lagoons, sand dunes and standing waters. The site is also of national importance for the geological interest at South Ferriby Cliff (Late Pleistocene sediments) and for the coastal geomorphology of Spurn. The estuary supports nationally important numbers of 22 wintering waterfowl and nine passage waders, and a nationally important assemblage of breeding birds of lowland open waters and their margins. It is also nationally important for a breeding colony of grey seals <i>Halichoerus grypus</i> , river lamprey <i>Lampetra fluviatilis</i> and sea lamprey <i>Petromyzon marinus</i> , a vascular plant assemblage and an invertebrate assemblage.	Direct and indirect impacts, including FLL for mobile species from: Construction Impacts • Temporary habitat loss and fragmentation from cabling and construction. Including barrier effects to migratory species (lamprey species and ornithological features). • Degradation of habitats and plant species from HDD installation and pollution events. • Degradation of habitats and plant species from traffic emissions and dust deposition. • Degradation of habitats and plant species from construction surface water run-off, including to any functionally linked habitat for lamprey. • Disturbance from noise, light and vibration. Operation Impacts • Permanent habitat loss and fragmentation from permanent infrastructure. Including barrier effects to migratory species (lamprey species and ornithological features). • Mortality of lamprey species resulting from water abstraction infrastructure. • Degradation of habitats and plant species from any sea pipe leakage impacting underlying geology and hydrology. • Degradation of habitats, plant species and invertebrates from heat emitted from sea pipe. • Degradation of habitats and plant species from traffic and process emissions. • Degradation of habitats and plant species from surface water run-off from permanent infrastructure, including to any functionally linked habitat for lamprey. • Disturbance from noise, light and vibration.
Saltfleetby - Theddlethorpe Dunes SSSI	This nationally important site includes flats, dunes, salt and freshwater marsh which together support an exceptionally rich flora and fauna. There are outstanding assemblages of vascular plants,	Direct and indirect impacts, including FLL for mobile species from: Construction Impacts

Site name	Features which the ES will need to consider	Potential impact pathways where further information/assessment is required
	invertebrates and breeding birds and it is the most north-easterly breeding site in Britain for the Natterjack Toad. The rapid accretion of dunes and saltmarsh make this an important site for research into the processes of coastal development.	• Temporary habitat loss and fragmentation from cabling and construction. Including barrier effects to migratory species (natterjack toads and ornithological features). • Degradation of habitats from HDD installation and pollution events. • Degradation of habitats from traffic emissions and dust deposition. • Degradation of habitats from construction surface water run-off, including to any functionally linked habitat for natterjack toads. • Disturbance from noise, light and vibration. Operation Impacts • Permanent habitat loss and fragmentation from infrastructure. • Degradation of habitats from any sea pipe leakage impacting underlying geology and hydrology. • Impacts to coastal processes from the sea pipe infrastructure. • Degradation of habitats and invertebrates from heat emitted from sea pipe. • Degradation of habitats from traffic and process emissions. • Degradation of habitats from surface water run-off from permanent infrastructure, including to any functionally linked habitat for natterjack toads. • Disturbance from noise, light and vibration.

4.3 Regionally and Locally Important Sites

- 4.3.1 The ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local sites are identified by the local Wildlife Trust, geoconservation group or other local group. The ES should set out proposals for mitigation of any impacts and if appropriate, remediation measures and opportunities for enhancement and improving connectivity with wider ecological networks. They may also provide opportunities for delivering beneficial environmental outcomes.

5 Sea Pipe and Associated Infrastructure

- 5.1.1 Natural England has significant concerns regarding the efficacy and feasibility of the use of trenchless techniques, such as HDD, for the sea pipe installation. This is particularly at the proposed Theddlethorpe area, which may have impacts on designated sites in terms of habitat loss and degradation.
- 5.1.2 This includes intrusive geotechnical investigations required to support the HDD approach such as boreholes and cone penetration tests (CPT) and the access requirements for the equipment.
- 5.1.3 The scoping boundary for the sea pipe location covers an area at Theddlethorpe resulting in landfall across Saltfleetby to Theddlethorpe Dunes & Gibraltar Point SAC / Saltfleetby – Theddlethorpe Dunes SSSI. The 300-year-old dune systems are not receptive to HDD and can be complex to implement due to the complexity of the underlying geology and hydrology and the coastal processes. These sites overlap with the intertidal areas and should therefore be scoped into the ES.
- 5.1.4 In addition to the advice on the feasibility of HDD along this stretch of the Lincolnshire Coast, Natural England notes that the intake and outflow pipes associated with a desalination plant will be considerably larger in diameter than transmission cables. The larger size will be needed to accommodate the volumes of water required for the plant. We also reflect that when creating and maintaining a larger drill hole there is likely to be an increased risk of sinkholes occurring and potential for sensitive dune habitats to be destabilised.
- 5.1.5 Natural England also queries if this will limit the distance that HDD can occur recognising that any exit pit / end to HDD would need to go well beyond the edge of the saltmarsh. In addition, any open cut trenching beyond this point would need to ensure that the pipeline would remain fully buried for the lifetime of the project and there would be no pipeline protrusion above the seabed and/or need for pipeline protection within the nearshore depth closure, thus potentially making the pipeline considerably longer to achieve this.
- 5.1.6 The location of the intake and outflow pipe also raises concerns in relation to potential impacts to designated migratory river and sea lamprey from the Humber Estuary SAC / Ramsar / SSSI. Mortality impacts to lamprey species should be considered as features of designated sites during construction and operation.
- 5.1.7 Also, due to the water pressure exerted, any pipeline will need to be heavily encased to reduce the risk of pipeline failure over the lifetime of the project. Natural England is concerned in relation to operational risk associated with any pipeline failures as it is unlikely due to the infinite water supply, and no ability to check outfall pressure that any leaks will only be detected once damage to Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC, Saltfleetby-Theddlethorpe LNR and Saltfleetby - Theddlethorpe Dunes archived NNR (now part of Lincolnshire Coronation Coast

NNR) designated site features is observed as a result of changes in hydrology. Of particular concern are hydrological impacts on Annex I dune slacks.

- 5.1.8 This includes where the presence of the sea pipes themselves may impact any hydrological pathways to the humid dune slacks. The coastal processes have been monitored by the [Anglian Coastal Monitoring Programme](#) and the sea pipe is located to the north of the monitoring point. The sediment transport and anticipated beach profiles need to be extrapolated to establish the future baseline, including in relation to climate change. The potential effect of the sections of exposed pipes on coastal processes and consequent long term dune stability will need to be demonstrated.
- 5.1.9 **All features of designated sites should be considered for impacts from the HDD, including any investigative works and pollution events. Natural England advises that every effort should be made to avoid this site as part of embedded mitigation measures to ensure no adverse effect to the features of this site.**
- 5.1.10 **Consideration of alternatives**
- 5.1.11 Natural England strongly advises that consideration is given to using existing pipelines, three of which are currently redundant, as a means to support a desalination plant. If this is not possible, then we advise that an alternative option is found which preferably avoids impacts to sensitive designated site features. If this is not possible, we advise that significant project design changes will be required to reduce the risk of impacts occurring.
- 5.1.12 Further consideration should be given and justified as to why this location, under sensitive ecological features, was chosen for the sea pipe over other potential less damaging routes in the area.
- 5.1.13 It should be clear, evidenced and justified to decision makers the need for and location of the desalination pipes as part of the Project.
- 5.1.14 Further to this, we would like to raise the Planning Inspectorate's attention to the number of development projects that are currently seeking to make landfall within this section of the Lincolnshire coastline north of Wolla Bank SSSI between Anderby Creek and Theddlethorpe. There is a need to consider each of these projects collectively to ensure that each has sufficient space without collectively conflating any nature conservation concerns. We would therefore welcome coordination with the other projects at this location to avoid cumulative impacts as far as possible.

