

NLC's responses to the ExA's first written questions (ExQ1) Issued 14 December 2021

| ExQ1 | Question | NLC Answer |
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| Q1.1.7 | <p>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.</p> | <p>The Council's Highway Development Officer has reviewed the Framework Construction Traffic Management Plan [APP-0161] and the Framework Construction Workers Travel Plan [APP-0162] and is satisfied with the content of these documents. It is noted that discussions were held with the applicant regarding these documents prior to submission of the application and all of our comments have been addressed.</p> <p>The Council's Environmental Health Officer has reviewed the Framework CEMP [APP-160] and is generally satisfied with the contents of the document, which is considered to cover all relevant topic areas. They do however identify 2 points that they would prefer to see amended:</p> <ul style="list-style-type: none"> • The document states that core construction working hours and HGV deliveries would be Monday to Friday (except bank holidays) 07:00 to 19:00 and Saturday 08:00 to 13:00. This department typically ask that construction operations are undertaken between Monday to Friday (except bank holidays) 08:00-18:00 in line with other Local Authorities and to protect the amenity of those living in the vicinity. • The document makes reference to "prohibit open fires on site", this department prefer to see a no burning of waste policy implemented on site. |
| Q1.1.8 | <p>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)</p> | <p>NLC are not able to answer this question as they do not have sufficient information of the other projects at this time due to their current status. It is anticipated that any potential conflicts between the proposed CO2 export pipeline and the proposed Hornsea Four Off Shore Windfarm projects will be robustly considered as part of the examination of those projects.</p> |

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| | <p>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:</p> <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 iii) R33 (CCP) is adequate in terms of linking the development into the prospective CO2 gathering network. (ie would such a R be adequate, reasonable, precise, enforceable, Etc.) | <p>With regards to proposed R33 (CCP) NLC are of the opinion that this Requirement is adequate to link the development to the prospective CO2 gathering network. The Requirement is considered to meet the relevant tests. This Requirement is important in ensuring that the power station is not developed without the carbon capture infrastructure in place.</p> |
| Q1.2.7 | <p>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> <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 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</p> | <p>NLC would expect to see all mitigation measures detailed in Section 8.2 of the IAQM guidance for 'high risk' sites to be included within a CEMP for this development. It is considered that these mitigation measures are sufficient to ensure no significant effect .</p> |

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| | <p>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> | |
| Q1.3.10 | <p>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.</p> | <p>NLC's ecologist has confirmed that the applicant addresses this issue acceptably in paragraph 5.3.7 of Document 5.10 - Landscaping and Biodiversity Management and Enhancement Plan [APP-039].</p> <p>Keadby Ash Tip supports 15 hectares of OMH and has been ascribed national importance for its acid grassland and OMH habitats and its invertebrate communities (Broughton 2017, Wilson 2017).</p> <p>0.25 ha (or 1.7%) of this resource, at the very edge of the Ash Tip, will be lost to the Keadby 3 proposal, as described in sections 11.6.39 to 11.6.43 of the ES. Section 11.6.41 highlights that, "The area of vegetation that will be lost is peripheral to the main area of OMH and has a relatively level compacted stone substrate due to it coinciding with an area used in the past as a vehicle access route. Therefore, while it is part of the OMH by virtue of its connection to the wider habitat resource, it lacks the characteristics of the wider habitat resource that result in its high value (i.e. varied topography, variable substrates, more complex vegetation structure)."</p> <p>Furthermore, whilst the biodiversity net gain assessment assumes that this resource will be lost, applying the precautionary principle, section 11.6.44 notes that some of the area may naturally regain valuable ephemeral/ short perennial vegetation.</p> <p>Flower-rich grassland is a recognised component of OMH, providing habitat structure and nectar for a variety of invertebrates. Blanket replacement of structurally varied OMH with flower-rich grassland would not be acceptable.</p> |

