



Application by Keadby Generation Limited for an Order Granting Development Consent for the Keadby 3 Low Carbon Gas Power Station Project

The Examining Authority's written questions and requests for information (ExQ1)

Issued on 14 December 2021

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex B to the Rule 6 letter of 8 November 2021. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on General and Cross-topic matters is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact keadby3@planninginspectorate.gov.uk and include 'Keadby 3 Low Carbon Gas Power Station Project' in the subject line of your email.

Responses are due by Deadline 2: Tuesday 1 February 2022.

Abbreviations used:

PA2008	The Planning Act 2008	ExA	Examining Authority
AA	Appropriate Assessment	ExQ1	ExA's First Written Questions
AIL	Abnormal Indivisible Load	ha	hectares
ALC	Agricultural Land Classification	HRA	Habitats Regulations Assessment
aOD	above Ordnance Datum	HRSG	Heat Recovery System Generator
Art	Article	HSA	Health Security Agency
BAT	Best Available Technique	IAQM	Institute of Air Quality Management
BAT-AEL	BAT - Associated Emission Levels	IECS	Institute of Estuarine and Coastal Studies
BoR	Book of Reference	INNS	Invasive Non-Native species
CA	Compulsory Acquisition	IPs	Interested Parties
C&RT	Canal and River Trust	LBMEP	Landscaping and Biodiversity Management and Enhancement Plan
CCGT	Combined Cycle Gas Turbine	LPA	Local Planning Authority
CCP	Carbon Capture Plant	LSE	Likely Significant Effect
CCUS	Carbon Capture, Usage & Storage	m	Metre(s)
CO₂	Carbon Dioxide	MCA	Marine and Coastguard Agency
DCO	Development Consent Order	MMO	Marine Management Organisation
dDCO	Draft DCO	MWe	Megawatt
DML	Deemed Marine Licence	NE	Natural England
EA	Environment Agency	NGET	National Grid Electricity Transmission Plc
EM	Explanatory Memorandum	NGG	National Grid Gas Plc
EP	Environmental Permit	NGV	National Grid Ventures
ES	Environmental Statement	NH₃	Ammonia



NLC	North Lincolnshire Council	RR	Relevant Representation
NO₂	Nitrogen Dioxide	SAC	Special Area of Conservation
NO_x	Nitrogen Oxides	SoS	Secretary of State
NPS	National Policy Statement	SPA	Special Protection Area
NR	Network Rail	SSSI	Site of Special Scientific Interest
NSR	Noise Sensitive Receptor	TP	Temporary Possession
OMH	Open Mosaic Habitat	VP	View Point(s)
PM*	Particulate Matter	WFD	Water Framework Directive
R	Requirement	WTN	Waste Technical Note

The Examination Library

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

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010114/EN010114-000406-Keadby%203%20Examination%20Library.pdf>

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg Q1.1.1 – refers to question 1 in this table.



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ExQ1: 14 December 2021

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ExQ1	Question to:	Question:
1. General and Cross-topic Questions		
Q1.1.1	The Applicant	<ul style="list-style-type: none"> The approach taken to the future baseline is set out in the Environmental Statement (ES) Chapter 2: Assessment Methodology [APP-045]. The relevant future baseline conditions are predicted for each assessment scenario, with a control future 'no development' (baseline) scenario. These take into consideration the commissioning and operation of Keadby 2, as well as two scenarios in which structures associated with Keadby 1 Power Station will either continue to be present on-site or will be removed. <p>The ES states that Keadby 1 would not run at the same time as the Proposed Development, "because the capacity of the existing natural gas pipeline" precludes such a scenario (2.6.9). However, decommissioning of Keadby 1 Power Station could lead to cumulative effects should it occur concurrently with the construction or operation of the Proposed Development. Paragraph 2.6.11 states that "given that the future plans for Keadby 1 Power Station are within the Applicant's control, it is not envisaged that there would be a scenario whereby any decommissioning/ demolition of Keadby 1 Power Station would coincide with construction of the Proposed Development" and "the worst-case assessment presented in Chapter 10: Traffic and Transport [APP-053] does not require a consideration of Keadby 1 Power Station demolition".</p> <p>Bearing the above in mind, it is noted that the draft Development Consent Order (dDCO) does not contain reference to Keadby 1, therefore this scenario is not ruled out through any Requirement (R). Please confirm how the Development Consent Order (DCO) will control the development such that construction of Keadby 3 would not coincide with the demolition of Keadby 1, and the joint operation of Keadby 3 and Keadby 1 would not occur.</p>
Q1.1.2	The Applicant	<ul style="list-style-type: none"> The Proposed Development would have a gross electricity generating capacity of up to 910 Megawatts (MWe); the range of carbon-abated electrical export is likely to be in the range of around 750 MWe to 840 MWe (4.3.5). During the occasions when the Combined Cycle Gas Turbine (CCGT) operates in unabated mode (without carbon capture) the power output would increase, ranging from around 840 MWe to over 870 MWe (4.3.6). The ES notes that since power outputs increase with cooler ambient temperatures, the maximum outputs for any chosen configuration can periodically be

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		<p>higher than this, but ultimately the power output is limited by the Grid Connection which is rated at 910 MWe.</p> <p>The ExA notes:</p> <ul style="list-style-type: none"> - the ES at Paragraph 4.1.4, which states the CCGT would not be built without the carbon capture plant (CCP) (4.1.4), <i>"as the Applicant is fully committed to building a generating station which has a clear route to decarbonisation"</i>; and - R33 of the dDCO. <p>However, please specify what measures are proposed to be put in place to ensure that only limited operation of the power station in unabated mode (without carbon capture) will occur and how this can be appropriately monitored and controlled through any DCO should it be made.</p>
Q1.1.3	The Applicant	<ul style="list-style-type: none"> • The ExA notes that Hydrogen firing was a low-carbon option included in the Scoping stage of the project. ES Chapter 6 (6.4.3) provides reasons why this option was discounted. National Grid Ventures (NGV) in its Relevant Representation (RR) [RR-009] note that in April 2021 it was announced that the Applicant was separately proposing to construct a fully hydrogen fuelled power station nearby, as well as planning to convert Keadby 2 to use a mix of hydrogen and natural gas. Can the Applicant comment on this apparent inconsistency? Additionally can the Applicant advise how environmental effects were considered in the discounting of hydrogen firing as an alternative low carbon option?
Q1.1.4	The Applicant	<ul style="list-style-type: none"> • Each aspect chapter of the ES includes a section on 'Mitigation, Monitoring and Enhancement Measures'. ES Appendix 20A provides a Schedule of Commitments [APP-098] setting out the mitigation relied upon in the ES and the mechanism by which it is secured. In many instances the Applicant relies on an Environmental Permit (EP) to mitigate effects, however the Environment Agency (EA) states that no EP application has been received [AS-002]. Bearing this in mind, could the Applicant advise what their timeline is for the submission of the EP application and what stage they have reached in terms of making such an application.
Q1.1.5	The Applicant	<ul style="list-style-type: none"> • The Marine Management Organisation (MMO) note in its RR [RR-006] that no specific mention is made of cumulative or inter-related coastal process effects. While the MMO do not consider that there will be any likely significant impacts, they consider it is important that a reference to an assessment (or scoping out) of these impacts is included within the ES. Can the Applicant respond in detail on how they have

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		considered this as part of the assessment and how it has influenced any conclusions reached.
Q1.1.6	The Applicant	<ul style="list-style-type: none">ES Chapter 12 (Water Environment and Flood Risk) [APP-055]. The ExA notes that details provided for hydrodynamics have not been used to derive an assessment of potential scour and so it is not possible to determine whether (as per Section 12.6.20) scour protection would be required for the cofferdam for works within the River Trent. ES Chapter 5 (Construction Programme and Management) [APP-048] details an extension of either 10 metres (m) (into the canal) or 22m (into the river) but does not provide any estimate of the associated hydrological changes or plausible scour dimensions. The MMO advises that a quantification of the anticipated effect is required to confirm the assessment of significance. Can the Applicant respond in detail how they have taken account of this in its assessment.
Q1.1.7	North Lincolnshire Council (NLC) and The EA	<ul style="list-style-type: none">The ExA notes the Applicant's: Framework Construction Environmental Management Plan (Framework CEMP) [APP-0160]; Framework Construction Traffic Management Plan [APP-0161]; and Framework Construction Workers Travel Plan [APP-0162] and would ask the Local Planning Authority (LPA) and The EA whether they are satisfied with the content of those documents, bearing in mind the current point in the submission process the Proposed Development has reached.
Q1.1.8	The Applicant/ NLC	<ul style="list-style-type: none">The ExA notes the Proposed Development has been sited to connect into the prospective Carbon Dioxide (CO₂) gathering network, which includes an export pipeline that will be designed and operated by other parties. Some of these projects have the potential to conflict with other project (ie The Hornsea Four Off Shore Wind Farm (Generating Station) DCO Application, which has been accepted for Examination and is at the Pre-Examination stage of the process, and indicates the proposed wind turbines being located above the 'Endurance' saline aquifer that is proposed as the CO₂ storage destination from the CO₂ gathering network). Bearing the above in mind, the ExA would ask the Applicant and LPA whether:<ul style="list-style-type: none">i) there is any potential for these projects to prejudice each other and consequently the prospective CO₂ gathering network;ii) How likely these projects are to happen regardless of conflict with others; and

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		iii) R33 (CCP) is adequate in terms of linking the development into the prospective CO ₂ gathering network. (ie would such a R be adequate, reasonable, precise, enforceable, Etc.)
2. Air Quality and Emissions		
Q1.2.1	Natural England (NE) and MMO	<ul style="list-style-type: none">• Although the critical level is predicted to be exceeded as a result of the Proposed Development, the ES Chapter 11 (Biodiversity and Nature Conservation) [APP-054] states that the relevant estuary and mudflats habitats at this location do not support vegetation so the exceedance of the critical level set for NO_x is not relevant because the absence of vegetation means NO_x can be scoped out of the assessment (para 11.6.10). Can NE and the MMO comment on this assumption and confirm whether they agree with it.
Q1.2.2	The Applicant	<ul style="list-style-type: none">• In regard to the use of Amine products the ExA notes:<ul style="list-style-type: none">- that it is an emerging technology, there is currently no finalised Best Available Technique (BAT) guidance or reference document available for CCP, and therefore no BAT-Associated Emission Levels (BAT-AEL) have been defined to date;- the EA published BAT guidance for Post-Combustion CO₂ Capture using Amine-Based Technologies dated July 2021 (which was only in draft form when the ES was drafted) and the fact that this guidance does not propose any BAT-AEL at this stage;- engagement has been undertaken with the EA over the development of BAT for carbon capture operations,- the EA's Air Quality Modelling and Assessment Unit has also been consulted over the application of the Atmospheric Dispersion Modelling System (ADMS) amines chemistry module (paragraph 8.3.2).- the EA has provided a guidance note on the approach to assessment of amine and N-amine emissions (EA, 2020) and this has been applied in the assessment.- the Assessment of Amine Degradation Products (Appendix 8C) is based on the EA approach set out in a technical memo prepared by the Air Quality Modelling and Assessment Unit (2020) and further informed by the approach proposed to the EA by AECOM in a subsequent technical memo (AECOM, 2021) (paragraph 8.3.74).

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ExQ1	Question to:	Question:
		<p>The ExA notes the ES at Paragraph 4.3.29 indicates that the solvent to be used in the CCP to remove the CO₂ from the gas stream is the subject of ongoing technical studies but is assumed to be an aqueous solution of amines. Additionally, the ExA is of the understanding that the choice of amine product is intended to be taken at the procurement stage of the project.</p> <p>Regardless of the above, the Health Security Agency (HSA) (Formerly Public Health England) in its RR (RR-013) noted that further modelling has been undertaken with respects to operational amine emissions. However, they also note that the final licensor still had not been selected and it remains unknown which amine products specifically will be emitted. The HSA advised that "Once more is known, it would be beneficial to potentially re-model in order to get a more realistic impression of what the process contribution to the overall Environmental Assessment Level is likely to be."</p> <ul style="list-style-type: none">• Bearing the above in mind, the ExA would ask what progress has been made in regard to the identification of which specific Amine products are likely to be emitted and seek clarification as to at what stage the choice of amine product would be take place.
Q1.2.3	The Applicant	<ul style="list-style-type: none">• Bearing the above question (Q1.2.2) in mind, the ExA would ask the Applicant to fully respond to the HSA's RR, especially in regard to:<ul style="list-style-type: none">i) its comments on Amine use and their indication that it would be beneficial to re-model in order to get a more realistic impression of the process contribution to the overall Environmental Assessment Level is likely to be;ii) limited details being available regarding the monitoring to be undertaken to assess emissions from the site and the effectiveness of mitigation measures; andiii) due to the number of landfill within the site boundary and adjacent, public health assessments that include human health receptors up to 250 metres (m) from the landfill that includes potential ground gas risks be undertaken and entered into the Examination.
Q1.2.4	The Applicant/ EA	<ul style="list-style-type: none">• The ExA notes the use of Amine products within the proposed Carbon Capture element of the Proposed Development and would ask:

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		<p>i) by what mechanisms are the use of Amine products controlled (ie do they form part of the EP controls; and</p> <p>ii) should the control of Amine products be dealt with through the DCO.</p>
Q1.2.5	The Applicant	<ul style="list-style-type: none"> NE state that an ambient NO_x, NO₂ and NH₃ monitoring report (dated 07 May 2021) was carried out to satisfy the conditions of the Keadby 2 power station. They note <i>“active diffusion tube monitoring was undertaken for a year, however, it does not appear that the results of this work have been incorporated into the air quality assessment. One location at Keadby 1 outfall pumphouse on the Humber Estuary recorded an average of 3.70 g/m³, which is in exceedance of the critical level.”</i> NE recommend that the results of this monitoring report are included within the air quality assessment. Please can the Applicant respond to NE’s comment above and amend the Habitat Regulations Assessment (HRA) report as necessary.
Q1.2.6	The Applicant	<ul style="list-style-type: none"> ES Chapter 8 (Air Quality) [APP-051] Paragraph 8.3.36 indicates that the numbers of additional vehicles associated with the operational phase were below the Design Manual for Roads and Bridges and Institute of Air Quality Management (IAQM) screening criteria. Whilst it is noted that the Planning Inspectorate agreed to scope this matter out, this was provided the traffic levels were below the screening thresholds (Note: no figures were provided in the Scoping Report). <p>Having reviewed the ES, including the chapters on Air Quality [APP-051], Traffic and Transport [APP-053] and the Transport Assessment [APP-074], the ExA has not been able to locate the evidence to support the above claim. As such, please could the Applicant provide the operational traffic flow estimates and demonstrate that they fall below the screening criteria, or point the ExA to where this information is located in the application.</p>
Q1.2.7	NLC, the EA and the Canal and River Trust (C&RT).	<ul style="list-style-type: none"> The ExA would draw the attention of NLC, the EA and the C&RT to ES Chapter 8 (Air Quality) [APP-051] and the criteria for assessment of magnitude, sensitivity, and risk for construction dust, which are summarised in Tables 1 – 6 Appendix 8A: Air Quality – Construction Phase [APP-069]. <p>The criteria identified accord with the IAQM guidance. The ES states that the IAQM guidance on construction dust does not provide criteria for establishing significant effects on receptors, rather a means to determine the level of mitigation required, and</p>

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		<p>that application of appropriate mitigation should ensure that residual effects will normally be 'not significant'. However, the guidance also states that there may be cases where even with other mitigation measures in place there may be a significant effect, and that therefore it is important to consider the specific characteristics of the site and the surrounding area to ensure that the conclusion of no significant effect is robust.</p> <p>In the light of the above, the ExA seeks confirmation from the NLC, the EA and the C&RT that they consider the proposed dust mitigation measures to be sufficient.</p>
Q1.2.8	The Applicant	<ul style="list-style-type: none">• There is an inconsistency between the main Chapter of the ES on Air Quality [APP-051] and Appendix 8A Air Quality – Construction Phase [APP-069] with respect to construction dust impacts on human health receptors, as highlighted by the HSA [RR-013]. Section 8.6.2 of Chapter 8 Air Quality describes unmitigated dust impacts as medium to high risk for human health receptors, whereas Section 3.2.12 of Appendix 8A describes a low risk. <p>Please clarify this discrepancy and update accordingly, including any mitigation measures.</p>
Q1.2.9	The Applicant	<ul style="list-style-type: none">• ES Appendix 8C (Air Quality Assessment of Amine Degradation Products) [APP-071] notes that the amines chemistry module does not allow for any interactions between different amine degradation species as only one amine species can be modelled at a time. Paragraph 4.4.3 also states that this could result in missing N-amine removal pathways and therefore result in "higher predicted results". <p>Please clarify whether "higher predicted results" refers to lower rates of removal and therefore a worse emissions scenario?</p>
Q1.2.10	The Applicant	<ul style="list-style-type: none">• Following on from the question (Q1.2.9) above, please explain what is known about reactions between amine components and does the potential exist for amine species to interact in a way that would lead to a worsening of the impact?
Q1.2.11	EA/ HSA	<ul style="list-style-type: none">• In light of the high level of uncertainty within the Atmospheric Dispersion Modelling System (ADMS) amines chemistry model, can the EA/ HSA confirm that the assumptions made are reasonable and represent a highly conservative set of parameters as portrayed by the Applicant in their Application documents at Appendix 8C Air Quality Assessment of Amine Degradation Products [APP-071].

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Q1.2.12	The Applicant	<ul style="list-style-type: none">The traffic data used in the assessment includes predicted traffic growth accounting for increases in traffic associated with other committed developments and therefore the air quality assessment of road traffic emissions is stated to be inherently cumulative (there is no separate traffic related cumulative assessment of air emissions). However, new developments may not be included in the regional growth assumptions in the modelling and clarification from the Applicant is sought in this regard. The ExA would also ask the Applicant, how does the list of committed developments included in the traffic model compare to the shortlist of projects screened into the ES cumulative impacts assessment?
Q1.2.13	The Applicant	<ul style="list-style-type: none">The HSA's RR [RR-013] suggest that additional detail is required regarding cumulative impacts from emissions of Particulate Matter (PM*), including both PM₁₀ and PM_{2.5}, from Non Road Mobile Machinery and the use of any generators on baseline assessments and the potential impact on Air Quality Management Areas. Please provide the additional information suggested by the HSA or provide reasoning as to why the additional detail they seek should not be provided
Q1.2.14	The Applicant	<ul style="list-style-type: none">ES Appendix 8A (Air Quality - Construction Phase) [APP-069] is vague in regard to what construction dust control measures are proposed, and the list of measures in paragraph 3.2.14 is limited in comparison with the range of measures suggested in the IAQM (2014) guidance (section 8.2) for mitigating medium/high risk. Whilst the Framework CEMP [APP-160] presents the air quality mitigation measures which may be included in the final Construction Environmental Management Plan, clarification is sort from the Applicant as to the construction dust control measures proposed and whether they will include the range of measures suggested in the IAQM (2014) guidance for mitigating medium/ high risk. In responding to this question the ExA would draw the Applicant's attention to the RR of the HSA (formerly Public Health England), especially in regard to any dust monitoring and recording strategy including properties north of the Abnormal Indivisible Load (AIL) route and south of the water connection corridor and taking account of any impacts arising from decommissioning.
Q1.2.15	The Applicant	<ul style="list-style-type: none">The EA in its submission [AS-002] state:<ul style="list-style-type: none">"The commissioning phase for the proposed plant is relatively extensive and expected to have substantial periods where emissions are in excess of the BAT-AELs

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		<p>and/or ELVs associated. For example, the CCGT commissioning is expected to last 6 months – a significant amount of time. In Appendix 8B, Section 1.14, commissioning is essentially dismissed as insignificant. In Section 8.3.40 of Chapter 8, reappraising emissions during start up and shut down when FEED data becomes available is discussed. It is our view that it would be prudent to consider commissioning at this point.” (paragraph 3.2.1); and</p> <ul style="list-style-type: none"> - “Given the uncertainty associated with the amines degradation evaluation, and its inherent, potential seriousness (i.e. as carcinogenic substances), it is our view that a more specific review would be appropriate when the final details emerge (i.e. the solvent being used, the UK BAT position, the final positioning of the stack etc.)” (paragraph 3.2.2). <p>The Applicant’s response to these specific points is sought by the ExA.</p>
Q1.2.16	The EA	<ul style="list-style-type: none"> • The comments of the EA as set out in question (Q1.2.15) above are noted. However, the ExA would ask the EA to express an opinion as to whether more specific reviews should take place and whether the EA are satisfied that they can adequately control emissions, especially those arising from the use of Amine products, within any EP they may grant.
Q1.2.17	The Applicant	<ul style="list-style-type: none"> • NE in the RR [RR-010] state “The DCO should secure use of the abatement measures to reduce the NOx and ammonia emissions from the development.” The ExA would ask the Applicant to respond to this point made by NE and outline how the abatement measures to reduce the NOx and ammonia emissions from the development are proposed to be secured within the DCO.
3. Biodiversity, Ecology and Natural Environment		
Q1.3.1	The Applicant/ EA	<ul style="list-style-type: none"> • The EA’s comments in its Additional Submission [AS-002], including a recommendation related to water voles and recommendation that suitable habitat outside of the Proposed Development site are also surveyed to inform any mitigation strategy. This is so that a fuller understanding of the population in the wider landscape can be gained. The EA consider such surveys will also help to inform potential sites for water voles to be displaced or translocated into. <p>Bearing in mind ideal timings for water vole surveys to be undertaken, can the Applicant advise whether such surveys could be undertaken and reported upon with the</p>

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		<p>findings being submitted for consideration with acceptable remaining time in this Nationally Significant Infrastructure Project Examination period?</p> <p>If the above is not possible, please could the Applicant/ EA indicate how this matter can be acceptably resolved, to the satisfaction of the parties involved. (ie can it be acceptably resolved through the imposition of Rs within the DCO or similar).</p>
Q1.3.2	The Applicant/ The EA/ NE	<ul style="list-style-type: none"><li data-bbox="763 483 2112 762">• The EA have submitted comments as an additional submission [AS-002] with respect to R6(1) and recommend that due to the motility of species and time lapse between any DCO being granted and the start of construction, further survey works should be carried out for all protected species highlighted as being present or potentially present on or surrounding the Proposed Development site. They also state that surveys should be no more than 3 years old at the time when construction begins and should include sites where previous surveys found no evidence (unless the site has been deemed as unsuitable and has not changed in the interim period). <p data-bbox="763 802 2112 978">The ExA notes the Applicant's Landscaping and Biodiversity Management and Enhancement Plan (LBMEP)[APP-039], which includes reference at section 4.2 to protected species and invasive species update surveys. However, the ExA would ask the Applicant to provide a detailed response to the EA's advice on the need for updated surveys before construction begins.</p> <p data-bbox="763 1018 2112 1121">In addition to the above, the ExA would ask the EA and NE whether the LBMEP [APP-039] includes all the protected species and invasive species update surveys they would like to see additional surveys undertaken in regard to.</p>
Q1.3.3	NE	<ul style="list-style-type: none"><li data-bbox="763 1145 2112 1425">• The Consultation Report [APP-030] states that NE are satisfied that a Likely Significant Effect(s) (LSE) from NOx concentrations can be ruled out at all designated sites and/ or will not damage/ destroy interest features for which the Sites of Special Scientific Interest (SSSI) have been designated. However, NE raised concerns about screening out sites with Process contributions that have been rounded down to a whole number and request a number of SSSIs are further assessed to demonstrate that interest features will not be damaged or destroyed, as recent Dutch case law makes it clear that small contributions should not be disregarded entirely [APP-030].

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		<p>In response to this the Applicant states that the critical level for the relevant sites has been applied accordingly and further assessment and discussion on the associated effects has been provided in the HRA Screening Report [APP-041].</p> <p>Bearing the above in mind, can NE comment on the Applicant's response and confirm whether they are satisfied in regard to:</p> <ul style="list-style-type: none">i) the further assessment and discussion on the associated effects has been provided in the HRA Screening Report [APP-041]; andii) Whether the further assessments adequately demonstrate that interest features will not be damaged or destroyed within the SSSIs.
Q1.3.4	The Applicant	<ul style="list-style-type: none">• The ES states that the proposed construction works are broadly comparable to or are of a lesser extent and scale than previous dredging works, which previous Water Framework Directive (WFD) assessments of dredging operations at the same locations concluded would have no likely significant adverse effects on water quality or water biodiversity. Can the Applicant list and provide details of the previous WFD assessments of dredging operations that have been used as part of the evidence to base the conclusion of no LSEs on water quality or water biodiversity.
Q1.3.5	The Applicant	<ul style="list-style-type: none">• The Applicant assumes that the use of the Waterborne Transport Off-loading Area is not likely to result in significant effects. This is because: i) the site is an existing facility operated for this purpose, as part of the existing port infrastructure at Keadby; ii) the load bearing capacity of the wharf and crane pads has recently been upgraded to facilitate the delivery of AIL for the Keadby 2 Power Station construction; and iii) a record of determination provided has recorded no LSEs on the Humber Estuary SSSI, Special Area of Conservation (SAC) and Ramsar site. <p>Can the Applicant provide details of evidence of an assessment of effects from the construction of Keadby 2 Power Station based on the numbers of construction related vessels over time and of increases in related traffic and other activities with respect to the Humber Estuary sites?</p>
Q1.3.6	The Applicant	<ul style="list-style-type: none">• Habitat for water vole will be provided within unoccupied drains associated with the main site as set out in the LBMEP. Options to secure further enhancement for water vole and other aquatic biodiversity will be considered when undertaking the detailed design of the surface water run-off attenuation basin. The detailed design of the attenuation basin will be secured by a R of the draft DCO (para 11.6.69).

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ExQ1	Question to:	Question:
		Can the Applicant clarify how the proposed biodiversity enhancement measures for water voles will be secured through the DCO?
Q1.3.7	The Applicant	<ul style="list-style-type: none"> The EA recommends [AS-002] that surveys for suitable habitat outside of the Proposed Development site for water vole should inform any mitigation strategy. <p>Can the Applicant respond to the EA’s recommendation and clarify how they intend to secure this additional survey work through the DCO process.</p>
Q1.3.8	The Applicant	<ul style="list-style-type: none"> NE [RR-010] welcomes the commitment to Biodiversity Net Gain (BNG) and the use of Biodiversity Metric 2.0 but has advised that Biodiversity Metric 2.0 has been updated with Biodiversity Metric 3.0, which will be the metric that all developments will legally need to use under the Environment Act 2021. The ExA would ask the Applicant to respond to this comment from NE and confirm whether they intend to update their assessments in the light of Biodiversity Metric 3.0.
Q1.3.9	The Applicant	<ul style="list-style-type: none"> NE notes that the proposed development site encompasses an area of approximately 69.4 hectares (ha), however, only 17.9 ha has been assessed using the Biodiversity Metric 2.0 to establish the habitat baseline. The ExA requests the Applicant to comment on this aspect of NE’s observation.
Q1.3.10	NLC	<ul style="list-style-type: none"> NE in its RR [RR-010] note that the general approach to habitat compensation is like for like, but that this has not been possible in relation to some circumstances related to the Proposed Development, most notably in respect of 0.25 ha of Urban - Open Mosaic Habitat (OMH) on Previously Developed Land. NE advise that OMH is a UK BAP Priority Habitat and as such the Biodiversity Metric 2.0 indicates that the same habitat is required to address the loss of this habitat. The Applicant’s LBMEP [APP-039] proposes that the shortfall in OMH will be addressed through the enhancement of improved grassland to native flower-rich grassland habitat. The ExA would ask the LPA to comment on this matter and would ask them to confirm if they are satisfied that this proposed enhancement is appropriate.
Q1.3.11	The Applicant	<ul style="list-style-type: none"> NE in Its RR [RR-010] advises the incorporation of the CIRIA/CIEEM/IEMA BNG good practice principles for development in any future iteration of this, and any future development projects. They also advise: <ul style="list-style-type: none"> i) CIEEM have also published BNG Report and Audit Templates which provides a framework for writing reports for projects that are aiming to achieve BNG; and