6 Habitat Loss, Fragmentation and Degradation

6.1.1 Habitat loss

- 6.1.2 The project has the potential for loss of habitats functionally linked for mobile species of designated sites such as birds, sea and river lamprey and natterjack toads. This includes temporary loss from the construction phases and permanent loss from the operational phase. Assessment should be made as to the impacts from the proposed Project to the functionally linked habitats used by mobile designated features of sites. Golden plover, for example, can travel 15-20km from designated sites and natterjack toads are known to use the ponds adjacent to the Theddlethorpe Thermal and Electrolysis Site (TES).

6.1.3 Habitat fragmentation

6.1.4 There is potential for fragmentation and barrier effects from the proposed Project that will prohibit functioning ecosystems and impact habitats and mobile species within designated sites. This can be from physical barriers such as roads and buildings, as well as other barriers such as noise and visual disturbance. These aspects should be assessed for the designated features of sites and where it is an International / European site, against the conservation objectives of the site.

6.1.5 **Habitat degradation**

6.1.6 Habitat degradation can include multiple impact pathways from construction and operational phases discussed in more detail within this Annex including:

- Sea pipe and associated infrastructure
- Air quality impacts
- Water quality impacts
- Noise, light and vibration impacts

6.1.7 **Consideration of alternatives**

6.1.8 Land chosen at the Theddlethorpe TES is on arable land, potential functionally linked habitat, rather than the brownfield site adjacent and other brownfield sites in the area. It would be useful to understand why this option was chosen over brownfield areas in the alternatives considered.

7 **Air quality**

7.1.1 Air quality in the UK has improved over recent decades but air pollution remains a significant issue. For example, approximately 85% of protected nature conservation sites are currently in exceedance of nitrogen levels where harm is expected (critical load) and approximately 87% of sites exceed the level of ammonia where harm is expected for lower plants (critical level of 1µg)^[1]. A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The Government's Clean Air Strategy also has a number of targets to reduce emissions including to reduce damaging deposition of reactive forms of nitrogen by 17% over England's protected priority sensitive habitats by 2030, to reduce emissions of ammonia against the 2005 baseline by 16% by 2030 and to reduce emissions of NO_x and SO₂ against a 2005 baseline of 73% and 88% respectively by 2030.

7.1.2 The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly, or from traffic generation. Hence planning decisions can have a significant impact on the quality of air, water and land. The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions, which may be being developed or implemented to mitigate the impacts of air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk).

7.1.3 Natural England have produced air quality standard guidance for Nationally Significant Infrastructure Projects (Annex D attached). It outlines the main air pollutants and gives standardised advice on how to assess significance of impacts to designated sites. As this Project includes novel technology, we may also review the

^[1] [Report: Trends Report 2020: Trends in critical load and critical level exceedances in the UK - Defra, UK](#)

assessments and provide bespoke advice. We would be happy to work with the Applicant on this through pre-application engagement.

7.1.4 Information on air pollution modelling, screening and assessment can be found on the following websites:

- SCAIL Combustion and SCAIL Agriculture - <http://www.scail.ceh.ac.uk/>
- Ammonia assessment for agricultural development
<https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit>
- Environment Agency Screening Tool for industrial emissions
<https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>
- Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England <http://www.airqualityengland.co.uk/laqm>.

7.1.5 Natural England welcome the consideration of air pollution emissions from construction dust, construction and operational traffic and operational process emissions within the Scoping Report. We accept the proposed screening thresholds for further assessment of road traffic emissions at sites, of 500 Average Annual Daily Trips (AADT) for light duty vehicles and 100 AADT for heavy duty vehicles within 250m.

7.1.6 We note the reference to IAQM Guidance and Environment Agency guidance for assessment of significant effects at designated sites. We would like to note the significance test used by Natural England for impacts to designated sites is where the Process Contribution >1% of a long-term critical load or level and the Predicted Environmental Concentration is >70%, this is a pathway to a likely significant effect.

7.1.7 We note impacts from amines are scoped out due to them being short-lived in the environment. However, amines have a complex atmospheric chemistry; they are short-lived, but degradation products can impact ecosystems. As such, they should be scoped in for further assessment of impacts to sensitive environmental receptors.

8 Water quality

8.1.1 The planning system plays a key role in determining the location of developments which may give rise to water pollution, and hence planning decisions can have a significant impact on water quality, and land. The assessment should take account of the risks of water pollution and how these can be managed or reduced. A number of water dependent protected nature conservation sites have been identified as failing condition due to elevated nutrient levels and nutrient neutrality is consequently required to enable development to proceed without causing further damage to these sites. The ES needs to take account of any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans, which may be being developed or implemented to mitigate and address the impacts of elevated nutrient levels.

8.1.2 Any impacts from pollution events including frac-out and sink holes from installation of the sea pipe should be considered. HDD impacts of the sea pipe are discussed above.

8.1.3 Any potential for a hydrological connection from surface water run-off between the sea pipe, infrastructure, cable route and the designated sites should be considered, during construction and operational activities and infrastructure. This includes any

habitats functionally linked for mobile species including natterjack toads and lamprey species.

- 8.1.4 Where the sea pipe abstracts from the North Sea, part of the Greater Wash SPA, it should be demonstrated that the level of abstraction required can be sourced sustainably without adverse impacts on European sites and their designated features.
- 8.1.5 Where the sea pipe discharges to the North Sea, part of the Greater Wash SPA, assessment should be made for any likely significant effect to the designated features sensitive to toxic contamination, heat effects and turbidity.
- 8.1.6 Any water used for emergency events, such as fire, should be captured and either disposed of outside the catchment of any sensitive ecological sites, or treated appropriately to avoid pollution of designated sites & the wider water environment.

9 Noise, Light & Vibration

- 9.1.1 Natural England note the potential noise and vibration sources to scope out of the assessment (16.1.2) and agree in principle with the approach, pending further details of the project design.
- 9.1.2 We note in the Noise and Vibration baseline environment (16.4.1-3), ecological Noise Sensitive Receptors (eNSR) are not discussed. These receptors should be included in any baseline data to ensure meaningful assessment is made.
- 9.1.3 No impacts to marine eNSR are expected as the sea pipe will be installed from land-based HDD.
- 9.1.4 Natural England note the assessment methodology cited as Method 2 of Annex E of BS 5228 1:2009+A1:2014. We accept the assessment methodology using significance of effects based on noise change from a baseline. We would note 3dB change from baseline shows a pathway to Likely Significant Effect. Where LSE is identified, further assessment will be required showing noise contours affecting eNSRs, including at any FLL, informed by bird survey.
- 9.1.5 We welcome that all designated sites are classed as high sensitivity.

10 Protected species

- 10.1.1 The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats).
- 10.1.2 Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.
- 10.1.3 The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey

time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

- 10.1.4 Natural England will not make detailed comments on Protected Species elements of this project. Natural England has adopted [standing advice](#) for protected species, which includes guidance on survey and mitigation measures. Applicants should check to see if a mitigation licence is required using NE guidance on licencing [NE wildlife licences](#). Natural England are unable to advise upon the need for a licence; this responsibility falls to the developer.
- 10.1.5 Where licence need is identified, applicants should also make use of Natural England's charged [Pre Submission Screening Service](#), during the pre-application stages, for a review of a draft wildlife licence application. Through this service Natural England will review a full draft licence application to issue a Letter of No Impediment (LONI) which explains that based on the information reviewed to date, that it sees no impediment to a licence being granted in the future should the DCO be issued. This is done to give the Planning Inspectorate confidence to make a recommendation to the relevant Secretary of State in granting a DCO. [Advice Note Eleven, Annex C – Natural England and the Planning Inspectorate](#) contains details of the LONI process.

