

VPI Immingham OCGT Project

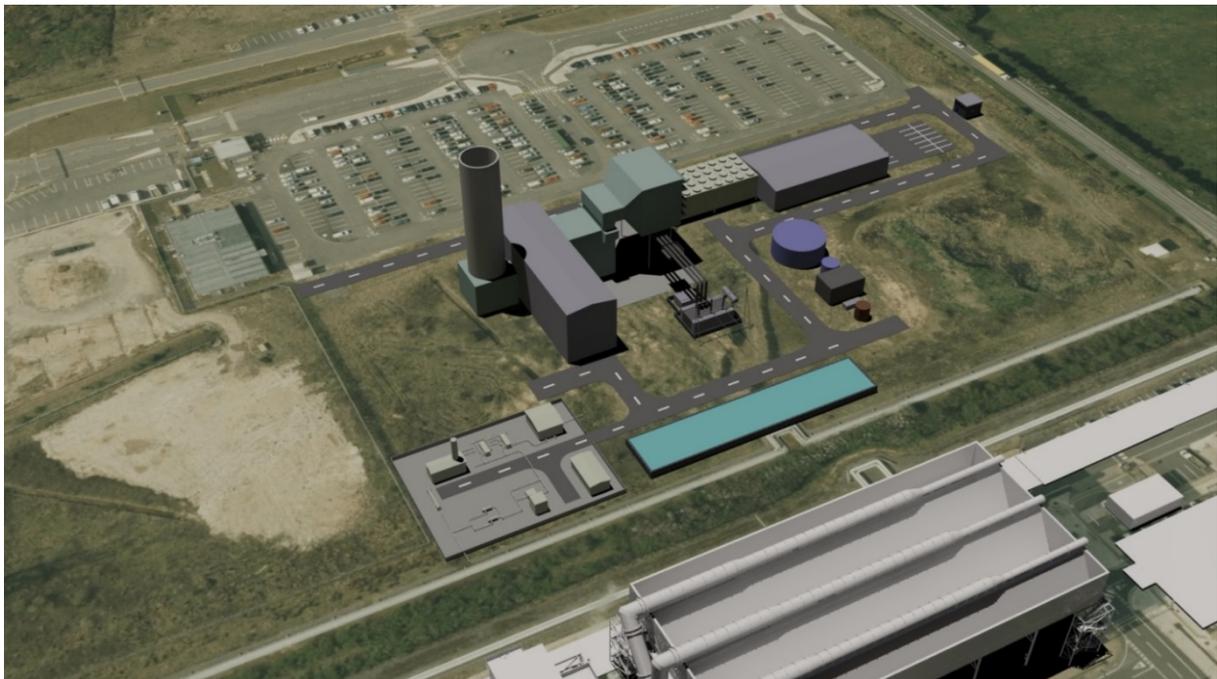
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The Immingham Open Cycle Gas Turbine Order

Land at and in the vicinity of the existing VPI Immingham Power Station, South Killingholme, North Lincolnshire, DN40 3DZ

The Applicant's Comments on Responses to the Written Questions

Examination Deadline 3



Applicant: VPI Immingham B Ltd

Date: October 2019

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GLOSSARY

Abbreviation	Description
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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 – installations used to support the safe and efficient operation of the pipeline; above ground installations are needed at the start and end of a gas pipeline and at intervals along the route.
Applicant	VPI Immingham B Ltd
Application	The Application for a Development Consent Order made to the Secretary of State under Section 37 of the Planning Act 2008 in respect of the Proposed Development, required pursuant to Section 31 of the Planning Act 2008 because the Proposed Development is a Nationally Significant Infrastructure Project under Section 14(1)(a) and Section 15 of the Planning Act 2008 by virtue of being an onshore generating station in England of more than 50 Megawatts electrical capacity.
Application Documents	The documents that make up the Application (as defined above).
CHP	Combined Heat and Power – A technology that puts to use the residual heat of the combustion process after generation of electricity that would otherwise be lost to the environment.
CTMP	Construction Traffic Management Plan – a plan outlining measures to organise and control vehicular movement on a construction site so that vehicles and pedestrians using site routes can move around safely.
CWTP	Construction Workers Travel Plan – a plan managing and promoting how construction workers travel to a particular area or organisation. It aims at promoting greener, cleaner travel choices and reducing reliance on the private car.
dB	decibel
DCO	A Development Consent Order made by the relevant Secretary of State pursuant to The Planning Act 2008 to authorise a Nationally Significant Infrastructure Project. A DCO can incorporate or remove the need for a range of consents which would otherwise be required for a development. A DCO can also include powers of compulsory acquisition.