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ExQ1	Question to:	Question:
		<p>ii) British Standard BS 8683 'A process for designing and implementing biodiversity net gain' also provides further useful guidance for developers and is intended to be applicable for large or small development projects.</p> <p>The ExA would ask the Applicant to confirm what good practice principles and guidance they are following in this regard or to direct it to where within the submitted Application documentation that information can be located.</p>
Q1.3.12	The Applicant	<ul style="list-style-type: none"> NE state in its RR [RR-010] that they are not satisfied that the Proposed Development is unlikely to damage features of interest of the Humber Estuary SSSI and provides advice on what further information should be provided by the Applicant to determine the effects of the Proposed Development and set out mitigation proposals. Can the Applicant respond in detail to this advice from NE with respect to the Humber Estuary SSSI?
Q1.3.13	The Applicant	<ul style="list-style-type: none"> NE's RR [RR-010] refers to the Applicant's ES Chapter 11 (Biodiversity and Nature Conservation [APP-054], Paragraph 5.2.2). NE highlights restrictions and provides information where further guidance can be found. The ExA would ask the Applicant whether such measures are required in their opinion and, if so, how appropriate measures, as recommended by NE, could be secured in the dDCO.
Q1.3.14	The Applicant	<ul style="list-style-type: none"> The MMO in its RR note [RR-006] that the underwater noise assessment undertaken in Appendix 11H focuses on the relevant species associated with the River Trent, rather than the Stainforth and Keadby Canal. If works are undertaken in the Canal, then the MMO consider it important to ensure that all aspects of the proposed works are appropriately assessed, and that there are no detrimental impacts on European eel. Please can the Applicant respond in detail to this aspect of the MMO's RR.
Q1.3.15	The Applicant	<ul style="list-style-type: none"> The MMO in its RR [RR-006] consider that there is a risk of impact on local fish receptors, particularly disturbance or displacement from the proposed piling works. The assessment identifies that the River Trent at the site location is approximately 150m wide, therefore, there is the potential for effects across the full width of the river, including potential barrier effects to fish movement. Please can the Applicant respond in detail to this aspect of the MMO's RR.
Q1.3.16	The MMO	<ul style="list-style-type: none"> Paragraph 3.3 of the MMO's RR [RR-006] advises the submitted comments "...do not currently include advice provided by the Centre for Environment Fisheries and Aquaculture Science scientific advisors from (Sic) fisheries and benthic specialists." The

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ExQ1	Question to:	Question:
		RR advises that once this advice is received the MMO will provide comments to the Applicant and ExA on any additional areas of concern. The ExA would ask the MMO to confirm whether or not they have received such advice from the Centre for Environment Fisheries and Aquaculture Science and, if such advice has been received, to enter that advice into the Examination.
Q1.3.17	The Applicant	<ul style="list-style-type: none"> NE in the RR [RR-010] state "The DCO should secure avoidance of the wintering bird period for the cofferdam installation and associated piling works, to prevent noise and visual disturbance to the designated features of the Humber Estuary SPA. The ExA would ask the Applicant to respond to this point made by NE and outline how they intend to secure avoidance of the wintering bird period for the cofferdam installation and associated piling works within the DCO.
4. Habitat Regulations Assessment		
Q1.4.1	NE	<ul style="list-style-type: none"> Section 2.1: Can NE confirm that they are satisfied with the European Sites scoped into the assessment and that their qualifying features have been fully identified in the report?
Q1.4.2	The Applicant	<ul style="list-style-type: none"> Section 2.2: The HRA does reference the preliminary ecological assessment report (Appendix 11C) and other field surveys that have informed the baseline for the assessment, but the surveys that have been used could be more explicitly referenced. Can the Applicant clarify and list all the field surveys and any other data that has been used to assess effects on European sites?
Q1.4.3	The Applicant	<ul style="list-style-type: none"> Section 5.1: LSEs are not anticipated for the Humber Estuary SAC and Ramsar site (paragraphs 5.2.7 - 5.2.8). However, the HRA states that measures are proposed which limit the noise and vibration disturbance resulting from the installation of the cofferdam in the River Trent (paragraphs 5.2.17 - 5.2.31), including limits of working hours, soft-start procedures, and limits of the time of year that cofferdam installation can take place. Please can the Applicant clarify why these measures do not constitute mitigation and why this impact pathway has not been considered as part of the shadow Appropriate Assessment (AA)?
Q1.4.4	The Applicant	<ul style="list-style-type: none"> Section 5.2.26 of the HRA report states that lamprey are 'low hearing sensitivity fish' and unlikely to be significantly affected by noise and vibration disturbance. NE consider that noise and vibration could impact the lamprey migration and support the suggested use of soft-start measures to give lamprey the opportunity to move through before

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ExQ1	Question to:	Question:
		<p>piling begins but advise this measure would constitute mitigation and should also be taken to AA. NE also advise that the use of soft-start procedure should be secured in the DCO. Can the Applicant respond in detail to NE's advice and provide an updated HRA report in response to this.</p>
Q1.4.5	The Applicant	<ul style="list-style-type: none"> Section 5.2.21 of the HRA report advises that the cofferdam installation and associated piling works is anticipated to avoid the winter period and as this would constitute mitigation this should be considered in the AA stage of the HRA. Please provide an updated HRA report to take account of this and advise how this could be secured in the DCO.
Q1.4.6	The Applicant	<ul style="list-style-type: none"> Section 5.2.35 of the HRA states it is assumed that MMO regulatory regimes will be applied to prevent risk to trapped lamprey during dewatering of cofferdams, to ensure compliance with a Deemed Marine Licence (DML) but that this has not yet been secured. The HRA report should be certain that these measures would be undertaken and be effective for lamprey specifically. Please can the Applicant provide an updated HRA that considers these matters at the AA stage and confirm how these measures will be secured within the DML as part of the DCO.
Q1.4.7	The Applicant, the MMO, NE and any Interested Parties (IPs)	<ul style="list-style-type: none"> Bearing Q1.4.6 above in mind, the conditions set out in the DML within the draft DCO [APP-005] do not appear to make reference to this mitigation measure with respect to potential lamprey entrapment arising from the cofferdam installation and dewatering. Can the Applicant, the MMO, NE and any IPs provide an update on whether the proposed conditions in the DML will adequately address the potential adverse effect as mitigation and if not, how these would be agreed.
Q1.4.8	The Applicant	<ul style="list-style-type: none"> Can the Applicant clarify why the biosecurity measures for Invasive Non-Native species (INNS) in the Construction Environmental Management Plan [APP-160] are not considered as mitigation and the potential effects of INNS have not been taken forward to AA?
Q1.4.9	The Applicant	<ul style="list-style-type: none"> Can the Applicant clarify what construction measures that would act as mitigation for potential adverse effects on the water environment have been assessed and why these effects have not been taken forward to AA?
Q1.4.10	The Applicant	<ul style="list-style-type: none"> Section 6.3: Can the Applicant clarify how the Selective Catalytic Reduction and flue gas washing measures that are required to support a conclusion of no adverse effect on

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ExQ1	Question to:	Question:
		integrity are secured in the dDCO and how these mitigation measures will be monitored and maintained through the operational life of the Proposed Development.
Q1.4.11	The Applicant	<ul style="list-style-type: none">Section 11.1: Please confirm whether reedbed habitat (which NE identifies as saltmarsh and a feature of the Humber Estuary SAC) on the banks of the River Trent is present within the Order limits, or in close proximity to the Order limits, and how this has been addressed within the HRA.
Q1.4.12	The Applicant	<ul style="list-style-type: none">Following on from Q1.4.11 above, drawing on NE's advice, please submit proposed wording for a R to address re-establishment of baseline conditions within 5 years of development following the 'de-minimis' loss of habitat due to cofferdam installation at the Humber Estuary SAC and Ramsar site.
Q1.4.13	The Applicant	<ul style="list-style-type: none">Based on Section 5.3.14 of the HRA report, it appears that NOx and ammonia would exceed 1% of the environmental thresholds for these pollutants prior to any mitigation. Please explain how this has been assessed in the HRA and provide details on Nitrogen and acid deposition as necessary. Additionally, please clarify which European sites would experience impacts due to the emission of the pollutants exceeding the relevant environmental thresholds.
Q1.4.14	The Applicant	<ul style="list-style-type: none">Section 5.2.66 of the HRA report considers the impact of the development on designated bird foraging resource. As the HRA report states there is potential for birds to forage within the vicinity of the development site NE advise that further evidence, such as consideration of available habitat and use of available bird data, is required to determine whether there is likely to be an adverse effect on the features of the Humber Estuary SPA. Can the Applicant revise the HRA report as necessary or provide a detailed response explaining why they consider they do not need to?
Q1.4.15	The Applicant	<ul style="list-style-type: none">Section 5.3.23 of the HRA advises that during operation cooling water will be discharged at a rate compliant with the EP to be issued by the EA. However, NE advise that if this permit has not yet been issued then this statement does not meet HRA requirements. In the absence of an EP, can the Applicant explain how the discharge rates can be relied on to conclude no LSE?
Q1.4.16	The Applicant	<ul style="list-style-type: none">NE states in its RR [RR-010] that if the canal water abstraction option is chosen, further information should be provided to ensure no adverse effect to migrating lamprey in the

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ExQ1	Question to:	Question:
		<p>form of surveys to demonstrate that lamprey do not use the canal, but that they would also accept the incorporation of precautionary mitigation in the form of eel screening. The C&RT [AS-001] also notes paragraph 11.5.26 of ES Chapter 11 [APP-054] has identified that installation of an eel screen is a potential requirement and has requested that details of the eel screening are made a condition of the DCO.</p> <p>Bearing these matters in mind, can the Applicant clarify its proposed mitigation measures for the canal water abstraction option in response to NE's and the C&RT's comments, and explain in detail how this mitigation would be consulted on, approved and secured through the DCO.</p>
Q1.4.17	NE	<ul style="list-style-type: none"> NE in its RR [RR-010] state that they are not satisfied that the Proposed Development would not have an adverse effect on the integrity of the Humber Estuary SAC and the Humber Estuary SPA and Ramsar beyond reasonable scientific doubt, nor that the criteria for derogating from the Habitats Regulations are fulfilled. NE advises that, if approved, the Proposed Development must be subject to all necessary and appropriate Rs which ensure that unacceptable environmental impacts are mitigated. <p>Bearing the above in mind, can NE clarify in more detail why they are not satisfied that:</p> <ul style="list-style-type: none"> i) the Proposed Development would not have an adverse effect on the integrity of the Humber Estuary SAC and the Humber Estuary SPA and Ramsar, beyond reasonable scientific doubt; and ii) the criteria for derogating from the Habitats Regulations are fulfilled. <p>The ExA would also ask NE to advise how they consider these uncertainties can be addressed through evidence for the HRA.</p>
Q1.4.18	The Applicant	<ul style="list-style-type: none"> NE [RR-010] considers that the results of the detailed modelling presented in ES Appendix 8B are the results with the abatement measures included. However there doesn't appear to be a version of the assessment without the abatement as evidence for the required mitigation and NE advise that results without the abatement measures should also be provided to demonstrate the requirement for the mitigation and results on the nitrogen and acid deposition output from the development should also be provided.

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ExQ1	Question to:	Question:
		<p>Can the Applicant respond in detail to NE's advice on information required for the abatement measures and incorporation of monitoring information into the modelling. Additionally, can the Applicant respond to this advice from NE and confirm whether they will provide an assessment without the abatement measures, as requested, or, if not, why not.</p>
Q1.4.19	The Applicant	<ul style="list-style-type: none">• NE note in its RR [RR-010] that the ongoing monitoring for the Keadby 2 power station has not been incorporated into the modelling presented in ES Appendix 8B [APP-070]. This should be included to demonstrate the potential in combination impacts of the two developments. Please clarify how ongoing monitoring for the Keadby 2 power station has been incorporated into the modelling or, if not, explain why not.
Q1.4.20	The Applicant	<ul style="list-style-type: none">• The HRA report should clearly set out the mitigation measures that are required to determine no adverse effects, and state how these are to be secured by the DCO. Please update the HRA report to clearly state the reasons that an AA is required and to set out the mitigation measures to be used.
Q1.4.21	The Applicant	<ul style="list-style-type: none">• Paragraphs 5.2.14 to 5.2.21 of the HRA report include an assessment of the potential for noise and visual disturbance impacts to designated bird species associated with the Humber Estuary SPA/ Ramsar. NE advises the use of 50dB as a precautionary level at the LSE stage of the assessment in its RR [RR-010]. The noise modelling assessment uses noise disturbance thresholds as described in the TIDE/ Institute of Estuarine and Coastal Studies (IECS) toolkit although NE state that they do not endorse the evidence provided in the IECS toolkit. From its knowledge of IECS it is unclear to NE how it is possible to come up with very specific noise and distance 'triggers' for individual species of birds in this toolkit and notes that the Humber Estuary is a SPA and therefore no construction works have been carried out that would cause significant disturbance to SPA birds so that any evidence taken from this site would be limited. Furthermore, monitoring work associated with construction disturbance undertaken on this site has either been carried out outside the sensitive season, when there are low numbers of birds present or when the competent authority has already determined that the proposed works will not adversely affect the integrity of the Humber Estuary designated site. NE considers that a more suitable approach would be to determine