11 Priority Habitats

- 11.1.1 Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found [here](#). Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.
- 11.1.2 Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to [download](#). Further information is also available [here](#).
- 11.1.3 An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.
- 11.1.4 The ES should include details of:
- Any historical data for the site affected by the proposal (e.g. from previous surveys)
 - Additional surveys carried out as part of this proposal
 - The habitats and species present
 - The status of these habitats and species (e.g. whether priority species or habitat)
 - The direct and indirect effects of the development upon those habitats and species
 - Full details of any mitigation or compensation measures
 - Opportunities for biodiversity net gain or other environmental enhancement

11.2 Ancient Woodland, ancient and veteran trees

- 11.2.1 The ES should assess the impacts of the proposal on the ancient woodland and any ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.
- 11.2.2 Ancient woodland is an irreplaceable habitat of great importance for its wildlife, its history, and the contribution it makes to our diverse landscapes. Paragraph 186 of the National Planning Policy Framework (NPPF) sets out the highest level of protection for irreplaceable habitats and development should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.
- 11.2.3 The Overarching National Policy Statement for Energy (EN-1) notes Applicant assessment of ancient woodland, ancient and veteran trees should include measures to mitigate fully any direct or indirect effects of development during construction and operational phases. It states the Secretary of State should not grant development consent that would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and ancient and veteran trees unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 11.2.4 Natural England maintains the [Ancient Woodland Inventory](#) which can help identify ancient woodland. The [wood pasture and parkland inventory](#) sets out information on wood pasture and parkland.
- 11.2.5 Natural England and the Forestry Commission have prepared [standing advice](#) on ancient woodland, ancient and veteran trees.
- 11.2.6 Natural England note and welcome in the Scoping Report a commitment of impacts to ancient woodland will be avoided through embedded mitigation measures. We would welcome the expansion of this to include ancient and veteran trees.

12 Landscape

12.1 Nationally designated landscapes

- 12.1.1 The development site may impact on a **protected landscape**: the Lincolnshire Wolds National Landscape (LWNL), formerly known as an Area of Outstanding Natural Beauty (AONB).

12.2 Landscape and visual impacts

- 12.2.1 Public bodies have a duty to seek to further the statutory purposes of designation in carrying out their functions (under section 245 of the Levelling Up and Regeneration Act 2023). This duty also applies to proposals outside the designated area but impacting on its natural beauty.
- 12.2.2 The Energy National Policy Statement EN-1 gives significant protection including within the setting of the protected landscape.
- 12.2.3 Consideration should be given to the direct and indirect effects on this designated landscape, and particularly the effect upon its purpose for designation. The management plan for the designated landscape may also have relevant information that should be considered in the EIA.
- 12.2.4 **General approach to landscape and visual impacts assessment in the ES**

- 12.2.5 The environmental assessment should refer to the relevant [National Character Areas](#). Character area profiles set out descriptions of each landscape area and statements of environmental opportunity.
- 12.2.6 The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA) in 2013. LCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character.
- 12.2.7 A landscape and visual impact assessment should also be carried out for the proposed development and surrounding area. Natural England recommends use of the methodology set out in Guidelines for Landscape and Visual Impact Assessment 2013 (3rd edition) (GLVIA3) produced by LI and IEMA. We welcome the reference in the Scoping Report to GLVIA3 and An Approach to Landscape Character Assessment (Natural England, 2014).
- 12.2.8 For National Parks and National Landscapes (formerly AONBs), **we advise that the assessment also includes effects on the ‘special qualities’ of the designated landscape**, as set out in the statutory management plan for the area. These identify the particular landscape and related characteristics which underpin the natural beauty of the area and its designation status.
- 12.2.9 Natural England could not see reference to the special qualities of the LWNL within the Scoping Report. All those landscape receptors in protected landscapes and their setting that are key to its special qualities will be of ‘high’ value, and likely to be susceptible to change.
- 12.2.10 Of particular note is the height of the potential chimney stack and any plumes emitted at the Theddlethorpe TES. Despite the separation from the designated landscape, the scale of this permanent development could have a significant impact on the special quality of ‘expansive sweeping views’ out from the landscape towards the coast.
- 12.2.11 The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.
- 12.2.12 To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the [National Design Guide](#) and [National Model Design Code](#). The ES should set out the measures to be taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.
- 12.2.13 We welcome the proposed design measures proposed for screening the infrastructure, such as tree and hedge planting. We note these will be delivered as part of the Biodiversity Net Gain (BNG) provision. We would welcome reference to native species choices, sympathetic to the Local and National Character Areas.

13 Soils and agricultural land quality

- 13.1.1 Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered. Further guidance is set out in the Natural England [Guide to assessing development proposals on agricultural land](#). Natural England would welcome reference to the ISEP (formerly IEMA) guidance: [A New Perspective on Land and Soil in Environmental Impact Assessment](#).
- 13.1.2 The following issues should be considered and, where appropriate, included as part of the ES:
- Soils as a site selection factor / constraint in temporary and permanent infrastructure.
 - The degree to which soils would be disturbed or damaged as part of the development.
 - The extent to which agricultural land would be disturbed or lost as part of this development, including whether any BMV agricultural land would be impacted.
- 13.1.3 This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see www.magic.gov.uk.
- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).
 - The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
 - The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.
- 13.1.4 Further information is available in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#) and The British Society of Soil Science Guidance Note [Benefitting from Soil Management in Development and Construction](#).
- 13.1.5 Natural England welcome reference made to the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites in regard to the development of an outline Soil Management Plan. For temporary works on the cable corridor and in any decommissioning plans, we would welcome the commitment to reinstate to the original ALC grade within the Soil Management Plan and any Decommissioning Environmental Management Plans.

14 Biodiversity net gain

- 14.1.1 The Environment Act 2021 includes NSIPs in the requirement for BNG, with the biodiversity gain objective for NSIPs defined as at least a 10% increase in the pre-development biodiversity value of the on-site habitat. It is the intention that BNG should apply to all terrestrial NSIPs accepted for examination from May 2026. This includes the intertidal zone but excludes the subtidal zone (an approach to marine net gain is being developed but this will not form part of mandatory BNG). Projects that span both offshore and onshore will be subject to BNG requirements for the onshore components only. Some organisations have made public BNG commitments, and some projects are already delivering BNG on a voluntary basis.
- 14.1.2 Natural England welcome the commitment from the Applicant to deliver 10% BNG with the Project and use of the Biodiversity Metric in the assessment and planning. We note that the design will be included and secured within the outline Landscape Environmental Management Plan.
- 14.1.3 Biodiversity Net Gain outcomes can be achieved on-site, off-site or through a combination of both, however, on-site provision should be considered first. We welcome the indications that BNG will be provided within the Order Limits around the proposed permanent infrastructure. Delivery of BNG can be aligned to the Local Nature Recovery Strategy (LNRS) to deliver most impactful gains for nature. Where the relevant LNRS is not available, the local Biodiversity Action Plan can inform impactful delivery of habitats.
- 14.1.4 There are opportunities to enhance habitats complimenting the NNR and improving habitat connectivity along the coast and adjacent to the designated sites. We would be happy to work through the scope of habitat enhancements through our Discretionary Advice Service.

15 Connecting people with nature

- 15.1.1 The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 104 and there will be reference in the relevant National Policy Statement. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.
- 15.1.2 Natural England welcome the inclusion of the four Public Rights of Way (PRoW) in assessment. We would also suggest that the King Charles III Coast Path also be included in any screening as the sea pipe will pass below this.

15.2 Green Infrastructure

- 15.2.1 Natural England welcome the inclusion of green infrastructure (GI) in the Scoping Report, through GI corridors and opportunities for mitigation and enhancement. We would direct the Applicant to Natural England's [Green Infrastructure Framework](#) to inform the design, implementation and monitoring of proposed GI and ensure the standards and principles are of high quality. The [Process Journeys](#) may be of particular use in the development of GI for the Project to ensure it is multifunctional and embedded within the design.