Abbreviation	Description
EA	Environment Agency – a non-departmental public body sponsored by the United Kingdom government's Department for Environment, Food and Rural Affairs (DEFRA), with responsibilities relating to the protection and enhancement of the environment in England.
EH	English Heritage – (now Historic England) – a non-departmental public body of the British Government responsible for heritage protection and management of a range of historic properties.
EHO	Environmental Health Officer – practitioners responsible for carrying out measures for protecting public health, including administering and enforcing legislation related to environmental health.
EIA	Environmental Impact Assessment – a term used for the assessment of environmental consequences (positive or negative) of a plan, policy, program or project prior to the decision to move forward with the proposed action.
Electrical Connection Site	The land required for Work No.5.
ES	Environmental Statement – a report in which the process and results of an Environmental Impact Assessment are documented.
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.
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. This facility is a gas-fired combined heat and power ('CHP') plant near Immingham providing steam and electricity to the neighbouring refineries and electricity to the National Grid.
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.
Flood Zone 1	Land with an Annual Exceedance Probability of less than 0.1% risk from fluvial flooding.
Flood Zone 2	Land with an Annual Exceedance Probability of between 0.1% and 1% risk from fluvial flooding.
Flood Zone 3a	Land having a 1 in 100 or greater annual probability of river flooding or land having a 1 in 200 or greater annual probability of sea flooding.
Flood Zone 3b	An area defined as the functional floodplain, that the area where water has to flow or be stored in the event of a flood. Land which would flood with a 1 in 20 (5%) annual probability or greater in any year, or is designed to flood in a 0.1% event should provide the starting point for designation of Flood Zone 3b.
FRA	Flood Risk Assessment – the formal assessment of flood risk issues relating to the Proposed Development. The findings are presented in an appendix to the Environmental Statement.

Abbreviation	Description
Gas Connection	Work No. 4 – the new underground and overground gas pipeline
Gas Connection Site	The land required for Work No.5.
GCN	Great Crested Newts
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.
HE	Historic England – an executive non-departmental body of the British Government tasked with protecting the historical environment of England.
HRA	Habitats Regulations Assessment – the assessment of the impacts of implementing a plan or policy on a Natura 2000 site.
km	Kilometre – unit of distance.
Local Nature Reserve or LNR	A non-statutory site of local importance for wildlife, geology, education or public enjoyment.
LPA	Local Planning Authority
LSE	Likely significant effect, a term used in the ES to describe when effects on a receptor are predicted to be significant
LVIA	Landscape and Visual Impact Assessment
Lw	Sound Power Level
LWS	Local Wildlife Site
m	Metres – unit of distance.
MW	Megawatts – unit of energy.
NATA	New Approach to Appraisal
NEILDB	North East Lincolnshire Local Drainage Board
NELC	North East Lincolnshire Council
NG	National Grid
NGG	National Grid Gas plc
NGET	National Grid Electricity Transmission plc
NLC	North Lincolnshire Council
NPPF	The National Planning Policy Framework – Policy Framework which was introduced in March 2012 and updated in July 2018. The NPPF is part of the Government's reform of the planning system intended to make it less complex, to protect the environment and to promote sustainable growth. It does not contain any specific policies on Nationally Significant Infrastructure Projects but its policies may be taken into account in decisions on DCOs if the Secretary of State considers them to be both important and relevant.
NPS	National Policy Statements – statements produced by Government under the Planning Act 2008 providing the policy framework for Nationally Significant Infrastructure Projects. They include the Government's view of the need for and objectives for the development of Nationally Significant Infrastructure Projects in a particular sector such as energy and are the primary matter against which applications for NSIPs are determined.