ExQ1	Question to:	Question:
		<p>whether the predicted noise levels will be significantly greater than the background noise levels.</p> <p>Section 5.2.23 of the HRA report also advises that the baseline noise and visual disturbance at the development site would be likely to have resulted in habituation by the birds. NE advise it would not meet the Rs of the HRA to rely on this assumption and a better approach would be to determine whether predicted noise levels will be greater than this baseline.</p> <p>Can the Applicant respond in detail to NE’s advice and advise whether they think the assessment of noise and visual disturbance impacts and conclusions based on this should be revised.</p>
<p>5. Climate Change</p>		
<p>Q1.5.1</p>	<p>The Applicant</p>	<p><u>Operation without CCS</u></p> <ul style="list-style-type: none"> The ES at Paragraph 4.1.4 states that the CCGT would not build without the CCP (4.1.4), <i>“as the Applicant is fully committed to building a generating station which has a clear route to decarbonisation”</i>. R33 of the dDCO [APP-005] seeks to secure this. However, it is noted that the dDCO does not include any minimum carbon capture performance. <p>Paragraph 4.3.25 of the ES indicates that there are expected to be “infrequent” occurrences when the plant would operate without the CCP, whilst paragraph 4.4.6 gives the example of CCP outages whereby it would be necessary for the CCGT to operate unabated. To account for such occurrences, the CCGT configuration is designed to allow it to run independently of the CCP with emissions exiting via the heat recovery system generator (HRSG) stack rather than via the CCP absorber stack (6.5.2).</p> <p>ES Paragraph 4.4.7 states that the HRSG stack would be sized appropriately to ensure that it could only be used infrequently, whilst Table 4.1, which sets out the ‘maximum design parameters, specifies the HRSG Stack would, at a maximum, measure up to 8 metres in diameter with a height above Ordnance Datum (aOD) of some 87.6 metres.</p> <p>Bearing the above in mind, the ExA would ask the Applicant how they would ensure the HRSG stack would be used infrequently and additionally how this could be controlled by the DCO. Furthermore, for comparison purposes, please specify what size the HRSG Stack would be if no CCP were proposed and emissions were permanently exiting via the HRSG stack.</p>

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ExQ1	Question to:	Question:
Q1.5.2	The Applicant	<ul style="list-style-type: none">In its RR Client Earth [RR-001] expressed concern with regard to the proposed dDCO concerning the above mentioned issue. Client Earth does not consider that the dDCO adequately ensures that the level of emissions indicated in the ES (90%) will be captured and permanently stored or that the carbon capture, transport and storage infrastructure will be used throughout commercial operation of the Proposed Development. Client Earth suggest that the proposed scope of paragraph 33 of the Rs Schedule to the dDCO should "be expanded to include clear Rs that [ensures]: (i) at least 90% of the total carbon emissions generated by the plant must be captured at all times during its commercial operation, and (ii) captured emissions will be stored permanently in the proposed offshore geological storage site." Please explain what measures are being proposed to ensure (i) and (ii) above are being secured within the dDCO. Should (i) and/ or (ii) above not be secured within the dDCO, please provide a full explanation as to why not?
Q1.5.3	The Applicant	<ul style="list-style-type: none">ES Chapter 17 (Climate Change and Sustainability) [APP-060] indicates that on commissioning, the Proposed Development will initially operate in baseload mode to minimise changes to injection rates into the CO₂ collection system of the Humber Low Carbon pipeline network. It also sets out that four operating modes form the basis of the assessment. Additionally, an unabated (i.e. without carbon capture) scenario is also provided (17.6.15). Table 17.30 presents the Proposed Development greenhouse gas emissions compared to the UK Carbon Budget, but it is unclear which of the operating modes/ scenarios has been compared to the UK Carbon Budget to inform this Table. Please confirm what scenario this final part of the assessment is applying (i.e. the reference scenario?). Please explain how periods of unabated operation are accounted for in the operational scenarios.
Q1.5.4	The Applicant/ NLC	<ul style="list-style-type: none">Cumulative and combined effects are set out in ES Chapter 19 [APP-062]. Table 19.3 states that NLC was consulted on the short list of developments, however, no evidence of this has been provided demonstrating its agreement. Please could the Applicant

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ExQ1	Question to:	Question:
		confirm that the short list of developments were agreed with NLC or could the relevant parties confirm that they agreed the short list of developments.
6. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
Q1.6.1	The Applicant	<ul style="list-style-type: none"> Please advise whether the Book of Reference (BoR) [APP-007] is fully compliant with DCLG Guidance¹.
Q1.6.2	The Applicant	<ul style="list-style-type: none"> The ExA requests the Applicant provides a spreadsheet version of the BoR [APP-007], which details the owners/ parties identified by the BoR, in alphabetical order, and then against each owner/ party list the related plot numbers, when negotiations commenced, dates of correspondence and meetings and progress made in regard to negotiations in regard to those owners and plots Etc.
Q1.6.3	Affected Persons/ IPs	<ul style="list-style-type: none"> Are any Affected Persons or IPs aware of any inaccuracies in the BoR [APP-007], Statement of Reasons [APP-008] or Land Plans [APP-011]?
Q1.6.4	The Applicant	<ul style="list-style-type: none"> Please could the Applicant confirm that all persons having an interest in land, including any rights over unregistered land have been identified and where this has not been possible: <ul style="list-style-type: none"> i) provide a summary of where it has not yet been able to identify any persons having an interest in land, including any rights over unregistered land; and ii) confirm what further steps the Applicant will be taking to identify any unknown right(s) during the Examination?
Q1.6.5	The Applicant/ Statutory Undertakers	<ul style="list-style-type: none"> The BoR [APP-007] includes a number of Statutory Undertakers with interests in land. The ExA would ask the Applicant to: <ul style="list-style-type: none"> i) Provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement with them; ii) State whether there are any envisaged impediments to the securing of such agreements; and

¹ Planning Act 2008, Guidance related to procedures for the compulsory acquisition of land, DCLG, September 2013

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ExQ1	Question to:	Question:
		iii) State whether any additional Statutory Undertakers have been identified since the submission of the BoR and whether the latest version of the BoR includes any recently identified Statutory Undertakers.
Q1.6.6	The Applicant	<ul style="list-style-type: none">• Following on from the question above (Q1.6.5), please will the Applicant ensure that the BoR [APP-007], Statement of Reasons [APP-008] and Land Plans [APP-011] are:<ul style="list-style-type: none">i) kept fully up to date with any changes and the latest versions submitted at each Deadline, starting from Deadline 2 (with a final version of these documents submitted at Deadline 6), shown in the Examination timetable together with an explanation of the reasons for each change;ii) supplied in two versions at each Deadline, starting a Deadline 2 (with a final version of these documents submitted at Deadline 6), the first being the up-to-date clean copy and the second showing tracked changes from the previous version; andiii) supplied with unique revision numbers that are updated consecutively from the application versions, clearly indicated within the body of each document and included within the electronic filename; andthe dDCO, is updated accordingly, including Schedules 6 and 8?
Q1.6.7	The Applicant	<ul style="list-style-type: none">• Please complete the table at Annex A of this ExQ1 document.
Q1.6.8	Affected Persons and IPs	<ul style="list-style-type: none">• Are any 'Affected Persons' and/ or 'IPs' aware of:<ul style="list-style-type: none">i) any reasonable alternatives to any CA or TP sought by the Applicant; orii) any areas of land or rights that the Applicant is seeking the powers to acquire that they consider are not needed?
Q1.6.9	The Applicant	<ul style="list-style-type: none">• At each of the relevant Deadlines, starting at Deadline 2 and finishing at Deadline 6, as shown in the Examination timetable, please will the Applicant provide a schedule of progress on discussions regarding CA and TP, voluntary agreements, objections and any progress in respect of blight that:<ul style="list-style-type: none">i) identifies the Affected Person, their interests in each plot, the powers sought by Applicant; the purpose(s) for which they are sought; and the anticipated duration of any TP;ii) summarises any objections by the Affected Person to the powers being sought by the Applicant, and the Applicant's responses;

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ExQ1	Question to:	Question:
		<p>iii) identifies whether voluntary agreement has been reached;</p> <p>iv) sets out the progress made since the last update, any outstanding matters, the next steps to be taken and the progress anticipated by the close of the Examination.</p> <p>Please note that the above information will be published on our website, so commercial and/ or confidential details need not be given.</p>
Q1.6.10	Statutory Undertakers	<ul style="list-style-type: none">• Protective Provisions - A number of Statutory Undertakers, including Network Rail (NR); National Grid Electricity Transmission PLC (NGET); National Grid Gas PLC (NGG), Etc., have either noted:<ul style="list-style-type: none">i) that Protective Provisions in their favour have not been included within the dDCO;ii) that their standard Protective Provision wording has not been used; oriii) that site specific circumstances in regard to Protective Provisions have not been taken into account. <p>The ExA would ask all Statutory Undertakers to:</p> <ul style="list-style-type: none">a) provide copies of their preferred wording or, if they have previously provided wording to the Applicant, explain why the wording in the current version of the dDCO should not be used;b) where relevant, advise what site specific circumstances, in regard to Protective Provisions, have not been taken into account; andc) provide confirmation that the parties are willing to enter into a side agreement, or has commenced preparation of such a side agreement, or already entered into such a side agreement to the satisfaction of the relevant parties. <p>Please note that the above information will be published on our website, so commercial and/ or confidential details need not be given.</p>
Q1.6.11	The Applicant	<ul style="list-style-type: none">• In consideration of the Statutory Undertakers comments, including those from NR and Northern Powergrid, as set out in the question above (Q1.6.10), regarding their Protective Provisions not being used in the dDCO or that their Protective Provision wording has not been used, the ExA would ask the applicant to comment on these RRs, including:

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ExQ1	Question to:	Question:
		<ul style="list-style-type: none">i) why they have not included any Protective Provisions for NR;ii) whether they are in discussion with Northern Powergrid as to the site specific circumstances in regard to Protective Provisions and what progress has been made in resolving the concerns raised by them;iii) whether they were aware of the Statutory Undertaker's preferred wording; andiv) why the Statutory Undertakers preferred wording was not used.
Q1.6.12	NGET/ NGG	<ul style="list-style-type: none">• NGET and NGG in their RR [RR-008] indicate that their primary concern is to meet their statutory obligations and ensure that any development does not impact in any adverse way upon these statutory obligations. The ExA would ask NGET and NGG to inform it of whether:<ul style="list-style-type: none">i) they have undertaken any assessment of the Proposed Development's impact on their statutory obligation(s) or are currently doing such an assessment(s); andii) they have identified any such concerns and, if so, what those concerns are.
Q1.6.13	The Applicant/ NGET / NGG	<ul style="list-style-type: none">• Pursuant to the above question (Q1.6.12), the ExA would ask the Applicant, NGET and NGG whether any discussions about the NGET and/ or NGG's concerns, especially those related to them being able to meet their statutory obligations have occurred and, if so, what progress has been made by these parties with regard to addressing those concerns.
Q1.6.14	The Applicant/ NGV	<ul style="list-style-type: none">• The ExA notes the RR of NGV [RR-009] and its comment that Work No. 7 in the dDCO [APP-005] represents the point at which the Proposed Development will deliver pressurised CO₂ to the NGV Network, although the interface between NGV and the Applicant has yet to be agreed. The ExA would ask the Applicant and NGV:<ul style="list-style-type: none">i) What progress has been made in regard to the interface between the Proposed Development and the prospective CO₂ gathering network;ii) How R5(7) should be drafted to ensure NGV are appropriately consulted in regard to the details to be submitted pursuant to R5(7) of the dDCO;iii) Provide any Protective Provisions agreed between the parties; or that the parties are willing to enter into any such agreement; and

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		<p>iv) Provide confirmation that any side agreement between the parties has been entered into/ completed to the satisfaction of the parties or that the parties are willing to enter into any such agreement.</p> <p>Please note that the above information will be published on our website, so commercial and/ or confidential details need not be given.</p>
Q1.6.15	The Applicant	<ul style="list-style-type: none">• Where a representation is made by a statutory undertaker under section 127 of the Planning Act 2008 (PA2008) and has not been withdrawn, the Secretary of State (SoS) would be unable to authorise powers relating to the statutory undertaker land unless satisfied of specified matters set out in section 127. If the representation is not withdrawn by the end of the examination confirmation would be needed that the "expedience" test is met. <p>The SoS would also be unable to authorise removal or repositioning of apparatus unless satisfied that the extinguishment or removal would be necessary for the purpose of carrying out the development to which the Order relates in accordance with section 138 of the PA2008. Justification would be needed to show that extinguishment or removal would be necessary.</p> <p>Please indicate when, if the objections from Statutory Undertakers are not withdrawn, this information would be submitted into the Examination.</p>
Q1.6.16	The Applicant	<ul style="list-style-type: none">• The Applicant is reminded that the Department for Communities and Local Government (as it then was) Guidance related to procedures for CA (September 2013) states: "Applicants should be able to demonstrate that adequate funding is likely to be available to enable CA within the statutory period following the Order being made, and that the resource implications of a possible acquisition resulting from blight notice has been taken account of". <p>The ExA notes Section 5 of the Funding Statement [APP-009] and that it does not identify any cost estimates that indicate how much funding would be required for CA. However, the ExA would seek from the Applicant:</p>

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		<p>i) a specific breakdown of the anticipated CA costs of the specific plots, or the provision of a detailed explanation as to why such information should not be submitted into the Examination; and</p> <p>ii) an estimate of the total CA cost and would ask the Applicant to clarify how the CA figure was arrived at, and how these costs would be met.</p> <p>Please note that the above information will be published on our website, so commercial and/ or confidential details need not be given.</p> <p>In addition to the above, the ExA notes the Funding Statement [APP-009] states "The Applicant therefore has full confidence that all funding resources necessary to deliver the Proposed Development will be available when required to enable timely delivery." However, the ExA would ask the Applicant to advise at what point would they know the funding has been secured for this specific DCO development.</p>
Q1.6.17	The Applicant	<ul style="list-style-type: none">• Consent is required for any other provision in the DCO which relates to Crown land or rights benefiting the Crown in accordance with s135(2) PA2008. Among other things this includes consent for any TP sought over Crown land. The ExA would ask the Applicant to indicate whether consent for any provisions affecting Crown land or rights has been or is forthcoming.
Q1.6.18	The Applicant	<ul style="list-style-type: none">• NR in its RR [RR-011] currently object to the powers contained in Article (Art) 20 (Statutory authority to override easements and other rights), Art 22 (CA of rights etc.), Art 23 (Private rights), Art 28 (Temporary use of land for carrying out the authorised development, Art 29 (Temporary use of land for maintaining the authorised development) and Art 33 (Statutory authority to override easements and other rights) of the dDCO. <p>NR also advise that any temporary use of or entry upon NR's operational railway can only be granted with NR's consent as any such use of the railway must be in accordance with the statutory requirements imposed on NR as operator of the railway network and all requirements necessary to ensure the safe operation of the railway. Any acquisition of permanent rights could only be granted with NR's consent and would require an easement agreed with NR.</p>

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ExQ1	Question to:	Question:
		<p>NR set out criteria in its RR, which if met they anticipated they would be in a position to withdraw its objections.</p> <p>The ExA would ask the Applicant to respond in detail to the NR RR and advise what progress they are making to resolving NR's concerns with a view to them removing this objection.</p>
Q1.6.19	The Applicant	<ul style="list-style-type: none">Northern Powergrid in its RR [RR-012] currently raise concerns regarding the impacts of the proposed scheme on its existing assets and the pending improvement works they indicate that they intend to undertake. They also raise concerns in regard to CA/ TP elements of the dDCO, where the Applicant is seeking to acquire land and interests in order to connect to Northern Powergrid's substation. Northern Powergrid point out that where an agreement between the parties could be reached, it would not be necessary to acquire these interests and they consider that this would be a more appropriate route in this regard. The ExA would ask the Applicant to respond in detail to the Northern Powergrid's RR and advise what progress has been made in regard to resolving the concerns they have raised.
Q1.6.20	The Applicant	<ul style="list-style-type: none">In addition to the concerns of NR and Northern Powergrid highlighted in the above questions (Q1.6.18 and Q1.6.19), the C&RT and the EA have also either raise concerns or objected to the CA/ TP element of the Proposed Development. Much of their concerns and objections raised in this regard appear to centre around the fact that CP is intended as a last resort to secure the assembly of all the lands needed for the implementation of the projects and should only be made where there is a compelling case in the public interest. Bearing this in mind, please:<ul style="list-style-type: none">i) Respond in detail to the 'Additional Submissions' made by the C&RT [AS-001] and The EA [AS-002]; andii) demonstrate what reasonable steps you have undertaken to acquire all of the land and rights included in the Order, both prior to and after the submission of this DCO Application.
Q1.6.21	The Applicant	<ul style="list-style-type: none">Part 2 of the BoR is noted and the notation that no areas within the Order land come within any of the categories below:<ul style="list-style-type: none">i) Claimant under section 10 of the Compulsory Purchase Act 1965;ii) Claimant under Part 1 of the Land Compensation Act 1973; and/ oriii) Claimant under section 152(3) of the Planning Act 2008.