16 Climate change

16.1.1 We would welcome inclusion of Nature based solutions (NbS) in any of the embedded design measures and enhancement measures, suitable to the local habitats and ecosystems, to build in resilience and adaptation measures to the Project. For reference there are 4 main areas of focus for Natural England's climate change work:

1. NbS to contribute to meeting net zero. The natural environment can play a vital role in tackling the climate crisis as healthy ecosystems take up and store a significant amount of carbon in soils, sediments and vegetation. Tree planting and peatland restoration are the biggest opportunities however [many habitats and ecosystems can contribute to carbon storage and sequestration](#). New woodland takes up carbon from the atmosphere via photosynthesis and peatland restoration stops GHG emissions from the oxidation of degraded peat. Tree planting is particularly important as one of the few proven ways to remove carbon dioxide from the atmosphere at large scale.
2. Nature based solutions to reduce risks to people from climate change (often termed Ecosystem-based Adaptation), for example natural flood management and urban cooling from green infrastructure. Natural England have published a [Climate Change Adaptation Manual](#) to highlight this.
3. Building resilience of and accommodating change within the natural environment by restoring natural processes and habitats. Our degraded natural environment is further at risk from the impacts of climate change, our work, and the work of all our partners needs to recover nature and natural processes with climate change central to this.
4. Adapting conservation objectives for designated sites and management techniques to adjust to changes that have already happened or are inevitable. This is to ensure these sites, their habitats, species, or geological features can adapt to inevitable changes.

Annex B: Humber Estuary Special Protection Area: non-breeding waterbird assemblage (Version 1.2, June 2023)

The Humber Estuary Special Protection Area (SPA) qualifies under article 4.2 of the European Commission Bird Directive (79/409/EEC) in that it supports an internationally important assemblage of waterbirds. Confusion can arise concerning which species to consider when assessing the Humber Estuary SPA non-breeding, waterbird assemblage feature.

Natural England recommends focusing on what are referred to as the 'main component species' of the assemblage. Main component species are defined as:

- a) All species listed individually under the assemblage feature on the SPA citation (i.e. the species that qualified in 2007 when the site was designated).
- b) Species which might not be listed on the SPA citation but occur at site levels of more than 1% of the national population according to the most recent Humber Estuary Wetland Bird Survey (WeBS) 5-year average count (currently 2017/18 - 2021/22).
- c) Species where more than 2000 individuals are present according to the most recent Humber Estuary WeBS count.

The assemblage qualification is therefore subject to change as species' populations change. It should be noted that species listed on the citation under the assemblage features, whose populations have fallen to less than 1% of the national population, retain their status as a main component species and should be considered when assessing the impacts of a project or plan on the Humber Estuary SPA.

Natural England advises that the main component species of the Humber Estuary SPA non-breeding waterbird assemblage include (June 2023):

a) *Species listed individually under the assemblage feature on the SPA citation:*

- Avocet, *Recurvirostra avosetta* (non-breeding)
- Bar-tailed godwit, *Limosa lapponica* (non-breeding)
- Bittern, *Botaurus stellaris* (non-breeding)
- **Black-tailed godwit, *Limosa limosa islandica* (non-breeding)¹**
- **Brent goose, *Branta bernicla* (non-breeding)¹**
- **Curlew, *N. arquata* (non-breeding)¹**
- **Dunlin, *Calidris alpina alpina* (non-breeding)¹**
- **Golden plover, *Pluvialis apricaria* (non-breeding)¹**
- Goldeneye, *Bucephala clangula* (non-breeding)
- Greenshank, *T. nebularia* (non-breeding)
- Grey plover, *P. squatarola* (non-breeding)
- Knot, *Calidris canutus* (non-breeding)
- **Lapwing, *Vanellus vanellus* (non-breeding)¹**
- **Mallard, *Anas platyrhynchos* (non-breeding)¹**
- Oystercatcher, *Haematopus ostralegus* (non-breeding)
- Pochard, *Aythya farina* (non-breeding)
- **Redshank, *Tringa totanus* (non-breeding)¹**
- Ringed plover, *Charadrius hiaticula* (non-breeding)
- **Ruff, *Philomachus pugnax* (non-breeding)¹**
- Sanderling, *Calidris alba* (non-breeding)

¹ Species known to use off-site supporting habitat / functionally linked land (FLL) in the non-breeding season

- Scaup, *Aythya marila* (non-breeding)
- **Shelduck, *Tadorna tadorna* (non-breeding)¹**
- **Teal, *Anas crecca* (non-breeding)¹**
- Turnstone, *Arenaria interpres* (non-breeding)
- **Whimbrel, *Numenius phaeopus* (non-breeding)¹**
- **Wigeon, *Anas Penelope* (non-breeding)¹**

And

b) Species which are not listed on the SPA citation but occur at site levels of more than 1% of the national population according to the most recent Humber Estuary Wetland Bird Survey (WeBS) 5-year average count:

- Green sandpiper, *Tringa ochropus* (non-breeding)
- **Greylag goose, *Anser anser* (non-breeding)¹**
- **Little egret, *Egretta garzetta* (non-breeding)¹**
- **Pink-footed goose, *Anser brachyrhynchus* (non-breeding)¹**
- Shoveler, *Anas clypeata* (non-breeding)
- **Crane, *Grus grus* (non-breeding)¹**

As stated above, the assemblage qualification is subject to change as species' populations change; therefore, the appropriate WeBS data should be considered in any assessment and the above list should be used as a guide only.

Please note, the advice set out above should be considered when assessing potential impacts on the waterbird assemblage feature. You will also need to consider potential impacts on species which are not considered to be non-breeding waterbirds but are listed on the citation qualifying under article 4.1 and 4.2 of the Directive. These include:

- **Hen harrier, *Circus cyaneus* (non-breeding)¹**
- **Marsh Harrier, *Circus aeruginosus* (breeding)¹**
- Little tern, *Sterna albifrons* (breeding)
- Avocet, *Recurvirostra avosetta* (breeding)
- Bittern, *Botaurus stellaris* (breeding)

The species marked ¹ in **bold text** are known to use off-site supporting habitat / functionally linked land (FLL) (e.g. arable farmland, grassland/pasture, and/or non-estuarine waterbodies) in the non-breeding season and may therefore be the most relevant for assessing potential impacts of a proposed plan/project on birds using FLL associated with the Humber Estuary SPA. However, please note that this list should be used as a guide only; usage may depend on factors such as the habitats available on the site and distance to the Humber Estuary etc. Therefore, assessments of potential impacts on birds using functionally linked land should consider all relevant species and clear justification should be provided if any species are excluded from the assessment.

¹ Species known to use off-site supporting habitat / functionally linked land (FLL) in the non-breeding season

Annex C: Passage and wintering bird surveys for functionally linked land associated with the Humber Estuary and/or Lower Derwent Valley designated sites (Version 1.1, December 2021)

Background

The below guidance is intended to inform assessments of proposed development sites in proximity to the Humber Estuary and/or the Lower Derwent Valley designated sites only, where potential impacts from loss of/disturbance to functionally linked land (FLL) have been identified, for example due to presence of suitable habitat (such as arable land/grassland or open waterbodies) and/or relevant bird records and/or local knowledge.

Natural England recommends that surveys are undertaken of the site and surrounding fields to provide an overview of bird usage during wintering and spring/autumn passage periods.

We recommend that the surveys are carried out in line with the following best practice guidance. Where alternative approaches are used, clear justification should be provided.

Please note that recommended survey periods, frequency and design may differ for sites located within the boundaries of Humber Estuary or Lower Derwent Valley designated sites, or in proximity to other designated sites. Please contact Natural England in such cases.

Survey periods and frequency

Natural England recommends that surveys are completed at the following frequency:

- Autumn Passage – two surveys per month between August to October inclusive.
- Winter - two surveys per month between October to March inclusive.
- Spring Passage – two surveys per month between March - Mid-May inclusive.