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| | | <p>However, the creation of flower-rich grassland to add to the wider 15-hectare mosaic and mitigate for the 1.7% loss is considered to be acceptable.</p> <p>To maintain botanical diversity, the grassland must be created on nutrient-poor soils and managed positively thereafter, to prevent succession to rank grassland. In our ecologist's experience, structural diversity can be created by tipping heaps of any unwanted sand that may arise from site works.</p> |
| Q1.5.4 | <p>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 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.</p> | <p>NLC confirm that the short list of developments presented in ES Chapter 10 [APP-062] is agreed.</p> |
| Q1.8.1 | <p>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 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> | <p>a) The ALC's stated within ES Chapter 13 [APP-056] are correct and the land does fall within the definition of best and most versatile land.</p> <p>b) NPPF 174 b) requires decisions to recognise the benefits of the best and most versatile agricultural land. However, much of the Isle of Axholme is classed as grade 1 or 2. If any development is to be permitted in this area, then there will be circumstances when other material planning considerations are judged to outweigh the importance of the best and most versatile land.</p> <p>With regards to the appropriateness of the location, large parts of the site are brownfield land, the site offers access to electrical and gas connections and the siting adjacent to the existing power stations provides synergies in terms of key infrastructure, services, operations and maintenance. Therefore it is considered that there are specific reasons why this site is appropriate for the proposed development despite its ALC's and why other sites of a lower classification may not be appropriate.</p> |

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| | <p>a) comment on these ALC's and whether they agree the land falls within the definition of best and most versatile land; and</p> <p>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.</p> | <p>It is further noted that those parts of the site falling within ACL Grade 1 are the existing access road from the A18 and temporary laydown areas that will be reinstated following development.</p> |
| Q1.9.2 | <p>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> <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> | <p>NLC agree that a more detailed complaints procedure is required as set out in the ExA's question. This will provide clarity for all parties and will ensure that all complaints are investigated in an appropriate manner.</p> |
| Q1.9.3 | <p>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</p> | <p>i) The Council's Environmental Health Officer has advised that it is unknown whether the SOAEL is achievable until final mitigation measures have been determined. The applicant should employ best practice and follow appropriate guidance during the construction phase to achieve the lowest noise levels possible</p> |

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| | <p>(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.</p> <p>Additionally, the ExA would ask the LPA, whether they consider:</p> <p>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</p> <p>ii) such levels can be reasonably controlled, for example through the Construction Environmental Management Plan.</p> | <p>ii) The Council’s Environmental Health Officer has advised that mitigation measures such as those contained within BS 5228-1:2009+A1:2014 are likely to be appropriate to control the impact of noise during construction if incorporated within a final CEMP</p> |
| Q1.9.10 | <p>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> <p>The ExA has not been able to locate within the consultation responses or ES where agreement was reached that the</p> | <p>NLC are not aware of an agreement to monitor for vibration only at NSR12 – Keadby Lock.</p> <p>The LPA’s interest with regards to Keadby Lock relates to how it is appreciated as a heritage asset and any potential impacts in this regard</p> |

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| | <p>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) of the ES [APP-052] accordingly and enter that updated ES Chapter into the Examination.</p> | |
| Q1.16.14 | <p>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).</p> | <p>The Council’s Highway Development Officer has confirmed that they are broadly satisfied with the content of Art 10.</p> <p>With regards to Art 10 (5) it is noted that the proposed junction improvements include some Departures from Standards (DfS), which have yet to be accepted by the Local Highway Authority. Whilst there is no objection in principle to the requirement to issue approval for works within 28 days, this may be problematic if the DfS have not been accepted prior to an application for approval being submitted.</p> <p>Discussions have been held with the applicant on this matter and it is understood that it is their intention to provide the Highway Authority with the information necessary to review the justification for the DfS and issue a decision on this matter during the examination. This would resolve the concerns of the Local Highway Authority regarding the timeframe set out in Art 10 (5).</p> |
| Q1.16.15 | <p>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</p> | <p>NLC are of the opinion that an appeal process should be referenced with regards to Art 10 and Art 12.</p> |

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| | 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 | 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). | <p>The Council’s Highway Development Officer has confirmed that they are satisfied with the content of Art 11.</p> <p>With regard to Art 11 (1) the Local Highway Authority has no issues or concerns raise.</p> |
| Q1.16.17 | 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). | <p>The Council’s Highway Development Officer has confirmed that they are satisfied with the content of Art 12.</p> <p>Art 12 (1) appears to be acceptable.</p> <p>With regards to Art 12 (2) the Local Highway Authority has no objection to the requirement to issue approval within 28 days. However as per the answer to Q1.16.14, this could be problematic if the DfS has not been accepted prior to an application for approval being submitted.</p> |
| Q1.16.20 | 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. | <p>The Council are unsure as to why Article 16 is included in the Draft DCO as it would appear to relate to known burial grounds and there are none known within the order limits.</p> <p>Although given the incomplete state of the archaeological evaluation we do not know whether to expect the presence of an ancient burial ground and there is always the potential for the discovery of human remains during any groundworks. The archaeological contractor should be expected to deal with all such discoveries within the order limits and under Section 25 of the Burial Act 1857 obtain a licence from Secretary of State to remove human remains on behalf of the applicant. This procedure should be included in the WSI and relate to the construction works in general; currently the WSI refers only to human remains discovered during archaeological interventions, this is one of the areas that the LPA feel is needing revision before the WSI can be agreed.</p> |