Abbreviation	Description
NSER	No Significant Effects Report – for the Habitats Regulations Assessment (HRA).
NSIP	Nationally Significant Infrastructure Project – Defined by the Planning Act 2008 and including projects relating to energy (including generating stations, electric lines and pipelines); transport (including trunk roads and motorways, airports, harbour facilities, railways and rail freight interchanges); water (dams and reservoirs, and the transfer of water resources); waste water treatment plants and hazardous waste facilities. These projects are only defined as nationally significant if they satisfy a statutory threshold in terms of their scale or effect. The Proposed Development is a NSIP.
NSRs	Noise Sensitive Receptors – locations or areas where dwelling units or other fixed, developed sites of frequent human use occur.
NTS	Non-Technical Summary – this document is a summary of the Environmental Statement written in non-technical language for ease of understanding.
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	Immingham Open Cycle Gas Turbine Order
Order land	The area over which powers of compulsory acquisition or temporary possession are sought in the DCO, shown on the Land Plans. The Order land is the same area as the Project Land.
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. An Act which provides the need for and the powers to apply for and grant development consent orders ('DCO') for nationally significant infrastructure projects ('NSIP').
PEA	Preliminary Ecological Appraisal (PEA Report – report establishing baseline conditions and evaluating the importance of any ecological features present.
PEI	Preliminary Environmental Information – an initial statement of the main environmental information available for the study area.
PEIR	Preliminary Environmental Information Report – a report outlining the preliminary environmental information and which is published during the pre-application consultation on a NSIP.
PHE	Public Health England – an executive agency, sponsored by the Department of Health, to protect and improve the nation's health and wellbeing and reduce health inequalities.
PINS	Planning Inspectorate – executive agency of the Ministry of Housing, Communities and Local Government of the United Kingdom Government. It is responsible for examining applications

Abbreviation	Description
	for NSIPs, and reporting to the Secretary of State who makes a final decision on such applications.
PPG	Planning Practice Guidance – guidance expanding upon and supporting the NPPF.
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
SAC	Special Area of Conservation – High quality conservation sites that are protected under the European Habitats Directive, due to their contribution to conserving those habitat types that are considered to be most in need of conservation.
SHBSES	South Humber Bank Strategic Employment Site
SINC	Site of Nature Conservation Interest
Site	The land required for the Proposed Development, and which is the same as the 'Order limits' (in the DCO).
SoCC	Statement of Community Consultation
SoS	The Secretary of State – the decision maker for DCO applications and head of a Government department. In this case the SoS for the Department for Business, Energy & Industrial Strategy (formerly the Department for Energy and Climate Change).
SPA	Special Protection Area – strictly protected sites classified in accordance with Article 4 of the EC Birds Directive. Special Protection Areas are Natura 2000 sites which are internationally important sites for the protection of threatened habitats and species.
SSSI	Site of Specific Scientific Interest – nationally designated Sites of Special Scientific Interest, an area designated for protection under the Wildlife and Countryside Act 1981 (as amended), due to its value as a wildlife and/or geological site.
SUDS	Sustainable Urban Drainage System
SWMP	Site Waste Management Plan (SWMP)
TA	Transport Assessment
TCPA 1990	Town and Country Planning Act 1990 (as amended) – the Act that regulates the majority of development of land in England and Wales, but which is not directly applicable to this proposed development as it is a NSIP, regulated by the Planning Act 2008.
Temporary Construction and Laydown	Work No. 3 – temporary construction and laydown areas 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. There are three construction and laydown areas included in the Application.

