VPI Immingham OCGT Project

Document Ref: 7.2
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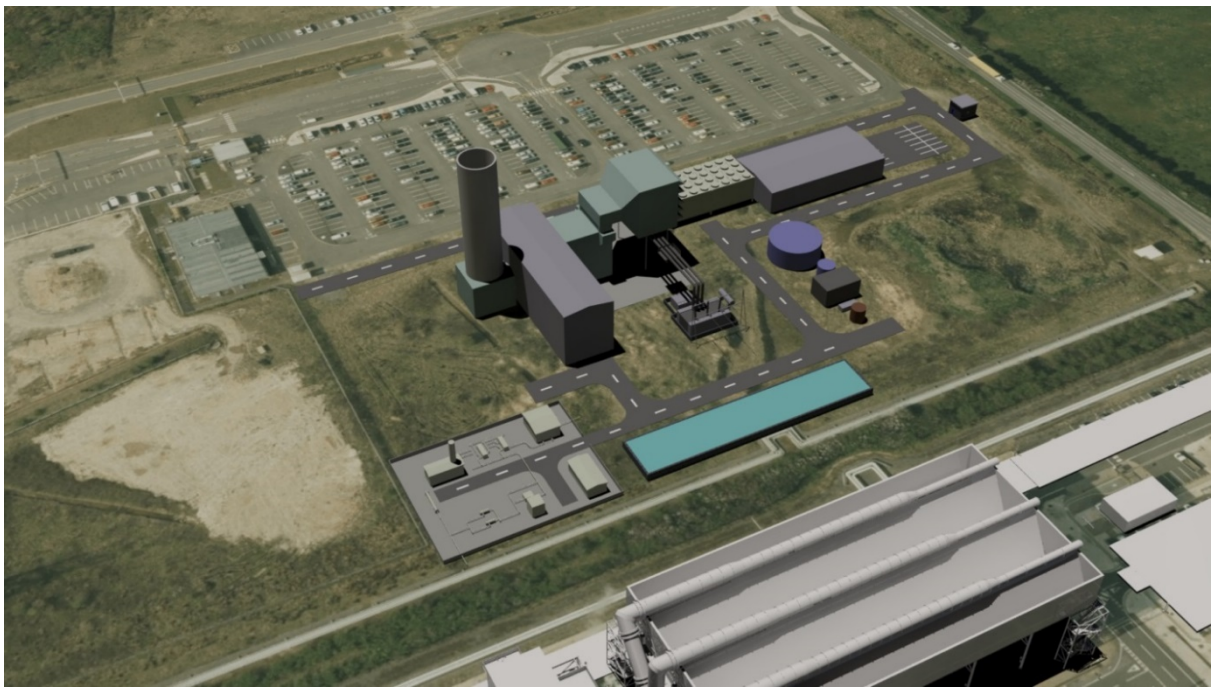
The Immingham Open Cycle Gas Turbine Order

Land to the north of and in the vicinity of the VPI Immingham Power Station, Rosper Road, South Killingholme, Lincolnshire, DN40 3DZ

Applicant's Response to Examining Authority's First Written Questions

Examination Deadline 2

The Planning Act 2008



Applicant: VPI Immingham B Ltd
Date: September 2019

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GLOSSARY

Abbreviation	Description
Access	Work No. 2 – access works comprising access to the OCGT Power Station Site and access to Work Nos. 3, 4, 5 and 6;
Access Site	The land required for Work No.2.
AGI	Above Ground Installation
AONB	Area of Outstanding Natural Beauty
APFP Regulations	The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009
Applicant	VPI Immingham B Ltd
Application	The Application for a Development Consent Order.
Application Documents	The documents that make up the Application (as defined above).
BEIS	Department for Business, Energy and Industrial Strategy.
CCR	Carbon Capture Ready
CCS	Carbon Capture and Storage
CEMP	Construction Environmental Management Plan
CHP	Combined Heat and Power
CO2	Carbon Dioxide
COMAH	Control of Major Accident Hazards
CTMP	Construction Traffic Management Plan
CWTP	Construction Workers Travel Plan
DCO	A Development Consent Order.
EA	Environment Agency
EIA	Environmental Impact Assessment
Electrical Connection	Work No. 5 – an electrical connection of up to 400 kilovolts and controls systems.
Electrical Connection Site	The land required for Work No.5.
EMF	Electromagnetic fields – a physical field produced by electrically charged objects.
EPA	Environmental Protection Act
ES	Environmental Statement
Existing AGI	The exiting AGI within the Existing VPI CHP Site.
Existing AGI Site	The land comprising the exiting AGI within the Existing VPI CHP Site.

Abbreviation	Description
Existing Gas Pipeline	An existing underground gas pipeline owned by VPI LLP connecting the Existing AGI Site to an existing tie in the National Grid (NG) Feeder No.9 located to the west of South Killingholme.
Existing Gas Pipeline Site	The land comprising the Existing Gas Pipeline and a stand-off either side of it.
Existing VPI CHP Plant	The existing VPI Immingham Power Station.
Existing VPI CHP Plant Site	The land comprising the Existing VPI CHP Plant, located immediately to the south of the Main OCGT Power Station Site.
FRA	Flood Risk Assessment
Gas Connection	Work No. 4 – the new underground and overground gas pipeline
Gas Connection Site	The land required for Work No.4.
GW	Gigawatts – unit of power.
HA	Highways Agency (now known as Highways England) – government owned company responsible for managing the strategic road network in England.
ha	Hectare – unit of measurement.
HGV	Heavy Goods Vehicle – vehicles with a gross weight in excess of 3.5 tonnes.
km	Kilometre – unit of distance.
LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Site
m	Metres – unit of distance.
MW	Megawatts – unit of energy.
NELC	North East Lincolnshire Council
NG	National Grid
NGET	National Grid Electricity Transmission plc
NLC	North Lincolnshire Council
NPPF	The National Planning Policy Framework
NPS	National Policy Statements
NSIP	Nationally Significant Infrastructure Project
NSRs	Noise Sensitive Receptors – locations or areas where dwelling units or other fixed, developed sites of frequent human use occur.
OCGT	Open Cycle Gas Turbine – a combustion turbine plant fired by gas or liquid fuel to turn a generator rotor that produces electricity.
OCGT Power Station	Work No. 1 – an OCGT power station with a gross capacity of up to 299MW.
OCGT Power Station Site	The land required for Work No.1.
Order limits	The area in which consent to carry out works is sought in the DCO, the area is split into different Work Numbers which are set out Schedule 1 to the DCO and shown on the Works Plans. The Order limits is the same area as the Site .
PA 2008	Planning Act 2008
PINS	Planning Inspectorate
PPG	Planning Practice Guidance

Abbreviation	Description
Project Land	The land required for the Proposed Development (the Site) and the land comprising the Existing Gas Pipeline Site. The Project Land is the same as the 'Order land' (in the DCO).
Proposed Development	The construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 299 MW, including electrical and gas supply connections, and other associated development.
PRoW	Public Right of Way
Site	The land required for the Proposed Development, and which is the same as the 'Order limits' (in the DCO).
SoS	Secretary of State
SPA	Special Protection Area
SoCG	Statement of Common Ground
SUDS	Sustainable Urban Drainage System
SWMP	Site Waste Management Plan (SWMP)
TCPA 1990	Town and Country Planning Act 1990 (as amended)
Temporary Construction and Laydown	Work No. 3
TLOR	Total Lindsey Oil Refinery
TTWA	Travel to Work Area
Utilities and Services Connections	Work No 6 – utilities and services connections to the OCGT Power Station.
Utilities and Services Connections Site	The land required for Work No.6 – the land required for the utilities and services connections to the OCGT Power Station.
Vitol	Vitol Group – the owner of VPI LLP and VPIB.
VPIB	VPI Immingham B Limited – the Applicant
VPI LLP	VPI Immingham LLP – the owner and operator of the Existing VPI CHP Plant.
WebTAG	Web-based Department of Environment, Transport and Regions Document. Transport Analysis Guidance.
Work No.1	An OCGT power station (the 'OCGT Power Station') with a gross capacity of up to 299MW.
Work No.2	Access works (the 'Access Site'), comprising access to the Main OCGT Power Station Site and access to Work Nos. 3, 4, 5 and 6.
Work No.3	Temporary construction and laydown area
Work No.4	An underground and overground gas pipeline (the 'Gas Connection) of up to 600 mm (nominal internal diameter) for the transport of natural gas to Work No. 1.
Work No.5	An electrical connection (the 'Electrical Connection') of up to 400 kilovolts and control systems.
Work No.6	Utilities and services connections (the 'Utilities and Services Connections').
WSI	Written Scheme of Investigation – a method statement or a project design to cover a suite of archaeological works for a site.

CONTENTS

TABLES

1. INTRODUCTION

1.1 Overview

1.1.1 This 'Applicant's Response to the Examining Authority's Written Questions' report (Document Ref: 7.2) has been prepared on behalf of VPI Immingham B Ltd ('VPIB' or the 'Applicant'). It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO') submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy under section 37 of the Planning Act 2008' (the 'PA 2008').

1.1.2 VPIB is seeking development consent for the construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 299 megawatts ('MW'), including electrical and gas supply connections, and other associated development (the 'Proposed Development'). The Proposed Development is located primarily on land (the 'Site') to the north of the existing VPI Immingham Power Station, Rosper Road, South Killingholme, North Lincolnshire, DN40 3DZ.

1.1.3 A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under section 14(1)(a) and sections 15(1) and 15(2) of the PA 2008. The DCO, if made by the SoS, would be known as the 'VPI Immingham OCGT Order' (the 'Order').

1.2 VPI

1.2.1 VPI Immingham LLP ('VPI LLP') owns and operates the existing VPI Immingham Power Station, one of the largest combined heat and power ('CHP') plants in Europe, capable of generating 1,240 MW (about 2.5% of UK peak electricity demand) and up to 930 tonnes of steam per hour (hereafter referred to as the 'Existing VPI CHP Plant'). The steam is used by nearby oil refineries to turn crude oil into products, such as gasoline. The land comprising the Existing VPI CHP Plant is hereafter referred to as the 'Existing VPI CHP Plant Site'.

1.2.2 VPI LLP is a wholly owned subsidiary of the Vitol Group ('Vitol'), founded in 1966 in Rotterdam, the Netherlands. Since then Vitol has grown significantly to become a major participant in world commodity markets and is now the world's largest independent energy trader. Its trading portfolio includes crude oil, oil products, liquid petroleum gas, liquid natural gas, natural gas, coal, electricity, agricultural products, metals and carbon emissions. Vitol trades with all the major national oil companies, the integrated oil majors and independent refiners and traders. For further information on VPI LLP and Vitol please visit:

https://www.vpi-i.com/

1.2.3 VPIB has been formed as a separate entity for the purposes of developing and operating the Proposed Development.

1.3 The Site

1.3.1 The Site is primarily located on land immediately to the north of the Existing VPI CHP Plant Site, as previously stated. Immingham Dock is located approximately 1.5 kilometres ('km') to the south east of the Site at its closest point. The Humber ports

facility is located approximately 500 metres ('m') north and the Humber Refinery is located approximately 500m to the south.

1.3.2 The villages of South Killingholme and North Killingholme are located approximately 1.4 km and 1.6 km to the west of the Site respectively, and the town of Immingham is located approximately 1.8 km to the south east. The nearest residential property comprises a single house off Marsh Lane, located approximately 325 m to the east of the Site.

1.3.3 The Site comprises the following main parts:

- OCGT Power Station Site;
- Access Site;
- Temporary Construction and Laydown Site;
- Gas Connection Site;
- Electrical Connection Site; and
- Utilities and Services Connections Site.

1.3.4 The Site is located entirely within the boundary of the administrative area of North Lincolnshire Council ('NLC'), a unitary authority. The different parts of the Site are illustrated in the Works Plans (Application Document Ref: 4.3).

1.3.5 The Site has been selected by the Applicant for the Proposed Development, as opposed to other potentially available sites, for the following reasons:

- it comprises primarily of previously developed or disturbed land, including land within the operational envelope of the Existing VPI CHP Plant Site;
- it is situated in an industrial setting with few immediate receptors and is not particularly sensitive from an environmental perspective;
- it is primarily located adjacent to the Existing VPI CHP Plant, which provides visual screening and synergies in terms of the existing workforce, and utilities and service connections;
- it benefits from excellent grid connections (gas and electricity) on the Existing VPI CHP Plant Site; and
- it benefits from existing highway accesses onto Rosper Road, with the latter providing a direct connection (via a short section of Humber Road) to the Strategic Highway Network (A160) a short distance to the south of the Site.

1.3.6 A more detailed description of the Site is provided in Environmental Statement ('ES') Volume 1 Chapter 3 'Description of the Site' (Application Document Ref: 6.2.3).

1.4 The Existing Gas Pipeline

1.4.1 In addition to the Site, the Application includes provision for the use of an existing gas pipeline (the 'Existing Gas Pipeline') to provide fuel to the Proposed Development. The Existing Gas Pipeline was originally constructed in 2003 to provide fuel to the Existing VPI CHP Plant. The route of the pipeline runs from a connection point at an

above ground installation (the 'Existing AGI Site') within the Existing VPI CHP Plant Site to a tie in point at the existing National Grid ('NG') Feeder No.9 pipeline located to the west of South Killingholme.

1.4.2 A small part of the Existing Gas Pipeline Site lies within the administrative area of North East Lincolnshire District Council ('NELC'), the neighbouring local authority.

1.4.3 The Applicant is not seeking consent to carry out any works to the Existing Gas Pipeline and, as a result, it does not form part of the Site or Proposed Development. It is included in the Application on the basis that the Applicant is seeking rights to use and maintain the pipeline and it is therefore included within the DCO 'Order land' (the area over which powers of compulsory acquisition or temporary possession are sought). The area of land covered by the Existing Gas Pipeline, including a 13 m stand-off either side of it to provide for access and any future maintenance requirements, is hereafter referred to as the 'Existing Gas Pipeline Site'.

1.4.4 The Site and the Existing Gas Pipeline Site are collectively referred to as the 'Project Land'. The area covered by the Project Land is illustrated in the Location Plan (Application Document Ref: 4.1).

1.4.5 The Existing Gas Pipeline has not been assessed as part of the Environmental Impact Assessment ('EIA') carried out in respect of the Application. This is on the basis that it is a pre-existing pipeline and the Applicant is not seeking consent to carry out any works to it. Further explanation in respect of this matter is provided in ES Volume 1, Chapter 1 'Introduction' and Chapter 3 'Description of the Site' (Application Document Ref: 6.2.3).

1.5 The Proposed Development

1.5.1 The main components of the Proposed Development are summarised below, as set out in the draft DCO (Application Document Ref: 2.1):

- Work No. 1 – an OCGT power station (the 'OCGT Power Station') with a gross capacity of up to 299MW;
- Work No. 2 – access works (the 'Access'), comprising access to the OCGT Power Station Site and access to Work Nos. 3, 4, 5 and 6;
- Work No. 3 – temporary construction and laydown area ('Temporary Construction and Laydown') comprising hard standing, laydown and open storage areas, contractor compounds and staff welfare facilities, vehicle parking, roadways and haul routes, security fencing and gates, gatehouses, external lighting and lighting columns;
- Work No. 4 – gas supply connection works (the 'Gas Connection') comprising an underground and/or overground gas pipeline of up to 600 millimetres (nominal internal diameter) and approximately 800 m in length for the transport of natural gas from the Existing Gas Pipeline to Work No. 1;
- Work No. 5 – an electrical connection (the 'Electrical Connection') of up to 400 kilovolts and associated controls systems; and
- Work No 6 – utilities and services connections (the 'Utilities and Services Connections').

1.5.2 It is anticipated that subject to the DCO having been made by the SoS and a final investment decision by VPIB, construction work on the Proposed Development would commence in early 2021. The overall construction programme is expected to last approximately 21 months and is anticipated to be completed in late 2022, with the Proposed Development entering commercial operation later that year or early the following year.

1.5.3 A more detailed description of the Proposed Development is provided at Schedule 1 'Authorised Development' of the draft DCO (Application Document Ref: 2.1) and ES Volume 1, Chapter 4 'The Proposed Development' (Application Document Ref: 6.2.4).