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| | | <p>Any conflict between Article 16 and the archaeological recording of any new discoveries of burial grounds should be clarified.</p> <p>With regards to the number of notices required the LPA are of the view that multiple notices may be required to be displayed for the purposes of Art 16 due to the extent of the Order Limits. Any publicity undertaken by the LPA on such a large site would include the display of a number of site notices in different locations in the area immediately surrounding the site.</p> |
| Q1.16.28 | <p>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?</p> | <p>The Council’s records do not identify any Tree Preservation Orders within the Order limits. Nor is any part of the site located within a conservation area. Therefore none of the trees likely to be affected by the development are protected.</p> |
| Q1.16.29 | <p>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: i) hedgerows within the Order limits; and ii) the Hedgerow Regulations 1997.</p> | <p>i) Table 11.9 of Chapter 11 of the ES [APP-054] indicates that hedgerows were scoped out of the Ecological Impact Assessment as no impact was anticipated. Art 35 (4) may therefore have been included to cater for unforeseen circumstances. Any such removal of hedgerows may be expected to be limited in extent, and would only affect very young or species-poor hedgerows (see ii) below). A biodiversity net gain of 35.9% is forecast in relation to hedgerows. The mixed native hedgerow planting proposals use appropriate species and specifications. Overall, the approach to hedgerows losses and gains appears acceptable.</p> <p>ii) According to sections 4.3.29-4.3.30 of the submitted Preliminary Ecological Appraisal report [APP-078], none of the hedgerows recorded on-site would qualify as “Important” under the Hedgerow Regulations 1997 for ecological reasons. Hedgerows in North Lincolnshire require fewer species to class as “Important”, when compared to many other counties. Nevertheless, the hedgerows are all either very young or described as “dominated by common hawthorn”, so this assessment appears likely to be correct.</p> |

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| Q1.16.33 | 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. | <p>Art 42 relates to proceedings which are brought under Section 82(1) of the Environmental Protection Act 1990 (summary proceedings by persons aggrieved by statutory nuisances). The Local Authority would investigate statutory nuisance complaints under Section 79-80 of this legislation.</p> <p>The requirement for Art 42 in the DCO is unclear as the defence to proceedings are contained within Section 82(9) of the Act itself.</p> |
| Q1.16.43 | <p>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.</p> | <p>Applying the mitigation hierarchy, mitigation and biodiversity enhancement should be provided on-site as far as possible, with off-site delivery of habitat being a last resort to be taken only after on-site opportunities have been exhausted.</p> <p>NLC would expect the majority of the net gain in biodiversity to be delivered on-site. Any shortfall in biodiversity units that cannot be delivered on-site should be delivered locally in accordance with our Biodiversity Opportunity Map, The Humberhead Levels National Character Area profile and other local guidance. R6 should be amended to make it clear that off-site delivery should be delivered locally as this is not specified at present. Ideally this would be delivered by the applicant on land under their control. To that extent, the R6 (5) (c) is potentially necessary, relevant to planning and the proposed development, enforceable, precise and reasonable.</p> <p>However, if biodiversity measures “outwith the Order Land” cannot legally or practically be secured under the terms of the order, then some other mechanism will be required.</p> |
| Q1.16.44 | <p>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</p> | <p>NLC agree that a provision for periodic review and updating of the landscaping and biodiversity protection plan would be appropriate given the long timescales involved and the potential for environmental conditions, policies and priorities to change in that time.</p> <p>It is noted that there appears to be a commitment for periodic review and revision set out at para. 7.2.1 of the LBMEP [APP-039].</p> |