Abbreviation	Description
Temporary Construction and Laydown Site	Land Required for Work No. 3.
TLOR	Total Lindsey Oil Refinery
UAEL	Unacceptable Observed Effect Level
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 EPA	VPI Energy Park A – the land proposed for the development of a 49.9 MW gas-fired power station that benefits from planning permission granted by NLC in 2018 (Reference: PA/2018/918).
VPI LLP	VPI Immingham LLP – the owner and operator of the Existing VPI CHP Plant.
WCA	The Wildlife and Countryside Act 1981 – legislation for the protection of animals, plants and certain habitats in the UK.
WHO	World Health Organisation
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 (the '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	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.

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1. INTRODUCTION

1.1 Overview

- 1.1.1 This report 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 'The Immingham Open Cycle Gas Turbine 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 'Site Description' (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 'Site Description' (Application Document Refs: 6.2.1 and 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 The purpose of this report is to set out the Applicant's comments, where necessary, on the responses received by other parties in respect of the Examining Authority's ('ExA') Written Questions. The Applicant's comments are set out in a tabulated format, with the original response in one column and the Applicant's comments in the next.
- 1.6.2 The remainder of this report is structured as follows:
- Chapter 2 – Able UK;
 - Chapter 3 – Environment Agency;
 - Chapter 4 – Historic England;
 - Chapter 5 – Hornsea 1;
 - Chapter 6 – Hornsea 2;
 - Chapter 7 – North Lincolnshire Council; and
 - Chapter 8 – Public Health England.

2.0 ABLE UK

- 2.1.1 This section sets out the Applicant's responses to the comments received from Able UK on the ExA's Written Questions. See Table 2.1 on the following pages.

Table 2.1 – Applicant’s responses to the comments received from Able UK on the ExA’s Written Questions

Written Questions	Answer	Applicant’s Response
<p>Q1.4.4 Able Marine DCO</p> <p>Applicant/Able UK Limited (Acting on behalf of Able Humber Ports Limited)</p> <p>Please provide an update on discussions. If agreement has been reached, please provide a Statement of Common Ground.</p>	<p>Discussions between Able and the Applicant are ongoing.</p> <p>Able does not object to the proposed project in principle but has concerns about the impact the project may have on Able’s ability to deliver the Able Marine Energy Park scheme.</p> <p>Able considers that these impacts can be mitigated by amending the provisions of the dDCO and has provided the Applicant with proposed revisions to Schedules 9 and 13, and is awaiting the Applicant’s response. Able will continue to engage with the Applicant to seek to reach agreement on these provisions.</p>	<p>As reported at the DCO hearing on 2 October 2019, the parties have agreed that the principle of the Applicant’s proposed approach is acceptable, subject to agreeing the terms of the protective provisions.</p> <p>The provisions have been discussed, and comments on them have passed between the parties, with relatively few outstanding points remaining. The Applicant anticipates being able to agree the form of the PPs prior to Deadline 4 or soon thereafter.</p>

3.0 ENVIRONMENT AGENCY

- 3.1.1 This section sets out the Applicant's responses to the comments received from the Environment Agency on the ExA's Written Questions. See Table 3.1 on the following pages.

Table 3.1 – Applicant's responses to the comments received from the Environment Agency on the ExA's Written Questions

Written Question	Environment Agency's Answer	Applicant's Response
<p>Q1.3.16 R12 - <i>Contaminated land and groundwater</i> Reference to Chapter 11 in R12(2). Does this require a reference to Chapter 11 of the ES?</p> <p>Is there a need to include provision requiring works to stop in the event that contamination is discovered?</p> <p>The ExA also notes the request by the EA to remove them as a consultee in Requirement 12(6).</p>	<p>In respect of the ExA noting the request by the EA to be removed as a consultee to Requirement 12(6) – we would like to point out that this was a typo in our Relevant Representation and should have referenced Requirement 11(6), relating to the flood emergency response plan.</p> <p>We welcome our inclusion as a consultee to all parts of Requirement 12.</p>	<p>N/A</p>
<p>Q1.3.18 R20 - <i>Piling and penetrative Foundation design</i></p> <p>The inclusion of this requirement indicates that piling and penetrative foundation works may be required. Para 8.2.3 of the revised Non-Technical Summary [AS-005] indicates that piling has not been taken into account when assessing the environmental impacts (particularly in relation to noise)</p> <p>Please elaborate on the justification for this provision in light of the comments in</p>	<p>The EA, in its response to the Preliminary Environmental Information Report, requested the inclusion of a DCO Requirement to ensure that, should the foundation design need piling into the bedrock, a risk assessment will be undertaken. This was requested to ensure protection of the underlying aquifer and is referenced in Chapter 11, paragraph 11.8.12 of the Environmental Statement [APP-040].</p>	<p>N/A</p>

