

Application by VPI Immingham B Limited for an Order Granting Development Consent for VPI Immingham OCGT Project

The Examining Authority's Written Questions and Requests for Information (ExA WQs)

Issued on Thursday 15 August 2019

The following table sets out the Examining Authority's (ExA's) Written Questions in relation to the proposed VPI Immingham OCGT Project. Responses are required by **Deadline 2** in the Examination Timetable, **Thursday 12 September 2019**. Please note that if this deadline is missed the ExA is not obliged to take account of your response.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex B to the Rule 6 letter of **Wednesday 10 July 2019**. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and Other Persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. If the answer to a question is set out in, for example, a statement of common ground (SOCG) then a cross reference to where the issue is addressed is acceptable.

This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExA WQ1) and then has an issue number and a question number. For example, the first question on Air Quality and Emissions is identified as ExAQ1.1.1. When you are answering a question, please start your answer by quoting the unique reference number. If you are responding to a small number of questions, answers in a letter will suffice.

In some areas there may be a degree of overlap between the answers to questions and it is acceptable to provide a single answer which responds to multiple questions or answer questions individually and provide cross references between multiple answers where appropriate. If you do so, please use all number references and ensure all elements are addressed.

If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact ImminghamOCGT@planninginspectorate.gov.uk

Responses are due by **Wednesday 12 September 2019**

Abbreviations used

Art	<i>Article</i>	HE	<i>Historic England</i>
CA	<i>Compulsory Acquisition</i>	NPA 2017	<i>Neighbourhood Planning Act 2017</i>
EA	<i>Environment Agency</i>	NE	<i>Natural England</i>
Framework	<i>Framework Construction</i>	PA 2008	<i>Planning Act 2008</i>
CEMP	<i>Environmental Management Plan</i>	R	<i>Requirement</i>
BoR	<i>Book of Reference</i>	SI	<i>Statutory Instrument</i>
dDCO	<i>Draft DCO</i>	SoR	<i>Statement of Reasons</i>
EM	<i>Explanatory Memorandum</i>	SoS	<i>Secretary of State</i>
ES	<i>Environmental Statement</i>	TP	<i>Temporary Possession</i>
ExA	<i>Examining authority</i>		

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010097/EN010097-000327-Immingham%20B%20OCGT%20Exam%20Library%20PDF%20Version.pdf>

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ1.1.1 – refers to question 1 in this table.

Ref No.	Respondent:	Question:
1	Air Quality and Emissions	
Q1.1.1	<i>Study area for the assessment of construction traffic</i> Applicant	The study area for the construction traffic assessment comprises “properties and habitat sites” within 200m of roads. Can the Applicant confirm whether properties within the study area for the assessment of construction traffic is limited to residential dwellings?
Q1.1.2	<i>Approach to the assessment of CO, SO₂, benzene and 1,3-butadiene</i> Applicant	Can the Applicant confirm their approach to the assessment of CO, SO ₂ , benzene and 1,3-butadiene? The Scoping Opinion did not agree to scope these pollutants out from assessment, and they are not addressed in the Applicant’s ES. Please explain why these matters are not addressed in the ES.
Q1.1.3	<i>Monitoring and receptor locations</i> Applicant	The location of the diffusion tubes and human and ecological receptors used in the assessments are presented on ES Figures 6.1 [APP-056], 6.2 [APP-057] and 6.3 [APP-058]. Can the Applicant provide clarification with regards to these Figures to accurately depict the monitoring and receptor locations?
Q1.1.4	<i>Confidence of baseline Air Quality Data</i> Applicant	The locations of the NLC automatic NO ₂ monitoring stations are not depicted on Figure 6.2 [APP-057] and Figure 6.3 [APP-058]. The figures show the monitoring stations and diffusion tubes used to collect baseline data are not distributed throughout the assessment study area. This is not addressed within the Chapter and it is unclear how this data is are representative of the entire study area. Can the Applicant explain the confidence it has in the baseline air quality data presented for receptors east of Rosper Road? In responding to this question, the Applicant should address the absence of diffusion tube monitoring locations within 500m of the site entrance. The Applicant should address what appears to be an

Ref No.	Respondent:	Question:
		uneven distribution of monitoring locations and the extent to which this affects the findings in relation to NO2 and particulates.
Q1.1.5	<i>Assumptions in assessing effects from construction traffic</i> Applicant	Can the Applicant describe the assumptions applied in assessing effects from construction traffic within the air quality assessment? The Applicant's response should address issues such as the anticipated routes for construction traffic and the likely numbers based on the proposed construction programme.
Q1.1.6	<i>Monitoring of baseline conditions</i> Applicant	The ES states that a combination of both chemiluminescent and diffusion monitoring has been used to establish baseline air quality conditions. Can the Applicant explain the extent to which the techniques are compatible in this regard and whether there are limitations or assumptions that have been applied to address any incompatibility? If there are limitations, then how have these been addressed in the assessment of likely significant effects?
Q1.1.7	<i>Monitoring data</i> Applicant	ES Figure 6.2 [APP-057] and ES Figure 6.3 [APP-058] show that DT15 is the NO2 monitoring station closest to the site, but no reason has been provided for not using the data from DT15 monitoring station. Can the Applicant explain why diffusion tube DT15 and monitoring station DT13 were not used to establish the baseline conditions?
Q1.1.8	<i>Provisional 2018 data</i> Applicant	Chapter 6 of the ES [APP-035] makes reference in paragraphs 6.8.12 and 6.8.16 to provisional 2018 data for monitoring station CM9. Can the Applicant state the source of the provisional 2018 CM9 monitoring station data and state whether the resultant data has been verified by the appropriate professional body?
Q1.1.9	<i>Traffic Construction Assessment 2021</i>	The construction traffic assessment 2021 baseline includes forecast models that