1.5.4 The areas within which each of the main components of the Proposed Development are to be built are shown by the coloured and hatched areas on the Works Plans (Application Document Ref: 4.3).

1.6 The purpose and structure of this document

1.6.1 This document forms part of a package of documents submitted by the Applicant for Deadline 2 of the Examination. It sets out the Applicant's responses to the Examining Authority's ('ExA') First Written Questions – see Section 2 of this report.

2. THE APPLICANT'S RESPONSES

2.1.1 The Applicant's responses to the First Written Questions provided by the ExA are set out in the Table **2.1** on the following pages.

Table 2.1 – Applicant's Responses to Examining Authority's Written Questions

Ref No.	Respondent	Question	Response
1.	**Air Quality and Emissions**		
Q1.1.1	*Study area for the assessment of construction traffic* **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?	The study area for the assessment of construction traffic is described in paragraphs 7.3.3 to 7.3.5 of Volume I, Chapter 7 of the ES (Applicant Document Ref: 6.2.7). For the purposes of the air quality assessment, this study area extends to 200m of either side of the roads within the study area described. The assessment considers all potential receptors within the study area, although it is considered that residential receptors are the most sensitive for most pollutant species.
Q1.1.2	*Approach to the assessment of CO, SO2, benzene and 1,3-butadiene* **Applicant**	Can the Applicant confirm their approach to the assessment of CO, SO2, 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.	The impact assessment presented in the ES was conducted in accordance with the Scoping Report and Opinion (Application Document Refs: 6.4.1 and 6.4.2) which did not specify which individual species would be carried through to full assessment. These species were considered in the technical assessment and did not require detailed evaluation for the reasons given in the Chapter. While such species are emitted from road vehicles, there are no declared Air Quality Management Areas (AQMAs) in the whole of the UK for these species and ambient levels across the UK and also in the vicinity of the Site remain well below National Air Quality Strategy objectives set for the protection of human health. Given the predicted worst-case volume of traffic associated with the construction or operation of the Proposed Development, impacts from these pollutants are predicted to be insignificant.
Q1.1.3	*Monitoring and receptor locations* **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?	The references used in the Figures 6.1, 6.2 and 6.3 relate to the receptor and diffusion tube identification numbers provided in the ES Volume I, Chapter 6 Table 6.12 (Receptor Locations) and Tables 6.13 and 6.14 (Monitoring Locations) (Application Document Ref: 6.2.6). Table 6.12 present grid coordinates for the identified sensitive receptors. Figure 6.1 includes the monitoring locations as provided by the Local Planning Authority published information.
Q1.1.4	*Confidence of baseline Air Quality Data* **Applicant**	The locations of the NLC automatic NO2 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 what appears to be an uneven distribution of monitoring locations and the extent to which this affects the findings in relation to NO2 and particulates.	The Defra background maps for the whole study area were reviewed and specifically the concentrations of NO_2 and PM_{10} for the grid squares containing each of the identified receptors (as described in Chapter 6 of the ES (Application Document Ref: 6.2.6, para 6.8.20)) were evaluated. Many of these receptors are located to the east of Rosper Road. The background monitoring data for the Killingholme School monitor is higher than the Defra data for these grid squares, and therefore this higher value was used to provide a conservative assessment of impact on all receptors in the vicinity of the Proposed Development. It is therefore considered that the background data used in the assessment is robust and conservative; lower values based on the Defra mapping could have been used. It can be stated with confidence that using these ambient concentrations leads to a conservative assessment of potential impact. Background Air Quality is dominated by traffic sources, and therefore as the land to the east of the Proposed Development is largely agricultural there are no significant road sources of NO_2 and PM_{10} in this area, and therefore there are no diffusion tube monitoring stations installed by the Local Planning Authority in this area as the area has not been identified to be at risk of exceedance of National Air Quality Strategy objectives. It is therefore considered that the background monitoring data used in the assessment is appropriate and is conservative for the purpose of the assessment. In addition, the magnitude of the change in the annual average pollutant concentrations due to: 1. Construction traffic on the road network due to the Proposed Development; and, 2. The Operational Point Source Emissions is predicted to be imperceptible for all pollutants at all human health receptor locations and ecological receptors, regardless of the background concentration used within the study area.
Q1.1.5	*Assumptions in assessing effects from construction traffic*	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	The assumptions applied to assess the effects from construction traffic within the air quality impact assessment (as presented in Chapter 6: Air Quality (Applicant Document Ref 6.2.6)) have been sourced from Chapter 7: Traffic and Transportation (DCO Document Ref. 6.2.7). Construction

Ref No.	Respondent	Question	Response
	Applicant	anticipated routes for construction traffic and the likely numbers based on the proposed construction programme.	vehicle numbers have been estimated and are consistent with experience at developments of a similar type and scale. Construction traffic routes are assumed to be consistent with those described within Chapter 7 and the Construction Traffic Management Plan (CTMP). The air quality assessment is based on the peak traffic movements derived using the methodology described in Chapter 7, with the peak occurring late in 2021 in accordance with the indicative construction programme presented within that Chapter. The air quality modelling assessment is based on an air quality baseline for the same year (plus other committed development) as described in Chapter 6. Requirement 16 in the Draft DCO (updated draft submitted at Deadline 2, Application Document Ref: 2.3) secures the approval and implementation of the Construction Traffic Management Plan.
Q1.1.6	*Monitoring of baseline conditions* **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?	The process of the evaluation of existing baseline air quality conditions is described in paragraph 6.8.7 of ES Volume I, Chapter 6(Application Document Ref: 6.2.6) and has been derived from local air quality management reports, Defra published data and other sources as described in the chapter. Whilst the data underpinning that data may have been derived from different sources, the data used is obtained from Local Authority air quality management networks and it is incumbent on the local authority to calibrate and ratify any data prior to its publication and use. Generally continuous monitors operate to a higher degree of accuracy than diffusion tubes, as monitors are calibrated to European standards and have to be regularly maintained and recalibrated. Diffusion tubes have a lower accuracy but can be deployed across a wider area. In the use of any air monitoring data, traffic air dispersion models account for the data correlation between automatic and diffusion tube data and correction factors are applied (in this case by the Local Planning Authority). In this assessment, as presented in the response to Q1.1.4, the data used to determine the background concentration was derived from the continuous monitor installed at the school; this data, while conservative, is also expected to be more accurate than diffusion tube data although the results from each monitoring method are relatively consistent.
Q1.1.7	*Monitoring data* **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?	DT13 is considered to be a roadside monitoring location, due to its close proximity to the A160. It is therefore not considered appropriate as a background location for the operational emissions from the Proposed Development. DT15, which although considered to be an Urban Background monitoring site, is still within close proximity to the A160. These monitoring stations are therefore used by the Local Authority to identify and monitor any locations that are at risk of exceeding National Air Quality objectives; they are not intended to be used to derive baseline air quality data for a location on top of which the modelled road contributions from overall traffic flow (including that associated with the Proposed Development) are added. In addition, the area of maximum impact of the operational emissions occurs approximately 2km away from any major road, and therefore it is not considered appropriate to use diffusion tube monitoring data that would be heavily influenced by road emissions as part of the operational impact assessment.
Q1.1.8	*Provisional 2018 data* **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?	At the time of writing the ES, the 2018 data for the CM9 monitoring station provided on the NLC website (http://www.nlincsair.info/) was still awaiting ratification by the council, however had been published on the website as provisional data. The website was again checked on 20th August 2019 and the data is still showing as "provisional". However, as this data was not actually used in the assessment; and was only used as a comparison to the data in Table 6.13 of Chapter 6: Air Quality (Application Document Ref: 6.2.6), its provisional status is not considered to pose any risks or concerns. It is customary for local authorities to publish provisional results in this way to allow the public and interested parties to see provisional data while the council finalises calibration work. It is for the Local Authority Scientific Officer to change the provisional status to final once they have audited the results.
Q1.1.9	*Traffic Construction Assessment 2021* *baseline*	The construction traffic assessment 2021 baseline includes forecast models that 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	The baseline flows used as the basis for traffic assessment uses automatic traffic counts from 2016 and 2018 and was the most up to date information available at the time of writing. As discussed in the response to question 1.1.4, background air quality data mapping from the Defra

Ref No.	Respondent	Question	Response
	Applicant	noted that the construction traffic modelled data utilises a 2015 baseline. 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?	dataset was considered when determining the existing air quality conditions. The 2015 data was used as this was considered to be the most conservative of the Defra data at the time of preparing the assessment. As discussed in response to question 1.1.4, the continuous monitoring data from the school was also used in the assessment to determine a more conservative background concentration. Subsequent to the assessment presented in Chapter 6: Air Quality (Application Document Ref: 6.2.6), the 2017 dataset has been uploaded to Defra's website. This dataset shows a decrease in pollutant concentrations from the 2015 baseline at the locations described in the Chapter. This decrease is consistent with general UK trends in background air quality, which have tended to show improvement in air quality year on year due to improvements in the UK vehicle fleet. Use of the 2015 Defra data is therefore more conservative than use of that from 2017, recognising that the 2017 dataset was not available at the time of preparing the assessment.
Q1.1.10	*Operational effects/Isopleth maps* **Applicant**	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? 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?	The meteorological data as shown in Figure 6A.1 of Appendix 6A: Air Quality Technical Appendix (Application Document Ref: 6.4.4) has not been manipulated, as it was considered that since the data was obtained only 9.5km from the Site it would be adequately representative of the Site conditions. Meteorological data remains consistent across local and regional spatial scales – of the order of 40-50km – although coastal effects can change local wind directions and wind speeds. The dispersion model itself takes into account surface roughness differences between the meteorological site and the study area, and also the effects of larger building structures within the vicinity of the point source. Based on the above, it is considered that the only likely effect would be slight differences in wind direction between those of the meteorological station and the Site, due to the effects of the estuary. Therefore the isopleth maps would only vary in the actual location of the maximum impact, however it is unlikely that the maximum impact itself would vary greatly. It is considered that this would have minimal effect on the predicted impacts at receptors and that the outcome of the assessment would remain as presented in the ES. The model takes into account 5 years of meteorological data, and therefore takes into account variance in the meteorological data used. The worst case result at each receptor for all meteorological years used has been reported, and therefore this will take into account slight variances in wind direction between the 5 years of data, and therefore it is considered that this has been adequately considered in the assessment Given that the predicted worst case impact of the Proposed Development has a negligible effect on identified sensitive receptors, this conclusion would be unchanged as a result of any slight deviations in wind direction.
Q.1.1.11	*NO_x technical guidance* **Applicant**	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?	This guidance is available at: *https://webarchive.nationalarchives.gov.uk/20140328232919/http://www.environment-agency.gov.uk/static/documents/Conversion_ratios_for__NOx_and_NO2_.pdf* A copy of this guidance is appended to this document (see Appendix 1).
Q1.1.12	*Methodology used for the construction traffic assessment* **Applicant**	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. Can the Applicant provide the methodology used to determine the criteria of the sensitivity of receptor used for the construction traffic assessment?	The methodology used to determine whether an identified receptor is sensitive in relation to the air quality impacts resulting from construction traffic is presented in the Section 6.8 Baseline Conditions of Chapter 6: Air Quality (Application Document Ref: 6.2.6), in particular paragraph 6.8.3 which states: "*Receptors potentially affected by the exhaust emissions associated with construction phase vehicle movements are those located within 200m of a public road used by construction traffic to access the Site.*" All identified receptors have been assumed to be highly sensitive for the purposes of the assessment.

Ref No.	Respondent	Question	Response
Q.1.1.13	*Constraints map* **Applicant**	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. Please provide a map of constraints that depicts the construction traffic route and human and ecological receptors within 200m of the construction traffic route.	The DMRB has been used, in lieu of statutory guidance, as a basis for identifying receptor locations potentially affected by road traffic. The screening criteria are considered applicable to this development as detailed in Section 6.3 Assessment Methodology and Significance Criteria of Chapter 6: Air Quality (Application Document Ref: 6.2.6). It is not considered necessary to follow all aspects of DMRB guidance for a site of this nature, as based on anticipated construction traffic flows, the DMRB guidance would result in a construction assessment being screened out as traffic flows are too small. The decision was taken to complete a dispersion modelling assessment of construction traffic, as this represents a conservatively robust approach. Sensitive human and ecological receptors for the construction traffic assessment are identified on Figure 6.1 of the Environmental Statement, these figures represent a suitable visual representation of the site layout and most sensitive receptors. Therefore a constraints map is not considered necessary.
Q1.1.14	*Temporal scope for construction traffic assessment* **Applicant**	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. Pleases 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?	The temporal scope of the construction traffic assessment is presented in Volume I, Chapter 7 'Traffic and Transportation' (Application Document Ref: 6.2.7) and is based on the Indicative Construction Programme presented in that Chapter (Table 7.11). Peak Construction traffic is forecast to occur in late 2021 at the earliest (paragraph 7.9.8). Tables 6A.13 of Appendix 6A: Air Quality Technical Appendix (Application Document Ref: 6.4.4) compare the forecast peak traffic against the predicted NO2 concentrations for 2021 and 2022 to show that the reasonable worst case baseline air quality has been used in the assessments. By assessing an early construction year, as identified in the response to Q1.1.9, this results in a higher background pollutant concentration being used in the impact assessment, which therefore results in a conservative assessment of potential impact. The duration of the peak construction traffic period has been estimated based on the Indicative Construction Programme (Table 7.11 of Chapter 7). The impact of the additional construction traffic (at peak) is presented in Section 7.9 Likely Impacts and Effects of Chapter 7 including Table 7.13.
Q1.1.15	*Mitigation measures* **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?	The Framework CEMP (Application Document Ref: 6.4.3) is intended to provide a framework to which the final CEMP will need to accord (Section 1.4). This framework sets out the key mitigation measures presented within the ES and is not intended to be an exhaustive list at this stage, as the final measures to be adopted will be shaped by the specific construction activities and associated risks to be identified by the construction contractor. Consideration of the inclusion of the measures included in the IAQM guidance will be undertaken during the drafting of the final CEMP in accordance with DCO Requirement 14. This Requirement specifically requires that the CEMP include a scheme for the control of emissions of dust, and that the scheme must be approved by the relevant local planning authority and then implemented throughout construction.
Q1.1.16	*Air quality monitoring measures* **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]? 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?	The need for monitoring will be determined by the construction contractor at the detailed design stage, depending on the nature of works proposed. At this stage, no significant construction air quality effects have been identified and given the distance between the site and the nearest identified sensitive receptors to the Site, no air quality monitoring is considered to be necessary to demonstrate that no significant air impacts have occurred. Local authority ambient air monitoring along principal traffic routes is expected to continue as required by the local authority. The IAQM guidance (2018) recommends the use of quantitative monitoring of ambient particulate concentrations where site activities are considered to have a high risk of resulting in dust release. For medium risk sites, the monitoring of dust deposition should be adequate, with low or negligible risk sites requiring no quantitative monitoring. The level of risk for the Site will be determined by the construction contractor at detailed design stage, however it is likely to be considered to be of low risk. The IAQM guidance (2016) states that "it is commonly accepted that the greatest impacts will be within 100 m of a source and this can include both large (>30 µm) and small dust particles. The greatest potential for high rates of dust deposition and elevated PM10 concentrations occurs within this distance. Intermediate-sized particles (10 to 30 µm) may travel up to 400 m, with occasional elevated levels of dust deposition and PM10 possible. Particles less than 10µm have the potential to persist beyond 400 m but with minimal significance due to dispersion." Due to the distance to receptors in this case (only one residential receptor within 400m of the Site), it is considered that there is minimal potential for significant nuisance effects to occur.

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Q1.1.17	*Assessment methodology consultation* **Applicant**	Can the Applicant explain the consultation process undertaken in an effort to agree the assessment methodologies with the relevant consultation body?	The consultation undertaken as part of the air quality impact assessment is presented in Section 6.5 of ES Volume O, Chapter 6: Air Quality (Application Document Ref: 6.2.6). This includes the Scoping Opinion received via the Planning Inspectorate as well as communications with the relevant planning authorities and the Environment Agency. Air quality has been the subject of discussion in relation to a Statement of Common Ground with North East Lincolnshire (NELC) and North Lincolnshire Council (NLC) and it has been agreed It should also be noted that the Applicant has reached agreement that there would be no unacceptable impacts upon air quality as a result of significant effects with the Proposed Development with NELC, with a similar agreement anticipated with NLC host local authorities – see Application Document Refs: 8.1 and 8.2 that form part of the Applicant's Deadline 2 submission.
2.	**Compulsory Acquisition**		
Q1.2.1	*SOR [APP-008]* **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.	Discussions with affected landowners remain as set out in Table 6.1 on pages 26 to 31 of the Statement of Reasons, (Application Document Ref: 3.2), save for the updates provided in response to FWQs 1.2.6 and 1.2.7, and in the Response to Relevant Representations (Applicant Document Ref: 7.3). The Applicant will update the BoR if it receives any information which means that the interests and/or relevant owners listed have changed. No update to the BoR is required at this stage.
Q1.2.2	*Church Commissioners Land* **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.	A Request for Information (RFI) letter and plans were issued to The Church Commissioners on 19 September 2018, and again on 28 February 2019. The postal address used was that listed on the title register and was checked via desktop research. Both letters were issued 'First Class Signed For' and both were signed for accordingly on delivery. The RFI asked for confirmation of The Church Commissioners' interest in the land and asked them to provide any further information that may be relevant. No response was received to either RFI letter. The nature of The Church Commissioners interest is a Qualified title in respect of Freehold Mines and Minerals – *HS385074*. Due to the nature of the interest being subterranean minerals and the overlying land being used for agriculture, it is not likely that the land has been consecrated.
Q1.2.3	*Unknown owners* **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.	All of the plots for which the owner is unknown are either public highway or watercourses. The highways are Rosper Road (plots 7 and 9), the A160 (44 and 45), the A1066 (plots 46 and 47), Habrough Road (plot 71), A1077 (plot 85), and West Middle Mere Road (96). The watercourse is a drain (plots 65, 66 and 67). All of these plots are unregistered land. In respect of the public highways, the relevant highway authority has been listed in each plot, in addition to the adjoining freehold owners who are (under the 'ad medium fillum' rule) presumed to own the subsoil of the half width of the highway. In respect of the drain the adjoining owner has been listed as (under the same rule) they are presumed to own the drain. In order to try to ascertain who owns these plots, the Applicant carried out the following. Title information in respect of adjoining land was reviewed, to check whether there was any information regarding the ownership of the highway/drain. Requisition for information (RFI) letters were issued to all known or potential owners, asking for confirmation of land which they owned, and any other interests. Two rounds of RFIs were issued, in September 2018 and February 2019. In addition, site notices were erected along the Existing Gas Pipeline Corridor, approximately at the points at which it intersects public highways. Site notices were erected during each of the two rounds of pre-application consultation, and when the acceptance of the Application was publicised. No information was received in response to these methods so as to enable the Applicant to confirm who owns the relevant plots.

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			The Applicant will carry out a further round of due diligence prior to issuing a notice pursuant to section 134 PA2008 (assuming a DCO is granted), and this will continue through to implementation of the DCO and exercise of any powers of compulsory acquisition.
Q1.2.4	*Category 3 persons* ***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]. Please explain in more detail how this conclusion has been reached.	As noted above, Request for Information (RFI) letters and plans were issued to all parties that were identified that potentially held an interest in the Project Land. One of the questions posed in the RFI asks for details of other parties with easements or wayleaves on any land. Based on the information the Applicant received, interrogation of HMLR title registers and a visual assessment of the land within the Project Land it was determined that no parties would hold a relevant claim under section 10 of the Compulsory Purchase Act 1965. Due to the location of the Proposed Development in a highly industrial area and given that the Existing Gas Pipeline is already in place, it was also identified by the Applicant (based on environmental assessment provided by AECOM) that no properties would be affected by a significant increase in any of the physical factors which could lead to a relevant claim. As such it was determined that no parties would hold a relevant claim under Part 1 of the Land Compensation Act 1973, or Section 152 of the PA 2008.
Q1.2.5	*Landowner discussions: General* **Applicant**	Please provide an update on any discussions with affected landowners that may have taken place since the submission of Relevant Representations.	Please see the Applicant's response to question 1.2.1 above.
Q1.2.6	*Control of Major Hazards Risk profile of the Humber Refinery* **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.	Please see the Applicant's Response to Relevant Representations (Application Document Ref: 7.3), also submitted at Deadline 2, in which matters raised by Philips 66 Limited are dealt with.
Q1.2.7	*Statutory undertakers land* **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].	The Applicant has issued a proposed agreement to each relevant party and which would regulate the interactions, to the extent there are any, between the Proposed Development and the land or apparatus of statutory undertakers and other parties affected. The Applicant is also, where appropriate, discussing the form of protective provisions with them. These discussions are ongoing with Highways England Company Ltd, Cadent Gas Limited, Uniper Gas UK Ltd, the Orsted / Hornsea companies, CLH Pipeline System (CLH-PS) Limited, National Grid Electricity Transmission plc and National Grid Gas plc, British Pipeline Agency Ltd, Network Rail Infrastructure Ltd, Centrica Storage Ltd, Anglian Water Services Ltd, Northern Powergrid (Yorkshire) plc and Air Products (BR) Ltd. Where appropriate, protective provisions are already included in the draft DCO (updated draft submitted at Deadline 2, Application Document Ref: 2.3). Whilst negotiations are ongoing, the Applicant does not anticipate any impediments to reaching agreement with all statutory undertakers and others affected, prior to the end of the examination. The Applicant confirms that no additional statutory undertakers have been identified since the updated BoR (Application Document Ref: 3.1). The Applicant will continue to update the ExA on the progress of negotiations.
Q1.2.8	*Costs of CA* **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 these costs will be met.	The estimated costs of acquiring compulsorily the necessary land and rights (i.e. the pink and blue land shown on the Land Plans (Application Document Ref: 4.2)) as well as obtaining the temporary use of land (i.e. the yellow land shown on the Land Plans (Application Document Ref: 4.2)) are £1.922 million. The estimate for CA costs is supplied on the basis of advice taken from the Applicant's land agents and reflects the application of the Compensation Code principles to the powers sought in the Draft DCO (updated draft submitted at Deadline 2, Application Document Ref: 2.3).

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			As set out in section 2 of the Funding Statement (Application Document Ref: 3.3), the capital costs of the project, including the compulsory acquisition costs will be met by the release of funds (from shareholders or funders) by VPI Holding Ltd to the Applicant. The Applicant is a wholly owned subsidiary of VPI Holding Ltd. A copy of the most recent audited accounts of VPI Holding Ltd were appended to the Funding Statement. The Applicant also notes that the Draft DCO (updated draft submitted at Deadline 2, Application Document Ref: 2.3) includes Article 43 which requires financial security to be put in place prior to the exercise of any powers of compulsory acquisition under the DCO, and that the financial security must be approved by the Secretary of State. This is in a similar form to articles included on various recent DCOs.
3.	**Draft Development Consent Order**		
Q1.3.1	*Art 2 - Definition of "permitted preliminary works"* *"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"* **Applicant**	See comments on R9 – Q1.3.15	See the Applicant's response to Q1.3.15 below which also covers this question.
Q1.3.2	Art 4 - *Maintenance of authorised development* *"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"* **Applicant**	Have these activities been assessed in the ES? 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?	The ES assesses activities associated with the maintenance of the authorised development insofar as such activities are likely to have a significant effect on the environment. That approach is appropriate and consistent with the requirements under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 which specify that the ES must contain a description of the "*likely significant effects of the proposed development on the environment*". PINS Advice Note 7 (Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements) further specifies that: "*Ensuring that ESs are appropriately focussed on aspects and matters where a likely significant effect may occur is essential".* The Secretary of State provided their opinion on the matters that are likely to have a significant effect on the environment in the Scoping Opinion (Application Document Ref: 6.4.2) under Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Maintenance has been considered as part of the EIA and is included in the ES as part of 'operation' in the definition of the Proposed Development in Chapter 4 (Application Document Ref: 6.2.4 paragraph 4.1.1). Maintenance activities are also described in paragraphs 4.5.3 to 4.5.5 of this Chapter. The topic chapters use the description of the Proposed Development in Chapter 4 in undertaking the assessments, and therefore any discussion of the effects of the operation of the Proposed Developments include maintenance activities. The Applicant does not agree that Article 4(3) "allows activities which have significant adverse effects, as long as they are unlikely to arise". The wording in Article 4(3) does not "allow" or otherwise have the effect of authorising, any maintenance activities (whether such activities are likely to have significant effects or not). Rather Article 4(3) has the sole effect of limiting the power to maintain under Article 4(1) in order that this power cannot be relied upon by the undertaker to authorise any maintenance works under the Order that are likely to have a significant adverse effect on the environment but have not been assessed in the ES. The power to maintain the authorised development under Article 4(1) is itself limited by the words "except to the extent that this Order or an agreement made under this Order provides otherwise".

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			Article 4(2) further specifies that the power to maintain is limited to maintenance works within the Order limits in order to provide a defined parameter within which this power can be exercised.
Q1.3.3	Art 16 - *Authority to survey and investigate the land* **Applicant**	Art 16 provides for entry onto land within the order limits 'or any land which may be 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.	The power extends to land *"which may be affected by the authorised development"* as surveys may need to be undertaken on such land to monitor the impacts of the authorised development (for example noise monitoring at or near a receptor). It is important to note that Article 16(5) specifies that the undertaker will be required to compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this Article. Article 13(6) applies section 13 of the Compulsory Purchase Act 1965 (refusal to give possession to acquiring authority) in order to provide an enforcement mechanism (by way of a warrant) where entry onto land under the article is refused. This is considered necessary so that there is no delay in the implementation of the authorised development. This Article has precedent in Article 17 of the Millbrook Gas Fired Generating Station Order 2019.
Q1.3.4	Art 22- *Private rights* **Applicant**	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. 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? See also Q1.2.3.	The Applicant has explained in its response to Q1.2.3 and Q1.2.4 the diligence it undertook to identify interests (including rights) which may exist within the Order Land, and who the owner of any interests may be. The response to Q1.2.3 also sets out the further stages of the project during which the Applicant will undertake further stages of investigation.
Q1.3.5	Art 24 - *Acquisition of subsoil only* **Applicant**	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. Please identify what parcels are likely to be affected by this provision.	The Applicant has not, at this stage, identified any particular plots of land for which it may be appropriate to rely on article 24 – it has been included as a power to enable the approach described in the Explanatory Memorandum to be adopted where appropriate. In order to establish whether that was the case the Applicant would first need to undertake the detailed design for the Proposed Development, and could then establish whether there are areas of the Order Land where acquisition of an interest in solely the subsoil would be appropriate and sufficient to enable the construction, operation and maintenance of the Proposed Development.
Q1.3.6	Art 28 - *Temporary use of land for carrying out the authorised development* (11) In this article "the maintenance period" means the period of 5 years beginning with the date of final commissioning **Applicant**	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? As examples: • 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	The Applicant's rationale for excluding the temporary possession provisions in the NPA 2017 is that these provisions have not yet come into force and that regulations required to provide more detail on the operation of the regime have not yet been made (or even consulted on). The Applicant is of the view that it is not currently appropriate to understand or reflect accurately the temporary possession provisions as intended by Government in respect of DCOs. As such, it is considered appropriate to apply the temporary possession regime which has been included in numerous DCOs and orders made under the Transport and Works Act 1992 to date. This approach has been adopted in various DCOs since the NPA 2017 was enacted, including the Silvertown Tunnel Order 2018, the Eggborough Gas Fired Generating Station Order 2018, The Port of Tilbury (Expansion) Order 2019 and the Millbrook Gas Fired Generating Station Order 2019. The EM is correct in that the maintenance period should be the period of 1 year beginning with the date of final commissioning. Article 28(11) has been amended to refer to the period of 1 year instead of 5 years.

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		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? The EM (para 2.5.16) [APP-006] refers to a maintenance period of 1 year. Does Art 28 (11) need to be amended?	
Q1.3.7	*Art 29 – Statutory undertakers* **Applicant**	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.	As noted in response to Q1.2.7 the Applicant anticipates that agreement will be reached with all statutory undertakers before the end of the Examination, resulting in the withdrawal of all relevant outstanding representations. Upon withdrawal of all such relevant representations, Section 127 of the PA 2008 will no longer be relevant to the inclusion of Art 29 in the DCO.
Q1.3.8	Art 31 - *Recovery of costs of new connection* *'31(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 29….'* **Applicant**	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 costs of new connections from the undertaker. Is this intended to refer to the exercise of powers under Article 29?	The reference to the exercise of powers under Article 31 in paragraph 2.5.19 of the EM has been deleted and replaced by reference to Article 29 (statutory undertakers).
Q1.3.9	Art 32 - *Felling or lopping of Trees* **Applicant**	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.	The Applicant confirms the intention to remove reference to 'hedgerows'.
Q1.3.10	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. *Includes provisions on deemed consent after 8 weeks.* **Applicant**	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? If a standalone requirement, should it be altered to read: "such consent, agreement or approval must be given in writing to be validly given and must not be unreasonably withheld or delayed". Is this provision reasonable? Please provide a justification.	The requirement that such consent, agreement or approval "must not be unreasonably withheld or delayed" constitutes a separate requirement. Article 38(1) has been amended as suggested by the Examining Authority. This Article has precedent in Article 38 of the Millbrook Gas Fired Generating Station Order 2019, and is considered appropriate and justified in order to ensure that the Proposed Development can proceed in a reasonable timescale, and so that there is a consistent approach to consents and approvals that must be sought by the undertaker pursuant to the Order.
Q1.3.11	Art 41 - *Amendment and modification of statutory provisions* **Applicant**	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 an existing DCO. Please specify which specific part of section 120(5) PA 2008 is being relied upon – i.e. and) (b) and also provide an update on any discussions with Able Humber Ports.	The Applicant's response below deals first with the principle of the inclusion of Article 41 (and related provisions within Schedules), and then discussions with Able. (a) The Applicant's approach to article 41 and section 120(5) in the Draft DCO (updated draft submitted at Deadline 2, Application Document Ref: 2.3) follows that adopted by the SoS in relation to the decision on the Application for the Millbrook Gas Fired Generating Station Order, in March 2019. In that decision, the SoS was satisfied that (1) section 120(5) provides an appropriate and lawful mechanism for a new DCO to amend an existing DCO; and (2) that in the circumstances, it was open to the SoS to use the powers in either 120(5)(a) or (b) to effect the amendments. The Applicant's position is that the proposed amendments to the Able Marine Energy Park Development Consent Order 2014 (the 'Able Order') meet the definition of modifications set out in the Parliamentary Counsel Drafting Guidelines and that it would be appropriate to use s120(5)(a) as the basis for making the changes. It is also the Applicant's position that it would be open to the SoS to

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			make the modification under the power in s120(5)(b), on the basis that the proposed changes are both necessary and expedient. The Applicant therefore considers that either provision can be relied on by the SoS, and that if the SoS agrees that both are available, it is not necessary for the SoS to specify which is being relied on. (b) The Applicant issued draft protective provisions and proposed modifications to the Able Order, to Able Humber Ports Limited ('Able'), on 18 April 2018. The Applicant has recently had a substantive response to the protective provisions and proposals for modifying the Able Order, and is continuing to discuss these with Able. Discussions between the Applicant and Able indicate that whilst Able may have comments on those provisions, there is not an in principle or major objection to the Proposed Development nor the general approach proposed by the Applicant. The Applicant also notes the relevant representation made by Able and welcomes Able's confirmation that it does not wish to object to the Proposed Development, and that Able considers that it should have little impact on the Able Order. The Applicant issued a first draft Statement of Common Ground to Able on 3 September 2019.
Q1.3.12	Art 42 - *Arbitration*	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.	Article 42 is a general arbitration provision that is based on a model provision subject to being amended to provide for an arbitrator to be appointed by the Centre of Effective Dispute Resolution in the event that the Secretary of State fails to appoint an arbitrator. This is to prevent any delay to the resolution of any disputes. The wording in Article 42(1) has been adopted in DCOs including the Eggborough Gas Fired Generating Station Order 2018, and the Millbrook Gas Fired Generating Station Order 2019. The Applicant does not intend that arbitration provisions would apply to the Secretary of State and has therefore added an additional paragraph to article 42 to put this beyond doubt.
Q1.3.13	R3 - *Notice of Commencement and completion of commissioning* *R3 includes the words 'where practicable'.* **Applicant**	R3 refers to 'completion of commissioning'. This does not appear as a defined term. Is it intended to refer to the 'date of final commissioning'? Please provide a justification for the inclusion of these words? The EM [APP-06] 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?	Yes, it is intended to refer to the 'date of final commissioning'. The Applicant has updated the Draft DCO accordingly (updated draft submitted at Deadline 2, Application Document Ref: 2.3). Paragraph 2.8.12 (Requirement 3) of the EM (Application Document Ref: 2.2) deals with the 'Notice of commencement'. Paragraph 2.8.11 (Requirement 2) refers to 'Commencement', but in terms of requiring the development to commence within 5 years. It follows that the two paragraphs deal with different matters relating to commencement, and there is therefore no need to amend the EM.
Q1.3.14	R6 - *Biodiversity enhancement and management plan* **Applicant**	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. Please elaborate on the justification for splitting out the requirement for this particular project.	The role of the Biodiversity Enhancement Management Plan (the framework of which was submitted as part of the Application (Application Document Ref: 6.4.17) is to both mitigate the effects of the Proposed Development on biodiversity features, and to enhance the biodiversity and green infrastructure value of the Site. Although linked, these two objectives can be met separately, the former through avoiding impact on existing features using appropriate and relevant measures during construction activities; and the latter through improvement and enhancement measures to retained features to take place post-construction. Splitting the two plans allows for the Applicant to proceed with the development with suitable protection for existing features but without the need for improvement plans to be agreed that may be subject to change through the final design and construction processes. Improvement and enhancement measures can then be agreed with the relevant body based on a clearer baseline.
Q1.3.15	R9 - Means of enclosure "save for the permitted preliminary works" **Applicant**	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? See also Q1.3.1.	It is intended on the basis that enclosing and securing the Site, as necessary, should be undertaken as soon as possible. This is for safety reasons and to protect valuable construction equipment, amongst other things, which might be a necessity in the time before the relevant pre-commencement requirements are discharged.

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			Requirement 9 has been amended to confirm that where a temporary means of enclosure is erected, and a period of three months expires without any construction works being carried out, a scheme for the retention and subsequent removal of the temporary means of enclosure must be submitted to the relevant planning authority within 28 days. The scheme must be implemented unless otherwise agreed with the relevant planning authority.
Q1.3.16	**R12 - Contaminated land and groundwater** **Applicant**	Reference to Chapter 11 in R12(2). Does this require a reference to Chapter 11 of the ES? Is there a need to include provision requiring works to stop in the event that contamination is discovered? The ExA also notes the request by the EA to remove them as a consultee in Requirement 12(6).	Yes - the Applicant has updated the Draft DCO (updated draft submitted at Deadline 2, Application Document Ref: 2.3) to refer to ES Volume I, Chapter 11 (Application Document Ref: 6.2.11). Any necessary requirement for works to stop, and any other necessary measures, would be agreed as part of the scheme to deal with the contamination of land that is required by Requirement 12. It is therefore not considered necessary for Requirement 12 to refer specifically to the stopping of works. The Applicant has been liaising with the EA and has agreed its request to be removed from paragraph (6) of Requirement 11
Q1.3.17	*R13 – Archaeology* **Applicant**	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?	Yes, the intention of this restriction is to allow the planning authority to agree the scope and content of the WSI prior to the conduct of the archaeological assessment, hence the restriction to submit and agree the plan prior to the PPW commencing.
Q1.3.18	*R20 - Piling and penetrative foundation design* **Applicant**	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). Please elaborate on the justification for this provision in light of the comments in the revised Non-Technical Summary [AS-005].	The statement in paragraph 8.2.3 is on the basis that should piling be required, selection of the specific technique and the application of the best practice measures (e.g. BS 5228: 2014) are considered sufficient to avoid any potential for a significant impact. Paragraph 8.2.3 of the Non-Technical Summary (NTS, Application Document Ref: 6.1) states that should piling be required appropriate management methods would be applied through a piling risk assessment with noise controlled through the Construction Environmental Management Plan (CEMP). This paragraph is a brief summary of a larger discussion in the relevant chapter (ES Volume I, Chapter 8: Noise & Vibration, Application Document Ref: 6.2.8). The assessment presented within that chapter includes an assessment of the effects of piling, concluding that the potential noise and vibration impacts would not be significant through the application of the environmental management measures outlined CEMP including the application of the best practice measures (e.g. BS 5228: 2014). No requirement for piled foundations has yet been identified and the term 'piling' encompasses a variety of different techniques, selection of which (if required) cannot be undertaken until a contractor has been appointed and detailed construction design undertaken. Requirement 20 secures the approval and implementation of a piling and penetrative foundation design method statement.
Q1.3.19	R23 - *Employment Skills and Training Plan* **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.	Requirement 23 aims to promote employment, skills and training development opportunities for local residents during construction and employment opportunities during operation. It is considered that securing a plan to provide such benefit for local residents is in accordance with section 5.12 of National Policy Statement ('NPS') EN-1, part 6 of the National Planning Policy Framework ('NPPF') and relevant local planning policy relating to the economy.
Q1.3.20	R29 - *Amendments agreed by the relevant planning authority* *"Where the words "unless otherwise agreed by 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?	This is not intended. The Draft DCO (updated draft submitted at Deadline 2, Application Document Ref: 2.3) has been updated to make the wording used in the requirements consistent with that is Requirement 29. It is assumed that the reference to "R29" should be reference to Requirement 27 (agreements agreed by the relevant planning authority). For consistency Requirement 27(1) has been amended to read: "Where the words "*unless otherwise agreed with the relevant planning authority appear in the above requirements*".

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			Requirement 23(2) has been amended to read: "*The approved plan must be implemented and maintained during the construction and operation of the authorised development unless otherwise agreed with the relevant planning authority*."
Q1.3.21	Schedule 3 - *Streets subject to street works* **Applicant**	The schedule currently refers to A9. Schedule 3 is also referenced in Art 8 and Art 12. Should this be amended?	Schedule 3 has been updated to refer to Articles 8, 9 and 12.
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].	Please see the Applicant's response to question 1.2.7.
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. then the application is to be taken to have been refused by the relevant planning authority at the end of that period". **Applicant**	Are the words in bold intended to apply to both para 2(4)(a) and 2(4)(b)?	The question refers to *"words in bold"* but does not include any bold text. It is assumed that the question relates to the following words at the end of paragraph 4(b): "*then the application is to be taken to have been refused by the relevant planning authority at the end of that period*". Paragraph 2(4) has been amended in order that the words now apply to both paragraph 2(4)(a) and 2(4)(b).
Q1.3.24	Schedule 13 – *Modifications to the Able Marine Energy Park DCO 2014* **Applicant**	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.	Please see the Applicant's response to question 1.3.11.
Q1.3.25	*Form of DCO* **Applicant**	Please provide confirmation that the final DCO will be drafted using the SItemplate and will follow guidance and best practice for SI drafting (as set out in the Office of the Parliamentary Counsel Drafting guidance (July 2018)). Please ensure that any further iterations of the DCO submitted as part of the examination include updated references and footnotes as appropriate.	The Draft DCO is already in the SI template, and the Applicant confirms that the final DCO will use that template and adopt the relevant guidance. Footnotes and other matters will be updated as required.
4.	**Operational issues**		
Q1.4.1	*National Grid Infrastructure/ connection* **National Grid Electricity Transmission/ National Grid Gas (NG)** **Applicant/ NG**	Please provide details of the effect on existing apparatus and other relevant connection matters. Update the position in respect of connections to National Grid's electricity and gas infrastructure and how this will be secured.	Through discussions with NG, it is understood that there will be some additional infrastructure required at the Humber Refinery 400kV substation. This equipment briefly comprises extension of the existing busbar, installation of an additional connection bay, switchgear, controls and instrumentation, and upgrading some local switchgear to facilitate the OCGT connection. The substation building may need extending to accommodate the addition of a new connection bay, however it is expected this can be done within the curtilage of the substation boundary. It is understood that the existing overhead lines from the substation to the NG transmission system have sufficient capacity for the additional 299MW and that at present there are no issues with an additional 299MW connecting at the Humber Refinery 400kV substation. The Applicant has been in discussions with NG's respective electricity and gas connection teams since 2017 to discuss connections to the electricity and gas transmission capacity and connection process. A dialogue continues and it is anticipated that the Applicant will submit respective electricity and gas connection applications in early 2020.

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			Reference should also be made to the draft Statement of Common Ground with National Grid, also submitted at Deadline 2 (Application Document Ref: 8.5).
Q1.4.2	*Interface with Hornsea 1 DCO* **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.	The Existing Gas Pipeline crosses the electricity cable relating to the Hornsea 1 offshore windfarm. Agreement was reached between the undertaker of that scheme and VPI LLP (the owner of the Existing Gas Pipeline) to regulate the relationship between the two pieces of apparatus, and any works to either. The Applicant has provided a draft agreement to Hornsea 1 Ltd to regulate the relationship between its apparatus and the Applicant's Draft Order. Agreement has not yet been reached – it remains under discussion between the parties and the Applicant will provide updates to the Examination as relevant.
Q1.4.3	*Hornsea 2 DCO* **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.	The position as regards the Hornsea 2 companies is the same as for Hornsea 1 Limited (see the response to Q1.4.2). The Hornsea 2 project is at an earlier stage compared to Hornsea 1, but the Applicant's proposed solution to regulate matters between the parties is the same.
Q1.4.4	*Able Marine DCO* **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.	Please see the Applicant's response to 1.3.11.
Q1.4.5	*Environmental Permit* **Applicant/ EA**	Please provide an update on the progress of the Environmental Permit.	The Environmental Permit application was submitted to the Environment Agency on 24th April 2019. On 26th June a letter was received from the EA to explain that they are experiencing a large backlog, and had yet to allocate the application to a determining officer. Further correspondence was promised when this had been done, with a view to "Duly Making" the application. No further correspondence has been received from the EA since this date.
Q1.4.6	*Other consents and licences* **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 tobe 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.	An updated Other Consents and Licences Document has been submitted as part of the Deadline 2 Submission (Application Document Ref: 5.2).
5.	**Cumulative effects**		
Q1.5.1	Cumulative effects **Applicant** **North Lincolnshire Council and North East Lincolnshire Council**	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. Please confirm whether you are aware of any other projects or plans that should be included in the cumulative effects assessment. 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.	The Applicant considers that the list presented in Table 17.3 of Chapter 17: Combined and Cumulative Effects (Application Document Ref: 6.2.17) is complete at the time of the completion of the assessment. The Applicant is not aware of any other projects or plans that should be included in the cumulative effects assessment. It has been agreed with NELC and NLC through a SoCGs (Application Document Refs: 8.1 and 8.2) that the approach to the cumulative impact assessment is appropriate and proportionate, and that the Applicant has taken account of the relevant planned and consented projects. It has also been agreed that cumulative impacts associated with the Proposed Development are acceptable.
6.	**Water environment**		
Q1.6.1	*WFD Assessment* Applicant EA	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. Please provide confirmation that there are no direct or indirect	As stated in Chapter 12: Surface Water, Flood Risk and Drainage of the ES (Application Document Ref: 6.2.12), none of the watercourses in the immediate vicinity of the Site carry a Water Framework (WFD) classification. As stated in the chapter, no pathways between the Site and the nearest watercourse have been identified. Whilst there is always a risk of impact on the unclassified watercourses due to their proximity to the Site, the likelihood of significant impact is considered low and the potential to affect the WFD status on the nearest waterbody carrying a classification (River

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		pathways though which the terrestrial works would directly or indirectly affect the surrounding watercourses. Please comment on the adequacy of the above approach.	Humber) is considered negligible owing to the distance to this waterbody, the effect of dilution and the low likelihood of any impact. It is for this reason that a separate WFD assessment was not conducted. This approach is considered adequate to allow determination of potential impacts and is considered in line with best practice.
Q1.6.2	*Flood defences* Applicant EA	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. Please comment on the likelihood that the existing defences will be improved to the standard required. Please explain the implications if the existing defences are not improved.	The risks of tidal flooding as a result of climate change are described in Section 5.4 of Chapter 12: Water, Flood Risk and Drainage of the ES (Application Document Ref: 6.2.12). This section assesses the risk to the Site as a result of the rise in peak tidal still water level rises as calculated using the Northern Area Tidal Model Analysis. This shows a potential increase for the 2115 time horizon. When added to the 0.5% Annual Equivalence Probability (AEP) flood event and allowing for wave height, this potentially overtops the existing flood defences posing a risk to the Site. However, this is only the modelled possibility for the 2115 time horizon and only in the case of a 0.5% (1 in 200 Year) AEP flood event. This is beyond the anticipated lifespan of the development and is therefore not anticipated to pose a risk to the development. The Applicant is not in a position to comment on the likelihood of sea defences being improved as this is the responsibility of a third party It should be noted that the Applicant has reached agreement regarding flood risk in the Statement of Common Ground ('SoCG') with the EA, submitted as part of the Applicant's Deadline 2 submission (Application Document Ref: 8.3). Agreement has also been reached with NLC in respect of flood risk – see the SoCG with NLC (Application Document Ref: 8.1).
Q1.6.3	Accidental Pollution Applicant	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 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.	The pollution plans referred to in Section12.8.8 of Chapter 12: Water, Flood Risk and Drainage of the ES (Application Document Ref: 6.2.12) forms part of the mitigation measures that will be included in the final Construction Environmental Management Plan (CEMP). This is secured through Requirement 14 of the draft Development Consent Order (updated draft submitted at Deadline 2, Application Document Ref: 2.3). This measure is included in the Framework CEMP (Section 5A.8) included with the DCO Application (Application Document Ref: 6.4.3), and Requirement 14 is clear that the final CEMP must be in accordance with the Framework CEMP. A management and maintenance plan to ensure that the temporary surface and foul water drainage systems, including means of pollution control systems remain fully operational throughout the relevant construction period are also secured through Requirement 10 of the dDCO. This explicitly requires consultation with the North East Lindsey Internal Drainage Board.
Q1.6.4	*Foul and Surface Water Drainage* 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.	The Applicant's response to the matters raised in the EA's Relevant Representation is included in Application Document Ref: 7.2. The EA's point that direct discharge of a septic tank outfall to surface water drainage is not permissible is accepted and the Applicant agrees to the EA's suggestion to install a package treatment plant in place of a bioreactor or septic tank. The outfall of the treatment plant would remain as described in the Environmental Statement ('ES') – see Volume I, Chapter 4 (Proposed Development) (Application Document Ref: 6.2.4). It is proposed that the plant will meet British standards BS EN 12566 and meet the general binding rules or that the discharge will be controlled through a separate standard discharge permit. The Applicant agrees to split requirement 10 in order that surface water and foul water are addressed and the relevant requirement discharged separately.
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].	No response required.

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Q1.7.2	*Assessment Methodology* **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]).	No response required.
Q1.7.3	*Extent of study area* **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]).	The study areas are described in paragraphs 13.3.11-13.3.13 of Chapter 13 Cultural Heritage (Application Document Ref: 6.2.13) Paragraph 13.3.12 states that for non-designated assets "This distance was adopted to ensure that only relevant sites which had the potential to be impacted by the Proposed Development were considered." It was considered that there was no potential for significant effects on non-designated assets beyond this distance. For designated assets, significant effects could have been possible so a wider 3km area was utilised to ensure all potential effects were identified. In addition, assets outside of this area were reviewed to see if their setting contributed to their setting. The ZTV was used to identify such sites. Paragraph 13.3.11 states "As such, the Zone of Theoretical Visibility (ZTV) prepared for the landscape and visual impact assessment presented in Chapter 10 Landscape and Visual Amenity and Figure 10.3 and 10.4 (ES Volume II, Application Document Ref. 6.3) was used to inform the definition of the study area." The study areas were agreed through the EIA Scoping process (Application Document Refs: 6.4.1 and 6.4.2). Please also refer to the SoCG with Historic England and NLC (Application Document Refs: 8.7 and 8.1).
Q1.7.4	*Brocklesby Park/ Pelham Pillar* **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 Cultural Heritage.	Table 13.4 in Chapter 13: Cultural Heritage of the ES (Application Document Ref. 6.2.13) concludes that: *"The designated heritage assets at Brocklesby Park are not located within the study area and are located over 5km from the Site. The assets have been assessed as not being impacted or affected by the Proposed Development."* At the request of Secretary of State in the EIA Scoping Opinion (Application Document Ref: 6.4.2), the viewpoint at Brocklesby Park was included for consideration in the Landscape and Visual Impact Assessment (Chapter 10 of the ES, Application Document Ref: 6.4.10). This viewpoint (J) was discounted during the course of the assessment due to the lack of visibility of the Proposed Development at this location. This is as a result of, amongst other things, the scale of the Proposed Development, intervening screening, and the distance between the Proposed Development and asset (approximately 15km). It follows that the Applicant considers that there are no potential impacts on the setting of Pelham's Pillar or the other heritage assets within Brocklesby Park.
8.	**Landscape and Visual Impact**		
Q1.8.1	*Representative viewpoints* **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.	No response required.
9.	**Traffic and Transport**		
Q1.9.1	*Assessment methodology* **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	The construction vehicle numbers used in the determination of peak traffic flows used in the determination of the likely effects of traffic and transportation as result of the construction phase of the Proposed Development are presented in section 7.9 of Chapter 7: Traffic and Transport of the ES (Application Document Ref: 6.2.7). These numbers are estimates and are consistent with

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		[APP-036].	experience at developments of a similar type and scale. These estimates include all vehicle movements including those associated with the disposal of construction waste.
Q1.9.2	*Framework construction traffic management plan* **Highway Authorities**	Please provide a response on the adequacy of this document [APP-081] and Requirement 16 in the dDCO [APP-005].	It has been agreed with Highways England though a SoCG (Document Ref: 8.6, Section 2.2) that the Framework Construction Traffic Management Plan ('CTMP')(Application Document Ref: 6.4.7) submitted with the application satisfactorily demonstrates that the Proposed Development can be constructed and decommissioned without significant effects on the road network in terms of capacity, functionality and safety.
Q1.9.3	*Framework construction traffic management plan* **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.	The Applicant has been liaising with Centrica since the submission of its relevant representation, and considers that the existing provisions of the Draft DCO (updated draft submitted at Deadline 2, Application Document Ref: 2.3) are sufficient to protect Centrica's interests. Please refer to the Applicant's Response to Relevant Representations (Application Document Ref: 7.3) for further information on the Applicant's position and the discussions with Centrica. The Applicant will continue to liaise with Centrica and to provide updates on those discussions."
Q1.9.4	*Framework construction worker travel plan* **Highway Authorities**	Please provide a response on the adequacy of this document [APP-080] and Requirement 17 in the dDCO [APP-005].	It has been agreed with Highways England though an SoCG (Application Document Ref: 8.6) that the framework The position in respect of the Framework Construction Workers Travel Traffic Plan ('CWTP') is set out in the SoCGs with the host local authorities, submitted with the application demonstrate that the Proposed Development can be constructed as part of the Applicant's Deadline 2 submission (Application Document Refs: 8.1 and decommissioned without significant effects on the road network in terms of capacity, functionality and safety 8.2).
Q1.9.5	*Traffic movements* **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.	It has been agreed with Highways England though a SoCG (Application Document Ref: 8.6) that the ES demonstrates that the Proposed Development can be operated without significant effects on the road network in terms of capacity, functionality and safety The position in respect of the Framework Construction Traffic Plan is also set out in the SoCGs with the host local authorities, submitted as part of the Applicant's Deadline 2 submission (Application Document Refs: 8.1 and 8.2).
10.	**Design Layout and Visibility**		
Q1.10.1	*Aviation warning lighting system* **Ministry of Defence**	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. 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.	No comment necessary.
Q1.10.2	*Stack aviation lighting* **Applicant**	Please provide a response to the matters raised in the MOD Relevant Representation [RR-006].	Please refer to the Applicant's response to the Relevant Representation of the Defence Infrastructure Organisation (Application Document Ref: 7.3).
Q1.10.3	*Layout* **Applicant**	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.	The reason for this is that the layouts are indicative and have been provided by different contractors. The highlighted differences fall within the flexibility allowed by the Rochdale Envelope approach supplied and the limits set in the Draft DCO (updated draft submitted at Deadline 2, Application Document Ref: 2.3). This is expanded upon below. Section 4.2 of the Design and Access Statement ('DAS') (Application Document Ref: 5.4) confirms that construction work on the Proposed Development would not commence until a final investment decision has been made by VPIB and a contractor appointed. Following the award of a contract,

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		Please provide an explanation of why the layouts would include different structures, or why structures would be designed differently. 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.	the appointed contractor would undertake a number of detailed studies to inform the technology selection for the Proposed Development, including, for example, the turbine, in order to optimise the final layout and design of the OCGT Power Station before proceeding with the discharge of the pre-commencement DCO requirements and starting work at the Site. Accordingly, aspects of design that have already been determined include: • selection of a design incorporating a single gas turbine; • electricity grid and service connections (through the existing infrastructure on the adjacent Existing VPI CHP Plant site); and • an appropriate stack height. The following aspects have not yet been determined, therefore flexibility has been included and assessed within the ES and example (only) layouts provided: • the provider of the turbine, therefore the final dimensions of the proposed structures and buildings; • final stack location within the OCGT Power Station Site; and • the final route of the new gas pipeline for the Gas Connection. In order to provide sufficient flexibility and ensure a robust Environmental Impact Assessment ('EIA'), VPIB has adopted the 'Rochdale Envelope' approach to present a worst-case assessment of potential environmental effects of the different parameters of the Proposed Development that have not yet been fixed. Wherever an element of flexibility is maintained, the realistic worst-case impacts have been reported in the ES. The design information that has been submitted as part of the Application is based upon the fixed design details, limits of deviation and the maximum design parameters. This information is set out in Table 4.2 of the DAS. Due to the nature of the Proposed Development and the need to incorporate sufficient flexibility within its design, much of the design information that has been submitted as part of the Application is indicative. However, the information that has been provided would feed into the detailed design of the Proposed Development. The mechanisms by which the detailed design of the Proposed Development would be secured are dealt with at section 8 of the DAS, including Requirement 5 (Detailed design) of the Draft DCO (updated draft submitted at Deadline 2, Application Document Ref: 2.3).
Q1.10.4	*Stack height* **Applicant**	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). Please clarify the maximum stack height and confirm whether or not this has been used consistently in carrying out the Environmental Assessment.	The air quality assessment presented in Chapter 6: Air Quality of the ES (Application Document Ref: 6.2.6.) and the Air Quality Technical Appendix (Application Document Ref: 6.4.4) assessed a range of stack heights in order to determine the effect the optimum height or range of stack heights. Accordingly stack heights of 35m and 55m above ground level (agl) were assessed and all resulted in impacts at the worst case human health receptor that could be considered negligible. The Landscape and Visual assessment presented in Chapter 10 of the ES (Application Document Ref: 6.2.10) was conducted on the basis of a maximum stack height of 50m agl (56m Above Ordnance Datum, AOD). Accordingly, this is considered to be the maximum stack height. The Applicant considers that the approach to assessing the impact of the Proposed Development in relation to the stack height has been undertaken in a manner consistent with best practice and applicable guidance.
Q1.10.5	*Water supplies for fire fighting* **Applicant**	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].	The Applicant will comply with the requirement relating to water supplies for firefighting, including the provision of on-site facilities if public supplies are inadequate. This will be set out as part of the detailed design of the Proposed Development. It should be noted that ES Volume I, Chapter 4 (Application Document Ref: 6.2.4) includes the provision of above ground raw water and fire water storage tanks at section 4.2.2.

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			The detailed design of the Proposed Development is reserved by relevant requirements at Schedule 2 of the Draft DCO (updated draft submitted at Deadline 2, Application Document Ref: 2.3). These are summarised in Table 8.1 of the DAS (Application Document Ref: 5.6).
Q1.10.6	*Gas connection* **Applicant**	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 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.	Two routes for the Gas Connection Site have been identified, one predominantly overground and one predominantly underground. For the overground route, the pipe would be affixed to Existing VPI CHP Plant infrastructure such as steelwork and gantries which would make it easier to install, inspect and maintain, but has the disadvantage of potentially making more complex the future operation and/or maintenance activities at the VPI CHP Plant. The underground route is buried beneath an existing VPI CHP Plant Site road and as such is less likely to interfere with ongoing operation and maintenance. However its installation would be more intrusive as it requires the road to be excavated, would pose a greater risk to disturbing existing buried services and would be more difficult to inspect and maintain. Technical and commercial discussions are taking place with VPI LLP and P66 to i) identify any potential operational and maintenance risks with installing the pipe above ground and ii) understand the long term plans of VPI LLP with respect to the Existing VPI CHP Plant Site. Only one route will be selected and constructed. It is expected that a decision will be made on the final route when a construction contractor is engaged which is currently anticipated late 2020 / early 2021.
Q1.10.7	*Existing Car park* ***Total Lindsey Oil Refinery (TLOR)/ Applicant***	The ExA notes that work No 3 includes an area of land to the north and west of the 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.	Through discussions with VPI, TLOR has indicated that the number of staff using this car park area is likely to reduce over the coming years. The Option for Lease in place between TLOR and the Applicant provides for the use of this car park area for the Proposed Development, and TLOR is understood to have sufficient capacity elsewhere on its site. The Applicant therefore understands that the loss of this car park will not affect TLOR's operations. When a construction contractor is appointed, discussions will be held with TLOR regarding, amongst other matters, construction traffic planning, and detailed traffic plans and routes will be agreed.
11.	**Ground Conditions**		
Q1.11.1	*Pollution Prevention* **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.	The embedded mitigation measures are outlined in the Environmental Permit Supporting document submitted by the Applicant to the Environment Agency. These measures will include, but are not limited to: - Regular pressure testing of pipework; - Fuel/ maintenance oil delivery areas will be located on concrete hardstanding, with oil water interceptors present; - Fuel/ maintenance oils storage in newly built double skinned tanks, with concrete bund in compliance with CIRIA C736 guidelines, with level alarms to identify high levels of accumulated water; - Routine regular inspections of storage tanks and bunds; - Any plant with the potential to result in ground pollution will be located on concrete hardstanding with sealed drainage and will be subject to scheduled maintenance inspections; - Chemicals to be stored in intermediate bulk containers (IBCs) or other small containers will be located within drip trays or other suitable bunds, in a dedicated store. These will be subject to routine visual checks and inspection in line with manufacturer guidance. These measures are considered standard for this type of installation
12.	**Ecology**		
Q1.12.1	*South Humber Gateway Strategy* **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]).	The Proposed Development would not have a significant impact on the qualifying species of the Humber Estuary SPA and is to be built primarily on previously developed and disturbed land; accordingly it is considered unlikely that any contribution to the strategic mitigation approach is required. However, it is agreed that the relationship between the enhancement measures considered for the Proposed Development and the South Humber Gateway ('SHG') mitigation delivery plan will be considered as part of the detailed Biodiversity Enhancement Management Plan

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			('BEMP')(Application Document Ref: 6.4.17), submitted in accordance with Requirement 6 of the Draft DCO (updated draft submitted at Deadline 2, Application Document Ref: 2.3).
Q1.12.2	*Confirmatory Great Crested Newt Survey* **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?	The correspondence is attached to this document as Appendix 2.
Q1.12.3	*Rosper Road Ponds* **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?	The observations of the habitats in and around the Site as summarised in Chapter 9: Ecology of the ES (Application Document Ref: 6.2.9) are based on the fieldwork undertaken to inform the Preliminary Ecological Appraisal (included as Appendix 9A in Volume III of the ES, Application Document Ref: 6.4.10). This fieldwork was based on a series of visits to the Site between Autumn 2017 and Summer 2018. Therefore, the Applicant cannot confirm whether the drying out is typical (i.e. an annual occurrence), however, the fact that the ponds combined to form a large area of shallow ponded water in the winter, becoming separate in the spring and ultimately drying out completely would support the view that these ponds are ephemeral in nature. The Applicant does not consider that the drying out of these ponds was a result of an unusually long dry period as the UK Climate Summary for Spring 2018 produced by the Met Office identified the UK has having 110% rainfall compared with the averaging period (1981-2010) in March and 118% in April, although May was drier than average (69% rainfall). It is therefore considered that the ponds would have been subject to only a few weeks of unusually dry weather before being observed to dry out completely.
Q1.12.4	*Effect of operational activity on wildlife* **Applicant**	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 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 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?	Chapter 9: Ecology and Appendices of the ES (Application Document Refs: 6.2.9 and 6.4.10 to 6.4.16) assessed the potential for the presence of protected and notable species to be present both on Site and in association with the Site, in particular a number of species of wintering and breeding birds as well as ten key species of terrestrial invertebrates. These species were identified during surveys undertaken in support of this Application and during periods considered typical of normal operation of the surrounding industrial activities. Therefore, the observation of these species is considered evidence that they are habituated to the existing noise environment. An assessment of the noise and vibration associated with the construction phase of the Proposed development has been undertaken and is presented in Chapter 8: Noise and Vibration of the ES (Application Document Ref: 6.4.8). This assessment shows that the although the nature of the sound may differ the predicted sound levels are not considered to differ between construction and operation. However, it is recognised that some construction activities may have the potential to produce sudden, loud or impulsive noises. Should any construction activity with the potential to cause noises likely to result in disturbance be required, selection of the lower noise techniques and the application of the best practice measures (e.g. BS 5228: 2014) are considered sufficient to avoid any potential disturbance.
Q1.12.5	*Stack height for ecological assessment* **Applicant**	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?	Assessment of the air quality impacts on ecological receptors is reported in Chapter 6: Air Quality and the associated Technical Appendix (Application Document Refs: 6.2.6 and 6.4.4). This assessed a range of stack heights between 35m and 55m above ground level (agl) (41m and 61m AOD). This assessment identified a negligible effect at the worst-case receptor (including the identified ecological receptors) in all scenarios. Accordingly, the stack height could be lowered to 35m agl (41m AOD) without altering the impact on the ecological receptors.
Q1.12.6	*Piling Modelling* **Applicant**	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. 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?	Piling has been considered as part of the noise assessment reported in Chapter 8: Noise and Vibration of the ES (Application Document Ref: 6.2.8) and whilst this assessment considered the impacts on the one Noise Sensitive Receptor (NSR) identified (a residential property at Hazeldene), this receptor is considered a reasonable proxy for those potentially noise sensitive species occupying the Rosper Road fields. Therefore, this assessment is considered valid for determining impacts on ecological receptors.
Q1.12.7	*Framework CEMP*	Para 9.8.3 refers to the contractor preparing the Construction Environmental Management Plan (CEMP). As the contractor is	The final (or detailed) Construction Environmental Management Plan (CEMP), would be produced following appointment of a construction contractor and in advance of commencement of the

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	Applicant	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?	authorised development in accordance with Requirement 14 of the draft Development Consent Order (dDCO) (updated draft submitted at Deadline 2, Application Document Ref: 2.3). Accordingly, it would not be available before the end of the Examination. A framework CEMP including the likely structure and some preliminary information that will be included in the final CEMP has been provided as part of the ES as Appendix 4A (Application Document Ref: 6.4.3).
13.	**Noise and Vibration**		
Q1.13.1	*Selection of Noise Sensitive receptors* **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?	The noise sensitive receptors (NSRs) identified in Volume I, Chapter 8: Noise and Vibration of the ES (Application Document Ref: 6.2.8) are based on a review of the residential receptors within 2 km of the Site coupled with those identified for the on-going monitoring of noise associated with the adjacent existing VPI CHP Plant. The NSRs associated with the existing VPI CHP Plant are considered a good proxy for those associated with the Proposed Development due to its location and similar noise characteristics (see the Applicant's response to the Examiner's question 1.12.4). Most of the residential receptors within 2km are a significant distance from the Site and as the area has many sources of existing ambient and background sound, such as roads and existing industry; these residences were not considered as potential NSRs. One receptor (Hazeldene) was identified as having a greater potential for impact (owing to its closer proximity). By addressing the impact of the plant at this one NSR the impact at all others will be significantly lower. Noise sensitive ecological receptors were identified as part of the Ecological Impact Assessment (EcIA) reported in Chapter 9: Ecology of the ES (Application Document Ref: 6.2.9) and were based on the vulnerability of ecological features to impacts as a result of noise from the Proposed Development.
Q1.13.2	*Assumptions for effects on buildings* **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?	Chapter 8: Noise and Vibration of the ES (Application Document Ref: 6.2.8) scoped out operational noise impacts for the reasons described in paragraph 8.3.2. This also describes the extent to which potential vibration will be controlled. For construction, potential vibration impacts on buildings has been subject to a quantitative assessment with the results of that assessment presented in Section 8.3. This assessment uses data on measured levels of vibration for various construction activities as presented in the relevant British Standard (BS 5228-2:2009+A1:2014) and the vibration levels above which damage to buildings might be expected to occur as described in British Standard BS 7385-2: 1993. Vibration generated during construction will be controlled through the CEMP to be below the levels expected to give rise to effects in adjacent buildings. These controls will depend on the construction techniques adopted by the contractor who will be obliged to consider and address this in the CEMP, and take appropriate action.
Q1.13.3	*Noise emitting sources at gas Connection Site* **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?	The information used to determine that significant noise impacts will not occur at the Gas Connection Site (Work No. 4) is based on the knowledge of the equipment to be installed and the construction activities to be undertaken, as well as its location. The construction works involve the installation of a new gas pipeline to connect the OCGT Power Station Site (Work No.1) to the Existing Gas Pipeline. The equipment (pipeline) is not considered to represent a significant noise source and the construction techniques for installation (either above or below ground) are not considered to involve use of plant that would represent a significant noise source either. The location of Work No. 4 within the Existing VPI CHP Plant Site also means existing structures would act as a screen between any noise source and identified NSRs. The VPI CHP Plant is also a source of background noise itself, accordingly the Applicant considers that any noise associated with Work No. 4 is unlikely to be discernible.
Q1.13.4	*Construction noise estimates* **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?	The effects of construction noise have been assessed and are reported in Section 8.9: Likely Impacts and Effects of Chapter 8: Noise and Vibration of the ES (Application Document Ref: 6.2.8). Predicted construction sound levels at the identified NSR are presented in Table 8.13. These sound levels have been derived from worst case indicative construction noise levels based on information from technically similar projects provided by both the Applicant and from AECOM's data as well as from published standards (BS 5228:2009).
Q1.13.5	*Ecological Receptors as NSR's* **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?	The Applicant's approach to ecological noise receptors is discussed in the Applicant's response to the Examiner's question 1.13.1. No ecological receptors were included as NSRs as no fixed ecological receptors were identified as being susceptible to noise impacts within the study areas. The potential noise impacts on transient receptors (such as species) are considered within Chapter 9: Ecology of the ES (Application Document Ref: 6.2.9).

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Q1.13.6	*Piling* **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?	Determination of the need for piling and the particular piling technique required can only take place following completion of the final design, appointment of a construction contractor and confirmation of ground conditions. No mitigation over and above that described in the ES is considered necessary. Controls are secured through the measures detailed in the CEMP, to be produced in compliance with Requirement 14 of the DCO, and the Piling Method Statement produced in compliance with Requirement 20.
14.	**Other**		
Q1.14.1	*National Grid Infrastructure* **Applicant**	Please provide update on the discussions re protective provisions in dDCO and necessary agreements in relation to the National Grid's infrastructure.	The Applicant remains in discussion with National Grid Electricity plc and National Grid Gas plc in relation to protective provisions and a separate agreement, both to regulate the relationship between the parties' respective apparatus, and to regulate the Applicant's use of the powers sought in the Draft DCO (updated draft submitted at Deadline 2). Reference should be made to the Applicant's response to Q1.4.1 (in relation to connections to the grid and gas networks), and to the draft Statement of Common Ground with National Grid (also submitted at Deadline 2 – Application Document Ref: 8.5).
Q1.14.2	*Site Selection* **Applicant**	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. 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?	<u>Site selection</u> The NPSs do not set out any formally prescribed process for site selection; however, paragraph 4.4.3 of NPS EN-1 includes some useful guiding principles. These principles include that the consideration of alternatives should be proportionate and realistic. More generally, NPS EN-1 makes the urgency of providing new nuclear power stations clear. Taking this policy into consideration, the Applicant undertook a site selection exercise at a scale relative to the feasibility and advantages of the Site when considering its use for the Proposed Development (a power station). • The Site is considered highly feasible for the propose use and represents a number of significant advantages, as follows:it comprises primarily of previously developed or disturbed land, including land within the operational envelope of the Existing VPI CHP Plant Site; • it is situated in an industrial setting with few immediate receptors and is not particularly sensitive from an environmental perspective; • it is primarily located adjacent to the Existing VPI CHP Plant, which provides visual screening and synergies in terms of the existing workforce, and utilities and service connections; • it benefits from excellent grid connections (gas and electricity) on the Existing VPI CHP Plant Site; and • it benefits from existing highway accesses onto Rosper Road, with the latter providing a direct connection (via a short section of Humber Road) to the Strategic Highway Network (A160) a short distance to the south of the Site. Furthermore, the North Lincolnshire Core Strategy key diagram shows the Site as lying within the 'South Humber Bank Strategic Employment Site' ('SES'). Policy CS12 of the Core Strategy deals with the SES and is generally supportive of industrial type uses, such as that proposed, within the designated area. There are also similar, supportive policies within the Local Plan (2003) and the Housing and Employment Land Allocations Development Plan Document (2016). It should also be considered that there is a long history of power generation at the Existing VPI CHP Plant and the principle of electricity generation and large-scale industry in the vicinity of the Site is firmly established. On the basis of the above, the Applicant did not undertake a wide ranging site selection exercise, including consideration of the Site relative to a long-list of named alternative sites, because it is considered that there are unlikely to be any more viable alternative sites that that proposed in the Application. This approach is considered proportionate when considering NPS EN-1 and the guidance therein relating to the consideration of alternatives. <u>Infrastructure Planning (Environmental Impact Assessment) Regulations 2017</u> The Applicant's approach to the assessment of reasonable alternatives is presented in Section 4.7: Design Evolution and Alternatives of ES Volume I, Chapter 4: Proposed Development (Application

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			Document Ref: 6.2.4). This section explains how the Applicant has addressed the requirements of Infrastructure Planning (Environmental Impact Assessment) regulations 2017 including Section 14(1)(d).
Q1.14.3	*Final investment decision by VPIB* **Applicant**	Please provide an indication of when a final investment decision will be made by VPIB.	The Proposed Development will be entered into the OFGEM Capacity Market (CM) auction. The earliest anticipated date for this is the 2020 CM (as consent for the Proposed Development must be in place first), for construction and operation by Q3-Q4 2024. If successful in the 2020 CM, the final investment decision could be as soon as Q1-Q2 2021 (shortly after the close of the CM auction).
Q1.14.4	*Air Products BR Limited* **APBR** and **Applicant**	Please provide further details of the impact on Air Products BR Limited (APBR) business operations and affected infrastructure. 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. Please provide an update on any ongoing discussions between the parties.	Please refer to the Applicant's Response to Relevant Representations (Application Document Ref: 7.3), also submitted at Deadline 2.
Q1.14.5	*Gas supply capacity* **National Grid Gas Plc**	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. Please also confirm whether any additional NGG infrastructure would be required to secure the delivery of gas to the proposed development.	In 2016 VPI LLP engaged with NGG to identify the capacity of the existing feeder No.9 in relation to potential new gas-fired power station projects under consideration. The Existing VPI CHP Plant and Proposed Development have a combined maximum consumption of 3.9GWh/hour and through discussions NGG identified that the maximum NTS exit point offtake rate value is 110.4 GWh/day. This equates to 4.6GWh/hour, thereby demonstrating sufficient capacity. Reference should also be made to the draft Statement of Common Ground with National Grid, also submitted for Deadline 2 (Application Document Ref: 8.5).
Q1.14.6	*Distance from North and South Killingholme* ***Applicant***	Chapter 3 of the ES [APP-032] provides different distances from the site to 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.	It is acknowledged that the distances given in paragraph 3.4.3 in Chapter 3: Site Description of the ES (Application Document Ref: 6.2.3) from the Site to the villages of South and North Killingholme and the town of Immingham differ very slightly between those given in paragraph 3.2.2 and 3.5.5. However, the distances given only vary by 100-200m, are intended to be approximate and do not have any effect on the assessments presented in the ES. There is no defined boundary to these conurbations so exact distances are difficult to produce.
Q1.14.7	*Alternatives* **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 ofother available technologies such as multiple smaller OCGTs, aero-derivative turbines and gas engines were considered and excluded. Please provide evidence this evaluation.	At an early stage in project development the Applicant conducted technical and commercial assessments of various alternatives including different technologies and different fuels, summarised below. The alternative technologies considered included aero derivative / industrial gas turbines, smaller capacity reciprocating engines and large industrial diesel engines. A variety of factors meant that the Applicant concluded that a single large OCGT was the most appropriate to take forward. Those factors included capital and operating costs, electrical output, efficiency, land / space requirements, the transport and storage of gas vs liquid fuels, and commercial investment criteria. Gas turbine power generation technology is improving continuously with lower emissions and increased efficiencies and is one of the quickest to construct. It is also a very responsive and reliable form of power generation. The Applicant notes the urgent need for all forms of generating capacity, including from fossil fuels, set out in National Policy Statement EN-1, and that the Government does not intend that the planning system (through the PA2008) should dictate or restrict which generation types and technologies are brought by developers (see the Planning Statement (Application Document Ref: 5.3) for more details).

APPENDIX 1 – Conversation ratios

CONVERSION RATIOS FOR NO_X AND NO_2

In modelling air dispersion of NO_x from combustion sources, the source term should be expressed as NO_2, e.g., NO_x mass (expressed as NO_2) = total NO (mole) × 46/30. Note that these conversion ratios are only considered appropriate for combustion processes, where no more than 10% of the NO_x is emitted as NO_2.

Use the following phased approach for assessment:

1. *Screening/worst case scenario*

   50% and 100% of the modelled values should be used for short-term and long-term average concentration respectively. If PEC (process contribution + "relevant background concentration") exceeds the relevant air quality objective, then proceed to step 2.

   Long-term: "Relevant background concentration" = background annual means.
   Short-term: "Relevant background concentration" = 2 x background annual means.

2. *Worse case scenario*

   35% for short-term and 70% for long-term average concentration should be considered. If PEC (process contribution + "relevant background concentration") exceeds the relevant air quality objective, then proceed to step 3.

3. *Case specific scenario*

   Operators are asked to justify their use of percentages lower than 35% for short-term and 70% for long-term in their application reports.

- The validity of an "ozone-limiting" procedure for assessment of likely maximum conversion of NO_x to NO_2 should be assessed on a case-by-case basis.

- In some models, ozone photochemistry algorithms may have been used in the prediction of NO_2 concentrations. However, such algorithms require valid inputs of ozone concentrations, sunlight, etc, it is advised that uncertainties be quantified and justified before modelled predictions are accepted.

AQMAU CONTACT DETAILS

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Fax 029 20468874
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29 Newport Road,
Cardiff,
CF24 0TP.

APPENDIX 2 – Natural England correspondence

[redacted]

From: [redacted]
Sent: 28 May 2019 17:52
To: [redacted]
Cc: [redacted]
Subject: RE: 2019-02-22 273226 (03) Review of draft DCO (North Lincolnshire) VPI Immingham Energy OCGT Project
Attachments: Confirmatory Great Crested Newts Survey May 2019.pdf; 6.4.3 - VPI OCGT - ES Appendix 4A Framework Construction Environmental Management Plan.pdf; 5.10 - VPI OCGT - No Significant Effects Report.pdf

Dear [redacted],

Thank you for your email below and also your comments in respect of great crested newts ('GCN').

We've now had chance to carry out the further GCN survey work and write up the findings. The remainder of this email summarises the GCN survey findings and our resulting position, and also our response to the matters set out in your email below.

Great Crested Newts

Refugia surveys have now been completed at the off-site settling pond ('Pond 3') within the Total Lindsey Oil Refinery, in order to confirm the Applicant's position in respect of GCN; this being that the species is absent from the Order limits (the 'Site') and surroundings.

The attached 'Confirmatory Great Crested Newt Surveys Report' sets out the survey findings and confirms the Applicant's position, including with reference to other surveys previously carried. Key comments and conclusions in the report are summarised below:

- None of the ponds that were subject to eDNA survey in 2018 returned positive results for GCN. If GCN were present in Pond 3, given the good habitat connectivity between this pond and Ponds, 1, 2, 4, 5 and 6, it would be reasonable to expect that GCN would be also present in those waterbodies. Notwithstanding this, the Applicant carried out the refugia surveys to confirm the position.
- A total of 70 amphibian refugia (carpet tiles) were installed around Pond 3 in suitable GCN terrestrial habitat on 19th March 2019 by two ecologists registered to use the Natural England GCN class survey licence.
- The amphibian refugia were checked twice a week for a period of 5 weeks between 26th March and 26th April 2019. The locations of the amphibian refugia are shown on Figure 9B.1 in the attached report. The purpose of the surveys was to record any GCN which may have emerged from their hibernation sites and were moving towards ponds for breeding purposes. This generally occurs in March and April.
- No GCN have been recorded during the amphibian refugia checks around Pond 3 undertaken in March and April 2019. Common toad and smooth newt were recorded; this indicates that the survey method was effective as amphibians were recorded during the survey period.

It is therefore considered to be highly unlikely that GCN are present and no further surveys or mitigation is required as part of the Proposed Development in relation to this species.

We respectfully request Natural England's confirmation that this matter can be agreed.

Air Quality

As the Proposed Development would not be operating 24 hours a day, it is not considered that a 24hr NOx levels assessment with other schemes would realistically reflect the actual impacts of the Proposed Development. However, an additional model scenario assuming 8 hours operation per day (therefore still representing a worst case operational scenario as this would equate to 2,920 hours per year) has been run (see paragraph 6.10.18 in Environmental Statement ('ES') Volume I, Chapter 6 'Air Quality' – Application Document Ref: 6.2), in order to predict a more realistic level of 24 hour NOx impact at the Humber Estuary. In addition, an isopleth figure of the daily NOx has been produced (Figure 6.5, ES Volume II – Application Document Ref: 6.3) showing the habitat types present at the Humber Estuary receptor at the location of maximum predicted impacts. All impacts are considered to be not significant.

As the magnitude of the impact on all ecological receptors are considered to be 'imperceptible', it is considered that the potential impacts to air quality resulting from operation of the Proposed Development would not contribute to any combined effect.

The application documents referred to above have been sent to Natural England by post and email as part of the Applicant's section 56 notification process. The documents can also be downloaded from the Planning Inspectorate's website here:

https://infrastructure.planninginspectorate.gov.uk/projects/north-east/vpi-immingham-ocgt/?ipcsection=docs&stage=app&filter1=Environmental+Statement

Note: the entire application, including all other documents referred to in this email, can be downloaded from the above link.

Construction Environmental Management Plan

A framework Construction Environmental Management Plan ('CEMP') is included as an appendix to the ES (Appendix 4A, ES Volume III – Application Document Ref: 6.4) and is attached to this email. As you note, a detailed CEMP will be provided in due course (secured by Requirement 14 of the draft DCO – Application Document Ref: 2.1), prior to construction, and we would welcome further engagement with Natural England on that at that time. To ensure that that is reflected in the DCO we propose to add Natural England as a specific consultee on the detailed CEMP.

Noise and Visual Disturbance on Humber Estuary SPA bird species

The impact of noise on the Humber Estuary SPA bird species has been assessed, with the results reported in ES Volume I, Chapter 9 'Ecology' (Application Document Ref: 6.2) and the No Significant Effects Report (Application Document Ref: 5.10). The latter is attached. The nearest field that is potentially functionally linked to the Humber Estuary SPA and possibly used by the qualifying bird species is the field east of Rosper Road, and whilst this field is to be developed as part of the Able scheme, the ES for the Proposed Development has assumed the worst-case (that the birds are still present).

The assessment concludes that none of the construction activities associated with the Proposed Development would generate noise that is discernible above the ambient noise environment of the industrial sites surrounding the Rosper Road fields. It is concluded, therefore, that construction activities would not result in any displacement or disturbance of birds from the Rosper Road fields. Should piling be required; selection of the specific piling technique and application of the best practice measures described in BS 5228: 2014 are considered sufficient to avoid any potential disturbance to those birds. Details of piling techniques and the proposed control measures would be set out in and secured by the detailed CEMP (see above) that is to be prepared and agreed prior to the start of construction. No further assessment is therefore required.

We propose to add Natural England as a specific consultee on the detailed CEMP, as stated above. This is a measure to ensure that Natural England is happy with and accepts any measures proposed.

Based on the results of noise modelling (see Chapter 9), operational noise from the Proposed Development would not result in any increase in the baseline levels experienced by SPA/ Ramsar site water birds that may be using the fields east of Rosper Road. In terms of visual impacts, the nature and scale of the temporary construction activities associated with the Proposed Development are not significantly different from on-going industrial activities within the area surrounding the Rosper Road fields. It is envisaged that the plant, machinery, vehicles and structures used during construction would not result in any material change in the conditions currently surrounding the Rosper Road fields.

South Humber Gateway

It is our understanding that the South Humber Gateway ('SHG') strategic mitigation approach provides for the provision of areas of suitable habitat for SPA birds to counteract the impact of development within the SHG, and for developers to provide financial contributions towards land acquisition, habitats creation and management.

Importantly, however, this does not mean that every development proposed within the SHG area must provide mitigation by way of contributing to the strategic mitigation approach. It is our understanding that (in short), in accordance with the Habitats Regulations, there should only be a requirement to contribute to the strategic mitigation approach (or provide other mitigation) where a significant adverse ecological impact would result from the development proposed. Furthermore, that the significant adverse impact must relate to SPA bird species. In respect of the Proposed Development, the aforementioned No Significant Effects Report (Application Document Ref: 5.10) concludes that the Proposed Development has been screened for 'Likely Significant Effects' on the qualifying habitats and species of the Humber Estuary SAC, SPA and Ramsar site and *"No Likely Significant Effects have been identified, either alone or in combination with other plans or projects".*

It follows that there should be no requirement for the Proposed Development to contribute to the strategic mitigation approach by making a financial or other contribution. Notwithstanding this, an outline Biodiversity Enhancement Management Plan ('BEMP') is included as an appendix to the ES (Appendix 9H, ES Volume III – Application Document Ref: 6.4). We welcome any comments Natural England may have to make on this document. The detailed BEMP is secured by the draft DCO (Requirement 6), and Natural England would be consulted on that document at the appropriate time.

Also, as stated in our email dated 22 March 2019, the Applicant expects that the relationship between the enhancement measures being considered for the Proposed Development and the SHG mitigation delivery plan will be further considered as part of the BEMP.

Water voles

Thank you for confirming. Your point regrading protected species licensing is noted and understood.

Enhancement measures

See comments made in respect of the BEMP above.

Habitat surveys for new gas pipeline

Thank you confirming this point.

Next steps

I suggest that we set up a meeting and site visit to discuss the above matters, along with anything else considered relevant, in advance of the examination and hopefully before the relevant representations period ends on 25 June 2019. How is your availability on 4, 5, 6 or 7 June?

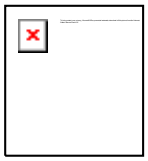
It is our intention to reflect the agreed points in a Statement of Common Ground with Natural England. We envisage issuing this to Natural England before the end of the representations period.

If you have any queries, please do not hesitate to give me a call.

Kind regards,

[redacted]

[redacted]



Chartered Surveyors & Town Planners
6 New Bridge Street
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[redacted]@dwdllp.com
www.dwdllp.com

From: [redacted]@naturalengland.org.uk>
Sent: 09 April 2019 18:23
To: [redacted]t@dwdllp.com>
Cc: [redacted]@naturalengland.org.uk>; [redacted]@dwdllp.com>; [redacted]dwdllp.com>
Subject: RE: 2019-02-22 273226 (03) Review of draft DCO (North Lincolnshire) VPI Immingham Energy OCGT Project

Dear [redacted]

Air quality
We originally advised that an in-combination assessment should be undertaken for 24hr NOx levels with other schemes. We are not aware that this has been completed. You stated that "The assessment demonstrates that predicted nitrogen dioxide concentrations at the SAC associated with the Proposed Development are negligible, being 10% of the hourly mean Critical Level and less than 0.6% of the annual mean". However, I am waiting for confirmation from a colleague on whether this is adequate evidence to not carry out our recommended assessments. I will get a response to you as soon as I have one.

Noise and Visual Disturbance on Humber Estuary SPA bird species
Our comments regarding this matter are still relevant as no further assessment has been provided that includes piling as the worst case scenario or reasons to justify why ecological receptors have not been used within the noise assessment.

South Humber Gateway
Regarding this mitigation strategy, Natural England would expect that the developer contributes to the strategic approach, and I think that there may be a misunderstanding on what the South Humber Gateway is by the comments "it is not considered that it would have any impact on the mitigation delivery plan".

CEMP
Natural England would welcome the opportunity to make comments on a more detailed CEMP at the appropriate stage.

Water voles
Natural England welcomes the use of the methodologies outlined, which may require protected species licensing.

Enhancement measures
Natural England welcomes the commitment by the developer for proportionate biodiversity enhancement measures and would welcome the opportunity to comment on the BEMP at the appropriate stage.

Habitat surveys for new gas pipeline
Natural England have no further concerns on this matter.

Kind regards,
[redacted]

[redacted]
Lead Adviser - Conservation Delivery Team (Sustainable Development)
Yorkshire and Northern Lincolnshire Area Team
4th Floor, Foss House, Kings Pool, 1-2 Peasholme Green, York, Y01 7PX
Tel: [redacted]

www.gov.uk/natural-england

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We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

Natural England offers two chargeable services – The Discretionary Advice Service (DAS) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service (PSS) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

From: [redacted]@dwdllp.com]
Sent: 22 March 2019 17:02
To: [redacted]naturalengland.org.uk>
Cc:
Subject: RE: 2019-02-22 273226 (03) Review of draft DCO (North Lincolnshire) VPI Immingham Energy OCGT Project

Dear [redacted]

We are now in a position to respond to Natural England ('NE') in respect of the following:

- Draft Development Consent Order ('DCO') – your email (attached); and
- S42 consultation – the Agency's formal response to the Applicant's Stage 2 Consultation (attached).

The remainder of this email sets out the Applicant's response in respect of each of the above.

Please note that it is the Applicant's intention to submit the development consent order ('DCO') application (the 'Application') on 10 April 2019.

Draft DCO

European sites

NE text: *"Further to our response dated 19 December 2018, please note that our comments on air quality have yet to be addressed. Natural England notes that the development falls within the South Humber Gateway, a strategic mitigation approach in North Lincolnshire. The Ecology section of the Preliminary Environmental Information Report (PEIR) states that "no reliance will be placed on the delivery of Halton Marshes Wet Grassland in the assessment", but no further information has been provided on how the proposed development fits into the strategic mitigation approach.*

It is noted that in the Ecology section of the PEIR at 9.7.12, it states that the construction noise and visual activity levels will not exceed that of the background levels. However, the noise receptor appears to be for a residential property rather than any ecological receptors. It is also noted that in 9.7.14 that piling may be required, therefore we would recommend that the noise assessment works on the worst case scenario, rather than updating the assessment if it is decided that piling works are required.

In addition, noise and visual disturbance on wintering bird species from the Humber Estuary European sites have been screened out from any further assessment with the reasoning that "the nearest mudflats are approximately 1.3km away from the proposed development", however, this does not consider SPA bird species that are using the functionally linked land between the proposed site and the estuary. Therefore, further information is required to determine that noise and visual disturbance from the development will not have an impact on SPA birds that are using the adjacent functionally linked land at South Killingholme Marshes."

Air quality impacts on the habitat sites have been assessed as presented in Chapter 6 Air Quality of the ES and the associated technical Appendix 6A (currently being finalised for submission as part of the Application). The assessment demonstrates that predicted nitrogen dioxide concentrations at the SAC associated with the Proposed Development are negligible, being 10% of the hourly mean Critical Level and less than 0.6% of the annual mean. The maximum process contribution to nitrogen deposition at the SAC is also negligible, being less than 0.1% of the Critical Load. It is therefore concluded that there are no significant air quality effects on the Habitat sites

In respect of disturbance on SPA birds making use of the land adjacent to the Proposed Development, this has been assessed with the results of that assessment reported as part of the Habitats Regulation Assessment ('HRA)' signposting, provided as Appendix 9B to the Preliminary Environmental Information Report ('PEIR') (see attached). This assessment concludes that the nature and level of sound produced by the Proposed Development would be very similar to that already experienced by any wildlife currently utilising that area and there would be no change to the level of noise that they are accustomed to. The impact is therefore expected to be insignificant.

Although the Proposed Development falls within the South Humber Gateway ('SHG'), it is not considered that it would have any impact on the mitigation delivery plan. However, the relationship between the enhancement measures being considered for the Proposed Development and the SHG mitigation delivery plan will be further considered as part of the Biodiversity Enhancement Management Plan ('BEMP') that is to be submitted as part of the Application.

Draft DCO

NE text: "*Regarding the draft DCO, the relevant sections within the Natural England remit are "Landscaping and biodiversity protection management and enhancement" and "Construction environmental management plan". We would like to see more detail listed within the requirements, for example, where it is listed "a scheme for environmental*

monitoring and reporting during the construction of the authorised development, including measures for undertaking any corrective actions", we would like to see what sort of environmental monitoring this is referring to and the reasons why this is included as a requirement."

This wording is standard wording used in requirements securing the need for a detailed CEMP to be prepared by the contractor. A framework CEMP will be provided with the Application, which will set out the aspects to be covered by the CEMP and which will need to be monitored during the construction phase.

Water voles

NE text: *"Natural England notes that no water vole surveys have been carried out. As stated in the Preliminary Ecological Appraisal (PEA), "it appears that this species is relatively widespread and common in the wider local area", the area has been known as a "stronghold" for the species and therefore although it may be that the habitat is "sub-optimal", we would still advise that a survey is carried out. In addition to this, if the habitat is not adequate for the species, there may be some scope to make the ditch more suitable for the species to re-colonise; this could be considered as a net gain."*

An assessment of the suitability of the drainage ditch to the south of the Site as a potential habitat for water voles has been conducted and it was concluded that the ditch is heavily shaded, supports virtually no aquatic or marginal plant species, is poorly connected to the wider ditch network, and is a rather isolated stretch located between extensive culverted sections beneath the Total Lindsey Oil Refinery ('TLOR') and Rosper Road. Therefore, it provides poor quality habitat for water vole. In addition, no significant alteration to the ditch is proposed as part of the Proposed Development. The only works that include the ditch comprise a small drainage outfall to deal with surface water from the Site.

Accordingly, no pre-application surveys are proposed. However, as reported in the PEIR, a precautionary pre-construction survey of the ditch for water vole will be undertaken at least 3 months prior to the commencement of works to determine whether specific mitigation for the species is required. In the event that water vole presence is confirmed, mitigation may include displacement of the species from the small area to be affected, or alternatively the use of Non-Licenced Method Statements to protect water vole welfare during construction works, under the supervision of an appropriately trained ecologist. A Precautionary Working Method Statement ('PWMS') would be prepared prior to the commencement of works and included as part of the Construction Environmental Management Plan ('CEMP') that is to be secured by a requirement of the DCO.

Enhancement measures

NE text: *"Natural England believes that Nationally Significant Infrastructure Projects can make a significant contribution to delivering the environmental ambition in the Government's 25 Year Environment Plan. This aims to deliver an environmental net gain through development and infrastructure. Natural England notes that the enhancement measures that have been described for this project are the addition of log pile refuges, nest boxes and planting native trees and shrubs. There is also one mention of the addition of species-rich grassland, however, it is unclear where this would be and how big an area this would cover. These measures are welcomed by Natural England, however we do not believe that given the nature and scale of the development and the loss of the open mosaic habitat that these enhancements measures are adequate in terms of creating a net environmental gain from the development and would probably result in a net loss of natural resource. Natural England would encourage the applicant to consider additional enhancement measures to provide further benefits to the local environment."*

Thank you for your comments in respect of potential enhancement measures. We agree that proportionate biodiversity enhancement should be made as part of the project and are preparing a BEMP as part of the Application. The BEMP will set out the measures and extent of works to be undertaken and these will be secured by requirement of the draft DCO.

New gas pipeline

NE text: *"Finally, it appears that no habitat surveys have been carried out for the area that the new gas pipeline is proposed.*

Surveys have been conducted for the areas proposed for the new gas pipeline (the 'Gas Connection') as part of the PEIR. In addition, subsequent to the PEIR, the route of the pipeline has been refined and it is now proposed to be routed entirely through the existing VPI Combined Heat and Power Plant site (the 'Existing VPI CHP Plant Site'); an operational power station covered principally of hardstanding with no habitats of ecological interest. Therefore no habitat or ecological effects are envisaged as a result of construction of the proposed pipeline.

S42 consultation

European/International Sites

NE text: *"The proposed development is within close proximity to the Humber Estuary SSSI/ SPA/ SAC/ Ramsar site. Due to this close proximity the development has the potential to impact on Humber Estuary SPA bird populations through noise and visual disturbance, during both the construction and operational phases. We note in Paragraph 9.7.4.5 of the PEIR that you have assumed that the presence of other land use developments will negate the visual and noise impacts associated by your development on SPA birds. It is your responsibility to ensure that up to date information on other schemes is used for any assessment of impacts. We advise you to consult the Local Planning Authority on the progress/ timescales or changes to these schemes.*

We advise that the application is considered in combination with other plans or projects for impacts on the Humber Estuary SSSI/ SPA/ SAC/ Ramsar site. This should include, but is not limited to; including the VPI gas engines project (PA/2018/918) Local Development Framework, Local Plan, Environment Agency plans and projects and developments at Able Marine Energy Park and Able UK car storage proposal (PA/2017/2141). The applicant is advised to consult the Humber Nature Partnership In-combination Database for other plans and projects."

We note your comments on the consideration of in-combination effects. An updated cumulative and in-combination assessment will be included as part of the Environmental Statement ('ES') submitted as part of the Application, including in the HRA signposting report. This will include the schemes you identified.

Air Quality Impacts

NE text: The air quality information provided does not rule out air quality impacts on the Humber Estuary SSSI/ SAC due to the NOx process contributions from operation phase of the scheme. We welcome the further evaluation of these impacts on the SSSI prior to the submission of the DCO. As part of this we advise that an in-combination assessment is undertaken of 24hr NOx levels with other schemes. It may be possible to rule out impacts on sensitive Humber SAC/ SSSI habitats if further information is provided on the location of sensitive habitats in relation to the development site.

See the Applicant's comments above in respect of 'European sites' above.

Environmental enhancements

NE TEXT: The proposed scheme has the potential to deliver ecological enhancements. Paragraph 5.3.4 of the Overarching National Policy Statement for Energy (EN-1)(2011) states that 'The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interest.' We therefore advise that the applicant explores options to enhance biodiversity as part of the scheme.

See the Applicant's comments above in respect of 'Enhancement measures' above.

We trust that the above sufficiently deals with the comments made by NE.

I would be grateful if you could confirm the above or please let me know if further discussion is required.

Kind regards,

[redacted]

[redacted]

[redacted]

Chartered Surveyors & Town Planners
6 New Bridge Street
London
EC4V 6AB

[redacted]
www.dwdllp.com
[redacted]

From: [redacted]@naturalengland.org.uk>
Sent: 06 March 2019 15:54
To: [redacted]@dwdllp.com>
Subject: RE: 2019-02-22 273226 (03) Review of draft DCO (North Lincolnshire) VPI Immingham Energy OCGT Project

Dear [redacted]

My apologies for not being able to get a response to you before now, my caseload has been very high recently. Please see additional comments to the information provided and the draft DCO.

EUROPEAN SITES
Further to our response dated 19 December 2018, please note that our comments on air quality have yet to be addressed.
Natural England notes that the development falls within the South Humber Gateway, a strategic mitigation approach in North Lincolnshire. The Ecology section of the Preliminary Environmental Information Report (PEIR) states that "no reliance will be placed on the delivery of Halton Marshes Wet Grassland in the assessment", but no further information has been provided on how the proposed development fits into the strategic mitigation approach.

It is noted that in the Ecology section of the PEIR at 9.7.12, it states that the construction noise and visual activity levels will not exceed that of the background levels. However, the noise receptor appears to be for a residential property rather than any ecological receptors. It is also noted that in 9.7.14 that piling may be required, therefore we would recommend that the noise assessment works on the worst case scenario, rather than updating the assessment if it is decided that piling works are required.

In addition, noise and visual disturbance on wintering bird species from the Humber Estuary European sites have been screened out from any further assessment with the reasoning that "the nearest mudflats are approximately 1.3km away from the proposed development", however, this does not consider SPA bird species that are using the functionally linked land between the proposed site and the estuary. Therefore, further information is required to determine that

noise and visual disturbance from the development will not have an impact on SPA birds that are using the adjacent functionally linked land at South Killingholme Marshes.

DRAFT DCO

Regarding the draft DCO, the relevant sections within the Natural England remit are “Landscaping and biodiversity protection management and enhancement” and “Construction environmental management plan”. We would like to see more detail listed within the requirements, for example, where it is listed “a scheme for environmental monitoring and reporting during the construction of the authorised development, including measures for undertaking any corrective actions”, we would like to see what sort of environmental monitoring this is referring to and the reasons why this is included as a requirement.

WATER VOLES

Natural England notes that no water vole surveys have been carried out. As stated in the Preliminary Ecological Appraisal (PEA), “it appears that this species is relatively widespread and common in the wider local area”, the area has been known as a “stronghold” for the species and therefore although it may be that the habitat is “sub-optimal”, we would still advise that a survey is carried out. In addition to this, if the habitat is not adequate for the species, there may be some scope to make the ditch more suitable for the species to re-colonise; this could be considered as a net gain.

ENHANCEMENT MEASURES

Natural England believes that Nationally Significant Infrastructure Projects can make a significant contribution to delivering the environmental ambition in the Government’s 25 Year Environment Plan. This aims to deliver an environmental net gain through development and infrastructure. Natural England notes that the enhancement measures that have been described for this project are the addition of log pile refuges, nest boxes and planting native trees and shrubs. There is also one mention of the addition of species-rich grassland, however, it is unclear where this would be and how big an area this would cover. These measures are welcomed by Natural England, however we do not believe that given the nature and scale of the development and the loss of the open mosaic habitat that these enhancements measures are adequate in terms of creating a net environmental gain from the development and would probably result in a net loss of natural resource. Natural England would encourage the applicant to consider additional enhancement measures to provide further benefits to the local environment.

Finally, it appears that no habitat surveys have been carried out for the area that the new gas pipeline is proposed.

Please let me know if you have any further questions.

Kind regards,

[redacted]

[redacted]
Yorkshire and Northern Lincolnshire Area Team
4th Floor, Foss House, Kings Pool, 1-2 Peasholme Green, York, Y01 7PX
Tel: [redacted]

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These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

From: [redacted]@dwdllp.com]
Sent: 23 February 2019 10:13
To: [redacted]@naturalengland.org.uk>
Subject: Re: 2019-02-22 273226 (03) Review of draft DCO (North Lincolnshire) VPI Immingham Energy OCGT Project

Thank you [redacted]

[redacted]

[redacted] **DWD Property + Planning**
6 New Bridge Street
London
EC4V 6AB

[redacted]
www.dwdllp.com
[redacted]

On 22 Feb 2019, at 16:05, [redacted]@naturalengland.org.uk> wrote:

> Hi [redacted]
>
> I am out of the office attending training for the majority of the week (tues-thurs), but I will try to get a response to you by the end of next week.
>
> Thanks,
> [redacted]
>
> ---
>
> **From:** [redacted]@dwdllp.com]
> **Sent:** 22 February 2019 15:20
> **To:** [redacted]@naturalengland.org.uk>
> **Cc:** [redacted]@dwdllp.com>; [redacted]@dwdllp.com>
> **Subject:** RE: 2019-02-22 273226 (03) Review of draft DCO (North Lincolnshire) VPI Immingham Energy OCGT Project

Hi [redacted]

Yes, will an extra week suffice?

We will revert back on the other matters next week.

Thanks,

[redacted]

From: [redacted]@naturalengland.org.uk>
Sent: 21 February 2019 14:52
To: [redacted]@dwdllp.com>
Cc: [redacted]@dwdllp.com>; [redacted]@dwdllp.com>
Subject: RE: 2019-02-22 273226 (03) Review of draft DCO (North Lincolnshire) VPI Immingham Energy OCGT Project

Dear J[redacted]

Thank you for your email. I will be the case officer taking this forward rather than [redacted] Please can you let me know if there is any further time available for us to provide comments at a later date, as we will not be able to provide comprehensive comments by tomorrow. I note that [redacted] sent a response on behalf of Natural England on 19 December 2018, however, it does not appear that we have received any further information on the air quality impacts and in-combination assessments that were recommended. We consider that it would be preferable to confirm all of this information prior to the submission of the application.

Kind regards,

[redacted]

[redacted]
Yorkshire and Northern Lincolnshire Area Team
4th Floor, Foss House, Kings Pool, 1-2 Peasholme Green, York, Y01 7PX
Tel: [redacted]

www.gov.uk/natural-england

Follow us on Twitter: @NEYorksNLincs

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

From: [redacted]@dwdllp.com]
Sent: 08 February 2019 18:01
To: SM-Defra-Consultations (NE) <consultations@naturalengland.org.uk>
Cc: [redacted]@dwdllp.com>; [redacted]@dwdllp.com>
Subject: VPI OCGT - Review of draft DCO and requirements - Reference 262543 - ATTN. [redacted]

Hi [redacted],

We'd like to offer the you and your colleagues the opportunity to review our draft DCO and requirements (planning conditions) contained therein – prior to us submitting the application.

The aim is to agree (as far as possible) the DCO and requirements with the relevant consultees prior to submission.

Below is a link to a copy of the draft DCO, works plans and ARoW plans:

https://www.dropbox.com/sh/u6xjnrau7dlsyxx/AAA7zfJljEwX6VykqgC0apHya?dl=0

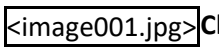
The draft requirements are included at Schedule 2 of the draft DCO. The plans have been provided to aid your review, on the basis that they illustrate the location of the proposed works etc.

Please can I ask for comments on or before **22 February 2019**.

Kind regards,

[redacted]

[redacted]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[redacted]

From: [redacted]@naturalengland.org.uk>
Sent: 09 April 2019 18:23
To: [redacted]
Cc: [redacted]
Subject: RE: VPI OCGT - Great Crested Newt Surveys

Dear [redacted],

Thank you for the update. Please ensure that the information is also submitted as part of your PINS application.

Kind regards,
[redacted]

[redacted]
Lead Adviser - Conservation Delivery Team (Sustainable Development)
Yorkshire and Northern Lincolnshire Area Team
4th Floor, Foss House, Kings Pool, 1-2 Peasholme Green, York, Y01 7PX
Tel: [redacted]

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These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

From: [redacted]@dwdllp.com]
Sent: 22 March 2019 08:29
To: [redacted]@naturalengland.org.uk>
Cc: [redacted]@dwdllp.com>; [redacted]s@dwdllp.com>
Subject: RE: VPI OCGT - Great Crested Newt Surveys

Dear [redacted]

Thank you for your advice in respect of Great Crested Newts ('GCN') in your email below. The Applicant's response is set out in the remainder of this email.

Health and safety

Since our last correspondence, we have further investigated the survey options available to us to evaluate the presence/absence of GCN at the pond in question (Pond 3 – a settlement lagoon), and have determined in consultation with the site operator (Total) that an eDNA survey in accordance with established guidance will not be possible due to health and safety concerns.

Habitat Suitability Index

A Habitat Suitability Index ('HSI') on the pond was undertaken in November 2018. This recorded a score of 'Good'.

Refugia survey

We have agreed with Total that a refugia survey can be carried out, as suggested in your email.

The Applicant's environmental team has today installed amphibian refugia (carpet tiles) around the lagoon in suitable terrestrial habitat. The refugia will be checked twice a week for a period of 4-6 weeks. The survey results will not be available in advance of the submission of the DCO application (the 'Application'). We therefore propose to submit the survey to Natural England in late April/early May – following the proposed submission of the Application on 10 April 2019. We will also submit them to the Planning Inspectorate prior to the Application examination commencing.

We consider that the survey is a measure to confirm our existing conclusion, as set out in my email dated 18 February 2019, that GCN are likely absent from Pond 3 and therefore also likely absent from habitats within the Site.

I trust that this adequately addresses your comments. However, please do let me know if you have any further comments.

Kind regards,

[redacted]

[redacted]

[redacted]
Chartered Surveyors & Town Planners
6 New Bridge Street
London
EC4V 6AB
[redacted]
www.dwdllp.com
[redacted]

From: [redacted]@naturalengland.org.uk>
Sent: 21 February 2019 14:40
To: [redacted]@dwdllp.com>
Cc: [redacted]dwdllp.com>; [redacted]@dwdllp.com>
Subject: RE: VPI OCGT - Great Crested Newt Surveys

Dear [redacted]

Thank you for your email. It is difficult to rule out, with any degree of certainty, the likely absence of GCNs from the lagoon on the basis of confirmed absence in nearby ponds - if there is good terrestrial habitat surrounding the lagoon and only a small population is present there may be little incentive for the population to utilise other waterbodies. Secondly, the use of reptile mats (not designed for amphibians), outside of the core terrestrial habitat surrounding the lagoon, is an inefficient means of determining absence and should not be relied upon as the sole survey method.

If it is not possible to undertake an eDNA survey due to health and safety concerns, we recommend that a HSI score is recorded for the lagoon (this can be done with limited access to the waterbody) and that a concerted artificial refuge (carpet tile) survey is conducted in the area immediately surrounding the lagoon during Mar/Apr as adults emerge from hibernation and migrate towards breeding habitat. The results can be used to better inform any decision regarding the likely presence of GCNs in the area.

Kind regards,

[redacted]

[redacted]
Yorkshire and Northern Lincolnshire Area Team
4th Floor, Foss House, Kings Pool, 1-2 Peasholme Green, York, Y01 7PX
Tel: [redacted]

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These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

From: [redacted]@dwdllp.com]
Sent: 18 February 2019 17:55
To: SM-Defra-Consultations (NE) <consultations@naturalengland.org.uk>
Cc: [redacted] <[redacted]@dwdllp.com>; [redacted]@dwdllp.com>
Subject: VPI OCGT - Great Crested Newt Surveys - [redacted]

Dear [redacted],

We are currently in the process of finalising the Development Consent Order (DCO) application for the above project, with a view to submitting in April 2019. As part of the process of finalising the application documents, we are seeking to engage with key consultees and agree on any outstanding matters, where possible. This includes in respect of great crested newts ('GCN') surveys and, specifically, the Applicant's rationale for not surveying a pond in the vicinity of the proposed Order limits (the 'Site').

Further detail on this matter, including the Applicant's rationale for not surveying the pond, is provided in the remainder of this email.

Background and context

The Environmental Impact Assessment ('EIA') Scoping Opinion issued by the Planning Inspectorate in July 2018 states the following in respect of GCN surveys:

"The Scoping Report proposes to scope out Great Crested Newt surveys at the settling pond for the Lindsey Oil Refinery, 250m from Site Boundary, because the levels of existing contamination making it unsuitable for this species. No information is provided regarding the level of contamination or the suitability of the habitat. Consequently, the Inspectorate has insufficient information to support scoping this waterbody out of the assessment."

The settling pond is referred to by the Applicant in the Preliminary Environment Impact Assessment Report ('PEIR') and the emerging Environmental Statement ('ES') as 'Pond 3'. It is therefore referred to as such in the remainder of this email.

As set out in the Applicant's EIA Scoping Report and in accordance with the aforementioned Scoping Opinion, an assessment of the likelihood of GCN being present within the Order limits of the Site, and thus requiring mitigation/compensation, has been undertaken. Six ponds (shown on the Phase 1 Habitat Map attached) were identified within 250 metres ('m') of the Site. Five of which were subject to eDNA surveys in 2018.

Importantly, none returned positive results for GCN. The result are set out in PEIR Volume 1, Chapter 9 and PEIR Volume 3, Appendix 9C (both attached). It is also notable that Pond 1 and Pond 2 within the Site were surveyed for GCN in 2016 as part of a nearby planning application for a car storage area submitted by Able UK in 2016 (Reference: PA/2017/2141), where the eDNA results were also negative for GCN.

A summary of the ponds identified within 250 m of the Site is provided in Table 1 below.

Table 1: Summary of ponds surveyed within 250 m of the Site

Pond Ref	Pond Type	Grid Reference	Distance from Site	Habitat Suitability Index ('HSI') Score	eDNA Sampling Result
1	Flooded part of site	TA 167 175	Within Site boundary	Excellent	Negative
2	Flooded part of site	TA 168 174	Within Site boundary	Good	Negative
3	TLOR process lagoon	TA 164 173	70 m west	Not surveyed	

Pond Ref	Pond Type	Grid Reference	Distance from Site	Habitat Suitability Index ('HSI') Score	eDNA Sampling Result
4	Flooded part of site	TA 166 174	Within Site boundary	Average	Negative
5	Flooded archaeology trial trench	TA 166 174	Within Site boundary	Below average	Negative
6	Flooded archaeology trial trench	TA 165 173	30 m west	Poor	Negative

Pond 3 is a concrete square water storage lagoon within the boundary of the Total Lindsey Oil Refinery ('TLOR') site – a significant industrial facility. At the time the aforementioned eDNA surveys were undertaken in spring 2018, it was understood that the lagoon was linked to the process facility of TLOR and was a settling pond for contaminated run-off water. Consequently, as a result of contamination making it unsuitable for GCN, it was scoped out of further surveys for GCN and was not subject to eDNA sampling, as reported in the PEIR.

The Applicant's rationale

Since the PEIR was produced, further information on Pond 3 has been supplied by TLOR, which confirms that it is used for surface and grey water discharge storage, and levels of contamination are therefore relatively low. We consider that the information provided in respect of contaminants in the lagoon is now not sufficient to scope out the potential for GCN. There are, however, other reasons why it is both logical and proportionate to scope out the potential for GCN in Pond 3, and therefore to not carry out GCN surveys.

These reasons are as follows:

- If GCN was present in Pond 3, given the good habitat connectivity between this pond and Ponds 1, 2, 4, 5 and 6 (see the attached PEIR documents for more information), it would be reasonable to expect that GCN to also be present in those waterbodies, which was not the case when they were surveyed in 2018. This is consistent with previous surveys of two of these ponds (Ponds 1 and 2), which also returned negative results for GCN in 2016.
- Furthermore, no evidence of GCN were detected beneath reptile mats (which may be used as refuges by GCN) during a reptile survey undertaken on the site in 2018, the nearest of which were placed within approximately 60 m of Pond 3. The use of artificial refuges to detect GCN in terrestrial habitats is an accepted survey method for determining presence/likely absence.

In light of the above, it is considered that GCN are likely absent from Pond 3 and therefore also likely absent from habitats within the Site. We would be grateful for your comments on this conclusion as we finalise the DCO application.

In addition to the above, it is notable that there are significant health and safety constraints to the undertaking of further GCN surveys of Pond 3. This is on the basis that it is deep and steep sided, and the surface of the water is only safely accessible from a single point of entry (via a step way). This renders the undertaking of egg-searches, bottle trapping, netting and eDNA survey for GCN unfeasible, because these survey techniques require access to the majority of a pond's aquatic margins to be sufficiently robust to determine the likely presence/absence of GCN. Similarly, there is no safe access around the margins of the lagoon for the undertaking of nocturnal torch surveying.

We would therefore be grateful if you could confirm by return that you are in agreement that the evidence presented above is sufficient to support the Applicant's rationale for not surveying Pond 3 and, more importantly, to demonstrate that GCN are likely absent from the Site.

Please can I ask that you provide any comments by 4 March, in order to give the Applicant sufficient time to consider them, as necessary.

My contact details are below if you'd like to discuss.

Kind regards,

[redacted]

[redacted]
Senior Associate

[redacted]
Chartered Surveyors & Town Planners
6 New Bridge Street
London
EC4V 6AB

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[redacted]