Written Question	Environment Agency's Answer	Applicant's Response
<p>the revised Non-Technical Summary [AS-005].</p>		
<p>Environmental Permit</p> <p>Please provide an update on the progress of the Environmental Permit.</p>	<p>We can advise that an application for a permit, under Schedule 1.1 Part A(1)(a) of the Environmental Permitting Regulations 2016, to operate the proposed facility was received by the Environment Agency and 'duly made' on 25 April 2019.</p> <p>The information contained in the application has been reviewed, including the air quality assessment, and is considered satisfactory. The application was published for public consultation on 21 August 2019 on our website. The Appendix 11, Habitats Regulation Assessment, document has also been sent to Natural England for consultation. The deadline for receipt of consultation comments is 19 September 2019.</p> <p>Following consideration of any consultation responses received, we are aiming to issue a decision on the permit application during October.</p>	<p>The Applicant welcomes the update on the progress of the Environmental Permit Application.</p>
<p>Q1.6.1 WFD Assessment 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,</p>	<p>The EA is satisfied that the assessment of the impacts on local watercourses has been adequately undertaken (we would point out that there is an error in paragraph 12.2.27 of Chapter 12, which should reference the Louth, Grimsby</p>	<p>The Applicant welcomes the EA's confirmation of their satisfaction with the impact assessments and the associated DCO requirements. The Applicant can confirm that error identified is a typographic</p>

Written Question	Environment Agency's Answer	Applicant's Response
<p>including the River Humber, a standalone WFD assessment has not been completed.</p> <p>Please provide confirmation that there are no direct or indirect pathways through which the terrestrial works would directly or indirectly affect the surrounding watercourses. Please comment on the adequacy of the above approach.</p>	<p>and Ancholme Catchment – not the Tame, Anker and Mease Catchment).</p> <p>Subject to the implementation of appropriate pollution prevention measures during construction and operation of the proposed development, there is no reason to believe that there would be any direct or indirect impact on surrounding watercourses. We are satisfied that there are various requirements in the DCO (for example the CEMP, contaminated land and groundwater etc), which secure appropriate mitigation and provide for further consultation to be undertaken on the detailed measures, prior to development commencing. There will also be appropriate conditions in the Environmental Permit, to safeguard the water environment during operation of the plant.</p>	<p>one and not one that affects the assessment in any way.</p>
<p>Q1.6.2 Flood defences</p> <p>The Flood Risk Assessment [APP- 100] acknowledges (at para 5.4.6) that when wave height is taken into account, the existing defences would not be sufficient to defend the land against higher return period events in the future.</p> <p>Please comment on the likelihood that the existing defences will be improved to the standard required.</p>	<p>The strategic approach to managing the tidal defences is captured within the Humber Flood Risk Management Strategy, 2008 (HFRMS). The Strategy is the Environment Agency's long term plan for managing flood risk from the Humber Estuary and is a high level non-strategic planning document which identifies policies to manage flood risk. It sets out a general proposed management approach but does not make final decisions about defences in particular areas. The strategy is aspirational and there is no obligation on any party for the defences to be improved. We are unable to comment specifically on the likelihood the defences will be improved to</p>	<p>N/A</p>

Written Question	Environment Agency's Answer	Applicant's Response
<p>Please explain the implications if the existing defences are not improved.</p>	<p>maintain the current level of protection in line with climate change to this location.</p> <p>The proposed development site sits within the Strategy's Flood Area 23 – Halton and Killingholme Marshes (see HFRMS Summary Document and extract from the main document for Flood Area 23 attached as Appendix A). The proposed management approach for the specific area where this development is located is to continue to protect already developed parts of this area and improve the defences as required. This means we propose to continue maintaining all defences which are economically viable. When a defence needs to be improved, we will bid for funding from the national flood and coastal defence budget and we will always look for funding from other sources, including partnership funding from those benefiting from the defences.</p> <p>The Environment Agency's Hazard Mapping, which is included within the Applicant's Flood Risk Assessment, shows the consequences should breaching or overtopping of the defences occur. Due to uncertainties over the future raising of defences our climate change overtopping scenario models the tidal defences at 2006 heights. However, it is important to highlight that because there is an aspiration in the current HFRMS to continue maintaining these defences, we do not routinely</p>	

Written Question	Environment Agency's Answer	Applicant's Response
	<p>reference future overtopping consequences in shaping mitigation for new developments.</p> <p>The modelled 2115 0.1% (1 in 1000) annual chance scenario for the development site shows the site could experience flood depths in excess of 1.6m with a hazard rating of 'Danger for All'. A length of approximately 1.3km of the existing tidal defence, where this future overtopping consequence arises, is the subject of the Able Marine Energy Park Development Consent Order, which has permission to build a quay above the existing tidal defence; if constructed this would significantly reduce the future consequence of overtopping, from the Humber Estuary, on this proposed development.</p>	
<p>Q1.6.4</p> <p>Foul and Surface Water Drainage 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.</p>	<p>Please see the Statement of Common Ground (paragraphs 4.2.5 – 4.2.9) between the Applicant and the EA in respect of these issues which, subject to the inclusion of amended DCO Requirements, have now been resolved.</p>	<p>The Applicant notes that this has now been resolved.</p>

4.0 HISTORIC ENGLAND

- 4.1.1 This section sets out the Applicant's responses to the comments received from Historic England on the ExA's Written Questions. See Table 4.1 on the following pages.

Table 4.1 – Applicant's responses to the comments received from Historic England on the ExA's Written Questions

Written Questions	Answer	Applicant's Response
ExA Question 1.7.1 'Please comment on approach of the Applicant of submitting a written scheme of investigation, as set out in Requirement 13 of the dDCO [APP-005].'	HE Answer 1.7.1 We refer you to the expert advise of the archaeological advisors to the Local Planning Authorities on all matters relating to the Written Scheme of Investigation.	Noted.
ExA Question 1.7.2 '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]).'	HE Answer 1.7.2 We refer you to the submitted SoCG between HE and the developer.	Noted.

5.0 HORNSEA 1

- 5.1.1 This section sets out the Applicant's responses to the comments received from Hornsea 1 on the ExA's Written Questions. See Table 5.1 on the following pages.

Table 5.1 – Applicant's responses to the comments received from Hornsea 1 on the ExA's Written Questions

Written Questions	Answer	Applicant's Response
<p>Q1.4.2 <i>Please provide details regarding the areas of interface between the proposed development and the Hornsea One Offshore Wind Farm Order 2014.</i></p> <p><i>If agreement has been reached on Protective Provisions, please provide a Statement of Common Ground setting out areas of agreement and dispute.</i></p>	<p>As noted in our Written Representation for Deadline 2 there are interfaces in terms of potentially conflicting rights and powers and potential interference with property interests, infrastructure and works within plots 59, 60, 61, 62, 63, 64, 68, 69, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 90, 91, and 92 of the draft VPI Immingham OCGT Development Consent Order.</p> <p>We are continuing to work with the Applicant to seek to agree protective provisions or other suitable protections. We would be happy to provide a Statement of Common Ground detailing agreement reached/outstanding areas of concern and will discuss this with the Applicant.</p>	<p>Please refer to the Applicant's Comments on the Written Representations (Document 7.6), where these matters are covered in the responses to Hornsea 1's written representation.</p>

6.0 HORNSEA 2

- 6.1.1 This section sets out the Applicant's responses to the comments received from Hornsea 2 on the ExA's Written Questions. See Table 6.1 on the following pages.