Ref No.	Respondent:	Question:
	<p><i>baseline</i></p> <p>Applicant</p>	<p>include committed developments. The committed developments are stated in [APP-046] ES Chapter 17 Cumulative and Combined Effects and [APP-073] Figure 17.1. It is noted that the construction traffic modelled data utilises a 2015 baseline.</p> <p>Can the Applicant explain why more up to date information has not been used and what, if any, effect more up to date data might have on the assessment findings?</p>
<p>Q1.1.10</p>	<p><i>Operational effects/Isopleth maps</i></p> <p>Applicant</p>	<p>Can the Applicant state whether the meteorological data with regard to wind direction shown in [APP-78] Figure 6A.1 Windrose for Humberside Airport which is sourced from the Humberside Airport 9.5km southwest of the proposed development; has been manipulated to be more representative of the localised Immingham area (eg taking into account local topography and structures), and any assumptions and limitation that arose in manipulating the data?</p> <p>If the data has not been manipulated to be more representative of the localised Immingham area, can the Applicant explain how this could affect the accuracy of the isopleth maps and the subsequent outcome of the assessment used to assess the operational effect of human and ecological receptors during the operational phase of the proposed development?</p>
<p>Q1.1.11</p>	<p><i>NO_x technical guidance</i></p> <p>Applicant</p>	<p>Can the Applicant direct the ExA to the EA technical guidance used to determine the NO to NO₂ conversion rates of 70% in the long-term and 35% in the short-term?</p>
<p>Q1.1.12</p>	<p><i>Methodology used for the construction traffic assessment</i></p> <p>Applicant</p>	<p>The ES does not include criteria to determine the sensitivity of receptors for the construction traffic assessment. The receptors used in this assessment are listed in [APP-035] Table 6.11: Identified Receptors with Potential for Air Quality Impacts from the proposed development.</p> <p>Can the Applicant provide the methodology used to determine the criteria of the</p>

Ref No.	Respondent:	Question:
		sensitivity of receptor used for the construction traffic assessment?
Q1.1.13	<i>Constraints map</i> Applicant	<p>The study area is stated in [APP-035] Paragraph 6.3.6 and consists of properties and habitat sites within 200m of roads which is derived from the DMRB 207/07. DMRB 207/07 states that a constraints map should be included that depicts the properties and ecological sites affected along the construction traffic route, but this has not been provided.</p> <p>Please provide a map of constraints that depicts the construction traffic route and human and ecological receptors within 200m of the construction traffic route.</p>
Q1.1.14	<i>Temporal scope for construction traffic assessment</i> Applicant	<p>Please state the temporal scope for the construction traffic assessment due to the construction year being 2021, but the construction traffic assessment includes construction traffic effects for years 2021 and 2022 as stated in [APP-078] Table 6A.14.</p> <p>Plases state when peak construction traffic is anticipated to occur, the duration that peak traffic conditions are expected to last for and the difference between normal traffic and peak traffic conditions?</p>
Q1.1.15	<i>Mitigation measures</i> Applicant	Can the Applicant explain why the Framework CEMP doesn't include all the recommended and desired mitigation measures set out in IAQM Section 8.2 (incorrectly referenced as Section 6.2) in [APP-078] the Technical Assessment Section 1.2, and if the measures are secured through another document, can the Applicant direct the ExA to this document?
Q1.1.16	<i>Air quality monitoring measures</i> Applicant	The Framework CEMP [APP-077] states that monitoring measures are "to be confirmed in detailed CEMP" but no further information is provided. Can the Applicant provide an update on the monitoring measures to be included in the Framework CEMP [APP-077]?

Ref No.	Respondent:	Question:
		Can the Applicant provide robust reasoning for not including any proposed air quality monitoring measures, considering monitoring is listed as “desirable” and “highly recommended” in IAQM Guidance Section 8.2?
Q1.1.17	<i>Assessment methodology consultation</i> Applicant	Can the Applicant explain the consultation process undertaken in an effort to agree the assessment methodologies with the relevant consultation body?
2 Compulsory Acquisition		
Q1.2.1	<i>SOR [APP-008]</i> Applicant	Please provide an update on how discussions have progressed with the affected landowners. Please confirm that the revised BoR [AS-001] will continue to be updated at each Deadline to reflect the current position.
Q1.2.2	<i>Church Commissioners Land</i> Applicant	The ExA notes that the Church Commissioners are owners of some of the land affected by CA or TP. Please confirm whether checks have been/ will be undertaken as to whether any of the land affected has been consecrated.
Q1.2.3	<i>Unknown owners</i> Applicant	There are a number of parcels identified in the revised BoR [AS-001] for which the owners are not known. Please provide further details on the what has been done to identify these owners and any further action that will be taken to identify them.
Q1.2.4	<i>Category 3 persons</i> Applicant	Para 6.6.5 in the SoR [APP-008] states that no person is likely to have a relevant claim under section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973 or under section 152 of the PA 2008. As such, no Category 3 people are listed in the revised BoR [AS-001].