ExQ1	Question to:	Question:
		<p>However, the ExA would ask the Applicant whether there are any other persons who might be entitled to make a relevant claim if the DCO were to be made and fully implemented and should therefore be added as Category 3 parties to the BoR [APP-007]? This could include, but not be limited to, those that have provided representations on, or have interests in:</p> <ul style="list-style-type: none"> • noise, vibration, smell, fumes, smoke or artificial lighting; • the effect of the construction or operation of the Proposed Development on property values or rental incomes; • concerns about subsidence/ settlement; • claims that someone will need to be temporarily or permanently relocated; • impacts on a business; • loss of rights, e.g. to a parking space or access to a private property; • concerns about project financing; • claims that there are viable alternatives; and/ or • blight?
Q1.6.22	The Applicant	<ul style="list-style-type: none"> • Are any land or rights acquisitions required in addition to those sought through the dDCO before the Proposed Development can become operational?
Q1.6.23	The Applicant, Affected Persons and IPs	<ul style="list-style-type: none"> • Do you consider all potential impediments to the development have been properly identified and addressed? <p>Additionally, are there concerns that any matters, either within or outside the scope of the dDCO, that would prevent the development becoming operational may not be satisfactorily resolved? This includes matters related to acquisitions, consents, resources or other agreements?</p>
7. Cultural Heritage and the Historic Environment		
Q1.7.1	N/A	<ul style="list-style-type: none"> • No specific questions at present, which aren't already covered by other questions within this document.
8. Landscape and Visual		
Q1.8.1	NLC	<ul style="list-style-type: none"> • The ExA notes the Applicant's ES Chapter 14 (Landscape and Character Assessment) [APP-057] and the fact that the landscape of the area is generally flat, low-lying and

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ExQ1	Question to:	Question:
		<p>predominately agricultural in character. The ExA also notes the Applicant’s ES Chapter 13 (Geology, Hydrogeology and Land Contamination) [APP-056], which states according to the Landmark Information Group GIS data, NE reports the Agricultural Land Classification (ALC) to be</p> <ul style="list-style-type: none"> i) Grade 2 for the majority of the Proposed Development Site; and ii) Grade 1 within and around the proposed access road from the A18 and the potential temporary laydown areas in adjacent agricultural fields. <p>As such the land would fall within the definition of best and most versatile land, being Grades 1, 2 and 3a. The ExA would ask the LPA to:</p> <ul style="list-style-type: none"> a) comment on these ALC’s and whether they agree the land falls within the definition of best and most versatile land; and b) advise whether they consider the Proposed Development to be acceptable in that light of these designations and any effect it may have on best and most versatile land, bearing in mind current and emerging National Policy Statements (NPS) and other material planning considerations.
9. Noise and Vibration		
Q1.9.1	The Applicant	<ul style="list-style-type: none"> • The ExA notes ES Chapter 9 (Noise and Vibration) [APP-052] paragraphs 9.3.10 to 9.3.12, as well as Tables 9.31 (Daytime BS4142 assessment without additional mitigation) and 9.32 (Night-time BS4142 assessment without additional mitigation). The ExA also notes that the noise surveys are dated Summer 2015 and January 2016. <p>The challenges in obtaining representative baseline sound levels due to the COVID-19 outbreak are noted. However, the ExA considers that it should have been possible to undertake more recent noise survey work, especially with the lifting of COVID-19 related public health restrictions in July 2021.</p> <p>In terms of the survey data this is between 6 and 7 years old and the ExA requests either:</p> <ul style="list-style-type: none"> i) up to date noise survey work be undertaken and submitted as an part of an updated ES Chapter 9; or ii) the Applicant explain in detail why this is not required.

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ExQ1	Question to:	Question:
		<p>Additionally in terms of “Representative future background sound level ($L_{A90,T}$), dB” and “Excess of rating level over background sound level ($L_{Ar,Tr} - L_{A90,T}$), dB as set out in Tables 9.31 (Daytime BS4142 assessment without additional mitigation) and 9.32 (Night-time BS4142 assessment without additional mitigation), the ExA considers that these readings can be checked by undertaking additional noise survey work and updated. As such the ExA requests either:</p> <ol style="list-style-type: none"> a) up to date noise survey work be undertaken and submitted as part of an updated ES Chapter 9; or b) b) The applicant explain in detail why the Applicant does not consider it necessary to provide this updated information.
Q1.9.2	The Applicant/ NLC	<ul style="list-style-type: none"> • The measures to mitigate noise, as set out in the ES Chapter 9 (Noise and Vibration) [APP-052] at paragraph 9.5.2 are noted, as are R28 (Control of noise and vibration – construction) and R29 (Control of noise – operation). However, in terms of the bullet point list set out in paragraph 9.5.2, especially the last bullet point, the ExA would ask the Applicant and the LPA whether they consider “...monitoring of noise complaints and reporting to the Applicant for immediate investigation.” to be adequate? <p>The ExA would also ask the relevant parties whether they should agree a more detailed set of mitigation/ procedures in terms of the monitoring and investigation of noise complaints. (ie how and when complaints should be notified to the LPA, what time periods should be specified for such reporting, what level and timescale for investigation of complaints apply, what action should be taken and when, etc.)</p>
Q1.9.3	The Applicant/ NLC	<ul style="list-style-type: none"> • The ExA notes paragraphs 9.6.24 of ES Chapter 9 (Noise and Vibration) [APP-052], especially the final sentence which reads “During night-time, the potential for moderate/ major adverse (significant) effects is predicted at seven of the 11 Noise Sensitive Receptors (NSR) during at least one construction phase if the same intensity of working as for the daytime is assumed.” The ExA further notes ES Chapter 9 (Noise and Vibration) [APP-052] Table 9.18 and Paragraph 9.6.31, where summaries of the evening/ night-time noise effects are provided. However, the ExA would ask the Applicant how the indicative construction noise limits / Significant Observable Adverse Effect Level values, as set out in Table 9.18, can be suitably planned, managed and controlled, so as to ensure they are not exceeded and reduced to Lowest Observable Adverse Effect Level where practical.

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ExQ1	Question to:	Question:
		<p>Additionally, the ExA would ask the LPA, whether they consider:</p> <ul style="list-style-type: none"> i) the Significant Observable Adverse Effect Level threshold levels, as set out in Table 9.18, are achievable and could potentially be reduced to Lowest Observable Adverse Effect Level; and ii) such levels can be reasonably controlled, for example through the Construction Environmental Management Plan.
Q1.9.4	EA	<ul style="list-style-type: none"> • The ExA notes the Applicant’s considerations regarding CO₂ and other venting during commissioning and operation, as set out in paragraphs 9.6.52 of ES Chapter 9 (Noise and Vibration) [APP-052]. The ExA also notes the venting system will include larger vents sized to safely dispose of larger volume emissions in an emergency scenario and that the sizing of these vents is subject to ongoing work and would be confirmed at detailed design stage. The ExA would ask the EA whether they are satisfied that noises associated with the potential CO₂ venting would be adequately controlled through an EP issued by them.
Q1.9.5	The Applicant	<ul style="list-style-type: none"> • Table 9.35 (Required attenuation of plant items/ buildings) of the ES Chapter 9 (Noise and Vibration) [APP-052] specifies the attenuation required to achieve a rating level no greater than + 3 DB above the defined representative background sound level (in both daytime and night-time) DB $L_{AEQ,T}$. The ExA would ask the Applicant to confirm what time period represents the T in the DB $L_{AEQ,T}$?
Q1.9.6	The Applicant	<ul style="list-style-type: none"> • The ExA notes paragraphs 9.7.11 of ES Chapter 9 (Noise and Vibration) [APP-052], which states “During detailed design of the plant it may be desirable or more practical to apply higher attenuation to some plant items/ buildings than listed in Table 9.35 in order to reduce the attenuation applied to other plant items/ buildings and still achieve the NLC criterion. The ExA would ask the Applicant how this can be controlled in a DCO?”
Q1.9.7	The Applicant	<ul style="list-style-type: none"> • The MMO in its RR note [RR-006] that a number of assumptions on the cofferdam construction have been made (e.g. paragraph 1.2.2 in Appendix 11H). For example, it is proposed that vibratory piling will be used where reasonably practicable, although percussive piling may be required to drive the final stages of the pile. Can the Applicant respond to the MMO’s advice in its RR on the adequacy and appropriateness of the noise modelling undertaken for impact piling activities.

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Q1.9.8	The Applicant	<ul style="list-style-type: none">ES Chapter 9 [APP-052] (paragraph 9.7.4) describes noise control measures with respect to reduction of noise levels during cofferdam piling. The ES states this may include, but not be limited to, use of a temporary acoustic barrier alongside the River Trent, use of a partial enclosure around hammer, and the use of a non-metallic dolly between the hammer and the driving helmet (for driven piling) to prevent metal on metal impact sound. The ES also states that the need for monitoring of noise and vibration levels during construction will also be determined through the detailed assessment undertaken. <p>Can the Applicant clarify what detailed assessment is required to be undertaken and how any proposed mitigation measures effectiveness will be determined and how these will be secured and delivered through the DCO?</p>
Q1.9.9	The Applicant	<ul style="list-style-type: none">Within Table 4 (Noise and Vibration) of the Framework CEMP [APP-160] the ExA notes within the 'Mitigation/ Enhancements measures' listed it states, "Further assessment has been identified as being required pre-construction, to ensure that appropriate mitigation measures are developed to achieve the ABC threshold noise values once the contractor is appointed." The ExA would ask the Applicant to expand on this statement and advise what further assessment has been identified as being required?
Q1.9.10	The Applicant/ NLC	<ul style="list-style-type: none">ES Chapter 9 (Noise and Vibrations) [APP-052] Table 9.5 details potential NSRs and lists NSR 12 Keadby Lock (Scheduled Ancient Monument/ Grade II Listed Building). However, the note attached to NSR12 advises "NSR12 assessed for potential vibration only." This appears to conflict with the consultation summary table (Table 9.3) where the Summary of Comments states, "The Canal and Keadby Lock should be considered noise sensitive" and the Summary of Responses states "The selection of receptors agreed was extended to include NSR12 Keadby Lock (Scheduled Ancient Monument/ Grade II Listed Building) for the PEI Report." <p>The ExA has not been able to locate within the consultation responses or ES where agreement was reached that the assessment of NSR12 should be restricted to potential vibration effects only. In the light of the above, the ExA would ask the Applicant and/ or the relevant LPA to direct it to where within the submitted Application documentation such agreement can be found; or in the absence of such an agreement, to undertake a noise and vibration assessment of NSR12 and update Chapter 9 (Noise and Vibrations)</p>

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		of the ES [APP-052] accordingly and enter that updated ES Chapter into the Examination.
10. Socio-economic Effects		
Q1.10.1	N/A	<ul style="list-style-type: none"> No specific questions at present, which aren't already covered by other questions within this document.
11. Transportation, Traffic and Waste Management		
Q1.11.1	The Applicant	<ul style="list-style-type: none"> Operational wastes (4.2.1 - 4.2.3): Paragraph 4.2.3 states that liquid effluents would be managed by hazardous liquid waste facilities and would comprise 9.1% of 2019 national liquid waste treatment throughput. Please confirm whether this is an annual average or a worst case (e.g. resulting from a cleaning event expected to occur every 3 to 5 years)? Please confirm whether or not this constitutes a significant environmental effect?
Q1.11.2	The Applicant	<ul style="list-style-type: none"> The ES Chapter 2: Assessment Methodology explains how the Scoping Opinion and stakeholder engagement and consultation has informed the ES [APP-045]. Generally, the scope of the ES accords with that specified in the Scoping Opinion: aspects are either included or further evidence is provided to justify scoping them out. The exception to this is waste and materials, which was identified during the Acceptance phase. The EIA Scoping Report proposed that a standalone chapter on wastes and materials should be scoped out of the EIA (Scoping Report, paragraph 7.4). The Scoping Opinion omitted to agree or disagree to this specifically, nevertheless Table 4.15 of the Opinion included several matters for inclusion in the ES, including: <ul style="list-style-type: none"> - an assessment determining the severity of the impact to the waste capacity infrastructure in the region; and - the locations of potential landfills/ waste receiving sites and depict them on a figure(s). The available capacity of these sites should be assessed against the volume of anticipated waste generated. The Waste Technical Note [OD-003] (WTN) was submitted to rectify this. However, the ExA questions whether the WTN has undertaken a full assessment of the effects on liquid waste arising from the development? Additionally, the ExA queries whether the waste arisings included in the WTN include flue gas treatment residues?