We advise that spring and autumn passage surveys are completed (in addition to winter surveys) as the Humber Estuary and Lower Derwent Valley SPAs are important for species migrating between breeding and wintering sites. Further advice on seasonality for Humber Estuary SPA and Lower Derwent Valley SPA designated features can be found at [Designated Sites View \(naturalengland.org.uk\)](https://naturalengland.org.uk/designated-sites-view) and [UK9006092 Lower Derwent Valley SPA Published 14 Sep 2023 \(naturalengland.org.uk\)](https://naturalengland.org.uk/uk9006092-lower-derwent-valley-spa), respectively.

Weekly visits during the autumn and spring passage periods are recommended where birds are likely to be present in the migration period only, due to high turnover of birds during migration. Note that certain passage species, such as whimbrel associated with the Lower Derwent Valley SPA, may have specific survey requirements due to their migration behaviour. Please discuss such cases with Natural England.

Natural England recommends that two years of wintering and passage surveys should be completed in certain cases to provide a more robust understanding of SPA bird usage on the site and inform design of suitable mitigation, where relevant. This will depend on site-specific factors, for example where proposed development sites:

- are in very close proximity to the designated site/s; and/or
- have a large development footprint; and/or
- are expected/shown to have high bird sensitivity, especially where activity varies significantly between years; and/or
- existing bird records / expert advice demonstrates usage of the site by high numbers of SPA birds.

Please contact Natural England if you are unclear on whether two years of wintering and passage surveys are recommended for this proposal.

Survey design

Wintering/passage surveys should be designed to ensure that results are sufficient to provide a robust picture of distribution, abundance and regularity of use by waterbirds associated with the Humber Estuary and/or Lower Derwent Valley SPAs across the full extent of the proposed development site. Please refer to Annex B and/or Annex B1 for the non-breeding waterbird assemblage list for the Humber Estuary and Lower Derwent Valley SPA, respectively.

A detailed methodology should be included in the relevant report/s, including key information such as number of visits, date and time of visits, viewpoint locations and/or transect routes walked. The survey results should provide some understanding of how the birds use the site (for example, for roosting or foraging) as well as presence/ absence. We would expect to see commentary of birds landing and taking off within and outwith the development site. We also recommend recording birds in flight, particularly if the application may have the potential to affect bird flight lines.

Consideration should also be given to surveys in poor weather/ visibility conditions. Usual survey methodology is to avoid surveying in poor conditions due to potential reduced detectability of birds. However, use can vary in different weather conditions, so it may be helpful to carry on with surveys in poor weather. Weather conditions may affect the results of the surveys and therefore should be considered in assessing the robustness of the dataset.

In addition, details of wider weather conditions should be included, for example, where there may have been a particularly wet or cold season and this may change bird distribution across the area, due to frozen ground etc. Furthermore, a milder autumn may lead to wintering birds arriving later and vice versa in colder autumns.

The methodology should also consider whether the site has any seasonal features such as dips and low-lying areas that retain water at particular times, for example early in the season or in wet years. These areas may have importance for waders at these times, but if surveyed during a drier spell or where full passage/winter surveys have not been completed, it may be possible to underestimate the importance of the site.

For sites in close proximity to the Humber Estuary, the surveys should cover different tidal states. Use of sites closer to the estuary are more likely to be tidally influenced. For sites which may potentially affect high tide roosts, observations should be conducted from two hours before high tide to two hours after high tide. For sites where there are high tide roosts, it may be beneficial to have a series of counts at different heights of tides ('through the tide counts'), as some sites are only used on Spring tides and others are only used on Neap and low tides.

For sites in proximity to the Lower Derwent Valley, the surveys should cover different times of day and different flooding states in the valley. For example, during certain winter periods, the designated site may be extensively flooded and therefore usage of surrounding functionally linked land may be higher for wading birds.

The surveys should cover open arable land/grassland and any waterbodies within the proposed site boundary, as well as land adjacent to the development that could be affected and provides the potential to support designated site species. Where a site is adjacent to the Humber Estuary designated site, additional considerations may be required, for example

ensuring adequate surveys of intertidal habitats. Please contact Natural England in such cases.

Surveys may also need to take account of surveys at dusk and dawn, depending upon the bird species (i.e. geese and swans). If geese and swans have the potential to use the development site or surrounding area, we would expect to see surveys 1 hour before and 1 hour after, dusk and dawn during the respective bird survey season (i.e. winter, spring and autumn passage (as above)). These surveys should be in addition to the standard daytime survey but can be carried out on the same day. For example, a dawn survey to count geese or swans at their night-time roost could then extend into a survey of daytime use of fields for foraging.

Natural England generally recommends that observations from vantage points (VP) are used. VP surveys are considered preferable to walkover surveys for observing behaviour of birds on the ground (i.e., whether they are foraging/loafing etc.), and to minimise the risk of flushing birds due to movement of a surveyor during a walkover survey. Also, birds which may otherwise have landed in the field during the survey period may be unlikely to do so with the presence of a moving surveyor. If landscape features mean it is not possible to avoid walking through part of the survey area to get from one point count to another, this should be noted and the reaction of any birds present recorded, including any that are flushed.

Further guidance on vantage point surveys can be found at [Recommended bird survey methods to inform impact assessment of onshore windfarms | NatureScot](#). Natural England recognises that the NatureScot VP guidance is written for impacts associated with wind turbines. However, Natural England considers that the survey guidance detailed in Section 3.7 provides an appropriate methodology to identify distribution and abundance of birds to inform the assessment of other developments. We acknowledge that some of the information regarding the required watch hours and height considerations etc will not be relevant in the context of other developments. Therefore, site-specific considerations should be taken into account when designing the survey methods.

Where VP surveys are not considered appropriate for a particular site, clear reasoning and justification regarding the alternative survey methods undertaken should be provided.

Natural England has generally advised that if $\geq 1\%$ of a Humber Estuary bird species population could be affected by a proposal, alone or in combination with other plans or projects, then further consideration is required. However, where species are particularly vulnerable due to declines in the Humber population, then it may not be appropriate to rely on the 1% of the estuary population as the critical threshold. Mitigation measures may be required where lower numbers of vulnerable species are using a site that is proposed for development.

Nocturnal surveys

Wader and waterfowl usage of arable land/grassland outside designated sites can be substantially different at night. Therefore, Natural England recommends nocturnal surveys are also carried out if waders and/or waterfowl have the potential to use the development site. These surveys should be in addition to the standard daytime surveys. We recommend that several visits should be completed to determine if the site and/or surrounding areas play a regular role in supporting SPA species at night. Night vision/infra-red equipment and survey on moonlit nights can establish presence of nocturnal species or presence and direction of feeding/migration movements both by calls and by sight¹.

Guidance on nocturnal surveys can be found at [Nocturnal bird surveys | Bird Survey Guidelines](#). The nocturnal survey design should take this guidance into account, and the approach should be justifiable in the assessment. It should be noted that for most species nocturnal activity is likely to be underestimated in any attempted survey¹.

¹ Scottish Natural Heritage: Recommended bird survey methods to inform impact assessment of onshore wind farms (March 2017- Version 2).

Annex D: Standard Advice for Air Quality Impacts in Nationally

Significant Infrastructure Projects (NSIPs)

Natural England provides the following standard advice on air pollution. This advice relates to the protection of protected sites under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) and the Wildlife and Countryside Act 1981 and should be taken as Natural England's formal representation. This standard advice is applicable to all stages of the NSIP process and may be used by the applicant for NSIP pre application stages, by the Examining Authority (ExA) during the statutory stages of the NSIP and by the relevant Secretary of State as the competent authority.