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| | to be submitted to, and approved in writing by, NLC within agreed timescales. | |
| Q1.16.47 | <p>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> <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> | <p>NLC are of the opinion that the Proposed Development coming into commercial use is not an appropriate trigger point for the submission of design details of any permanent highway accesses. It would make sense for the works to the access on the A18 to be undertaken at an early stage of the construction phase, when traffic movements are low. This would allow the access to be brought into use prior to the peak construction period.</p> |
| Q1.16.53 | <p>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?</p> | <p>The Council’s Environmental Health Officer has expressed concern relating to the exemptions set out in R27 (Construction Hours).</p> <p>NLC typically request that construction operations are undertaken between Monday to Friday (except bank holidays) 08:00-18:00 in line with other Local Authorities and to protect the amenity of those living in the vicinity. R27 seeks construction hours of 07:00 to 19:00 Monday to Friday, which already exceeds NLC’s standard approach to construction hours. It then seeks additional exemptions to the proposed hours.</p> <p>It is unclear why a start-up and shut-down period is required as this would normally be included within the construction hours. The Council’s Environmental Health Officer has expressed particular concerns of allowing a</p> |

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| | | <p>start-up period as early as 06:30 which is considered “night time” hours with respect to noise.</p> <p>It is also unclear why the maintenance of plant and machinery cannot be undertaken within normal construction hours. There is potential for noise disturbance to result from maintenance operations outside of normal working hours.</p> <p>NLC are of the view that the exemptions should be removed from R27 unless they can be robustly justified.</p> |
| Q1.16.55 | <p>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?</p> | <p>The 2014 edition of the standard was replaced with an amended version in 2019, the former having been withdrawn. The amended standard was published to improve clarity, to correct errors and improve the consistency of the assessment of the impacts. All references to “BS 4142” should therefore be to the latest standard, BS 4142:2014+A1:2019.</p> |
| Q1.16.57 | <p>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 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: 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</p> | <p>c) The requirement to allow for space and routes for pass-outs within the design of the development appears to be a matter that needs to be considered and agreed as part of the detailed design approval process. This is because the space and routes for pass-outs may influence the layout of the buildings and structures on the site. The current trigger point of “... not being brought into commercial use...” may result in a situation whereby a design has been approved and built that does not allow for the requisite space to be provided.</p> <p>d) NLC can confirm that the wording of R32 is generally acceptable.</p> |

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| | <p>provided to suitably accommodate pipeline connection(s). Bearing the above in mind, the ExA would ask:</p> <p>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;</p> <p>b) the Applicant to advise why items i) and ii), specified above, are not considered necessary to be specified within the dDCO;</p> <p>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</p> <p>d) the LPA and EA whether the wording of this R is generally acceptable to them?</p> | |
| Q1.16.61 | <p>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.</p> | <p>NLC are of the opinion that R33 is necessary and relevant to both planning and the development being permitted. This is because the carbon capture element of the proposed development and low carbon energy production is an essential part of the development and forms a fundamental part of the justification for a new gas fired power station. This Requirement is needed to ensure that the new power station is not developed without the carbon capture infrastructure and as such is considered to be reasonable.</p> <p>For the most part R33 appears both precise and enforceable. However R33(2)(b) does appear to be open to some interpretation.</p> |
| Q1.16.63 | <p>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.</p> | <p>The LPA has no objection to the date stipulated within Schedule 9 para. 2(1) in respect of applications to discharge Requirements given that there is a mechanism within this para. To agree extensions to the timeframe where appropriate.</p> <p>Para. 3(3) has a similar allowance to agree an extended period for requests of additional information where appropriate (e.g. if a specified consultee is not able to provide a response within the stipulated timeframe) and as such there is no objection to this timescale.</p> |

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| | | <p>Para. 3(2) does not currently include a mechanism to agree an extension of time for requesting additional information, where there is no specified consultee and the LPA would prefer for such a mechanism to be included. This would provide comfort should any unforeseen issue prevent a request for additional information being issued in time.</p> |
| <p>Q1.16.67</p> | <p>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 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).</p> | <p>None of the submitted representative viewpoints cover the approach to the Gatehouse on the A18. However it is a very open landscape with few strong vertical elements in the foreground. On this basis it is important to ensure that the structure is small and of restrained design.</p> <p>The indicative details show a relatively small building commensurate with its proposed use. However the maximum height parameter could result in an intrusive structure within the open landscape. It is suggested that a reduction in the height of the building should be considered if possible, as well as the potential for use of intermittent roadside tree planting to soften the approach on the A18</p> |