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		Please explain in more detail how this conclusion has been reached.
Q1.2.5	<i>Landowner discussions: General</i> Applicant	Please provide an update on any discussions with affected landowners that may have taken place since the submission of Relevant Representations.
Q1.2.6	<i>Control of Major Hazards Risk profile of the Humber Refinery</i> Applicant/ Philips 66	Please provide an update on discussions in relation to the matters raised by Phillips 66 as part of their Relevant Representation. Please provide confirmation that the works will not affect the Control of Major Accident Hazards risk profile of the Humber Refinery.
Q1.2.7	<i>Statutory undertakers land</i> Applicant	The revised BoR [AS-001] includes a number of Statutory Undertakers with interests in land. Please provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR [AS-001], with an estimate of the timescale for securing agreement from them. Please state whether there are any envisaged impediments to the securing of such agreements. Please provide details of any other Statutory Undertakers that have been identified since the submission of the revised BoR [AS-001].
Q1.2.8	<i>Costs of CA</i> Applicant	The ExA notes that the current cost estimates identified in the Funding Statement [APP-007] include an amount to cover the total cost of the payment of compensation for the CA of the land and rights included in the Order and required for the proposed development. Please clarify the anticipated costs of CA, how this figure was arrived at and how

Ref No.	Respondent:	Question:
		these costs will be met.
3	Draft Development Consent Order	
Q1.3.1	<p>Art 2 - <i>Definition of "permitted preliminary works"</i></p> <p><i>"environmental surveys and monitoring, investigations for the purpose of assessing ground conditions, archaeological investigations, receipt and erection of construction plant and equipment, erection of any temporary means of enclosure, the temporary display of site notices or advertisements"</i></p> <p>Applicant</p>	See comments on R9 – Q1.3.15
Q1.3.2	<p>Art 4 - <i>Maintenance of authorised development</i></p> <p><i>"This article does not authorise any works which are likely to give rise to any significant adverse effects that have not been assessed in the environmental statement"</i></p> <p>Applicant</p>	<p>Have these activities been assessed in the ES?</p> <p>The proposed wording would appear to allow activities which have significant adverse effects, as long as those effects are "unlikely" to arise. Is this appropriate?</p>
Q1.3.3	Art 16 - <i>Authority to survey and</i>	Art 16 provides for entry onto land within the order limits `or any land which may be

Ref No.	Respondent:	Question:
	<p><i>investigate the land</i></p> <p>Applicant</p>	<p>affected by the authorised development...’ Please explain which land might be covered by these additional words and why access to this land is necessary for the project. Please also provide a justification for the use of section 13 of the 1965 Act in subsection 6.</p>
<p>Q1.3.4</p>	<p>Art 22- <i>Private rights</i></p> <p>Applicant</p>	<p>The EM [APP-006] explains that this article relates to all rights over land, not just rights of way, to ensure that any other rights that may exist cannot prevent the implementation of the Project.</p> <p>Please confirm what steps have been taken to identify unknown rights? Please also confirm whether investigations are ongoing to identify any other rights or unknown owners of rights?</p> <p>See also Q1.2.3.</p>
<p>Q1.3.5</p>	<p>Art 24 - <i>Acquisition of subsoil only</i></p> <p>Applicant</p>	<p>The EM [APP-006] explains that this article is appropriate in the context of cables or pipes to be laid underground as part of the authorised development, where acquisition of the 'entire' freehold may not be required, and it could permit the undertaker to compulsorily acquire only the 'smaller' interest, reducing the impact on the land owner.</p> <p>Please identify what parcels are likely to be affected by this provision.</p>
<p>Q1.3.6</p>	<p>Art 28 - <i>Temporary use of land for carrying out the authorised development</i></p> <p>(11) In this article “the maintenance</p>	<p>The exclusion of the TP provisions from the NPA 2017 in Art 28(12) is noted. However, given the parliamentary approval to the TP regime under the NPA 2017, which was subject to consultation and debate before being enacted, should the current wording be modified to more closely reflect the incoming statutory regime where possible?</p>

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	<p>period” means the period of 5 years beginning with the date of final commissioning</p> <p>Applicant</p>	<p>As examples:</p> <ul style="list-style-type: none"> • The notice period that will be required under the NPA 2017 Act is 3 months, substantially longer than the 14 days required under article 28(2). Other than prior precedent, what is the justification for only requiring 14 days’ notice in this case? • Under the NPA 2017, the notice would also have to state the period for which the acquiring authority is to take possession. Should such a requirement be included in this case? • Powers of TP are sometimes said to be justified because they are in the interests of landowners, whose land would not then need to be acquired permanently. The NPA 2017 Act provisions include the ability to serve a counter-notice objecting to the proposed TP so that the landowner would have the option to choose whether TP or permanent acquisition was desirable. Should this article make some such provision – whether or not in the form in the NPA 2017? <p>The EM (para 2.5.16) [APP-006] refers to a maintenance period of 1 year. Does Art 28 (11) need to be amended?</p>
Q1.3.7	<p><i>Art 29 – Statutory undertakers</i></p> <p>Applicant</p>	<p>Please provide an update on whether it is expected that any representations made by Statutory Undertakers will have been withdrawn by the end of the Examination. If not, please provide a justification (having regard to the matters specified in Section 127 PA 2008) as to why the SoS will be able to include this Article.</p>
Q1.3.8	<p><i>Art 31 – Recovery of costs of new connection</i></p>	<p>The EM [APP-006] explains that Article 31 provides that persons who have to create a new connection following the exercise of powers under Article 31 may recover the</p>

Ref No.	Respondent:	Question:
	<p>'31(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 29....'</p> <p>Applicant</p>	<p>costs of new connections from the undertaker.</p> <p>Is this intended to refer to the exercise of powers under Article 29?</p>
<p>Q1.3.9</p>	<p>Art 32 - <i>Felling or lopping of Trees</i></p> <p>Applicant</p>	<p>The ExA notes that this provision has been amended to remove references to 'hedgerow'. However, the EM [APP-006] refers to removal of 'hedgerow'. Please confirm that the intention is for references to 'hedgerows' to be removed.</p>
<p>Q1.3.10</p>	<p>Art 38 – Art 38(1) includes the words “such consent, agreement or approval to be validly given, must be given in writing and must not be unreasonably withheld or delayed” at the end.</p> <p><i>Includes provisions on deemed consent after 8 weeks.</i></p> <p>Applicant</p>	<p>Is the intention that the consent, agreement or approval, to be valid, must be both given in writing and not unreasonably withheld or delayed or are the words in bold intended to be a standalone requirement?</p> <p>If a standalone requirement, should it be altered to read:</p> <p>“such consent, agreement or approval must be given in writing to be validly given and must not be unreasonably withheld or delayed”.</p> <p>Is this provision reasonable? Please provide a justification?</p>
<p>Q1.3.11</p>	<p>Art 41 - <i>Amendment and modification of statutory provisions</i></p>	<p>Art 41 provides for the modification and amendment of the Able Marine Energy Park Development Consent Order 2014 with the detailed proposal set out in Schedule 13. The EM [APP-006] sets out the basis on which the SoS could use s120(5) of PA 2008 to make such a modification. The ExA notes that the SoS has previously concluded that section 120(5) does provide an appropriate mechanism for a new DCO to amend</p>

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	Applicant	<p>an existing DCO.</p> <p>Please specify which specific part of section 120(5) PA 2008 is being relied upon – i.e. 120(5)(a) or 120(5)(b) and also provide an update on any discussions with Able Humber Ports.</p>
Q1.3.12	<i>Art 42 - Arbitration</i>	<p>As drafted this paragraph could potentially apply to the SoS or other statutory bodies. Is this intended? If not, should there be a further paragraph to make this clear.</p>
Q1.3.13	<p><i>R3 - Notice of Commencement and completion of commissioning</i></p> <p><i>R3 includes the words 'where practicable'.</i></p> <p>Applicant</p>	<p>R3 refers to 'completion of commissioning'.</p> <p>This does not appear as a defined term. Is it intended to refer to the 'date of final commissioning'?</p> <p>Please provide a justification for the inclusion of these words?</p> <p>The EM [APP-006] refers to requirement to give notice of commencement to the LPA. This is covered in Requirement 2. Please consider whether the EM requires updating to reflect this?</p>
Q1.3.14	<p><i>R6 - Biodiversity enhancement and management plan</i></p> <p>Applicant</p>	<p>The EM [APP-006] explains that the approach of splitting out the requirement into two plans is intended to provide appropriate protection for the landscaping and biodiversity elements during construction, whilst providing the undertaker with the ability to commence construction without having to have provided full details of all the final landscaping and biodiversity proposals. The ExA notes that it has precedent in the Eggborough Gas Fired Generating Station Order 2018.</p> <p>Please elaborate on the justification for splitting out the requirement for this particular project.</p>