Table 6.1 – Applicant's responses to the comments received from Hornsea 2 on the ExA's Written Questions

Written Questions	Answer	Applicant's Response
<p>Q1.4.3 <i>Please provide details regarding the areas of interface between the proposed development and the Hornsea Two Offshore Wind Farm Order 2016.</i></p> <p><i>If agreement has been reached on Protective Provisions, please provide a Statement of Common Ground setting out areas of agreement and dispute.</i></p>	<p>As noted in our Written Representation for Deadline 2 there are interfaces in terms of potentially conflicting rights and powers and potential interference with property interests, infrastructure and works within plots 59, 60, 61, 62, 63, 64, 68, 69, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 90, 91, and 92 of the draft VPI Immingham OCGT Development Consent Order.</p> <p>We are continuing to work with the Applicant to seek to agree protective provisions or other suitable protections. We would be happy to provide a Statement of Common Ground detailing agreement reached/outstanding areas of concern and will discuss this with the Applicant.</p>	<p>Please refer to the Applicant's Comments on the Written Representations (Document 7.6), where these matters are covered in the responses to Hornsea 2's written representation.</p>

7.0 NORTH LINCOLNSHIRE COUNCIL

- 7.1.1 This section sets out the Applicant's responses to the comments received from North Lincolnshire Council on the ExA's Written Questions. See Table 7.1 on the following pages.

Table 7.1 – Applicant's responses to the comments received from North Lincolnshire Council on the ExA's Written Questions

Written Question	North Lincolnshire's Answer	Applicant's Response
<p>Question 1.5.1 – Cumulative effects</p> <p><i>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.</i></p> <p><i>Please confirm whether you are aware of any other projects or plans that should be included in the cumulative effects assessment.</i></p> <p><i>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.</i></p>	<p>NLC is satisfied that the list of projects set out in Table 17.3 of Chapter 17 of the ES [APP-046] includes all of the developments that need to be taken into account in the assessment of cumulative effects.</p>	<p>The Applicant notes that NLC are satisfied with the list of projects in Table 17.3 of Chapter 17 of the ES.</p>
<p>Question 1.7.1 – Written Scheme of Investigation</p> <p><i>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].</i></p>	<p>NLC recommended the submission of a written scheme of investigation for the archaeological works on the main site during the pre-application consultations with the HER. As such, we welcome the approach of the applicant to agreeing to prepare the outline document for submission with the DCO application.</p>	<p>The Applicant notes that agreement has now been reached with NLC on the content and timescales of the WSI. It is not possible for the Applicant to produce a final WSI in advance of the DCO determination and so is content to deal with this matter by Requirement.</p>

Written Question	North Lincolnshire's Answer	Applicant's Response
	<p>Where it is possible for the final WSI to be agreed in advance of the DCO determination, may avoid the necessity for pre-commencement Requirements, such that these simply require the agreed WSI to be implemented accordingly. Where this is not possible and further details to the WSI are required post-determination, the pre-commencement Requirement is appropriate and necessary.</p> <p>The LPA did not see the Framework WSI prior to submission and has yet to discuss our comments on the document with the applicant. With regard to the DCO Requirement 13, it is noted that the current version of the WSI deals only with the Main site and does not provide detailed mitigation measures to ensure the continued preservation in situ of the archaeological remains present within the Construction Laydown site adjacent to Rosper Road. The WSI would need to include these details in order to discharge the requirement.</p> <p>As the WSI deals with the non-designated heritage assets affected by the proposed development, it is unclear to NLC why Historic England would be consulted on the WSI (clause (1)), unless they have specifically requested this consultation.</p>	<p>The Applicant will review the need to have HE as a consultee on the WSI</p>

Written Question	North Lincolnshire's Answer	Applicant's Response
<p>Question 1.7.2 – Assessment methodology <i>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]).</i></p>	<p>It is accepted that this methodology is the standard methodology for Cultural Heritage EIA process, enabling heritage assets to be rapidly categorised by matrix for this purpose.</p> <p>In the opinion of the LPA it does little to assess the significance of the individual assets as the sum of the four heritage values (Evidential, Historical, Aesthetic and Communal) set out in Conservation Principles, Policies and Guidance for the sustainable management of the historic environment, Historic England, 2008 https://www.historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/. Nor to assess the impact of development on the heritage significance of assets.</p>	<p>The Applicant accepts North Lincolnshire Council's view on this matter; however, the Applicant takes the view that Conservation Principles is an advisory document for Historic England and it is not statutory guidance. It is also currently under review. As stated in paragraph 13.2.15, the NPPF sets out the criteria for assessment of heritage significance, in terms of its archaeological, architectural, artistic or historic interest. This is reiterated in the assessment methodology in paragraph 13.3.2. Section 13.9 of the ES chapter includes details of the heritage significance for potentially affected assets, as well as describing the impacts upon this.</p>
<p>Question 1.8.1 – Representative viewpoints <i>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.</i> <i>Please confirm that the viewpoints are appropriate and provide reasonably</i></p>	<p>NLC confirm that the viewpoints are appropriate and provide reasonably representative views of the proposed development.</p> <p>The only addition that NLC feel should be considered is would make is the proposed England Coast Path. If the Able Marine Energy Park project goes ahead, the Coast</p>	<p>It is understood that there is potential for a stretch of the current coastal path running along the Humber Estuary to the east of the Site to be designated as part of the England Coast Path National Trail.</p> <p>The current route of the coastal path is along footpath 50 (see Chapter 10: Landscape & Visual Amenity, Volume I of the ES). Chapter 10 assessed the impacts of the Proposed</p>

Written Question	North Lincolnshire's Answer	Applicant's Response
<p><i>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.</i></p>	<p>Path (a National Trail) is likely to “roll back” to Rosper Road. Rosper Road would therefore provide key viewpoints for users of the National Trail.</p>	<p>Development on the of users of this footpath, concluding that the value of the view considered as low due to the undesignated landscape and detracting features. The magnitude of impact was considered as low (minor adverse).</p> <p>Able Humber Ports' scheme includes provision for an alteration to the route of footpath 50. It is recognised that this route may form part of the English Coastal Path (if adopted)</p> <p>This diversion brings it closer to the Site (c.500m at its closest point), however, the route of the path is through the Able Marine development and so is largely screened from the Site by the proposed structures of that development and its associated planting.</p>
<p>Question 1.12.1 – South Humber Gateway Strategy <i>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]).</i></p>	<p>In surveys dating from 2007, 2007/08, 2010/11 and more recent surveys carried out by Able UK, land east of Rosper Road has been identified as “functionally linked” to the Humber Estuary SPA and Ramsar site. This land has supported significant numbers of waterbirds: primarily curlew. Development of land in this area would lead to displacement or disturbance of SPA/Ramsar waterbirds, generating a consequent requirement to provide mitigation habitat through the South Humber Gateway strategy.</p>	<p>The Applicant notes that NLC do not require contributions towards the South Humber Gateway strategy.</p>

Written Question	North Lincolnshire's Answer	Applicant's Response
	<p>Land west of Rosper Road is more enclosed and does not provide feeding, roosting or loafing habitat for the waterbirds that tend to require larger open spaces.</p> <p>Paragraphs 9.9.7-9.9.13 of the Ecology chapter of the submitted Environmental Statement provide a high degree of evidence that the proposed development will not result in any displacement or disturbance of birds from the Rosper Road fields.</p> <p>Therefore, NLC are of the opinion that there will not be a requirement for contributions towards the South Humber Gateway strategy.</p>	