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Q1.11.3	The Applicant	<ul style="list-style-type: none"> The HSA, formally Public Health England, in its RR [RR-013] state "In view of the screening criteria (within 200m of affected roads), it would be helpful to clarify why properties Roe Farm and Vazon Bridge have not been included as receptors as these are within 100m to the south of the main road used to access the site." They also advise that "Further details regarding short- and long-term impacts at these receptors is recommended." <p>The ExA would seek the Applicant's response to the HSA's above comments and would request further details in regard to the short and long-term impacts at these receptors be undertaken and entered into the Examination.</p>
Q1.11.4	The Applicant	<ul style="list-style-type: none"> In regard to the RR from Mr John Carney [RR-015], the ExA would seek the Applicant's response to this RR, especially the comment regarding the construction of a bridge stantion (Sic) [Stanchion] on the alleged right of way and the stopping up of the highway.
Q1.11.5	Mr John Carney	<ul style="list-style-type: none"> The content of your RR [RR-015] is noted, but the ExA would seek your clarification in regard to: <ul style="list-style-type: none"> i) the last sentence of your RR, which appears to read incorrectly; and ii) how your RR pertains/ is relevant to the Proposed Development.
12. Flood Risk, Hydrology and Water Resources		
Q1.12.1	The Applicant	<ul style="list-style-type: none"> The MMO in its RR [RR-006] note from the ES that no dredge and associated disposal at sea is planned. As such the MMO has requested clarity on this from the Applicant, as they explain if any dredging or disposal at sea is required then this will need assessing and including within the DCO/ DML. <p>The ExA would ask the Applicant to respond to this point and clarify whether any dredging or disposal at sea will be required as a result of the Proposed Development.</p>
Q1.12.2	The Applicant	<ul style="list-style-type: none"> The MMO in its RR [RR-006] raise various concerns in relation to the DML. The ExA would ask the Applicant to: <ul style="list-style-type: none"> i) respond to these concerns and amend the DML as appropriate; or ii) advise why such revisions are not considered to be necessary.
13. Design and Layout		
Q1.13.1	The Applicant	<ul style="list-style-type: none"> The ExA notes that the design objectives of the Proposed Development are not explicitly set out within the ES. Bearing in mind the moderate adverse (significant)

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		<p>effects on views during construction and operation of the Proposed Development from:</p> <ul style="list-style-type: none"> - Viewpoint (VP) 1 (Chapel Lane West, Keadby); - VP2 (Gate Keepers residence, Vazon Bridge, Keadby) and - VP4 (Public Right of Way (KEAD 9 & KEAD 10), North of Keadby); and <p>the moderate adverse (significant) effect identified resulting from operation (Year 15) scenario 2 at VP6 (Trunk Road, Keadby),</p> <p>the ExA would ask the Applicant to:</p> <ul style="list-style-type: none"> i) provide an outline summary of the design objectives of the Proposed Development; and ii) explain how, in the absence of any mitigation being provided to the above mentioned list of VPs, the Proposed Development would be compatible with the NPS EN-1, Overarching National Policy for Energy, especially paragraph 5.9.8.
Q1.13.2	The Applicant	<ul style="list-style-type: none"> • The Proposed Development includes an underground connection up to 132kV to the existing Northern Powergrid substation located at Chapel Lane (Work No. 3B), in addition to the direct connection to the existing National Grid 400kV Substation - Work No. 3A) (ES Paragraphs 4.3.46 and 5.4.51). Paragraph 4.3.46 of the ES states each of the electrical connection options is assessed in this ES, however it is not clear why the different options are required. Please clearly set out why each option is required.
Q1.13.3	The Applicant	<ul style="list-style-type: none"> • Detailed design proposals for the proposed water abstraction from the Stainforth and Keadby Canal (Work No. 4A) are not provided. DCO Schedule 2(4) requires the submission of details of Work No 4A. However, in a pre-examination Additional Submission, the C&RT [AS-001] state they are unable to reach agreement with the Applicant over the works due to the absence of detailed design proposals. Please advise how the Applicant is proposing to resolve this matter with the C&RT and whether any progress between the parties has been made to date on this matter.
Q1.13.4	The Applicant	<ul style="list-style-type: none"> • The RR from Denise Steel [RR-014] expresses concern in regard to light pollution. Bearing this RR in mind, the ExA undertook an Unaccompanied Site Inspection, (USI2 [EV-002]) at night. The ExA notes Application Document 5.11 (Indicative Lighting Strategy) [APP-040], especially Section 4 concerning design principles and obtrusive light impact avoidance measures. However, the ExA, would seek a response from the Applicant in regard to this RR, especially in relation to the suggestion concerning tree planting. The ExA would like to know whether such tree planting would

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		<p>be possible (ie in terms of land, Etc.) and whether it would interrupt the perceived passage of light, as suggested in the RR.</p> <p>The ExA would also like to know whether it is possible to indicate how long such tree planting would take to become established and at what point it would be likely to provide an effective shield from any light pollution, if at all.</p>
14. Geology and Land Contamination		
Q1.14.1	The Applicant/ NE	<ul style="list-style-type: none"> NE in its RR [RR-010] state "The DCO should secure the measures to reduce water pollution impacts during construction of the development." The ExA notes the Rs set out in the dDCO, especially R12 (Surface Water Drainage), R13 (Foul Water Drainage), R15 (Contaminated land and groundwater) and R17 (Construction environmental management plan), but would ask the Applicant and NE what additional measures should be secured to address NE's concern detailed above.
Q1.14.2	The Applicant	<ul style="list-style-type: none"> The ExA notes Paragraph 13.4.18 of the Applicant's ES Chapter 13 (Geology, Hydrology and Land Contamination) [APP-056] and would ask the Applicant to either: <ol style="list-style-type: none"> direct the ExA to where within the submitted Application documentation the expected nitrate levels from surface water runoff can be located; or for the expected nitrate levels from surface water runoff to be entered into the Examination.
Q1.14.3	The Applicant	<ul style="list-style-type: none"> The HSA in its RR [RR-013] refer to land contamination, with reference to Appendix 13C [APP-089], and advise that further clarifications and justifications be provided, and where necessary mitigation measures are recommended, in regard to: <ol style="list-style-type: none"> the consideration of human health receptor being limited to 50m only; particularly when looking at potential public health impacts from ground gas; and construction significance has been assigned 'neutral' whereas temporary effects are described as minor adverse in Table 13.14 (Chapter 13). <p>The ExA seeks the Applicant's response to the above HSA comments and would request:</p> <ol style="list-style-type: none"> that the further clarifications, justifications and, where necessary, mitigation measures be submitted as part of the ES; or

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		b) The Applicant justify why they consider such further clarifications, justifications and mitigation measures are not necessary to be submitted as part of the ES.
Q1.14.4	The Applicant	<ul style="list-style-type: none"> The ExA notes Paragraph 13.5.9 of the Applicant's ES Chapter 13 (Geology, Hydrology and Land Contamination) [APP-056] and would ask the Applicant to confirm that the storage of such materials is located solely within the areas defined for Work No. 1. Should this not be the case, please could the Applicant confirm in which Work No. areas these materials will be stored?
15.	Planning Policy	
Q1.15.1	The Applicant/ IPs	<ul style="list-style-type: none"> A review of the energy NPSs is currently being undertaken and a consultation on the draft versions of the revised documents has just closed. However, the Energy White Paper "Powering our Net Zero Future", confirms that the current NPSs are not being suspended and that they remain the basis for the consideration of the Application. Nevertheless, the draft NPSs and the stage they have reached in the consultation process, and process of being made, may be matters that are important and relevant in the consideration of this DCO Application. Therefore, the ExA requests the Applicant to review the submitted DCO Application documents and update them, as appropriate in regard to: <ul style="list-style-type: none"> i) the draft NPSs, the stage they have reached in the consultation process and making process; and ii) their relevance to the consideration of the proposed development. <p>Bearing in mind the above, the ExA would ask the Applicant and/ or IPs to highlight any aspects of the draft NPSs which they consider to be important and relevant in the consideration of this DCO Application.</p>
Q1.15.2	The Applicant	<ul style="list-style-type: none"> The ExA notes the Applicant's Carbon Capture Statement [APP-037], especially paragraph 1.3.3 which refers to The Energy White Paper: Powering our Net Zero Future (December 2020). The ExA also notes that in October 2021 the Government published its 'Net Zero Strategy: Build Back Greener'. Bearing these two documents in mind, the ExA would ask the Applicant how the Net Zero Strategy relates to the Proposed Development and to update the submitted Application documentation, as appropriate.
Q1.15.3	The Applicant	<ul style="list-style-type: none"> The Government published a revised National Planning Policy Framework, together with the National Model Design Code in July 2021. Therefore, the ExA requests the

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		submitted DCO Application documents be reviewed and updated in regard to the revised National Planning Policy Framework and National Model Design Code.
16. Draft Development Consent Order		
Q1.16.1	The Applicant	<ul style="list-style-type: none"> Art 2 (Interpretation) – The ExA would ask the Applicant why when referencing Acts within the DCO does it list repealed Acts? (eg Art 2 (Interpretations) refers to the “Electricity Acts” in the following way: “Electricity Acts” means the Electric Lighting Act 1909(a), the Electricity (Supply) Act 1919(b) and the Electricity Act 1989(c); “(a) 1990 c.34. This Act was repealed by the Electricity Act 1989 (c.29). (b) 1919 c.100. This Act was repealed by the Electricity Act 1989. (c) 1989 c.29). The ExA noted this Art appears to be modelled on Art 2 of the Drax Power DCO, which also records in footnotes that (a) and (b) above have been repealed. However, Schedule 18 of the Electricity Act 1989 confirms that the whole of (a) and (b) above have been repealed and the ExA considers, unless the Applicant is able to justify otherwise, it is nonsensical to include details of repealed legislation within the dDCO. As such the ExA would ask the Applicant to remove references to repealed Acts from the DCO, as there seems to be no benefit by including them. Alternatively, the ExA would ask the Applicant to justify why they should be included within the dDCO.
Q1.16.2	The Applicant	<ul style="list-style-type: none"> Art 2 (Interpretation) – The ExA would ask the Applicant whether the definition of “Carbon Capture Plant” should include Works No. 7, as set out in Schedule 1 (Authorised Development) of the dDCO, or any part of that works (Works No. 7).
Q1.16.3	The Applicant	<ul style="list-style-type: none"> Art 2 (Interpretation) – Definition of “Commercial Use” – The ExA would ask the Applicant whether there are any circumstances where the exportation of electricity would not require “...occupation of the authorised development by the undertaker”?
Q1.16.4	The Applicant	<ul style="list-style-type: none"> Art 2 (Interpretation) – Definition of “National Grid Carbon Gathering Network” uses the abbreviation NGC within it. However, this term is not defined until after the definition of “National Grid Carbon Gathering Network”. For the sake of clarity can the Applicant confirm that the use of the term NGC within the definition of “National Grid Carbon Gathering Network” has the same meaning as the definition of “NGC” as set out in Art 2 (Interpretation) of the dDCO.
Q1.16.5	The Applicant	<ul style="list-style-type: none"> Art 2 (Interpretation) – Definition of “National Grid Carbon Gathering Network” – refers to a “...proposed network of high pressure CO₂ pipelines... to transport CO₂ from power

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		<p>and industrial CO₂ emitters to compression facilities for onwards geological storage.” However, from reading the submitted application documents the ExA had the perception that the CO₂ was compressed prior to it leaving the Proposed Development site and entering the network of high pressure CO₂ pipelines. Can the Applicant please clarify and explain, using plain english.</p>
Q1.16.6	The Applicant	<ul style="list-style-type: none"> • Art 2 (Interpretation) – Definition of “Statutory Undertaker” refers to “...public communications provider defined by section 151(1) of the Communications Act 2003.” The ExA would ask the Applicant whether any telecommunications infrastructure lie within the Order limits and whether any telecommunications infrastructure is affected by the proposed development? Please could the Applicant review and amend the dDCO as necessary.
Q1.16.7	The Applicant	<ul style="list-style-type: none"> • Art 2(4) – The ExA notes paragraph 5.3 of the Applicant’s Explanatory Memorandum (EM) [APP-006] but would raise concern as, in the ExA’s opinion, it is self-evident that there should not be multiple and different internal definitions within the DCO unless there is a very good reason which can be justified for requiring more than one definition to be used within the DCO. <p>The ExA considers that there must be good justification for requiring more than one definition to be used for a word in a separate part of the DCO, and considers that where this occurs it should be possible to explain the reasons for this in full in the EM text, justifying the reference to that different definition explicitly, such that there is no need for generalised wording in an Art as proposed by Art 2(4).</p> <p>The ExA would ask the Applicant to review and reconsider Art 2(4) and amend as necessary. Should the Applicant seek to retain the sub-paragraph, the ExA would ask the Applicant to provide:</p> <ol style="list-style-type: none"> i) a clearer explanation of why the Art sub-paragraph is worded in such a way and of the purposes of this Art sub-paragraph; ii) clearer wording of this sub-paragraph of the Art; iii) information/ direct the ExA to any other precedent for the wording of this Art Sub-paragraph in any DCO made.