Ref No.	Respondent:	Question:
Q1.3.15	<p>R9 - <i>Means of enclosure</i> <i>"save for the permitted preliminary works"</i></p> <p>Applicant</p>	<p>As "erection of any temporary means of enclosure" is excluded from the definition of "permitted preliminary works", this would appear to allow the temporary enclosures to be put in place before a plan for their removal has been agreed. Is this intended?</p> <p>See also Q1.3.1.</p>
Q1.3.16	<p>R12 - <i>Contaminated land and groundwater</i></p> <p>Applicant</p>	<p>Reference to Chapter 11 in R12(2). Does this require a reference to Chapter 11 of the ES?</p> <p>Is there a need to include provision requiring works to stop in the event that contamination is discovered?</p> <p>The ExA also notes the request by the EA to remove them as a consultee in Requirement 12(6).</p>
Q1.3.17	<p>R13 - <i>Archaeology</i></p> <p>Applicant</p>	<p>The permitted preliminary works include archaeological investigations. R13 of the dDCO states that 'no part of the authorised development may commence until a written scheme of investigation for that part has been submitted to and approved by the relevant planning authority'. Is the restriction in R13 intended to preclude the carrying out of the permitted preliminary works before the WSI is submitted? Does it achieve its intended purpose?</p>
Q1.3.18	<p>R20 - <i>Piling and penetrative foundation design</i></p> <p>Applicant</p>	<p>The inclusion of this requirement indicates that piling and penetrative foundation works may be required. Para 8.2.3 of the revised Non-Technical Summary [AS-005] indicates that piling has not been taken into account when assessing the environmental impacts (particularly in relation to noise).</p> <p>Please elaborate on the justification for this provision in light of the comments in the revised Non-Technical Summary [AS-005].</p>

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Q1.3.19	R23 - <i>Employment Skills and Training Plan</i> Applicant	The ExA notes that a similar requirement was included in the Knottingley Power Plant DCO 2015. However, please elaborate on the justification for its inclusion for this particular project.
Q1.3.20	R29 - <i>Amendments agreed by the relevant planning authority</i> "Where the words "unless otherwise agreed <u>by</u> the relevant planning authority" appear in the above requirements" Applicant	Many of the requirements (R5(7), R6(3)/(6)/(8), R7(4), R8(2)/(4), R9(5), R10(2)/(5), R11(2)/(5)/(7), R12(4), R13(5)(b), R14(3), R15(3), R16(5), R17(4), R19(4), R20(2), R21(3) and R24(4)) use the wording "unless otherwise agreed with the relevant planning authority" and so would not be covered by this requirement. Currently, the "agreed by" wording only occurs in R23(2). Is this intended, or should the wording used in the requirement be made consistent?
Q1.3.21	Schedule 3 - <i>Streets subject to street works</i> Applicant	The schedule currently refers to A9. Schedule 3 is also referenced in Art 8 and Art 12. Should this be amended?
Q1.3.22	Schedule 9 – protective provisions Statutory Undertakers	Please comment on the adequacy of the protective provisions set out in Schedule 9 [APP-005].
Q1.3.23	Schedule 10 - Para 2(4)(b) states "that it considers that the subject matter of such application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement	Are the words in bold intended to apply to both para 2(4)(a) and 2(4)(b)?

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	<p>then the application is to be taken to have been refused by the relevant planning authority at the end of that period”.</p> <p>Applicant</p>	
Q1.3.24	<p>Schedule 13 – <i>Modifications to the Able Marine Energy Park DCO 2014</i></p> <p>Applicant</p>	<p>Schedule 13 sets out the specific proposals for amending the Able Marine Energy Park DCO. If agreement has been reached, please provide a statement of common ground with Able Humber Ports.</p>
Q1.3.25	<p><i>Form of DCO</i></p> <p>Applicant</p>	<p>Please provide confirmation that the final DCO will be drafted using the SI template and will follow guidance and best practice for SI drafting (as set out in the Office of the Parliamentary Counsel Drafting guidance (July 2018)).</p> <p>Please ensure that any further iterations of the DCO submitted as part of the examination include updated references and footnotes as appropriate.</p>
4	Operational issues	
Q1.4.1	<p><i>National Grid Infrastructure/ connection</i></p> <p>National Grid Electricity Transmission/ National Grid Gas (NG) Applicant/ NG</p>	<p>Please provide details of the effect on existing apparatus and other relevant connection matters.</p> <p>Update the position in respect of connections to National Grid’s electricity and gas infrastructure and how this will be secured.</p>

Ref No.	Respondent:	Question:
Q1.4.2	<i>Interface with Hornsea 1 DCO</i> Applicant/ Hornsea 1 Limited	Please provide details regarding the areas of interface between the proposed development and the Hornsea One Offshore Wind Farm Order 2014. If agreement has been reached on Protective Provisions, please provide a Statement of Common Ground setting out areas of agreement and dispute.
Q1.4.3	<i>Hornsea 2 DCO</i> Applicant/ Hornsea 2 Companies	Please provide details regarding the areas of interface between the proposed development and the Hornsea Two Offshore Wind Farm Order 2016. If agreement has been reached on Protective Provisions, please provide a Statement of Common Ground setting out areas of agreement and dispute.
Q1.4.4	<i>Able Marine DCO</i> Applicant/ Able UK Limited (Acting on behalf of Able Humber Ports Limited)	Please provide an update on discussions. If agreement has been reached, please provide a Statement of Common Ground.
Q1.4.5	<i>Environmental Permit</i> Applicant/ EA	Please provide an update on the progress of the Environmental Permit.
Q1.4.6	<i>Other consents and licences</i> Applicant	Other Consents and Licences [APP-019] lists the type of consent/ licence required, the relevant consenting body, whether agreement has been reached and actions to be undertaken. It further states that this document will be updated during the examination. Please provide an update and ensure that the document is updated at regular intervals.
5	Cumulative effects	

Ref No.	Respondent:	Question:
Q1.5.1	<p><i>Cumulative effects</i></p> <p>Applicant</p> <p>North Lincolnshire Council and North East Lincolnshire Council</p>	<p>Table 17.3 of Chapter 17 of the ES [APP-046] provides a list of other developments identified in stage 2 of the cumulative effects assessment.</p> <p>Please confirm whether you are aware of any other projects or plans that should be included in the cumulative effects assessment.</p> <p>Please confirm that NLC and NELC are satisfied that the list of projects set out in Table 17.3 of Chapter 17 of the ES [APP-046] includes all of the developments that need to be taken into account in the assessment of cumulative effects.</p>
6	Water environment	
Q1.6.1	<p><i>WFD Assessment</i></p> <p>Applicant</p> <p>EA</p>	<p>Table 12.4 of ES Chapter 12 [APP-041], in response to comments from the SoS, states that as there are no works directly affecting the local watercourses, including the River Humber, a standalone WFD assessment has not been completed.</p> <p>Please provide confirmation that there are no direct or indirect pathways through which the terrestrial works would directly or indirectly affect the surrounding watercourses.</p> <p>Please comment on the adequacy of the above approach.</p>
Q1.6.2	<p><i>Flood defences</i></p> <p>EA</p> <p>Applicant</p>	<p>The Flood Risk Assessment [APP-100] acknowledges (at para 5.4.6) that when wave height is taken into account, the existing defences would not be sufficient to defend the land against higher return period events in the future.</p> <p>Please comment on the likelihood that the existing defences will be improved to the standard required.</p> <p>Please explain the implications if the existing defences are not improved.</p>
Q1.6.3	Accidental Pollution	Paragraph 12.8.8 of Chapter 12 ES [APP-041] explains that plans will be drawn up and agreed with the EA and North East Lindsey Drainage board to deal with any

Ref No.	Respondent:	Question:
	Applicant	accidental pollution prior to construction commencing and any necessary equipment shall be held on site and all site personnel trained in their use. Please explain how this is secured in the dDCO.
Q1.6.4	<i>Foul and Surface Water Drainage</i> Applicant	Please provide a response to the matters raised by the EA in their Relevant Representation [RR-008] in respect of foul and surface water drainage.
7	Historic Environment	
Q1.7.1	Written Scheme of Investigation HE North Lincolnshire Council West Lindsey District Council	Please comment on the approach of the Applicant of submitting a written scheme of investigation, as set out in Requirement 13 of the dDCO [APP-005].
Q1.7.2	<i>Assessment Methodology</i> HE North Lincolnshire Council West Lindsey District Council	Please comment on the assessment methodology applied by the Applicant in assessing the cultural heritage of the area (as set out in ES Chapter 13 [APP-042]).
Q1.7.3	<i>Extent of study area</i> Applicant	Please clarify the extent of the study areas for designated and non-designated heritage assets. Please explain why a smaller area of study was used for non-designated assets. Please explain how the above study areas relate to the Zone of Theoretical Visibility (ES Figure 10.1 [APP-062]).
Q1.7.4	<i>Brocklesby Park/ Pelham Pillar</i> Applicant	Please comment on the concerns raised by West Lindsey District Council as part of their Relevant Representation [RR- 016] in relation to Brocklesby Park and the relationship with Pelham Pillar at Cabourne High Wood. Please explain how this has been taken into account in assessing the impact on

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		Cultural Heritage.
8	Landscape and Visual Impact	
Q1.8.1	<i>Representative viewpoints</i> Lincolnshire County Council North East Lincolnshire Council North Lincolnshire Council	Chapter 10 of the ES (Para 10.4.2 and Table 10.1) [APP-039] indicates that consultation has been undertaken to agree the location of representative viewpoints. Please confirm that the viewpoints are appropriate and provide reasonably representative views of the proposed development. Please provide views on whether you consider the ExA would benefit from visiting other viewpoints within the surrounding area and if so please identify any proposed locations.
9	Traffic and Transport	
Q1.9.1	<i>Assessment methodology</i> Applicant	Please confirm whether the likely vehicle movements associated with the disposal of waste from the construction of the proposed development has been included in the assessment of the potential effects of the proposed development on traffic and transportation [APP-036].
Q1.9.2	<i>Framework construction traffic management plan</i> Highway Authorities	Please provide a response on the adequacy of this document [APP-081] and Requirement 16 in the dDCO [APP-005].
Q1.9.3	<i>Framework construction traffic management plan</i> The Applicant	Please respond to the matters raised by Centrica in their Relevant Representation [RR-018] and confirm whether or not provision will be made in the CTMP.
Q1.9.4	<i>Framework construction worker travel plan</i> Highway Authorities	Please provide a response on the adequacy of this document [APP-080] and Requirement 17 in the dDCO [APP-005].

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Q1.9.5	<i>Traffic movements</i> Highway Authorities	Do the relevant Highway Authorities agree with the conclusions of the Traffic and Transport Assessment (Chapter 7 of the ES [APP-036]) that there would be no significant effects in the local area resulting from traffic movements during the construction, operation and decommissioning phases of the proposed development? If not, please provide further details.
10	Design Layout and Visibility	
Q1.10.1	<i>Aviation warning lighting system</i> Ministry of Defence	<p>The Defence Infrastructure, Ministry of Defence Relevant Representation [RR-006] maintains a request to fit aviation warning lights to the stack. The ExA notes the Applicant's response set out in Table 12.3 of the Consultation Report [APP-018] to an earlier request and in particular the appellant's statement that the requirement to fit aviation warning lights is only legally mandated on structures exceeding 150 metres in height. The ExA also notes that the stack would be located near to other, higher stacks.</p> <p>Please expand on the justification for the above request setting out why, in view of the proposed height, an aviation warning lighting system is necessary.</p>
Q1.10.2	<i>Stack aviation lighting</i> Applicant	Please provide a response to the matters raised in the MOD Relevant Representation [RR-006].
Q1.10.3	<i>Layout</i> Applicant	<p>The ExA notes that the example layouts [APP-052] Figure 4.1A and [APP-053] Figure 4.1B do not appear to include the same structures. While it is acknowledged that, due to the different layouts, structures may have different dimensions, some structures (eg the Denmin Water Tank) look somewhat different and Figure 4.1B has a Spare Part Storage Container which does not appear on Figure 4.1A.</p> <p>Please provide an explanation of why the layouts would include different structures,</p>

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		<p>or why structures would be designed differently.</p> <p>The elevation layouts [APP-054] Figures 4.1c and [APP-055] Figure 4.1d include different elevations for the same structures. Please provide an explanation for this.</p>
Q1.10.4	<p><i>Stack height</i></p> <p>Applicant</p>	<p>Table 4.1 in ES Chapter 4 [APP-033] states the maximum stack height is 56m, which differs from other descriptions in ES chapters (55m max in air quality chapter etc) and that in the Scoping Report which was based on a stack height of 35-45m (paragraph 6.6.8).</p> <p>Please clarify the maximum stack height and confirm whether or not this has been used consistently in carrying out the Environmental Assessment.</p>
Q1.10.5	<p><i>Water supplies for fire fighting</i></p> <p>Applicant</p>	<p>Please explain how water supplies for firefighting appropriate to the proposed risk will be addressed as raised in the Humberside Fire and Rescue Service RR [RR-002].</p>
Q1.10.6	<p><i>Gas connection</i></p> <p>Applicant</p>	<p>The ExA notes that there are two options under consideration for the gas connection corridor, both within the curtilage of the Existing VPI CHP plant site. Para 1.1.7 of the Gas Connection Statement [APP-025] (and other documents included in the application) indicates that the gas connection would comprise of an over ground OR underground pipe, or a combination of both. Furthermore, the ExA understands that selection of the final route is dependant on the outcome of technical discussions with VPI LLP and Philips 66</p> <p>Please explain the factors that will determine the eventual route of the gas connection corridor, provide an update on the technical discussions with VPI LLP and Philips 66 and explain when a decision on the final gas connection route is likely to be made.</p>
Q1.10.7	<p><i>Existing Car park</i></p>	<p>The ExA notes that work No 3 includes an area of land to the north and west of the</p>

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	Total Lindsey Oil Refinery (TLOR)/ Applicant	OCGT site which is currently used for car parking by TLOR. The ExA notes that this is temporary in nature. However, please indicate what effect this will have on the TLOR's existing and future car parking needs.
11	Ground Conditions	
Q1.11.1	<i>Pollution Prevention</i> Applicant	Table 11.7 of [APP-040] notes that embedded mitigation and pollution prevention measures will be required as part of the EP. Please provide outline details of these measures.
12	Ecology	
Q1.12.1	<i>South Humber Gateway Strategy</i> North Lincolnshire Council North East Lincolnshire Council	Please comment on whether the council considers contributions towards the South Humber Gateway strategy will be required (Note para 1.2.4 of [RR-022]).
Q1.12.2	<i>Confirmatory Great Crested Newt Survey</i> Applicant	Can the Applicant submit any correspondence between the Applicant and NE in relation to the Confirmatory Great Crested Newt Survey [AS-006] and confirm whether the survey results influence the findings of likely significant effects?
Q1.12.3	<i>Rosper Road Ponds</i> Applicant	ES Chapter 9 [APP-038] Para 9.7.14 refers to ponds having dried out by around late may/early June. Can the Applicant confirm whether it is typical for Ponds 1 and 2 to dry out completely, or was this affected by an unusually long/ dry period?
Q1.12.4	<i>Effect of operational activity on wildlife</i>	Para 9.2.1 of the NTS [APP-028] accepts that there is the potential for noise/visual disturbance during the construction phase on wildlife. Furthermore, para 9.1.4 notes

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	Applicant	<p>that several protected and notable species were identified as either present in association with the site, or potentially within the zone of influence. However, it goes on to conclude (at para 9.2.1) that given the industrial nature of the surrounding land, it is reasonable to assume that the species present are habituated to current operational activity</p> <p>Can the Applicant justify the assumption that species present at the site are habituated to current operational activity given the industrial nature of the surrounding land? How does the characteristics of the sound currently experienced by species at the site differ during construction phase of the development?</p>
Q1.12.5	<p><i>Stack height for ecological assessment</i></p> <p>Applicant</p>	<p>ES Chapter 9 [APP-038] makes use of the Rochdale Envelope when determining the worst case scenario, as explained in Section 9.5. The section refers to worst case OCGT configuration and stack height. However, para 6.7.4 and 6.9.9 of Chapter 6 Air Quality [APP-035] suggest that the stack height may be subsequently lowered. How does this affect the assessment? Can the Applicant clarify the lowest stack height modelled for the ecological assessment?</p>
Q1.12.6	<p><i>Piling Modelling</i></p> <p>Applicant</p>	<p>ES Chapter 9 [APP-038] Para 9.9.14 refers to the potential for piling, but this is not included in the Rochdale Envelope parameters.</p> <p>As there is a possibility that piling may be required during construction, can the Applicant confirm what piling has been modelled as part of the ecological assessment?</p>
Q1.12.7	<p><i>Framework CEMP</i></p> <p>Applicant</p>	<p>Para 9.8.3 refers to the contractor preparing the Construction Environmental Management Plan (CEMP). As the contractor is not yet in place presumably this will not be available before the end of the examination. Can the Applicant provide an update on progress towards completion of a CEMP?</p>

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13	Noise and Vibration	
Q1.13.1	<i>Selection of Noise Sensitive receptors</i> Applicant	Please explain how the noise sensitive receptors presented in ES Chapter 8 [APP-037] have been selected, what the acoustic study area is and how it has been defined?
Q1.13.2	<i>Assumptions for effects on buildings</i> Applicant	Can the Applicant describe in detail the assumptions that have been applied to establish the basis for the qualitative assessment made for the effects on buildings due to vibration? Can the Applicant set out the extent to which the activities that may take place are to be controlled to ensure that noise and vibration do not significantly exceed that which has been assessed?
Q1.13.3	<i>Noise emitting sources at gas Connection Site</i> Applicant	Can the Applicant explain what information they have used to determine that significant noise emitting plant/sources at the Gas Connection Site will not occur?
Q1.13.4	<i>Construction noise estimates</i> Applicant	Please explain why noise effects during construction have not been assessed for the ES and why detailed construction noise estimates at the specific noise specific receptors identified have not been made?
Q1.13.5	<i>Ecological Receptors as NSR's</i> Applicant/ NE	Can the Applicant justify their decision not to include ecological receptors as NSRs within the noise assessment? Is NE satisfied with this approach?
Q1.13.6	<i>Piling</i> Applicant	Can the Applicant confirm in which circumstances that piling techniques will be required during construction, and how necessary mitigation requirements related to this construction method will be secured?
14	Other	
Q1.14.1	<i>National Grid Infrastructure</i> Applicant	Please provide update on the discussions re protective provisions in dDCO and necessary agreements in relation to the National Grid's infrastructure.

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Q1.14.2	<i>Site Selection</i> Applicant	<p>The application sets out (in various places including [APP-01] and [APP-021] [APP-033]) the reasons the Site has been selected by the Applicant as opposed to other potentially available sites. However, elsewhere the application it indicates that no other sites were considered. Please provide clarification on the approach to site selection.</p> <p>Please explain how the Applicant has taken into account the requirements of section 14(1)(d) of the Infrastructure Planning (Environmental Impact Assessment) regulations 2017 on the assessment of reasonable alternatives?</p>
Q1.14.3	<i>Final investment decision by VPIB</i> Applicant	<p>Please provide an indication of when a final investment decision will be made by VPIB.</p>
Q1.14.4	<i>Air Products BR Limited</i> APBR and Applicant	<p>Please provide further details of the impact on Air Products BR Limited (APBR) business operations and affected infrastructure.</p> <p>The ExA notes that APBR's Relevant Representation [RR-007] states that they do not consider Advice Note 9 has been followed. Please expand on your concerns. You may do this as part of any written representations.</p> <p>Please provide an update on any ongoing discussions between the parties.</p>
Q1.14.5	<i>Gas supply capacity</i> National Grid Gas Plc	<p>Please confirm that the existing connection at feeder No.9 has sufficient capacity to supply gas to the proposed development and the Existing VPI CHP Plant.</p> <p>Please also confirm whether any additional NGG infrastructure would be required to secure the delivery of gas to the proposed development.</p>
Q1.14.6	<i>Distance from North and South</i>	<p>Chapter 3 of the ES [APP-032] provides different distances from the site to</p>



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	<i>Killingholme</i> Applicant	Immingham, South and North Killingholme (e.g. paras 3.3.2, 3.5.5 & 3.4.3). Please confirm the distance between the site and these locations.
Q1.14.7	<i>Alternatives</i> Applicant	ES Chapter 4 [APP-033] section 4.7 includes a description of the reasonable alternatives. The Applicant states that a technical and commercial evaluation of other available technologies such as multiple smaller OCGTs, aero-derivative turbines and gas engines were considered and excluded. Please provide evidence this evaluation.