Protected sites are 'sites of special scientific interest' (SSSIs) and 'habitats sites' (also called 'European sites'). For the purposes of this advice, Habitats Sites are Special Areas of Conservation (SACs), possible SACs, Special Protection Areas (SPAs), Potential SPAs, Ramsar sites, and sites identified, or required, as compensatory measures for adverse effects on Habitats Sites. Although their regulatory frameworks differ, the general principles and approach for air pollution assessment outlined for Habitats Sites are also relevant for SSSIs. Where the following advice applies to both, we use the term protected sites. Where the advice or approach differs, the individual terms are used.

This includes advice on information that is required to assess this and how to interpret the results of air quality modelling for the decision maker to conclude whether air quality impacts would have an adverse effect on the integrity of a Habitat site or a SSSI. You should also consider any relevant caselaw that could affect how you carry out any air quality assessments.

Air pollutants

This advice covers the following air pollutants from the construction, operation and decommissioning phases of a proposal

- ammonia (NH₃)
- nitrogen oxides (NO, NO₂ or NO_x)
- nitrogen deposition
- acid deposition
- sulphur dioxide (SO₂)

Standing advice on air pollution and development is also available here:

<https://www.gov.uk/guidance/air-pollution-and-development-advice-for-local-authorities>

Whilst the standing advice does not cover NSIPs, it does include additional technical advice which may prove useful. However, in summary, Table 1 provides the steps that we advise should be taken to assess air quality impacts on protected sites. The applicant should provide their own assessment containing the information and detailed modelling you need. You need to review this and make your own conclusion.

Table 1: Sequential approach to air quality assessments

Stage	Step	Supplemental evidence/ basis for judgment
Initial screening for credible risk of an effect	1 Check Distance criteria - could significant emissions reach a protected site? Yes = move to Step 2	The Air Pollution Information System (APIS) includes an introduction to air pollution.

		No = no further HRA required	APIS provides site specific information on the interest features of individual protected sites and the sensitivity to air quality impacts of those features. Please see Table 2 for industrial air pollution screening distances. For road traffic impacts, roads on the affected road network that lie within 200m of a designated site should be considered. Use Magic Map to check the location of designated sites. Search for the location then select the 'Designations' option.
	2	Check if the qualifying habitats or supporting habitat of qualifying species are sensitive to air quality impacts. Yes = move to Step 3 No = no further HRA required APIS Site relevant Critical Loads and Levels (based on literature and professional judgement) http://www.apis.ac.uk/src1 Some habitats may not have a critical load because there is not enough data. In these cases, you should find the critical load for a similar habitat type or feature.	The qualifying features of Habitats Sites can be identified in the relevant Site Conservation Objectives and Supplementary advice packages, which include a definitive list of legally qualifying features. These objectives are available here. Alternatively, a list of qualifying features can also be found by searching for the Habitats Site and SSSIs on Designated Sites View, alongside Conservation Objectives and Supplementary Advice for Habitats Sites. The above links will also show whether any of the qualifying features for Habitats Sites have a Restore or Maintain Conservation Objective in relation to air quality thresholds (critical levels or loads). If the site is a SPA or an SAC/SSSI designated for an animal species (as opposed to a habitat), determine whether the predicted pollution effects on the supporting habitat will have a negative effect on the notified species.
Detailed AQ modelling	3	Undertake detailed modelling using a recognised dispersal model – i.e. Atmospheric Dispersion Modelling System (ADMS) Unless robust site-specific evidence is provided, we advise the lower range of the critical load should be used in modelling. If there are site specific reasons why it is more appropriate to use the higher end of the range, then this should be clearly evidenced.	Air Quality modelling should include relevant scenarios that are clearly identified. One such example of scenarios is a baseline plus future forecasts as follows: Baseline, a construction year, and future operational year(s), do nothing (without proposal), do something (with proposal); taking into account background trends for each pollutant). For proposals that will emit pollutants from a point source, it is helpful to provide isopleths of the dispersion modelling results, showing the predicted contours of pollutant concentration and deposition of the development. These may be assessed against the locations of protected sites and sensitive features within those sites. At least 3 years of meteorological data should be included within the AQ modelling for sources other than for road transport modelling

			The Institute of Air Quality Management (IAQM) has produced the following document to assist its members in the assessment of the air quality impacts of development on designated nature conservation sites: air-quality-impacts-on-nature-sites-2020.pdf
Applying screening thresholds	4a	Apply Screening Threshold Alone If below threshold alone, move to step 4b. If above = move straight to step 5	Ascertain the Process Contribution (PC) from the plan or project (emissions and predicted deposition). Apply Screening threshold (1% of critical level or load) alone using the <u>annual averages</u>. If the process contribution is less than 1% of the relevant long-term benchmark (Environmental Assessment Level, Critical Level or Critical Load), the emission is not likely to have a significant effect <u>alone</u> irrespective of the background levels.
	4b	Apply Screening Threshold In-combination. If below threshold in-combination = no LSE/significant risk of damage etc and no further assessment required. If above = move straight to step 5 Applicants might use the Joint Nature Conservation Committee (JNCC) 'decision-making thresholds' as a reason for not completing an in-combination assessment. If so, you should check they have correctly followed the JNCC guidance on decision-making thresholds. If this guidance shows they do not need to complete an in-combination assessment, continue to step 5. If applicants have not used the decision-making thresholds, or have not followed them correctly, they will need to provide an in-combination assessment.	Use information from competent authorities (Planning Portal, PINS NSIP register or Environmental Permitting register) to determine if there are plans or projects in the pipeline (not included in the current baseline) that should be considered in-combination If the combined process contribution is less than 1% of the relevant long-term benchmark (Environmental Assessment Level, Critical Level or Critical Load), the emission is not likely to have a significant effect <u>in-combination</u> irrespective of background levels.
Detailed Assessment of ecological impacts	5	This step is to consider the ecological impacts of AQ on the interest features of the designated site and is not based only on numerical figures. If it is not certain whether sensitive features are located within the areas to be impacted, a site visit may be helpful to determine this. For SSSIs, this step should provide all the information necessary, including any required mitigation, for the decision maker to determine if there would be an adverse effect on a SSSI.	The following information is likely to be helpful for the decision maker: Is the sensitive feature(s) located within the pollution footprint? Should it be there for the site to meet its Conservation Objectives or is there some other, natural reason (e.g. hydrology), why the sensitive feature(s) would not be expected to occur there? Check APIS Trends Tab for reasonable expectation on whether background pollution may be decreasing or not. Habitats that have already been subject to high background nitrogen deposition can develop tolerance to further deposition. This cannot be used to justify further exceedance as it would undermine conservation objectives to reverse

		If Habitats Sites are impacted by the proposals, move to Step 6.	decline. You should consider predicted effects on the species richness of a habitat against the site's conservation objectives.
Appropriate Assessment (AA) for habitats sites	6	The competent authority to undertake their AA to conclude whether or not there will be an adverse effect on integrity (AEOI) of habitats sites. Any mitigation proposed should also be assessed at this point. Should the AA conclude that the proposal would have an AEOI that cannot be excluded with mitigation measures, consider the derogation route of the HRA process. Should compensation measures be required under derogation, please contact Natural England for specific advice. Note: If an AA has been undertaken of the proposals <u>alone</u> and concluded that there will not be an adverse effect on integrity, if there are residual impacts that are not fully mitigated, these will need to be considered in combination with other plans or projects	Where mitigation is required to enable a conclusion of no adverse effect on integrity to be reached the AA must be able to show that mitigation measures can be relied upon to avoid adverse effects over the full lifetime of the project (ie construction, operation and decommissioning where relevant). To be viable, such measures should be effective, reliable, timely, guaranteed and of sufficient duration. The assessment of such measures should be supported by evidence. When deciding on whether the proposals set out in the NSIP will have an adverse effect on Integrity on a Habitats Site, the Conservation Objectives and any supplementary advice should be taken into account. Including whether the site is already exceeding the environmental thresholds for ammonia, nitrogen oxides and nitrogen deposition and has a restore conservation objective.