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ExQ1	Question to:	Question:
Q1.16.8	The Applicant	<ul style="list-style-type: none"> Art 2(5) refers to works designated by a number, or by a combination of letters and numbers and then provides an example. Reference to "Work No. 1" or "numbered work 1" meaning numbered works 1A to 1D inclusive, in that example, appears to be incorrect as Works No. 1 consists of numbered works 1A to 1E inclusive. Please can the Applicant clarify and amend as necessary.
Q1.16.9	The Applicant	<ul style="list-style-type: none"> Art 2(9) refers to points identified by letters or numbers to be construed as references to points so lettered or numbered on the access and rights of way plans. However, such references only appear to exist in Schedules 3, 4 and 5 of this dDCO. The ExA is concerned that this could potentially be unclear and create confusion especially bearing in mind: <ul style="list-style-type: none"> i) Art 2(5) already uses numbers and letters to identify 'Works': and ii) the term 'point' is used throughout the dDCO without reference to letters or numbers. (ie See Art 2(3)). <p>The ExA would ask the Applicant to review the dDCO in this regard and amend if necessary.</p>
Q1.16.10	The Applicant	<ul style="list-style-type: none"> Art 4 (Maintenance of Authorised Development) and Art 5 (Operation of Authorised Development) – The ExA notes R33 (CCP) and also the RR received from ClientEarth [RR-001]. The ExA would ask the Applicant to: <ul style="list-style-type: none"> i) respond specifically to the concerns raised by ClientEarth, especially in regard to whether R33 in Schedule 2 of the dDCO should be expanded to ensure: (a) at least 90% of the total carbon emissions generated by the plant must be captured at all times during its commercial operation, and (b) captured emissions will be stored permanently in the proposed offshore geological storage site; and ii) confirm that the carbon capture, transport and storage infrastructure will be used throughout commercial operations.
Q1.16.11	The Applicant and Northern Powergrid	<ul style="list-style-type: none"> Art 6 (Benefits of the Order) – The ExA would ask the Applicant and Northern Powergrid whether Works No. 3B and Northern Powergrid should be included within the provisions listed.
Q1.16.12	The Applicant/ Statutory Undertakers	<ul style="list-style-type: none"> Art 6 (Benefits of the Order) – Bearing the above in mind, the ExA would ask whether any other Work No. or Statutory Undertakers/ other bodies should be identified and

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ExQ1	Question to:	Question:
		listed in this Art. As such the Applicant and Statutory Undertakers are asked to review this matter and amend the Art as necessary.
Q1.16.13	C&RT, the EA, the Relevant Port Authority, and the relevant Internal Drainage Board	<ul style="list-style-type: none"> Art 8 (Application and Modification of Statutory Provisions) – The provisions of Art 8(3) are noted, but the ExA would seek the comments of the C&RT, the EA, the Relevant Port Authority, and the relevant Internal Drainage Board in relation to this Art/ sub-paragraph.
Q1.16.14	NLC, as the Highway Authority.	<ul style="list-style-type: none"> Art 10 (Power to alter layout, etc., of streets) – The provisions of this Art 10 are noted, but the ExA would seek the comments of the Highway Authority in regard to this Art, especially Art 10(5).
Q1.16.15	The Applicant, NLC and any Statutory Undertaker	<ul style="list-style-type: none"> Art 10 (Power to alter layout, etc., of streets) – The ExA notes that Schedule 9 relates to the procedure for discharge of Rs and that it incorporates an appeal process. The ExA would ask the Applicant what Appeal provisions are being incorporated within the dDCO in relation to Art 10 (Power to alter layout, etc., of streets), in the event of a failure to notify of a decision, or the refusal of a submission, occurs. Additionally, the ExA would ask the Applicant, NLC and Statutory Undertakers whether such an appeal process be referenced in regard to Art 10 (Power to alter layout, etc., of streets); Art 12 (Access to works) or any other Arts within the dDCO?
Q1.16.16	NLC, as the Highway Authority.	<ul style="list-style-type: none"> Art 11 (Construction and maintenance of new or altered means of access) – The provisions of this Art 11 are noted, but the ExA would seek the comments of the Highway Authority in regard to this Art, especially Art 12(1).
Q1.16.17	NLC, as the Highway Authority.	<ul style="list-style-type: none"> Art 12 (Access to works) – The provisions of Art 12 are noted, but the ExA would seek the comments of the Highway Authority in regard to this Art, especially Art 12(2).
Q1.16.18	C&RT, the EA, the Relevant Port Authority, and the relevant Internal Drainage Board	<ul style="list-style-type: none"> Art 14 (Discharge of Water) – The provisions of this Art 14 are noted, but the ExA would seek the comments of the C&RT, the EA, the Relevant Port Authority, and the relevant Internal Drainage Board in regard to this Art, especially Art 14(8).
Q1.16.19	The Applicant	<ul style="list-style-type: none"> Art 16 (Removal of Human Remains) – Having reviewed the submitted application documents, the ExA has not found any direct reference to human remains or potential sites of human remains, including in relation to archaeology. Paragraph 5.22 of the EM [APP-006] is noted, but the ExA seeks clarification from the Applicant why this Art

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		is considered to be necessary/ relevant to the development being sought and whether the Art would be reasonable in all other respects.
Q1.16.20	The Applicant/ NLC	<ul style="list-style-type: none"> Art 16 (Removal of Human Remains) – A number of sub-paragraphs within this Art refer to “a notice”. Bearing in mind the size of the Order Limit, as detailed in the Works Plan [APP-012], the ExA would ask whether the Applicant/ NLC consider a single notice to be sufficient for the purposes of this Art.
Q1.16.21	The C&RT	<ul style="list-style-type: none"> Art 17 (Temporary interference with canal and public rights of navigation) - Paragraph 5.23 of the EM [APP-006] is noted. The ExA also notes the RR of the C&RT, but would specifically seek its comments in regard to this Art and whether the Protective Provisions referred to in the Applicant’s EM [APP-006] have been agreed with the C&RT.
Q1.16.22	The Applicant	<ul style="list-style-type: none"> Art 18 (Use of private roads for construction) – Paragraph 5.24 of the EM [APP-006] states “...most of these private roads are within SSE Plc ownership (or subsidiary company ownership) and necessary rights are being sought to use these roads as part of the Order...” The ExA would ask the Applicant to identify who else owns the roads and necessary rights of the private roads not within SSE Plc (or subsidiary companies) ownership and confirm whether they are seeking the agreement of those parties as to the rights to use those roads not in the Applicant or SSE Plc (or subsidiary companies) ownership in relation to the Proposed Development.
Q1.16.23	The Applicant, ‘IPs’ and ‘Affected Persons’	<ul style="list-style-type: none"> Art 19 (CA of land) – The ExA would ask whether after the wording “As from the date on which a CA notice is served...” as set out in Art 19(2) explicit reference to the relevant section, of the relevant Act, should be made? If amended the sub-paragraph would read: “From the date on which a CA notice is served pursuant to section 134 (notice of authorisation of CA) of the 2008 Act...”
Q1.16.24	The Applicant, ‘IPs’ and ‘Affected Persons’	<ul style="list-style-type: none"> Art 19 (CA of land) – The ExA would seek the views of the Applicant, ‘IPs’ and ‘Affected Persons’ as to whether additional wording, as set out below, should be added to the end of Art 19(2): “... so far as their continuance would be inconsistent with the exercise of that new right.” The ExA would ask whether adding this wording provides additional qualification, insofar as that additional wording means that the power does not extinguish rights

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		which might continue to be consistent with the use of the compulsorily acquired land, for example where its anticipated that an old right of way would continue to exist across the newly acquired land.
Q1.16.25	The Applicant	<ul style="list-style-type: none"> Art 22 (CA rights) – Arts 22(6) and 22(7) introduce Schedule 7 (modification of compensation and compulsory purchase enactments for creation of new rights). The ExA would ask the Applicant to direct it to relevant and appropriate precedent(s) in other DCOs where this approach has been accepted and used.
Q1.16.26	The Applicant	<ul style="list-style-type: none"> Art 27 (Rights under or over Streets) – The Applicant is requested to direct the ExA to the justification for this Art as submitted in the submitted Application documentation or to enter such justification into the Examination.
Q1.16.27	The Applicant	<ul style="list-style-type: none"> Art 33 (Statutory authority to override easements and other rights) – Art 33(6) states “This Art is subject to Art 17(4).” However, Art 17(4) does not appear to exist within the dDCO. Please could the Applicant review Art 33(6) and revise as necessary, or clarify the text of Art 17(4) and where in the dDCO it can be located;
Q1.16.28	The Applicant and NLC	<ul style="list-style-type: none"> Art 35 (Felling or lopping of trees and removal of hedgerows) – The ExA would ask the Applicant and NLC whether any trees within the confines of the Order limits, as defined by the Works Plan [APP-012], or any other trees likely to be impacted by the Proposed Development, are protected by a Tree Preservation Order or located within a designated conservation area?
Q1.16.29	NLC	<ul style="list-style-type: none"> Art 35 (Felling or lopping of trees and removal of hedgerows) - Art 35(4) allows the removal of hedgerows within the Order limits, as defined by the Works Plan [APP-012], that may be required for the purposes of carrying out the authorised development. The ExA would seek the views of NLC in regard to this provision, and the effect of such a provision on: <ul style="list-style-type: none"> i) hedgerows within the Order limits; and ii) the Hedgerow Regulations 1997.
Q1.16.30	The Applicant	<ul style="list-style-type: none"> Art 36 (Protective works to buildings) – The ExA would ask the Applicant why Art 36(6) excludes notice served under sub-paragraph (5)(b) from sub-paragraph (6)?
Q1.16.31	The Applicant	<ul style="list-style-type: none"> Art 40 (Operational Land for the purposes of the 1990 Act) – The ExA would ask the Applicant whether Section 264(3)(b) is also relevant to this Art and whether reference

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		should just refer to Section 264(3) of the 1990 Act? Please comment and amend as necessary.
Q1.16.32	The Applicant	<ul style="list-style-type: none"> Art 42 – Defence to proceedings in respect of statutory nuisance) - the ExA notes that Art 42(1) reference nuisances falling within paragraph (b), (c), (d), (e), (f), (fb), (g) or (h) of section 79(1) of the Environmental Protection Act 1990. Bearing this in mind, the ExA would ask the Applicant to direct it to where in the submitted documentation information has been provided that justifies these references within this Art. Alternatively the ExA would ask the Applicant to provide the justification for the removal of these nuisances from the proceedings under section 79(1) of the Environmental Protection Act 1990.
Q1.16.33	NLC	<ul style="list-style-type: none"> Art 42 – Defence to proceedings in respect of statutory nuisance) - The ExA would ask the LPA for its view in regard to this Art, including the references to nuisances falling within paragraph (b), (c), (d), (e), (f), (fb), (g) or (h) of section 79(1) of the Environmental Protection Act 1990.
Q1.16.34	The Applicant	<ul style="list-style-type: none"> Art 44 – (Service of notice) – the term ‘body corporate’ is used within this Art, but the ExA has not been able to locate the definition of this term within the submitted Application documentation. The ExA would ask the Applicant to define this term or direct the ExA to where in the submitted documentation the definition of this term can be found.
Q1.16.35	The Applicant	<ul style="list-style-type: none"> Arts 46 (Arbitration) and 47 (Guarantees in respect of payment of compensation) both refer to approvals required by the SoS. Schedule 9 of the dDCO states “the appointment of the person pursuant to paragraph (b) may be undertaken by a person appointed by the SoS for this purpose instead of by the SoS.” The ExA would ask the Applicant whether a similar provision should apply to: <ul style="list-style-type: none"> i) the Arts on the dDCO; and/ or ii) the dDCO as a whole.
Q1.16.36	The Applicant	<ul style="list-style-type: none"> Schedule 2 (Rs) – R1 (Interpretation) refers to a number of Planning Permissions granted by NLC. These include planning permissions granted by NLC planning references PA/2018/1950, PA/2019/1595 and PA/2021/188. The ExA would ask the Applicant to direct it to where within the Application documentation copies of these planning permissions can be located. This includes copies of: <ul style="list-style-type: none"> i) the approved plans; and

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ExQ1	Question to:	Question:
		<p>ii) the officer delegated report drafted in relation to each planning permission or relevant committee report and related minutes. The ExA would request the Applicant for any documents/ plans listed above, which are not already provided with the submitted Application documentation, be entered into the Examination.</p>
Q1.16.37	The EA/ The Applicant	<ul style="list-style-type: none"> Schedule 2 (Rs) – R5 (Detailed Design) – The EA advise [AS-002] that the protective measures for eels included in R5 are suitable for the smallest life stages of the species, and a fish mitigation strategy/working method statement to ensure suitable protection would also be appropriate to include as part of R6(2), although this may be more appropriate to incorporate into the method statement required by Condition 11 in the DML. Can the EA clarify the necessary content of the fish mitigation strategy and can the Applicant comment on the EA’s request.
Q1.16.38	The Applicant	<ul style="list-style-type: none"> Schedule 2 (Rs) – R5 (Detailed Design) – R5(11) refers to Schedule 12 within the dDCO. This appears to be incorrect. The ExA would ask the Applicant to review this matter and amend as necessary.
Q1.16.39	The Applicant	<ul style="list-style-type: none"> Schedule 2 (Rs) – R5 (Detailed Design) – R5(11) refers to Work Nos. 1, 2A, 2B, 7A and 7B. The ExA would ask the Applicant to confirm Schedule 11 only identifies the parameters for works within Work Nos. 1, 2A, 2B, 7A and 7B and should not be including works within any other Work Nos, as set out in Schedule 1 of the dDCO.
Q1.16.40	The Applicant	<ul style="list-style-type: none"> Schedule 2 (Rs) – R5 (Detailed Design) – R5(12) excludes Work Nos 9 to 11 (inclusive), as defined by Schedule 1 of the dDCO. Please explain why these are not included within R5(12).
Q1.16.41	The Applicant	<ul style="list-style-type: none"> Schedule 2 (Rs) – R5 (Detailed Design) – R5(13) excludes Work No. 11, as defined by Schedule 1 of the dDCO. The ExA would ask the Applicant to explain why this Work No. has been excluded from R5(13).
Q1.16.42	The Applicant	<ul style="list-style-type: none"> Schedule 2 (Rs) – R6 (landscaping and biodiversity protection management and enhancement) – R6(5)(c) potentially enables measures to enhance biodiversity and habitat ‘outwith the Order Land’. In the light of this, the ExA would ask the Applicant to explain when and why the measures to enhance biodiversity and habitat ‘outwith the Order Land’ would be justified in this instance and direct the ExA to relevant and appropriate precedent(s) that permit such provisions ‘outwith the Order Land’.