Mitigation measures

If you cannot conclude there is no adverse effect, the applicant will need to apply mitigation measures. Measures will only be appropriate if you can quantify their effectiveness in reducing emissions on the protected site. You should check that mitigation measures are in place to avoid adverse effects on site integrity over the lifetime of the project.

Mitigation may include measures that:

- the applicant volunteers
- you impose through formal conditions or restrictions in any permission or authorisation – these may be different or stricter measures than ones proposed by the applicant

Examples could include:

- relocation or redesign of developments to avoid impacts on protected sites
- control of other emissions of the same pollutants with an overlapping effect
- a change in stack height for industrial processes
- Euro 6 standards for construction machinery
- adding wooded shelterbelts, trees, green walls and hedges to limit dispersal of emissions, as long as these measures in themselves would not negatively impact the protected site

Table 2: Industrial air pollution screening distances

Emission source	Distance for SSSIs	Distance for habitats sites
Industrial developments	2km	5km
General combustion processes (under 20MW energy input)	500m	500m
General combustion processes (20MW to 50MW energy input)	2km	2km
General combustion processes (over 50MW energy input)	2km	10km
Mechanical and biological waste treatment	500m	500m
Landfill waste	2km	2km
Compost (under 500 tonnes maximum annual operational throughput)	500m	500m
Compost (500 to 75,000 tonnes maximum annual operational throughput)	1km	1km
Compost (over 75,000 tonnes maximum annual operational throughput)	2km	2km
Airports, helipads and other aviation proposals	5km	5km
Oil and gas exploration and extraction	500m	500m
Quarries	200m	200m
Other industrial developments causing air pollution	500m	500m

Additional advice

Common Standards Monitoring¹ is used to define the ecological condition of a protected site. It is undertaken on a broader level and does not currently consider air quality impacts. The relevant benchmark for assessing impacts is the critical thresholds. Therefore, the existing status of a designated site should not be the sole reason for judgement on potential impact.

For many protected sites, the current background pollution may already be exceeding the relevant critical load/level from a different source type to the project being assessed (e.g. where the main source of background exceedance is due to agriculture, but the proposal is an industrial project). Proposals must consider their own impacts against the relevant environmental thresholds. There are many reasons why background levels are high, but the conservation objective is to 'maintain or restore' air pollutants to within these benchmarks. The objective would be undermined by proposals that add further emissions, including if it compromises any strategic initiatives to reduce air pollution levels.

¹ [HYPERLINK "https://jncc.gov.uk/our-work/common-standards-monitoring/"](https://jncc.gov.uk/our-work/common-standards-monitoring/) [Common Standards Monitoring | JNCC - Adviser to Government on Nature Conservation](#)

You must determine if there is evidence that the increased emissions represent a measurable risk and could compromise the strategic initiatives. You would need to consider information on:

- the extent to which any declining national trends in air pollution, or strategic initiatives to tackle emissions affecting the site more locally, might otherwise lead to improvements
- the rate at which such improvements are anticipated
- the extent of the impacts of a plan or project, and whether those impacts can properly be considered temporary and reversible

If the affected area is small, consider the risk to site integrity proportionally. For example, how important is the area in terms of rarity, location, distribution, vulnerability to change and ecological structure. If it is a supporting habitat, consider its importance to the designated species on the site. Consider any site survey information that may provide evidence of existing impacts.

Emissions from road transport (if applicable):

Emissions from road transport may be an operational impact or be limited to the construction phase of proposals. Roads on the affected road network that lie within 200m of a designated site should be considered. If all affected roads are further than 200m from a protected site, then there is no likely significant effect (habitats sites) or no impact (SSSIs) on protected sites from air pollution

Improvements in vehicle technology and a move to further electrification of the vehicle fleet will, over time, result in lower background levels of nitrogen deposition and nitrogen oxide pollution near to roads. As most sites are currently over the relevant thresholds and have a “restore” objective, this should be noted as a “retardation” of the restore objective and expressed in months and years. Retardation of less than one year is acceptable as air quality is considered against an annual average. Please note that ammonia impacts cannot be assessed in this manner as there is no certainty of a declining trend.

Defra Emissions Factor Toolkit

The Defra Emission Factor Toolkit (EFT) allows for gradual introduction of electric vehicles into the fleet (cars and LGVs) up to 2050. These are the emission factors we advise that NSIPs should be using (which we advise should also consider ammonia emissions as well as NO_x – using one of three sets of emission factors available). However, the User Guide to the EFT highlights that calculation tools only support assessment years 2018 up to 2030, reflecting that predictions and assumptions beyond then become less certain. Where EFT calculated emissions are to be used after 2030 to inform air quality assessments, the EFT indicates that appropriate caveats around the limitations of the analysis must be included to accompany the assessment. We therefore advise that emission factors no later than 2030 are used for HRAs– which would mean percentages of EVs are at predicted 2030 levels. A key concern is that, although EVs themselves have no tailpipe emissions, and the percentage of them will increase, the remaining combustion engine vehicles on the road may become more polluting as they age as selective catalytic reduction technology may create ‘ammonia slip’ over time. Ammonia slip is the unreacted ammonia (NH₃) that escapes from a selective catalytic reduction (SCR) or selective non-catalytic reduction (SNCR) system used to reduce NO_x in exhaust gases.

Motorways within the affected road network

There is potentially an added complexity to the need for in-combination assessments when considering traffic on motorways, as including these roads can mean that the assessment takes account of traffic growth related to strategic factors or long range (external) trips that are independent of the specific plan or project and neighbouring plans or projects. These roads are strategically important and tend to have high volumes of traffic as well as being well represented in traffic models. The air quality assessment should therefore include traffic flows on these roads, but the external trips can be excluded from the initial screening assessment. A justification and explanation of which journeys are included and excluded in the traffic model should be provided.

The conclusions reached on the air pollution impacts of the HRA must be incorporated into the wider HRA conclusions for other impact pathways identified for the proposals.

How to Use this Advice in Decision Making

Provided you have followed the above advice and have been able to conclude there would be no adverse effects on any protected sites we would be able to agree with your decision to authorise the project

Patten, Jack

From: Nick Feltham [REDACTED]@N-KESTEVEN.GOV.UK>
Sent: 24 September 2025 14:04
To: Theddlethorpe FGP
Subject: EN0110008 (25/1179/NSIP) - Theddlethorpe Flexible Generation Project
Categories: EST

You don't often get email from [REDACTED]@n-kesteven.gov.uk. [Learn why this is important](#)

Dear Sir, Madam

I can confirm that North Kesteven District Council has no observations in relation to the submitted Scoping Report in relation to the proposed Theddlethorpe Flexible Generation Project.

Regards
Nick Feltham



Nick Feltham
Development Manager

Tel: [REDACTED]
Email: [REDACTED]@N-KESTEVEN.GOV.UK
www.n-kesteven.gov.uk
Kesteven Street, Sleaford, NG34 7EF



Officer: Matthew Gillyon

Tel: 01724 297630

Email: [REDACTED] [@northlincs.gov.uk](mailto:[REDACTED]@northlincs.gov.uk)

21/10/2025

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North Lincolnshire Council

www.northlincs.gov.uk

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North Lincolnshire Council Reference: CON/2025/1207

Planning Inspectorate Reference: EN0110008

**Planning Act 2008 (as amended) and The Infrastructure Planning
(Environmental Impact Assessment) Regulation 2017 (The EIA Regulations) –
Regulations 10 and 11**

**Application by Theddlethorpe Flexible Generation Limited (the applicant) for an
Order granting Development Consent for the Theddlethorpe Flexible Generation
Project (the proposed development)**

**Location: Land adjacent and to west of Theddlethorpe Gas Terminal,
Mablethorpe, LN12 1NQ**

Officer: Matthew Gillyon

Thank you for your email dated 23rd September 2025 giving North Lincolnshire Council (NLC) the opportunity to feedback on the Theddlethorpe Flexible Generation Project.

I can confirm that after consultation with our internal technical consultees that North Lincolnshire Council has no comments or objections to raise in respect of this project with the proposed development not likely to result in any significant impact upon North Lincolnshire.

Kind Regards

[REDACTED]

Matthew Gillyon
Senior Planning Officer
North Lincolnshire Council



Proposed DCO Application by Theddlethorpe Flexible Generation Limited for Theddlethorpe Flexible Generation Project

Royal Mail response to EIA Scoping Consultation

Under section 35 of the Postal Services Act 2011, Royal Mail has been designated by Ofcom as a provider of the Universal Postal Service. Royal Mail is the only such provider in the United Kingdom. The Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service.

Royal Mail's performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project. Accordingly, Royal Mail seeks to take all reasonable steps to protect its assets and operational interests from any potentially adverse impacts of proposed development.

Royal Mail and its advisor BNP Paribas Real Estate have reviewed the EIA Scoping Report dated September 2025. There is one operational Royal Mail properties within 10km of the proposed scheme, namely Alford Delivery Office LN13 9ET.

The construction of this infrastructure proposal has been identified as having potential to impact on Royal Mail operational interests, particularly if combined with cumulative impacts from the construction impacts of other major infrastructure schemes including Grimsby to Walpole (DCO application likely Spring 2027) and Eastern Green Link 3 and 4 (DCO application planned for mid-2026). However, at this point in time Royal Mail is not able to provide a consultation response due to insufficient information being available to adequately assess the level of risk to its operation and the available mitigations for any risk. Consequently, Royal Mail wishes to reserve its position to submit a consultation response/s at a later stage in the consenting process and to give evidence at any future Public Examination, if required.

In the meantime, any further consultation information on this infrastructure proposal and any questions of Royal Mail should be sent to:

Holly Trotman (holly.trotman@royalmail.com), Senior Planning Lawyer, Royal Mail Group Limited

Luke Willis (luke.willis@struttandparker.com) BNP Paribas Real Estate/Strutt & Parker

Please can you confirm receipt of this holding statement by Royal Mail.

End



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web: www.rutland.gov.uk
DX: 28340 Oakham

PINS

Reference: 2025/1221/MISC

Case Officer: Nick Thrower

Case Officer Tel: [REDACTED]

Date: 1 October 2025

Dear Sir/Madam

Site Address: Theddlethorpe Flexible Generation Project
Proposal: Consultee for scoping opinion. RESPONSE BY 21 OCTOBER 2025

Thank you for your enquiry concerning the above site.

I can confirm that Rutland County Council has no comments to make on the proposal.

Yours faithfully

Nick Thrower

Principal Planning Officer



Patten, Jack

From: clerk@theddlethorpeparishcouncil.gov.uk
Sent: 30 September 2025 16:59
To: Theddlethorpe FGP
Subject: Theddlethorpe Parish Council response

You don't often get email from clerk@theddlethorpeparishcouncil.gov.uk. [Learn why this is important](#)

Theddlethorpe Flexible Generation Proposal – Synopsis of threats posed

Noise and Vibration: Construction will bring heavy machinery, trenching, and vehicle movements, generating disruptive noise near homes. Once operational, the plant could run **24/7**, meaning constant background noise from turbines, engines, and battery systems.

Traffic and Access: The scale of construction traffic on rural roads could lead to congestion, road safety concerns, and disturbance for local walkers, cyclists, and horse riders.

Air Quality: Dust and vehicle emissions during construction may affect residents, while stack emissions from the operational plant could have ongoing impacts on local air quality.

Landscape and Visual Intrusion: Large industrial structures (chimneys, compounds, and lighting) will be highly visible in a rural landscape. **Cooling towers and vapour plumes** may reduce tranquillity and alter long-distance views across the Lincolnshire Wolds and coast.

Nature Reserves and Wildlife: Trenched pipelines for the desalination system would cut across **protected coastal habitats**, with risks to sensitive dunes, saltmarsh, and bird species. Construction could disturb these reserves that are valued for recreation and wildlife.

Marine Impacts from Brine: The desalination process would discharge **highly saline brine** back into the sea. This could harm shellfish and seabed organisms, change local food chains, and lead to long-term habitat loss where infrastructure replaces natural seabed.

Population and Health: Residents may worry about combined effects of **air pollution, noise, and traffic stress** on wellbeing. Although radiation risks from underground cables are classed as negligible, the round-the-clock operation adds to health concerns.

Cumulative Impacts: If built alongside other regional energy and infrastructure projects, the effects on noise, traffic, air quality, and wildlife could overlap, worsening the overall experience for local communities. The Viking Carbon Capture project, already approved by the Secretary of State, is intended for the same facility as this project. How will they co-exist and what potential detriments will that bring?

Overall, the scoping document is **VERY** light on detail with a number of areas that could be exploited by the proposer to the detriment of the residents. The indicative heights (110 metres), for instance, of the cooling towers would be an absolute blight on the horizon in an otherwise unspoilt vista.

Kind Regards,

Mrs S Bristow
Parish Clerk & RFO
Theddlethorpe (All Saints and St Helen) Parish Council



UK Health Security Agency

Environmental Hazards and Emergencies Department
Seaton House, City Link
London Road
Nottingham, NG2 4LA

nsipconsultations@ukhsa.gov.uk
www.gov.uk/ukhsa

Your Ref: EN0110008
Our Ref: 93659

Ms Nadia Luhr
Senior EIA Advisor
The Planning Inspectorate
Environmental Services
Operations Group 3
Temple Quay House
Bristol BS1 6PN

16th October 2025

Dear Ms Luhr,

Nationally Significant Infrastructure Project Theddlethorpe Flexible Generation Project EN0110008 Scoping Consultation Stage

Thank you for including the UK Health Security Agency (UKHSA) in the scoping consultation phase of the above application. ***Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided below is sent on behalf of both UKHSA and OHID.*** The response is impartial and independent.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Environmental Public Health

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the Environmental Statement (ES). We believe the summation of

relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. UKHSA and OHID's predecessor organisation Public Health England produced an advice document *Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*¹, setting out aspects to be addressed within the Environmental Statement¹. This advice document and its recommendations are still valid and should be considered when preparing an ES. Please note that where impacts relating to health and/or further assessments are scoped out, promoters should fully explain and justify this within the submitted documentation.

Our position is that pollutants associated with road traffic or combustion, particularly particulate matter and oxides of nitrogen are non-threshold; i.e, an exposed population is likely to be subject to potential harm at any level and that reducing public exposure to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards will have potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure) and maximise co-benefits (such as physical exercise). We encourage their consideration during development design, environmental and health impact assessment, and development consent.

It is noted that Electric and Magnetic Fields (EMF) will be assessed within the ES.

Yours sincerely

On behalf of UK Health Security Agency

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

¹
<https://khub.net/documents/135939561/390856715/Advice+on+the+content+of+environmental+statements+accompanying+an+application+under+the+Nationally+Significant+Infrastructure+Planning+Regime.pdf/a86b5521-46cc-98e4-4cad-f81a6c58f2e2?t=1615998516658>



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Date: 20/10/2025

Dear Sir/Madam

Application Number: WL/2025/00961

Proposal: Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) – Regulations 10 and 11

Location:

THEDDLETHORPE FLEXIBLE GENERATION PROJECT

Dear Mr Patten,

Many thanks for your letter dated 23 September 2025 with reference to a Scoping consultation in accordance with Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) – Regulations 10 and 11.

Given the location of the proposed development in relation to West Lindsey District and the nature of the works outlined we do not have any formal comments to make at this stage with regards to the Environmental Impact Assessment at this stage.

Yours faithfully

Josh Turner

██████████@west-lindsey.gov.uk

Senior Development Management Officer
On behalf of West Lindsey District Council

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