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Q1.16.43	The Applicant/ NLC	<ul style="list-style-type: none">Considering the question above (Q1.16.42), the ExA would request NLC to comment on this element of the R and advise whether they consider such a provision to be necessary, relevant to planning and the proposed development, enforceable, precise and reasonable in all other respects. The ExA would also seek the views of the Applicant and NLC as to whether alternative methods of securing such land 'outwith the Order Land' would be required.
Q1.16.44	The Applicant/ NLC/ Any other Interested Party	<ul style="list-style-type: none">Having regard to R6 (landscaping and biodiversity protection management and enhancement) the ExA would ask the Applicant and NLC, together with any other IPs, whether there should be a provision requiring the landscaping and biodiversity protection plan to be updated at relevant intervals, for the lifetime of the Proposed Development, and for the updated landscaping and biodiversity protection plan to be submitted to, and approved in writing by, NLC within agreed timescales.
Q1.16.45	The Applicant	<ul style="list-style-type: none">Schedule 2 (Rs) – R6 (landscaping and biodiversity protection management and enhancement) - The EA's additional submission [AS-002] states that they consider that R6 of the DCO is sufficient for the purpose of protecting and mitigating against any potential impacts on protected species but EA recommend further survey works should be carried out for all protected species present or potentially present on or surrounding the Proposed Development site due to the time lapse from previous surveys and the 'motility' of species. They state that surveys should be no more than 3 years old when construction begins and should include sites where previous surveys found no evidence (unless the site has been deemed as unsuitable and has not changed in the interim period). Can the Applicant comment on this recommendation from the EA and if they disagree clarify why they do not think relevant surveys will need to be updated at that time when construction commences.
Q1.16.46	The Applicant	<ul style="list-style-type: none">Schedule 2 (Rs) – R6 (landscaping and biodiversity protection management and enhancement) - With respect to R6(2)(b) and R(5) the EA state [AS-002] that a biodiversity protection plan submitted and approved pursuant to sub-paragraph (1) and the landscape and biodiversity management and enhancement plan submitted and approved pursuant to sub-paragraph (4), should also include measures to protect other priority habitats likely to be impacted by the Proposed Development, including, but not

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		<p>limited to, watercourses, canals and drains including the management, enhancement and creation of these habitats.</p> <p>The ExA would ask for the Applicant's response to the EA's comments above.</p>
Q1.16.47	NLC	<ul style="list-style-type: none"> Schedule 2 (Rs) – R8 (Highways Access) – The EM [APP-006] at paragraph 7.12 explains no part of the authorised development, save for the permitted preliminary works, may commence until siting, design and layout details of any new or modified temporary (construction phase) means of access to the public highway to be used by vehicular traffic, or any alteration to an existing means of access to a public highway used by vehicular traffic for that part have been submitted to and approved by the LPA. It also provides that the development must not come into commercial use until the design details of any permanent highway accesses have been approved under the relevant part of the detailed design R (R5(8)). <p>The ExA would ask NLC whether submission of these details prior to the Proposed Development coming into commercial use is an appropriate trigger for the permanent highway access, especially in relation to the access onto the A18.</p>
Q1.16.48	The Applicant	<ul style="list-style-type: none"> Schedule 2 (Rs) – R9 (Means of enclosure) – The EM [APP-006] at paragraph 7.13 explains "...no part of the authorised development may commence, save for the permitted preliminary works until details of all temporary means of enclosure have for that part been submitted to and approved by the LPA, including a programme for the removal of such temporary means of enclosure..." However, R9(1) only appears to require "...details of a programme for the removal of all temporary means of enclosure for any construction areas or sites associated with the authorised development have, for that part, been submitted to and approved by the LPA." The ExA would ask the Applicant to review this matter and amend as necessary.
Q1.16.49	The Applicant	<ul style="list-style-type: none"> Schedule 2 (Rs) – R10 (Site security) – R10(1), appears to only apply site security measures during operation. Please could the Applicant explain why such measures are not considered necessary to be agreed with NLC in regard to the construction phases of the Proposed Development.
Q1.16.50	The Applicant	<ul style="list-style-type: none"> Schedule 2 (Rs) – R11 (Fire Prevention) – R11(1), only relates to Work Nos 1-8 (inclusive). The ExA would ask the Applicant why such measures are not considered necessary in relation to Work Nos. 9-11 (inclusive)?

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Q1.16.51	The Applicant	<ul style="list-style-type: none"> Schedule 2 (Rs) – R11 (Fire Prevention) – R11(2), the ExA would ask the Applicant if the use of the word 'operation' is correct, as the trigger in R11(1) appears to be commencement?
Q1.16.52	The Applicant	<ul style="list-style-type: none"> Schedule 2 (Rs) – R15 (Contaminated land and ground water) – R15 requires '...a scheme to deal with the contamination of land, including groundwater...' to be submitted and approved by the LPA following consultation with the EA. R15(2) states that the scheme must be in accordance with the ES and must be included in the construction environmental management plan submitted pursuant to R17. However, the list specifying what should be incorporate in the construction environmental management plan, specified at R17(2) does not list a scheme to deal with the contamination of land, including groundwater. The ExA would ask the Applicant to review this matter and amend as necessary.
Q1.16.53	NLC	<ul style="list-style-type: none"> Schedule 2 (Rs) – R27 (Construction Hours) – R27(5)(b) removes "maintenance at any time of plant and machinery engaged in the construction of the authorised development" from the hours of work restrictions specified in R17(1). Can the LPA confirm they are satisfied with this and the other exemptions set out in this R?
Q1.16.54	The Applicant	<ul style="list-style-type: none"> Schedule 2 (Rs) – R28 (Control of noise and vibration – construction) and R29 (Control of noise – operation) – Can the Applicant explain what mechanisms are in place in the event of a breach of these Rs?
Q1.16.55	The Applicant/ NLC	<ul style="list-style-type: none"> Schedule 2 (Rs) – R29 (Control of noise – operation) – R29(3) refers to BS4142:2014. However, this British Standard was amended in 2019 by BS4142:2014+A1:2019. Does the Applicant/ LPA have any comments to make in regard to whether this amended document (BS4142:2014+A1:2019) has any implications in regard to the Proposed Development and/ or R29?
Q1.16.56	The Applicant	<ul style="list-style-type: none"> Schedule 2 (Rs) – R30 (Piling and penetrative foundation design – R30(1) specifies it applies to development comprised within Work Nos. 1, 2, 4A, 7, 8B and 9B. Can the Applicant explain why the other Work No., as specified in Schedule 1, are not listed in this R.
Q1.16.57	The Applicant/ NLC/ EA	<ul style="list-style-type: none"> Schedule 2 (Rs) – R32 (Combined heat and power) – R32(1) specifies the "...development must not be brought into commercial use until the LPA has given notice that it is satisfied that the undertaker has allowed for space and routes within the

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ExQ1	Question to:	Question:
		<p>design of the authorised development for the later provision of heat pass-outs for off-site users of process or space heating and its later connection to such systems...” This R does not appear to require a scheme for the provision of steam or hot water pass-outs to be submitted to and approved by the LPA, nor does the R generally require:</p> <ul style="list-style-type: none"> i) the scheme submitted to comply, as a minimum with the conditions relating to steam and hot water pass-outs within any EP granted in respect of the authorised development; or ii) specify a minimum diameter for the pipeline connection within the reserve space being provided to suitably accommodate pipeline connection(s). <p>Bearing the above in mind, the ExA would ask:</p> <ul style="list-style-type: none"> a) the Applicant to advise why the R does not require a scheme for the provision of steam or hot water pass-outs to be submitted to and approved by the LPA; b) the Applicant to advise why items i) and ii), specified above, are not considered necessary to be specified within the dDCO; c) the LPA and EA whether they are satisfied with the wording and trigger points (ie ‘...not being brought into commercial use...’) as set out within this R? and d) the LPA and EA whether the wording of this R is generally acceptable to them?
Q1.16.58	The Applicant	<ul style="list-style-type: none"> • Schedule 2 (Rs) – R33 (Carbon Capture Plant) – R33(2) refers to Art 66. This appears to be an error and possibly should just refer to Art 6. The ExA would ask the Applicant to review this matter and amend as required.
Q1.16.59	The Applicant	<ul style="list-style-type: none"> • Schedule 2 (Rs) – R33 (Carbon Capture Plant) – R33(2) Paragraph 7.41 in the EM [APP-006] explains “It requires that the land required for Work Nos. 1C and 7 (carbon capture equipment) is not disposed of and is not used in a way that prevents it being used within two years for the development of the carbon capture equipment. However, the ExA is not satisfied, at this point in time, that this is the effect of this R. As such the ExA would ask the Applicant to explain this sub-paragraph of R33 in more depth, especially R33(2)(b) and the relevance of the two year time period referred to within this part of the R, in plain english?”
Q1.16.60	The Applicant	<ul style="list-style-type: none"> • Schedule 2 (Rs) – R33 (Carbon Capture Plant) – R33(3) Paragraph 7.41 in the EM [APP-006] explains this “...sub-paragraph (3) prevents Work No. 1A (the combined cycle gas turbine) coming into commercial use following commissioning without Work

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ExQ1	Question to:	Question:
		Nos. 1C and 7 (carbon capture and compression equipment and compound) also being brought into commercial use following commissioning.” The ExA would ask the Applicant to confirm/ clarify what this means? (ie does it prevent the proposed development being brought into operation until such time as the Carbon Capture Usage and Storage (CCUS) pipeline, that lies outwith the Proposed Development, is operating and exporting the CO ₂ captured from the operation of the Proposed Development and transporting the captured CO ₂ to the relevant storage facility via the CCUS pipeline).
Q1.16.61	NLC	<ul style="list-style-type: none"> Schedule 2 (Rs) – R33 (Carbon Capture Plant) – The ExA would ask the LPA to comment in regard to the necessity, precision, enforceability, reasonableness, Etc., of this R.
Q1.16.62	The Applicant	<ul style="list-style-type: none"> Schedule 9 (Procedures for Discharge of Rs) – The ExA notes the wording of Paragraph 2(4), especially Paragraph 2(4)(b). The ExA would ask how the Applicant would know the application, submitted under the procedures in Schedule 9, has been deemed refused as opposed to being deemed granted by virtue of Paragraph 2(2)?
Q1.16.63	NLC	<ul style="list-style-type: none"> Schedule 9 (Procedures for Discharge of Rs) – The ExA notes the timescales specified in Paragraphs 2(2), 3(2) and 3(3) and would ask the LPA to confirm these are acceptable to them.
Q1.16.64	The Applicant	<ul style="list-style-type: none"> Schedule 9 (Procedures for Discharge of Rs) – Paragraph 5(1)(b) appear to incorrectly reference Paragraph 2(3). The ExA would ask the Applicant to review and amend as necessary.
Q1.16.65	The Applicant	<ul style="list-style-type: none"> Schedule 11 (Design Parameters) – The design parameters set out in Table 6 related to the Absorbers (Work No. 1C) (in the case that two absorbers are developed) and the CO₂ stripper (Work No. 1C) appear to be incorrect when compared to the maximum design parameters set out at Table 4.1 of the Applicant’s Design and Access Statement [APP-035]. The ExA would ask the Applicant to review and amend as necessary.
Q1.16.66	The Applicant	<ul style="list-style-type: none"> Schedule 11 (Design Parameters) – The design parameters set out in Table 6 related to the A18 Gatehouse (Work No. 8B) are noted. However, the ExA would ask the Applicant to explain why the maximum height parameters for the proposed gatehouse, are 6 metres in height above ground level and 7.5 metres in height aOD.
Q1.16.67	NLC	<ul style="list-style-type: none"> Pursuant to the question above (Q1.16.66), the ExA would ask the LPA to comment on the gatehouses maximum height parameters and the Applicant’s Design and Access

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ExQ1	Question to:	Question:
		Statement [APP-035] where they state this building would be "...relatively small and un-intrusive within the surrounding landscape." (Paragraph 7.1.6) and of "restrained design... [that will] minimise intrusion within the surrounding flat landscape." (Appendix 1).
Q1.16.68	The Applicant	<ul style="list-style-type: none">• Schedule 12 (Documents and Plans to be Certified) – R5(11) references the design parameters in Schedule 12. No such document appears to be reference in Schedule 12, although the ExA notes reference in Schedule 12 to the "Design Principles Statement...". The ExA would ask the Applicant to review Schedule 12 and amend as necessary.
Q1.16.69	Marine and Coastguard Agency	<ul style="list-style-type: none">• Schedule 13 (DML...) - The RR of the Marine and Coastguard Agency (MCA) [RR-007] is noted. The ExA notes that the RR states a Marine Licence may be required under the Marine and Coastal Access Act 2009, at which time the MCA will be invited to comment on the licence application from the safety of navigation safety perspective. However, a DML, under the Marine and Coast Access Act 2009, would potentially form part of the DCO should it be made. Please see Art 41 and Schedule 13 of the dDCO [APP-005]. As such the ExA invites the MCA to comment in regard to the dDCO, particularly Art 41 and Schedule 13, especially from the safety of navigation safety perspective.
Q1.16.70	The Applicant	<ul style="list-style-type: none">• The term 'acquiring authority' is used several times through-out the document. The ExA would ask the Applicant whether this term has the same meaning as the term 'acquiring authority' set out in Section 1(3) of the Compulsory Purchase Act 1965? Please could the Applicant clarify the meaning of this term within the dDCO.

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ANNEX A

[Keadby 3 Low Carbon Gas Power Station Project]:

List of all objections to the grant of Compulsory Acquisition or Temporary Possession powers.

In the event of a new interest in the land, or Category 3 person, being identified the Applicant should inform those persons of their right to apply to become an Interested Party under s102A PA2008.

Obj No.ⁱ	Name/ Organisation	IP/AP Ref Noⁱⁱ	RR Ref Noⁱⁱⁱ	WR Ref No^{iv}	Other Doc Ref No^v	Interest^{vi}	Permanent / Temporary^{vii}	Plot(s)	CA?^{viii}	Status of objection

i Obj No = objection number. All objections listed in this table should be given a unique number in sequence.

ii Reference number assigned to each Interested Party (IP) and Affected Person (AP)

iii Reference number assigned to each RR (RR) in the Examination library

iv Reference number assigned to each Written Representation (WR) in the Examination library

v Reference number assigned to any other document in the Examination library

vi This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who “would or might” be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

vii This column indicates whether the applicant is seeking compulsory acquisition or temporary possession of land/ rights

viii CA = compulsory acquisition. The answer is ‘yes’ if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights.