

KEADBY 3 CARBON CAPTURE POWER STATION

A collaboration between **SSE Thermal** and **Equinor**

Document Ref: 9.2

Planning Inspectorate Ref: EN010114

The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order

Land at and in the vicinity of the Keadby Power Station site, Trentside, Keadby, North Lincolnshire

Applicant's Response to the Examining Authority's First Written Questions – Vol 1

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Applicant: Keadby Generation Limited

Date: February 2022

DOCUMENT HISTORY

Document Ref	9.2		
Revision	1.0		
Author	DWD, AECOM, Dentons, Ardent, SSE		
Signed	CT	Date	February 2022
Approved By	CT		
Signed	CT	Date	February 2022
Document Owner	DWD		

GLOSSARY

Abbreviation	Description
ADMS	Atmospheric Dispersion Modelling System
AGI	Above ground installation
AIL	Additional Abnormal Indivisible Load
AQMAU	Air Quality Modelling and Assessment Unit
AS	Additional Submissions
BAT	Best available techniques
CCGT	Combined Cycle Gas Turbine
CCP	Carbon dioxide capture plant
CEMP	Construction Environmental Management Plan
CHP	Combined heat and power
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
FFL	Finished floor level
FRA	Flood Risk Assessment
HP	High pressure
HRSG	Heat Recovery Steam Generator
MW	Megawatts
MWe	Megawatts electrical
NLC	North Lincolnshire Council
NSIP	Nationally Significant Infrastructure Project
PCC	Proposed Power and Carbon Capture
PINS	Planning Inspectorate

RR	Relevant Representation
SoS	Secretary of State
WFD	Water Framework Directive
ZCH	Zero Carbon Humber

CONTENTS

1.0	Introduction.....	1
1.1	Overview	1
1.2	The Proposed Development.....	1
1.3	The Proposed Development Site.....	3
1.4	The Development Consent Process.....	5
1.5	The Purpose and Structure of this Document.....	5
1.6	The Purpose and Structure of this Document.....	5
2.0	Applicant’s Response to Examining Authority’s First Written Questions	6

TABLES

Table 1:	Applicant’s Response to the ExA’s First Written Questions	7
----------	---	---

1.0 INTRODUCTION

1.1 Overview

- 1.1.1 This 'Applicant's Response to the Examining Authority's First Written Questions – Vol 1' document (**Application Document Ref. 9.2**) has been prepared on behalf of Keadby Generation Limited ('the Applicant') which is a wholly owned subsidiary of SSE plc. It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under Section 37 of 'The Planning Act 2008' (the '2008 Act').
- 1.1.2 The Applicant is seeking development consent for the construction, operation and maintenance of a new low carbon Combined Cycle Gas Turbine (CCGT) Generating Station ('the Proposed Development') on land at, and in the vicinity of, the existing Keadby Power Station, Trentside, Keadby, Scunthorpe, DN17 3EF (the 'Proposed Development Site').
- 1.1.3 The Proposed Development is a new electricity generating station of up to 910 megawatts (MW) gross electrical output, equipped with carbon capture and compression plant and fuelled by natural gas, on land to the west of Keadby 1 Power Station and the (under commissioning) Keadby 2 Power Station, including connections for cooling water, electrical, gas and utilities, construction laydown areas and other associated development. It is described in Chapter 4: The Proposed Development of the Environmental Statement (ES) (ES Volume I – [APP-047]).
- 1.1.4 The Proposed Development falls within the definition of a 'Nationally Significant Infrastructure Project' (NSIP) under Section 14(1)(a) and Sections 15(1) and (2) of the 2008 Act, as it is an onshore generating station in England that would have a generating capacity greater than 50MW electrical output (50MWe). As such, a DCO application is required to authorise the Proposed Development in accordance with Section 31 of the 2008 Act.
- 1.1.5 The DCO, if made by the SoS, would be known as 'The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order' ('the Order').

1.2 The Proposed Development

- 1.2.1 The Proposed Development will work by capturing carbon dioxide emissions from the gas-fired power station and connecting into the Humber Low Carbon Pipelines project pipeline network, being promoted by NGCL, for onward transportation to the Endurance storage site under the North Sea.
- 1.2.2 The Proposed Development would comprise a low carbon gas fired power station with a gross electrical output capacity of up to 910MWe and associated buildings, structures and plant and other associated development defined in Schedule 1 of the draft DCO [APP-005] as Work No. 1 – 11 and shown on the Works Plans [APP-012].
- 1.2.3 At this stage, the final technology selection cannot yet be made as it will be determined by various technical and economic considerations and will be influenced by future UK Government policy and regulation. The design of the Proposed Development therefore incorporates a necessary degree of flexibility to allow for the future selection of the

preferred technology in light of prevailing policy, regulatory and market conditions once a DCO is made.

1.2.4 The Proposed Development will include:

- a carbon capture equipped electricity generating station including a CCGT plant (**Work No. 1A**) with integrated cooling infrastructure (**Work No. 1B**), and carbon dioxide capture plant (CCP) including conditioning and compression equipment, carbon dioxide absorption unit(s) and stack(s) (**Work No. 1C**), natural gas receiving facility (**Work No. 1D**), supporting uses including control room, workshops, stores, raw and demineralised water tanks and permanent laydown area (**Work No. 1E**), and associated utilities, various pipework, water treatment plant, wastewater treatment, firefighting equipment, emergency diesel generator, gatehouse, chemical storage facilities, other minor infrastructure and auxiliaries/ services (all located in the area referred to as the 'Proposed Power and Carbon Capture (PCC) Site' and which together form **Work No. 1**);
- natural gas pipeline from the existing National Grid Gas high pressure (HP) gas pipeline within the Proposed Development Site to supply the Proposed PCC Site including an above ground installation (AGI) for National Grid Gas's apparatus (**Work No. 2A**) and the Applicant's apparatus (**Work No. 2B**) (the 'Gas Connection Corridor');
- electrical connection works to and from the existing National Grid (National Grid Electricity Transmission) 400kV Substation for the export of electricity (**Work No. 3A**) (the 'Electrical Connection Area to National Grid 400kV Substation');
- electrical connection works to and from the existing Northern Powergrid 132kV Substation for the supply of electricity at up to 132kV to the Proposed PCC Site, and associated plant and equipment (**Work No. 3B**) (the 'Potential Electrical Connection to Northern Powergrid 132kV Substation');
- Water Connection Corridors to provide cooling and make-up water including:
 - underground and/or overground water supply pipeline(s) and intake structures within the Stainforth and Keadby Canal, including temporary cofferdam (**Work No. 4A**) (the 'Canal Water Abstraction Option');
 - in the event that the Canal Water Abstraction Option is not available, works to the existing Keadby 1 power station cooling water supply pipelines and intake structures within the River Trent, including temporary cofferdam (**Work No. 4B**) (the 'River Water Abstraction Option'); and
 - works to and use of an existing outfall and associated pipework for the discharge of return cooling water and treated wastewater to the River Trent (**Work No. 5**) (the 'Water Discharge Corridor');
- towns water connection pipeline from existing water supply within the Keadby Power Station for potable water (**Work No. 6**);
- above ground carbon dioxide compression and export infrastructure comprising an above ground installation (AGI) for the undertaker's apparatus including deoxygenation, dehydration, staged compression facilities, outlet metering, and electrical connection (**Work No. 7A**) and an AGI for NGCL apparatus (**Work No. 7B**);

- new permanent access from the A18, comprising the maintenance and improvement of an existing private access road from the junction with the A18 including the western private bridge crossing of the Hatfield Waste Drain (**Work No. 8A**) and installation of a layby and gatehouse (**Work No. 8B**), and an emergency vehicle and pedestrian access road comprising the maintenance and improvement of an existing private track running between the Proposed PCC Site and Chapel Lane, Keadby and including new private bridge (**Work No. 8C**);
- temporary construction and laydown areas including contractor facilities and parking (**Work No. 9A**), and access to these using the existing private roads from the A18 and the existing private bridge crossings, including the replacement of the western existing private bridge crossing known as 'Mabey Bridge' over Hatfield Waste Drain (**Work No. 9B**) and a temporary construction laydown area associated with that bridge replacement (**Work No. 9C**);
- temporary retention, improvement and subsequent removal of an existing Additional Abnormal Indivisible Load Haulage Route (**Work No. 10A**) and temporary use, maintenance, and placement of mobile crane(s) at the existing Railway Wharf jetty for a Waterborne Transport Offloading Area (**Work No. 10B**);
- landscaping and biodiversity enhancement measures (**Work No. 11A**) and security fencing and boundary treatments (**Work No. 11B**); and
- minor associated development.

1.2.5 The Proposed Development includes the equipment required for the capture and compression of carbon dioxide emissions from the generating station so that it is capable of being transported off-site. NGCL will be responsible for the development of the carbon dioxide pipeline network linking onshore power and industrial facilities, including the Proposed Development, in the Humber Region. The carbon dioxide export pipeline does not, therefore, form part of the Proposed Development and is not included in the Application but will be the subject of separate consent application(s) to be taken forward by NGCL.

1.2.6 The Proposed Development is designed to be capable of operating 24 hours per day, 7 days a week, with plant operation dispatchable to meet electricity demand and with programmed offline periods for maintenance. It is anticipated that in the event of CCP maintenance outages, for example, it could be necessary to operate the Proposed Development without carbon capture, with exhaust gases from the CCGT being routed via the Heat Recovery Steam Generator (HRSG) stack.

1.2.7 Various types of associated and ancillary development further required in connection with and subsidiary to the above works are detailed in Schedule 1 'Authorised Development' of the draft DCO [**APP-005**]. This, along with Chapter 4: The Proposed Development in the ES Volume I [**APP-047**], provides further description of the Proposed Development. The areas within which each numbered Work (component) of the Proposed Development are to be built are defined by the coloured and hatched areas on the Works Plans [**APP-012**].

1.3 The Proposed Development Site

1.3.1 The Proposed Development Site (the 'Order Limits') is located within and near to the existing Keadby Power Station site near Scunthorpe, Lincolnshire and lies within the

administrative boundary of North Lincolnshire Council (NLC). The majority of land is within the ownership or control of the Applicant (or SSE associated companies) and is centred on national grid reference 482351, 411796.

- 1.3.2 The existing Keadby Power Station site currently encompasses the operational Keadby 1 and Keadby 2 Power Station (under commissioning) sites, including the Keadby 2 Power Station Carbon Capture and Readiness reserve space.
- 1.3.3 The Proposed Development Site encompasses an area of approximately 69.4 hectares (ha). This includes an area of approximately 18.7ha to the west of Keadby 2 Power Station in which the generating station (CCGT plant, cooling infrastructure and CCP) and gas connection will be developed (the Proposed PCC Site).
- 1.3.4 The Proposed Development Site includes other areas including:
- a high pressure gas pipeline to supply the CCGT including a gas compound for NGG apparatus and a gas compound for the Applicant's apparatus;
 - the National Grid 400kV Substation located directly adjacent to the Proposed PCC Site, through which electricity generated by the Proposed Development will be exported;
 - Emergency Vehicle Access Road and Potential Electrical Connection to Northern Powergrid Substation;
 - Water Connection Corridors:
 - Canal Water Abstraction Option which includes land within the existing Keadby Power Station site with an intake adjacent to the Keadby 2 Power Station intake and pumping station and interconnecting pipework;
 - River Water Abstraction Option which includes a corridor that spans Trent Road and encompasses the existing Keadby Power Station pumping station, below ground cooling water pipework, and infrastructure within the River Trent; and
 - a Water Discharge Corridor which includes an existing discharge pipeline and outfall to the River Trent and follows a route of an existing easement for Keadby 1 Power Station;
 - an existing river wharf at Railway Wharf (the Waterborne Transport Offloading Area) and existing temporary haul road into the existing Keadby 1 Power Station Site (the 'Additional Abnormal Indivisible Load (AIL) Route');
 - a number of temporary Construction Laydown Areas on previously developed land and adjoining agricultural land; and
 - land at the A18 Junction and an existing site access road, including two existing private bridge crossings of the Hatfield Waste Drain lying west of Pilfrey Farm (the western of which is known as Mabey Bridge, to be replaced, and the eastern of which is termed Skew Bridge) and an existing temporary gatehouse, to be replaced in permanent form.
- 1.3.5 In the vicinity of the Proposed Development Site the River Trent is tidal. Therefore, parts of the Proposed Development Site are within the UK marine area. No harbour works are proposed.

1.3.6 Further description of the Proposed Development Site and its surroundings is provided in **Chapter 3: The Site and Surrounding Area** in ES Volume I [**APP-046**].

1.4 The Development Consent Process

1.4.1 As a NSIP project, the Applicant is required to seek a DCO to construct, operate and maintain the generating station, under Section 31 of the 2008 Act. Sections 42 to 48 of the 2008 Act govern the consultation that the promoter must carry out before submitting an application for a DCO and Section 37 of the 2008 Act governs the form, content and accompanying documents that are required as part of a DCO application.

1.4.2 An application for development consent for the Proposed Development has been submitted to and accepted for examination by the Planning Inspectorate (PINS) acting on behalf of the SoS. PINS is now examining the Application and will make a recommendation to the SoS, who will then decide whether to make (grant) the DCO.

1.5 The Purpose and Structure of this Document

1.5.1 The purpose of this document is to summarise clearly the agreements reached between the Applicant and NGCL ('the Parties') on matters relevant to the examination of the Application and to assist the Examining Authority. It has been prepared with regard to the guidance in 'Planning Act 2008: examination of application for development consent' (Department for Communities and Local Government, March 2015).

1.5.2 This version of the document summarises the agreements reached between the Parties regarding the matters listed below:

- Carbon Capture and Storage;
- Relationship with, and effect on, the Humber Low Carbon Pipeline, including potential pipeline corridors; and
- Draft Development Consent Order and any relevant Protective Provisions.

1.6 The Purpose and Structure of this Document

1.6.1 This document sets out the Applicant's response to the Examining Authority's (ExA's) first set of written questions, which were issued on 14 December 2021.

1.6.2 The Applicant's responses are provided in Section 2, Table 2.1, while supporting material is provided in the separate appendices document known as "Applicant's Response to the Examining Authority's Written Questions – Vol 2" (Application Document Ref. 9.3).

2.0 APPLICANT'S RESPONSE TO EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS

- 2.1.1 The Applicant's response to the ExA's first written questions are set out in Table 2.1 on the following pages of this document.
- 2.1.2 Table 2.1 includes the reference number for each relevant question, the ExA's comments and questions and the Applicant's response to each of those questions.

Table 1: Applicant's Response to the ExA's First Written Questions

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
1. General and Cross-topic Questions		
Q1.1.1	The Applicant	<p>We do not anticipate emissions from Keadby 1 Power Station ("Keadby 1") occurring concurrently with those of the Proposed Development when it is commercially operational. This is because the capacity of the existing natural gas pipeline and the commercial arrangement for the 400kV export grid connection currently preclude a scenario in which the Proposed Development and Keadby 1 could run simultaneously.</p> <p>Due to uncertain market conditions and the ongoing viability of Keadby 1, no decision has been made as to the timing of cessation of operations at Keadby 1, or any permanent closure and decommissioning. We anticipate there may be a need for Keadby 1 to run when the Proposed Development is off-line, e.g. for maintenance or during commissioning of the Proposed Development, if there is a UK grid demand to be met. The decommissioning of Keadby 1 will therefore not be required to deliver the Proposed Development and there are no current plans for the demolition or decommissioning of Keadby 1. Moreover, separate planning and permitting approvals would be required for any decommissioning or demolition of Keadby 1.</p>
Q1.1.2	The Applicant	<p>As discussed within Chapter 4: The Proposed Development [APP-047], the Proposed Development will be designed to capture at least 90% of the carbon dioxide that would otherwise be emitted, based on the contract and rules to be agreed with Government on how this is to be delivered, measured and monitored. The current indications from government in the Track 1 Cluster support package are that the 90% figure itself is a minimum capture rate per hour of base load operation.</p> <p>However there is to be significant incentivisation under the government contract ('dispatchable power agreement' or DPA) to capture higher rates, through pricing the carbon intensity of the electricity generated. This can be seen in the draft heads of terms for the DPA model published by government (Dispatchable Power Agreement (DPA) provisional Heads of Terms (Annex A): October 2021 update, BEIS. Furthermore, while not possible to confirm at this stage of design, the plant design is expected to achieve higher than</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>90% capture during normal operating conditions but the rate may be lower outside of normal operating conditions (as defined in the Environmental Permit) or in response to events outside of the Applicant's control.</p> <p>As the Applicant outlined in response to the Client Earth Relevant Representation [RR-001] in the 'Applicant's Comments on Relevant Representations & Additional Submissions' document submitted at Deadline 1 [REP1-021] we expect the Environmental Permit issued by the Environment Agency would control the capture rate and how this is to be delivered, measured and monitored. The DPA will heavily penalise unabated operation outside of limited exemptions such as national emergencies.</p> <p>As a general point, it is considered that there is precedent for DCOs for thermal power stations which do not monitor and control emissions through the DCO. This includes the Eggborough CCGT where the ExA acknowledged that the use Selective Catalytic Reduction to reduce the level of nitrogen dioxide emissions entering the atmosphere would be determined by the Environment Agency as part of their Environmental Permit regime. We consider that a requirement would be unnecessary and duplicative of contract and rules that will be in place from government in order to operate the Proposed Development.</p>
Q1.1.3	The Applicant	<p>The Applicant would refer the Examining Authority to its response to National Grid Ventures (NGV) relevant representation in the 'Applicant's Comments on Relevant Representations & Additional Submissions' document submitted at Deadline 1 [REP1-021]. The Applicant has clarified with National Grid Ventures since (and will document in the next update to the Statement of Common Ground with National Grid Carbon Limited (NGCL), an NGV business, at Deadline 3) that this was the design choice made at the time of developing the Keadby 3 low carbon power station in early 2020 based on the availability of hydrogen against the readiness of a CO₂ gathering network at that time..</p> <p>The Applicant has a number of general points to make about how options for energy Nationally Significant Infrastructure Projects (NSIPs), including thermal energy NSIPs, are chosen and progressed.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>Under the National Policy Statements (NPSs) it is for the developers to bring forward projects that are consistent with the framework of policy set out in them, and there are no specific targets around generation mix or fuel sources. NPS EN-1 states at 2.2.4 <i>“The role of the planning system is to provide a framework which permits the construction of whatever Government – and players in the market responding to rules, incentives or signals from Government – have identified as the types of infrastructure we need in the places where it is acceptable in planning terms”</i>.</p> <p>Nevertheless, the Applicant consulted on the option for hydrogen development at its EIA scoping and Stage 1 Consultation stages. During these (and Stage 2 Consultation) there were no explicit preferences expressed regarding fuel choice, but there were some queries surrounding the availability of hydrogen in sufficient capacity to power the generating station within the timeline for the project's development. As set out in the Consultation Report [APP-030] “Hydrogen was ruled out following Stage 1 Consultation for technical feasibility reasons” and was therefore not progressed past this point for the Proposed Development.</p> <p>The Proposed Development Site benefits from an existing gas supply and a planned carbon dioxide (CO₂) pipeline and compression infrastructure. Chapter 6: Consideration of Alternatives of the ES states (6.4.3) that:</p> <p><i>“Following issue of the EIA Scoping Report, the Applicant decided that its preferred low carbon technology option would be a low carbon enabled Gas Generating Station equipped with CCP equipment. One reason for this decision was that the location of the Proposed Development would allow for connection into the emerging proposals for the ZCH Cluster carbon dioxide pipeline, which at that time, had progressed further than the alternative hydrogen option. In addition, at that time there was no guaranteed or adequate supply of sufficient volumes of hydrogen to fuel the generating station. For these reasons, the alternative low carbon pathway initially considered (hydrogen-firing) was discounted.”</i></p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>The Consultation Report (table, page 126) also explains:</p> <p><i>“The Project would connect to the existing natural gas pipeline supplying the Keadby site, and export carbon dioxide to third party pipeline infrastructure. Assessment undertaken after Stage 1 consultation highlighted that gas with carbon capture was both more viable and feasible at that time, in comparison to hydrogen. It was considered that gas with carbon capture technology could be progressed at a quicker pace than hydrogen, given the readiness of the fuel and the technology. Supply options for hydrogen, to the Keadby site, were less well developed.”</i></p> <p>Across the EIA scoping, Stage 1, and Stage 2 consultations the full range of EIA technical consultees were consulted.</p> <p>No detailed comparison of environmental effects was undertaken since the project was in its early stages and such effects would be dependent on a number of factors for which information was limited (and remained limited through to the point at which we submitted the DCO Application) including, but not limited to, the carbon performance standard of the hydrogen supply and the electrical efficiency achievable in fully hydrogen-fired turbines.</p> <p>As noted in the Consultation Report (table, page 66) in response to a Stage 1 consultation comment, the Applicant explained “SSE is exploring opportunities to decarbonise its existing CCGTs and develop new power stations capable of operating with hydrogen or fitted with emerging CCS technology”. This is likely to manifest in a separate project, with a later timescale for delivery, for a hydrogen fuelled power station at Keadby. The Consultation Report outlines a range of responses and the Applicant’s regard had (in accordance with S49 PA 2008) to comments around hydrogen, CCS, and environmental matters.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>The choice to progress the Proposed Development with natural gas with CCS was primarily made on technical feasibility, which NPS EN-1 recognises as being highly relevant:</p> <p><i>“4.1.9 In deciding to bring forward a proposal for infrastructure development, the applicant will have made a judgement on the financial and technical viability of the proposed development, within the market framework and taking account of Government interventions. Where the Secretary of State considers, on information provided in an application, that the financial viability and technical feasibility of the proposal has been properly assessed by the applicant it is unlikely to be of relevance in Secretary of State decision making (any exceptions to this principle are dealt with where they arise in this or other energy NPSs and the reasons why financial viability or technical feasibility is likely to be of relevance explained).”</i></p> <p>We are not aware of any exceptions to the above principle that <i>apply in this instance and would note that speed of deployment is also highly relevant as NPS EN-1 states “there is an urgent need for new (and particularly low carbon) energy NSIPs to be brought forward as soon as possible, and certainly in the next 10 to 15 years [from 2011], given the crucial role of electricity as the UK decarbonises its energy sector”</i> and “the Secretary of State should therefore give substantial weight to considerations of need. The Proposed Development can be developed as soon as 2026. It would not be possible to deploy hydrogen development here by 2026 even had this been retained as an option in the Proposed Development.</p> <p>In conclusion the Applicant has made appropriate technical and commercial choices, based on design information and engineering certainty at the time of developing the application, and has responded to the growing weight of government policy, emerging rules, incentives, and signals relating to the development of full chain CCUS by bringing forward a suitably designed, located and controlled Carbon Capture Power Station, in a timely manner in light of the urgent need in NPS EN-1.</p> <p>The readiness of other potential decarbonisation technologies such as hydrogen firing is changing rapidly in the current market and in the last 12 months this has enabled early consideration of a potential to develop a</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		hydrogen -fired power station. SSE will take appropriate account of technical and commercial factors and the planning policy applicable at the time (e.g. new NPSs if published) in deciding to progress a hydrogen fuelled power plant at Keadby.
Q1.14	The Applicant	The environmental permit variation for the Proposed Development has been submitted following the two-stage permitting approach agreed with the Environment Agency, this stage being an application for a Permit-in Principle. The permit variation application was submitted to the Environment Agency on 29 July 2021 and confirmed by the Environment Agency has received for Duly Made checks on 7 September 2021. As stated within the Draft Statement of Common Ground between the Applicant and the Environment Agency [REP1-008], submitted at Deadline 1, it has been agreed between the Parties that the environmental permit for the Proposed Development should be granted as a variation to the existing Keadby Power Station environmental permit (EPR/YP3133LL/V011).
Q1.15	The Applicant	As stated in the Applicant's Comments on Relevant Representations & Additional Submissions document [REP1-021], submitted at Deadline 1, cumulative or inter-related coastal processes effects have been considered in Chapter 19: Cumulative and Combined Effects (refer to Table 19.3) [APP-062].
Q1.16	The Applicant	The Applicant has discussed the scour protection comments raised by the MMO directly with them. As set out within the Statement of Common Ground between the Applicant and the MMO [REP1-010], submitted at Deadline 1, the Applicant confirms that a build-up of river silts and material occurs at the existing intake and outfall structures in the River Trent occurs during shutdown periods and that annual maintenance is required and is undertaken under existing permissions. Consequently, a build up of river silts (rather than scour of river silts) would typically be expected in the event that a cofferdam in the river is required for a short-period. As such, the Applicant has stated that if any localised scour were to occur, it would be likely to be highly localised owing to the tidal energies present in the Trent which result in a dynamic environment that would enable quick infilling. The impacts associated with potential scour are anticipated to be minimal and

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>therefore not significant due to the short duration of the cofferdam works and given the scale of the River Trent. It was agreed by the Parties that the commitment to use localised scour protection rock bags around the base of the River Trent cofferdam, where necessary, secured through the CEMP (a Framework of which is included with the application as [APP-160] and Requirement 17 of the draft DCO [APP-005] would control any localised scour effects if these were to occur. Further to this, the Parties are working together to determine whether any further assessment of scour protection is deemed necessary to provide reassurance to the MMO that scour is not expected to be a concern at the intake.</p>
Q1.1.7	North Lincolnshire Council (NLC) and The EA	N/A
Q1.1.8	The Applicant/ NLC	<p>As an overarching response to this question we have included requirement 33 in Schedule 2 of the Draft DCO which includes a number of controls to ensure the full chain of CCUS is both constructed and operating. Specifically, as it is currently drafted:</p> <ol style="list-style-type: none"> 1. Keadby 3 Carbon Capture Power Station cannot commence construction, aside from certain preliminary works, until evidence is produced that the National Grid Carbon network has been consented (i.e. the proposed Humber Low Carbon Pipelines DCO is made) as well as a carbon dioxide storage licence being in place for the geological store (this would be issued to the reserve promoter e.g. BP, by the Oil and Gas Authority) and, thirdly, an environmental permit being in place for the Proposed Development (which will be issued to KGL and regulate the operation of Keadby 3 in relation to fuel and other inputs, emissions to air and other outputs, and carbon capture). 2. Furthermore, Keadby 3 Carbon Capture Power Station's CCGT plant (Work No. 1A) cannot commence commercial operations until and unless the CCP (Work No. 1C) and the carbon dioxide compression and pipeline facility (Work No. 7) is also commercially operating. 3. There is also a restriction on disposal of the CCP (Work No. 1C) and carbon dioxide compression and pipeline facility (Work No. 7) land, in line with established wording of carbon capture readiness compliant power stations (as the Explanatory Memorandum explains, one precedent being the

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>Eggborough Gas Fired Generating Station Order 2018) and which acts to prevent this theoretical impediment to delivery of the CCP.</p> <p>4. This multi part requirement is drafted by reference to a range of defined terms avoiding reference to future commercial/fiscal regimes that are unknown, or which could change over the lifetime of the Proposed Development.</p> <p>Accordingly there is no reasonable possibility of the Keadby 3 Carbon Capture Power Station being constructed without the full CCUS chain being consented.</p> <p>Specifically in relation to the three numbered parts to the question:</p> <p>i. The onshore and offshore consent applications for the CO2 network do not form part of the Proposed Development, nor is the Applicant one of the parties seeking to develop the network. The Hornsea Four Off Shore Wind Farm (Generating Station) ("Hornsea Four") DCO application has recently completed its section 56 period. KGL has not registered as an interested party for the examination as it does not have a specific comment regarding the potential for or implications of an overlap. Nevertheless, the Applicant is aware that the network developer and Hornsea Four Offshore wind farm developer are in dialogue regarding this potential conflict and that the offshore regulators and Crown Estate are also party to these conversations. It would be our expectation that the promoter of the Endurance Reserve, BP, makes any necessary representations in relation to the Hornsea Four DCO examination and we would refer the ExA to the section 51 advice recently issued on the Humber Low Carbon Pipelines DCO Project (15 December 2021) in which it is stated that in relation to any representations on Hornsea Four regarding the potential overlap with the Endurance reserve "this matter would be led by BP." We further note that, in the Rule 6 letter published by the Inspectorate in relation to Hornsea 4 on 24 January 2022, the Examining Authority has requested that a Statement of Common Ground be prepared between Orsted (as the applicant</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>for Hornsea 4) and Northern Endurance Partnership, National Grid Carbon Ltd, Drax Power Ltd and Equinor New Energy Ltd, which is to include <i>inter alia</i> the effect of Hornsea 4 on the Endurance Aquifer, the proposed east coast cluster for carbon capture and the Humber Low Carbon pipeline. Any potential overlap, and resolution of any implications through micro siting, requirements, or a range of other potential resolutions available to the promoter/ExA for that project, would therefore be examinable as part of the Hornsea Four examination given the strategic importance of those projects in relation to UK government CCUS policy (eg. the Net Zero Strategy: Build Back Greener (October 2021) and the Energy White Paper (December 2020)), and we are not aware of any reason why these could not be properly considered during the course of the Hornsea Four examination and subsequent decision-making period. It also is the case that the Proposed Development would not take place if the Endurance Reserve or another suitable geological store were not available for any reason beyond KGL's control, due to the operation of requirement 33 as outlined above.</p> <ul style="list-style-type: none"> ii. The Applicant is not in a position to comment on the likelihood of the Hornsea Four wind farm being developed nor in what timescale. However, regarding the offshore component of the East Coast Cluster CO2 network, as this was identified as a Track 1 cluster in the recent BEIS CCS announcement and as this cluster also connects to the Net Zero Teesside project under development, it is considered by the Applicant to be highly likely that the network will be progressed to operation subject to navigation of the relevant consenting processes. iii. We consider Requirement 33 meets the planning tests, including all appropriate and reasonable controls over the construction and commercial operation of Keadby 3 Carbon Capture Power Station without duplicating unnecessarily the controls afforded by other regimes both existing (permitting) and in development (electricity export and carbon export); and being precise by using suitable defined terms. We note that the drafting does not tie the Proposed Development to the Endurance store itself in the unlikely event this were not to come forward. Nevertheless to provide further certainty and in line with Requirement 30 of the draft White Rose CCS (Generating Station) Order we are considering adding reference to the

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>need for a pipeline works authorisation under section 14 of the Petroleum Act 1998 for the offshore carbon transport pipeline to be in place before the works (as specified in the current drafting of Requirement 33) are commenced.</p>
<p>2. Air Quality and Emissions</p>		
Q12.1	Natural England (NE) and MMO	N/A
Q12.2	The Applicant	<p>There are two parts to the ExA's question and we deal with these sequentially below.</p> <ul style="list-style-type: none"> i. The final solvent selection will be made following completion of the detailed design and award of the contract for the construction of the Proposed Development. As the final selection was unknown at the time of preparing the DCO application, engagement was made with several carbon capture plant licensors with the potential to be selected for the Proposed Development. Detailed information on the amines to be used and the associated emissions to air was obtained from each licensor and worst case emission levels were derived from all the information provided so as to construct a Rochdale Envelope that enables a worst case assessment of potential effects. For example the highest expected emission of amines was used together with the highest expected emission of ammonia, even if these were from different licensor data. ii. As the final solvent selection has yet to be made, the environmental permit variation application has been prepared as a permit in principle to allow a permit to be granted at this stage; a second stage permit application will be made following finalisation of the solvent selection, which is expected to be in mid-2023. iii. While not specifically asked by ExA we would respond to the point by UKHSA as follows. Following confirmation of the solvent to be used in the Proposed Development, remodelling of the amine impacts will be carried out. This will incorporate the specific design details of the

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>CCP plant to be used, including the actual stack location, height and diameter, and the building dimensions. More appropriate amine concentrations will also be available to be included in the model (rather than the worst case of all licensors under consideration), and amine specific rate constants will also be used, where available. Remodelling with this updated data will give greater confidence in the actual process contribution to the Environmental Assessment Level. This information will be used in the updated (second stage) environmental permit variation application. A Statement of Common Ground has now been signed with the Health Security Agency confirming that the issues raised in their Relevant Representation have now been satisfactorily addressed, and submitted at Deadline 2.</p>
Q12.3	The Applicant	<p>We would firstly update the ExA that we have agreed in SoCG with the UK Health Security Agency, submitted at Deadline 2, the following:</p> <ul style="list-style-type: none"> Emissions of amine products would be managed through an Environmental Permit issued by the Environment Agency. It has been agreed between the Applicant and the Environment Agency that the environmental permit variation for the Proposed Development has been submitted following the two-stage permitting approach, given that the final selection of licensor had not been made at the time of this application; this stage being an application for a Permit-in Principle. The permit variation application was submitted to the Environment Agency in July 2021 and included an appraisal of BAT and assessment of air impacts based on the current design understanding. The assessment of air impacts included an appraisal of amine emissions and formation of amine degradation products, following protocols agreed with the Environment Agency and using conservative assumptions. It has been agreed with the Environment Agency that a subsequent permit update may be required following completion of the detailed design to address any specific design measures to be applied and provide further detail on air quality impacts, including updated modelling, where appropriate. It is agreed that the UK Health Security Agency will be consulted at the relevant time by the Environment

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>Agency on the detail of the environmental permit application in accordance with prevalent consultation guidance on environmental permits.</p> <ul style="list-style-type: none"> • During the plant operation, emissions to air from the stack including amines would be monitored in accordance with the Environmental Permit issued by the Environment Agency. <p>To specifically respond to the three numbered points raised by the ExA:</p> <ol style="list-style-type: none"> i. Following confirmation of the solvent to be used in the Proposed Development, remodelling of the amine impacts will be carried out. This will incorporate the specific design details of the CCP plant to be used, including the actual stack location, height and diameter, and the building dimensions. More appropriate amine concentrations will also be available to be included in the model (rather than the worst case of all licensors under consideration), and amine specific rate constants will also be used, where available. Remodelling with this updated data will give greater confidence in the actual process contribution to the Environmental Assessment Level. This information will be provided in an environmental permit update application. ii. There are accredited monitoring methods available for amines released in stack emissions, and therefore these will be applied where appropriate and secured through the environmental permit monitoring conditions. Due to the low concentrations of amine degradation species that will be released from the CCP, and also the low concentrations of amines within the ambient air, there are currently no accredited monitoring methodologies available for these parameters. It is understood that the Environment Agency are currently developing appropriate accredited methods and it envisaged that once available and where appropriate these will be applied and secured through the environmental permit monitoring conditions. iii. The nearby designated landfills comprise former ash mono landfills containing pulverised fuel ash tips representing non hazardous waste. No commercial or municipal waste deposits are present here. As stated in the Applicant's Comments on Relevant Representations &

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>Additional Submissions document [REP1-021], submitted at Deadline 1, the Applicant has assessed the risk of ground gases which may be generated within the Proposed Development Site in Table 16: Preliminary Risk Assessment (Linkage L11: Ground gas) due to the extent of Made Ground expected as a result of the former landfills, and has assigned a risk rating of moderate/ low for the presence of ground gas resulting from these landfills. This rating is typical for brownfield sites and no specific mitigation is required or proposed to address ground gas mobilisation through the construction of the Proposed Development [APP-087]. However, the Applicant is committed to further assessing contaminative risks of ground gases through intrusive ground investigation and risk assessment at the detailed design stage. Should this further stage of evaluation, which is secured by Requirement 15 (Contaminated Land and Groundwater) of the draft DCO [APP-005] determine that there is potential for ground gas to migrate off-site and affect nearby properties, remedial measures would be taken to prevent gas migration and render the land fit for its intended purpose. The scheme secured by Requirement 15 would set out long-term measures with respect to any contaminants, including ground gases, remaining on the site. The position above has been agreed with the UK HSA in SoCG submitted at Deadline 2.</p>
Q1.2.4	The Applicant/ EA	<p>i. Yes the use of amine products will be controlled through the Environmental Permit. This will include utilising BAT for the use and control of amines, as detailed in the EA's BAT guidance for Post-Combustion CO2 Capture using Amine-Based Technologies. This covers the storage of amines, their use within the CCP process and the control of fugitive and direct emissions of amine species to air, water and land.</p> <p>It is also envisaged that the permit will specify emission limit values (ELVs) for releases of amines to atmosphere as well as monitoring requirements. It has been agreed between the Applicant and the Environment Agency that the environmental permit variation for the Proposed Development has been submitted following the two-stage permitting approach,</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>given that the final selection of licensor had not been made at the time of this application; this stage being an application for a Permit-in Principle. The permit variation application was submitted to the Environment Agency in July 2021 and included an appraisal of BAT and assessment of air impacts based on the current design understanding. The assessment of air impacts included an appraisal of amine emissions and formation of amine degradation products, following protocols agreed with the Environment Agency and using conservative assumptions. It has been agreed with the Environment Agency that a subsequent permit update may be required following completion of the detailed design to address any specific design measures to be applied and provide further detail on air quality impacts, including updated modelling, where appropriate.</p> <p>It is agreed that the UK Health Security Agency will be consulted at the relevant time by the Environment Agency on the detail of the environmental permit application in accordance with prevalent consultation guidance on environmental permits. During the plant operation, emissions to air from the stack including amines would be monitored in accordance with the Environmental Permit issued by the Environment Agency.</p> <ul style="list-style-type: none"> ii. No – the DCO application has adopted a robust worst case parameter approach (the 'Rochdale Envelope') and due to the control that will be provided within the environmental permit as explained further in our answers to 1.2.2 and 1.2.3 above we consider it is unnecessary and likely unworkable to duplicate such control in the DCO. iii. It is considered that the wording of Schedule 1 of the draft DCO requires works to fall within the scope of the works assessed within the environmental statement. The environmental assessment demonstrates no significant air quality effects arising from the Proposed Development based on the parameters assessed in the Rochdale Envelope. Therefore, no additional controls are necessary

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q12.5	The Applicant	<p>The ambient NOx, NO2 and NH3 monitoring report (dated 07 May 2021) had not been made available to the project at the time of writing the DCO.</p> <p><i>[REP1-006] Keadby Generation Limited Deadline 1 Submission – 5.12 Habitats Regulations Assessment Appropriate Assessment Report – Rev 2 was submitted 21st December, and includes consideration of this data. The data does not affect the overall outcome of either the air quality assessment or the HRA.</i></p> <p>In addition, a SoCG with NE [REP1-009] has been reached, and was also submitted at Deadline 1 which states:</p> <p><i>“The Applicant has confirmed that the diffusion tube monitoring results have been taken into consideration in the HRA Appropriate Assessment. The Parties are agreed that the correct approach has been taken and the results of the monitoring have been incorporated correctly within the updated HRA Appropriate Assessment. It is agreed that the updated air quality information discussed within the updated HRA Appropriate Assessment will be included in an updated air quality assessment and that this will be submitted into examination.”</i></p>
Q12.6	The Applicant	<p>During the operational phase of the Proposed Development, up to circa 50 full-time permanent operational roles would be created. It is anticipated that staff would work a similar shift pattern to existing Keadby Power Station staff, likely working a two-shift system 07:00 – 19:00 and 19:00 – 07:00. Administrative staff are anticipated to work an office-hour pattern between 08:30 and 18:00. Up to 200 contractors may be present on site during an outage. In addition, it is expected that there would be up to 10 HGVs accessing the site per day for raw material deliveries and waste disposal, as a worst case.</p> <p>The Institute of Air Quality Management (IAQM) published screening criteria to proceed to an air quality assessment is presented in Table 10 of Appendix 8A: Air Quality Construction Phase [APP-069] and would</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>not be exceeded by the operational traffic generation. For comparison, the criteria used in the assessment is:</p> <p>For LDVs, a change of:</p> <ul style="list-style-type: none"> i. More than 100 Annual Average Daily Traffic (AADT) within or adjacent to an AQMA ii. More than 500 AADT elsewhere iii. For HDVs, a change of: iv. More than 25 AADT within of adjacent to an AQMA v. More than 100 AADT elsewhere <p>Based on these criteria, the 50 operational staff and 10 HGVs proposed for the operational stage are significantly below the IAQM thresholds of 100 AADTs shown above.</p>
Q12.7	NLC, the EA and the Canal and River Trust (C&RT).	<p>While not directed at the Applicant, we note that the assessment is conservatively based on the assumption that receptors are high risk irrespective of the risk categorisation attributed to the receptors close to the Proposed Development Site, and therefore the proposed dust mitigation measures to be applied are conservative.</p>
Q12.8	The Applicant	<p>As stated in the Applicant's Comments on Relevant Representations & Additional Submissions document [REP1-021], submitted at Deadline 1, the assessment of effects of the Proposed Development in terms of air quality and construction dust are set out in Chapter 8: Air Quality [APP-051] of ES Volume I and Appendix 8A [APP-069] of ES Volume II.</p> <p>In relation to the clarification sought on dust impacts, the Applicant confirms that Section 8.6.2 of Chapter 8: Air Quality should read <i>'The assessment has considered risks from demolition/ site clearance works,</i></p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p><i>earthworks, construction and trackout (of mud to the road) and, based on the potential scale of activities and the sensitivity of the receptor area, (as defined in Appendix 8A: Air Quality - Construction Phase (ES Volume II – Application Document Ref. 6.3)) unmitigated dust impacts are considered to be 'low risk' for human health receptors, and medium risk for ecological receptors. Therefore, mitigation measures appropriate to the scale of perceived risk would be applied as part of the CEMP.'</i></p> <p>Based on the above, it is considered that there is no requirement to update mitigation measures in either Chapter 8, or Appendix 8A, as these have been conservatively based on the assumption that high risk mitigation measures are to be applied at the site, despite the evaluation that receptors in the vicinity of the Site are low or medium risk for human health and ecological receptors respectively. Please also see the response to the previous question.</p>
Q12.9	The Applicant	<p>The comment that N-amine removal pathways could be missing from the model, means that the modelled results presented in ES Appendix 8C are likely to be higher than if these potential N-amine removal pathways could be taken into account.</p> <p>It is therefore considered that the omission of these removal pathways in the model leads to worse case (higher) impacts, and therefore the results presented are considered to be conservative.</p>
Q12.10	The Applicant	<p>It is considered that the numerous conservative assumptions used in the assessment carried out in ES Appendix 8C results in predicted impacts that represent a reasonable worst case assessment. This includes sensitivity testing on the amine reaction rates and degradation pathways based on a review of academic literature, together with discussions with carbon capture plant licensors on amine emissions and their degradation products. Until the actual solvent is known, there remains the potential for different N-amine species to be formed, and consequently it is proposed that further assessment will be carried out as part of the second stage environmental permit application (as detailed in response to question Q1.2.3) to</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		confirm. However, as no N-amine removal pathways are included in the model and as it is known from a number of research studies that the N-amines only last for a relatively short duration in the environment before decomposing (which has not been taken into account in the assessment), it is considered that the assessment remains highly conservative.
Q12.11	EA/ HSA	The Applicant wishes to note that Limitations of the ADMS amines chemistry model – the only commercially available model for the purposes of the assessment - are outlined in section 4.4 of Appendix 8C [APP-071]. The Applicant submitted a proposed modelling methodology to the Environment Agency, and considered the draft guidance (AQMAU recommendations for the regulation of impacts to air quality from amine-based post-combustion carbon capture plant' (Environment Agency 2020) and applied this in the assessment. Agreement on the approach is to be set out in the Statement of Common Ground with the Environment Agency to be submitted at Deadline 3.
Q12.12	The Applicant	The list of committed developments included in the ES (as set out in Chapter 19: Cumulative and Combined Effects [APP-062]) are the same as those included in the traffic model and which were reported in the Transport Assessment (Appendix 10A of ES Volume II) [APP-074]. Any development traffic associated with the committed developments identified would be incorporated within background growth applied to the baseline flows. Traffic growth factors for the area in which the Proposed Development is located (MSOA 006 within North Lincolnshire District) have been obtained from TEMPRO Version 7 software. The use of TEMPRO software is generally recognised as the industry standard tool for determining traffic growth factors to apply to base flows in order to estimate future year traffic flows.
Q12.13	The Applicant	At this stage in the Proposed Development design, the number of NRMM and construction diesel generators required on site, their locations, sizing and hours of operation are all unknown, since a construction contractor has yet to be appointed and the potential use of site power on the Proposed

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>Development Site has not yet been established. This therefore makes any assessment of such emissions at this time arbitrary, and as such it is not considered to be beneficial.</p> <p>In the event that temporary diesel generators are required on site, their sizing, siting and use will be controlled through the CEMP such that they do not give rise to any significant adverse effects. In addition, dependent on the aggregated capacity of any generators, an environmental permit may be required for their operation, and therefore this will require assessment and control of the emissions at this stage, in order to demonstrate they do not give rise to any significant adverse effects.</p> <p>It is therefore considered that any impact on the baseline assessments would be minimal, and in any case would be temporary in nature.</p> <p>The nearest AQMA for PM10 is 6.2km from the Proposed Development site, and therefore it is considered unlikely that NRMM or generators used during the construction phase would impact upon this area, given the distance from the Proposed Development.</p> <p>It is therefore considered that the CEMP and any additional permits would provide sufficient control over air quality effects from generators and that no further assessment is appropriate at this time, due to the uncertainties outlined above.</p> <p>Additional wording can be included in the framework CEMP secured by Requirement 17 if considered necessary. This is the approach adopted on many other DCOs.</p> <p>With the above in mind, as set out in the Statement of Common Ground with the UK Health and Security Agency, submitted at Deadline 2, the Parties are agreed that the air quality assessment submitted as part of the DCO application appropriately assess the air quality impacts of the Proposed Development.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q12.14	The Applicant	<p>As stated in the Applicant's Comments on Relevant Representations & Additional Submissions document [REP1-021], submitted at Deadline 1, it is considered that there is no requirement to update mitigation measures in either Chapter 8, or Appendix 8A, as these are based on the assumption that the site has been identified as a high risk for fugitive dust emissions, and that appropriate mitigation measures are required to be applied to control fugitive dust emissions. The list of measures set out in paragraph 3.2.14 in Appendix 8A [APP-069] are examples of measure that could be implemented, which may or may not be required depending on the onsite conditions. The IAQM guidance (2014) provides a more comprehensive list of measures that should be considered as mitigation where required with the decision on specific measures required relying on professional judgement, as it is not envisaged that all mitigation measures listed in the IAQM (2014) guidance will be required at all times or at all locations. The Final CEMP will set out the mitigation measures to be employed during the construction.</p> <p>The UK Health Security Agency has advised that the dust monitoring and recording strategy should include properties north of the abnormal load route and south of the water connection corridor. The scheme to control any emissions to air and for environmental monitoring will form part of the final CEMP, secured by Requirement 17(2b) and (2f). The Applicant confirms it will be happy to add representative receptors from these groups to the Framework CEMP at a future deadline, which the final CEMP must take account of. The UK Health Security Agency requested that consideration be given to impacts of any decommissioning of the abnormal load route. The Applicant confirms that Appendix C of the Framework CEMP [APP-160] comprises Haul Road Ecology Protection Measures relevant to the restoration of the Additional Abnormal Indivisible Load (AIL); and Appendix D comprises the Haul Road Construction Environmental Management Plan; which includes consideration of restoration of the AIL. The final CEMP, secured by Requirement of the draft DCO [APP-005] must be prepared in accordance with the Framework CEMP [APP-160].</p> <p>With the above in mind, as set out in the Statement of Common Ground with the UK Health and Security Agency, submitted at Deadline 2, the Parties are agreed that the air quality assessment submitted as part of</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>the DCO application appropriately assess the air quality impacts of the Proposed Development using representative worst-case assumptions during construction, operation and decommissioning.</p>
Q12.15	The Applicant	<p>The air impact assessment has been conservatively undertaken on the basis of continuous plant operation all year round; therefore, the main impact assessment presented is considered to give rise to the worst case potential effects. The commissioning duration is not possible to define as part of the DCO application because of the early stage in the design process. The mass emissions of pollutants during commissioning will be lower than those assessed in the air impact assessment, since they will be sporadic in nature and of short duration.</p> <p>It is also of relevance that commissioning activities will be controlled through the Environment Permit. For new plant, Environmental Permits include Pre-operational measures, which typically detail the requirement for a Written Commissioning Plan to be submitted for approval by the EA prior to the commencement of commissioning. Such a plan will be required to include timelines for completion, details on the expected emissions during the commissioning process and actions to be taken to protect the environment. A requirement to notify the EA if expected emissions are exceeded is also included. As part of this plan therefore we are happy to agree to the inclusion of commissioning effects in the reappraisal of emissions proposed in paragraph 8.3.40.</p> <p>As a general point the Dispatchable Power Agreement ('DPA') would establish an operational date thereby further controlling the length of the commissioning stage.</p> <p>The response to question Q1.2.3 above, confirms that further assessment of amines and their degradation processes will be carried out once further detail is available.</p>
Q12.16	The EA	N/A

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q12.17	The Applicant	<p>Selective Catalytic Reduction (SCR) for the abatement of NOx is required for regulatory purposes to meet the required BAT-AEL emission limit values and to optimise the carbon dioxide capture efficiency. Work 1A of Schedule 1 of the draft DCO [APP-005] therefore secures the following:</p> <ul style="list-style-type: none"> <i>i. 'nitrogen oxide emissions control equipment and chemical storage;</i> <i>ii. chemical sampling / dosing plants; and</i> <i>iii. continuous emissions monitoring system.'</i> <p>The updated HRA Appropriate Assessment submitted at Deadline 1 [REP-006] has clarified the design measures within the Proposed Development that are implicit to meet regulatory requirements and those that are proposed mitigation (abatement) measures, specifically those for the control of ammonia emissions (e.g. potential use of acid wash) in order to manage atmospheric pollutants so that they remain below the critical levels/ loads set for all of all the relevant European Sites.</p> <p>In the Statement of Common Ground with Natural England [REP-009] submitted at Deadline 1, the Applicant has committed to reviewing the wording of any updates to the draft DCO [APP-005] in consultation with Natural England.</p>
<p>3. Biodiversity, Ecology and Natural Environment</p>		
Q13.1	The Applicant/ EA	<p>As stated within the Draft Statement of Common Ground between the Applicant and the Environment Agency [REP1-008], submitted at Deadline 1, it has been agreed <i>“that the specified control measures within the Framework Construction Environmental Management Plan (CEMP) [APP-160], including protected species surveys noted as required under ‘Monitoring/ Additional Survey Requirements’ in Table 5) and which are to be secured via Requirement 6 of the draft DCO [APP-005], are appropriate for the control of</i></p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p><i>potential effects on protected species that fall within the remit of the Environment Agency during construction of the Proposed Development.”</i></p> <p>Chapter 11: Biodiversity and Nature Conservation [APP-054] provides an assessment of potential impacts on water voles and identifies only very limited potential for impact arising from loss of a field drain of sub-optimal suitability, and the need to install a single bridge crossing and (where directional drilling cannot be utilised) installation of electrical connections. The chapter concludes (paragraph 11.6.68) <i>“there is sufficient unoccupied comparable habitat within the wider connected drain network around the Main Site to accommodate any water voles displaced by permanent or temporary habitat losses.”</i></p> <p>Given the above, the anticipated mitigation approach (based on current baseline data) would involve displacement of water voles within drains they already occupy and immediately connected drains on the boundary of the Main Site. As stated in the chapter, the availability of suitable habitat for water vole currently exceeds the habitat required to meet the needs of the very limited water vole presence in the affected watercourses. So there is no anticipated need to utilise unsurveyed drains located further afield for mitigation purposes.</p> <p>Given water vole populations are often dynamic (with potential to either rapidly increase or decrease over time), it must be assumed that the water vole population present at construction could diverge from the baseline situation. Therefore, the most appropriate time to undertake these confirmatory surveys and specify final mitigation design is prior to commencement of the relevant construction activities.</p> <p>The Framework Construction Environmental Management Plan (CEMP) [APP-160] includes a commitment to undertake further protected species surveys (noted as required under ‘Monitoring/ Additional Survey Requirements’ in Table 5) and as noted, these surveys are proposed to be secured via Requirement 6 of the draft DCO [APP-005] to control potential effects on protected species, including water vole, that fall within the remit of the Environment Agency during construction of the Proposed Development.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q1.3.2	The Applicant/ The EA/ NE	<p>As stated in the Applicant's Comments on Relevant Representations & Additional Submissions document [REP1-021], submitted at Deadline 1, The Framework Construction Environmental Management Plan (CEMP) [APP-160] includes a commitment to undertake further protected species surveys (noted as required under 'Monitoring/ Additional Survey Requirements' in Table 5) and as noted, these are proposed to be secured via Requirement 6 of the draft DCO [APP-005] to control potential effects on protected species that fall within the remit of the Environment Agency during construction of the Proposed Development. As is standard best practice, all ecological surveys will identify locations within the potential zone of influence of the Proposed Development that support conditions potentially suitable for riparian mammals including water vole.</p> <p>The Draft Statement of Common Ground between the Applicant and the Environment Agency [REP1-008], submitted at Deadline 1, confirms agreement of the proposed approach.</p>
Q1.3.3	NE	N/A
Q1.3.4	The Applicant	<p>There are no requirements for dredging works during construction of the Proposed Development. Instead dredging was referred to as an activity likely to mobilise sediments in a manner broadly comparable with the localised and minor sediment disturbance that could occur during installation of a cofferdam to coincide with the existing concrete apron of the existing water intake structure.</p> <p>The Applicant has provided updates to the HRA Appropriate Assessment and this provides an assessment of potential impacts on water quality and water biodiversity in relation to the European Site designations applied to the River Trent. The updated HRA Appropriate Assessment was submitted at Deadline 1 [REP1-006] and states (paragraph 6.2.4) that <i>"The MMO has also previously been involved in licensing for the Keadby 1 Power Station Intake & Outfall Dredging (MLA/2017/00312, covering a maximum volume of 25,000m3) and concluded that disturbance to bed sediments is not likely to impact water quality or</i></p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p><i>biodiversity within the estuary. Natural England was also consulted on this licence and advised "it can be excluded that the application will have a significant effect on any SAC, SPA or Ramsar site, either individually or in-combination with other plans or projects."</i></p> <p>As stated in the Statement of Common Ground between the Applicant and Natural England, submitted at Deadline 1 [REP1-009], the Parties are now agreed that the Proposed Development would not adversely affect the integrity of the relevant European Site designations applicable to the River Trent.</p>
Q1.3.5	The Applicant	<p>Screening of likely significant effects (LSE) for the purposes of the Habitats Regulations was completed by North Lincolnshire Council for Planning Application PA/2019/1554 (Planning permission to construct a foundation to support a temporary mobile crane including associated works Keadby Railway Wharf, Trent Side, Keadby). In relation to this application, Natural England advised NLC on 28 October 2019 that the proposed developments would not have significant adverse impacts on designated sites and that Natural England had no objection.</p>
Q1.3.6	The Applicant	<p>The biodiversity enhancement approach set out in the Landscaping and Biodiversity Management and Enhancement Plan (LBMEP) [APP-039] is proposed to be secured via Requirement 6 of the draft DCO [APP-005].</p>
Q1.3.7	The Applicant	<p>As stated in the Applicant's Comments on Relevant Representations & Additional Submissions document [REP1-021], submitted at Deadline 1, The Framework Construction Environmental Management Plan (CEMP) [APP-160] includes a commitment to undertake further protected species surveys (noted as required under 'Monitoring/ Additional Survey Requirements' in Table 5) and as noted, these are proposed to be secured via Requirement 6 of the draft DCO [APP-005] to control potential effects on protected species that fall within the remit of the Environment Agency during construction of the Proposed Development. As is standard best practice, all ecological surveys will identify locations within the potential</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		zone of influence of the Proposed Development that support conditions potentially suitable for riparian mammals including water vole.
Q1.3.8	The Applicant	As stated in the Applicant's Comments on Relevant Representations & Additional Submissions document [REP1-021], submitted at Deadline 1, at the time of the assessment (June 2021), biodiversity net gain (BNG) was not mandated for DCO applications. However, further to discussions with Natural England, the Applicant intends to provide an update to the assessment consistent with Metric 3.0 methods and this is currently being progressed and will also be shared with Natural England in draft with a view to submitting it at Deadline 5.
Q1.3.9	The Applicant	As stated in the Applicant's Comments on Relevant Representations & Additional Submissions document [REP1-021], submitted at Deadline 1, the calculation presented in the Landscaping and Biodiversity Management and Enhancement Plan [APP-039] that accompanies the Application was based on areas of the Proposed Development Site that had the potential to be directly affected by works and that the red line also includes several large areas that would remain undisturbed and that were not proposed for use for habitat compensation or enhancement. The Applicant also notes that at the time of the assessment (June 2021), biodiversity net gain (BNG) was not mandated for DCO applications. Notwithstanding, the Applicant has agreed with Natural England that it will update the assessment and will either include the whole Order Limits area or set out the rationale for why areas are not included in the updated assessment using Metric 3.0. The revised assessment will be issued to Natural England and other stakeholders including North Lincolnshire Council in draft for comment prior to submission into examination, likely at Deadline 5.
Q1.3.10	NLC	N/A
Q1.3.11	The Applicant	The Applicant intends to provide an update to the assessment consistent with Metric 3.0 methods. This will be made with reference to current guidance published by Natural England with Metric 3.0. The methods and

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>guidance followed will be described in the report that will be submitted to Natural England and other stakeholders including North Lincolnshire Council in draft for comment prior to submission into examination.</p> <p>The Applicant would emphasise that they have already actively engaged with the CIRIA/CIEEM/IEMA BNG good practice principles in that they have made extensive efforts to site the Proposed Development to avoid habitats of known sensitivity (as set out in Chapter 6 - Consideration of Alternatives [APP-049]), and where impacts cannot be avoided suitable mitigation has been proposed (which will be tested further through use of Metric 3.0).</p>
Q1.3.12	The Applicant	<p>The Applicant has provided updates to the HRA Appropriate Assessment to provide the information required by Natural England in relation to potential impacts and effects on the European Site designations applied to the Humber Estuary. In so doing, the Applicant has also clarified the potential impacts and effects on the Humber Estuary SSSI, as the designated interest features of the SSSI within the zone of influence of the Proposed Development are comparable. The updated HRA Appropriate Assessment was submitted at Deadline 1 [REP1-006].</p> <p>As stated in the Statement of Common Ground between the Applicant and Natural England, submitted at Deadline 1 [REP1-009], the Parties are now agreed that the Proposed Development is not likely to damage features of interest of Humber Estuary SSSI.</p>
Q1.3.13	The Applicant	<p>The Applicant does not disagree that a badger development licence may be needed or that this would be mandatory where an offence is likely. However, the Applicant does consider that final decision-making on the need for a licence and specification of appropriate mitigation should be based on up-to-date survey information gathered prior to construction commencing.</p> <p>As stated in the Applicant's Comments on Relevant Representations & Additional Submissions document [REP1-021], submitted at Deadline 1, The Applicant notes that the wording of Appendix 11D [APP-079]</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>(para 5.3.2) confirms that an updated badger survey will be completed in advance of construction works to re-confirm the status and distribution of badgers and that it is the Applicant's intention to review and confirm both the mitigation and licensing requirements on the basis of this updated badger survey. If a badger development licence is required, this would be obtained from Natural England to permit works likely to result in offences under the relevant legislation. The potential need for a badger development licence is noted in the Schedule of other Consents and Licences [APP-033] submitted with the Application.</p> <p>The Framework Construction Environmental Management Plan (CEMP) [APP-160] includes a commitment to undertake further protected species surveys. These surveys and the related final mitigation strategy are proposed to be secured via Requirement 6 of the draft DCO [APP-005].</p> <p>In relation to potential impacts on the main badger sett (Sett 3), which is the sett subject to the most restrictive mitigation requirements, the Applicant is willing to submit confidential descriptive information from qualified ecological advisors attesting to the suitable set-back between the set and the construction works.</p>
Q1.3.14	The Applicant	<p>As stated in the Applicant's Comments on Relevant Representations & Additional Submissions document [REP1-021], submitted at Deadline 1, The Stainforth and Keadby Canal drains into the River Trent but is not within the marine environment and impact to eels within the canal is therefore outside the remit of the MMO. The Canal and River Trust has responsibility for the impacts on eels in the canal. As set out in the Statement of Common Ground between the Applicant and the Canal and River Trust [REP1-014], submitted at Deadline 1, the Parties are agreed there are no issue with the consideration that has been given to all potential effects that could impact upon nature conservation designations, habitats and species within the Stainforth and Keadby Canal as a result of construction and operation of the Proposed Development.</p> <p>The Applicant advises that an assessment of potential noise impacts on European eel was present within Appendix 11H - Underwater Sound Effects on Fish [APP-083]. While the focus of this assessment was the River Trent it is consider that the rationale presented can reasonably be extended to the canal. The</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>assessment advises that any behavioural disturbance would be intermittent only and not likely to impact conservation status (over the duration of installation of the cofferdam) (paragraph 2.1.15 onwards). The assessment also advises that the proposed construction approach, involving soft start, would permit European eel opportunity to relocate before there would be risk of physical injury (paragraphs 2.1.10-11). The need to utilise a soft start approach within the canal is captured within the updated HRA Appropriate Assessment was submitted at Deadline 1 [REP1-006] to address comment from Natural England in relation to lamprey.</p>
Q1.3.15	The Applicant	<p>The Applicant wished to reiterate the limited duration of the proposed piling works, the intermittent nature of the proposed construction activities, and the committed mitigation as set out in Appendix 11H - Underwater Sound Effects on Fish [APP-083]. It is proposed that this mitigation be secured via Requirement 18 of the draft DCO [APP-005].</p> <p>As stated in the Applicant's Comments on Relevant Representations & Additional Submissions document [REP1-021], submitted at Deadline 1, throughout the assessment, a precautionary approach to assessing the impact of underwater sound on fish, particularly migratory fish in the river, has been adopted. Based on the findings, the Proposed Development has committed to a seasonal restriction on piling for the protection of migratory salmon; the species that is sensitive to underwater sound. Whilst it is acknowledged that alternative modelling approaches exist, such alternative approaches would not result in any material change in the assessment or conclusions, or to the embedded mitigation proposed and committed to within the draft DCO requirements i.e. adoption of a seasonal restriction for migratory salmon.</p> <p>Reference should be made to the Statement of Common Ground [REP1-010] between the Applicant and the MMO, also submitted at Deadline 1 which sets out matters agreed between the Parties and where the Parties have agreed to work together to resolve outstanding matters.</p>
Q1.3.16	The MMO	N/A

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q1.3.17	The Applicant	<p>As set out in the Statement of Common Ground with Natural England [REP1-009], submitted at Deadline 1, it is agreed that any wording of updates to the draft DCO will be made in consultation with Natural England. The updates will include 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 Humber Estuary SPA. These will be suitably secured in the draft DCO and supporting documentation.</p>
<p>4. Habitat Regulations Assessment</p>		
Q1.4.1	NE	N/A
Q1.4.2	The Applicant	<p>The Applicant has provided updates to the HRA Appropriate Assessment to provide the information required by Natural England in relation to potential impacts and effects on European Sites. The updated HRA Appropriate Assessment was submitted at Deadline 1 [REP1-006].</p> <p>The HRA Appropriate Assessment identifies the relevant features of interest based on the information published by Natural England for the relevant European Sites and explains which of these features is and is not relevant. Relevance is based on considerations in relation to geographic location and habitat requirements, and permits scoping out of marine and coastal interest features given the characteristics of the River Trent at this location (as described and evidenced in the updated HRA). Where conditions are potentially suitable for features of interest, the HRA Appropriate Assessment takes a precautionary approach and assumes presence of these features.</p> <p>As stated in the Statement of Common Ground between the Applicant and Natural England, submitted at Deadline 1 [REP1-009], the Parties are now agreed that the Proposed Development would not adversely affect the integrity of the relevant European Sites.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q1.4.3	The Applicant	<p>The Applicant's original position was that this was general mitigation for all fish species, particularly Atlantic Salmon which is not a qualifying feature of the European Sites. Therefore, these measures would be required regardless of the presence of the European Sites.</p> <p>The above stated, the Applicant wishes to advise that, following discussions with NE, these measures have now been carried forward to AA within the updated HRA Appropriate Assessment was submitted at Deadline 1 [REP1-006].</p> <p>As stated in the Statement of Common Ground between the Applicant and Natural England, submitted at Deadline 1 [REP1-009], the Parties are now agreed that the Proposed Development Proposed Development would not adversely affect the integrity of the relevant European Sites.</p>
Q1.4.4	The Applicant	<p>The HRA Appropriate Assessment has been updated and was submitted at Deadline 1 [REP1-006]. This update takes account of the use of soft-start procedures as mitigation.</p> <p>As stated in the Statement of Common Ground with Natural England [REP1-009], submitted at Deadline 1, the Parties are agreed that the wording of the Deemed Marine Licence 'During Construction, Operation and Maintenance' condition (No. 18 DML) which is included in the draft DCO [APP-005] adequately secures the use of soft-start procedures within the DCO and that no further changes to the DCO in this respect are necessary.</p>
Q1.4.5	The Applicant	<p>The above stated, the Applicant wishes to advise that, following discussions with NE, these measures have now been carried forward to AA within the updated HRA Appropriate Assessment was submitted at Deadline 1 [REP1-006].</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>As stated in the Statement of Common Ground between the Applicant and Natural England, submitted at Deadline 1 [REP1-009], the Parties are now agreed that the Proposed Development would not adversely affect the integrity of the relevant European Sites. Please also to the Applicant's response to Q1.3.17.</p>
Q14.6	The Applicant	<p>An updated HRA Appropriate Assessment was submitted at Deadline 1 [REP1-006]. As stated in the Statement of Common Ground between the Applicant and Natural England, submitted at Deadline 1 [REP1-009], the Parties are now agreed that the Proposed Development Proposed Development would not adversely affect the integrity of the relevant European Sites. These measures are proposed to be secured via Requirement 11 of the Deemed Marine Licence which is included in the draft DCO [APP-005]. This requires a detailed marine method statement, including methods for cofferdam installation.</p> <p>This mitigation for fish is also secured via Requirement 6 of the draft DCO [APP-005], fish mitigation is specified in the Landscaping and Biodiversity Management and Enhancement Plan [APP-039] covered by this requirement.</p>
Q14.7	The Applicant, the MMO, NE and any Interested Parties (IPs)	<p>An updated HRA Appropriate Assessment was submitted at Deadline 1 [REP1-006]. As stated in the Statement of Common Ground between the Applicant and Natural England, submitted at Deadline 1 [REP1-009], the Parties are now agreed that the Proposed Development Proposed Development would not adversely affect the integrity of the relevant European Sites (including consideration of lamprey as a qualifying feature).</p> <p>Mitigation for fish during dewatering of cofferdams is considered to fall within the remit of Requirement 11 of the Deemed Marine Licence which is included in the draft DCO [APP-005]. This requires a detailed marine method statement, including methods for cofferdam installation.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q1.4.8	The Applicant	<p>The biosecurity measures for INNS are required to ensure that during construction the Applicant meets general (rather than European Site specific) legal requirements in relation to INNS, and to protect the water supply and discharge infrastructure of the Proposed Development from damage during operation. These measures are not proposed to address a potential impact on European Sites for the reasons given in paragraphs 5.2.29-30 and paragraph 5.3.10) of the updated HRA Appropriate Assessment was submitted at Deadline 1 [REP1-006].</p>
Q1.4.9	The Applicant	<p>Under the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 and the Environmental Permitting (England and Wales) Regulations 2016, it is illegal to pollute watercourses, irrespective of their designation.</p> <p>However, for purposes of clarity and as requested by Natural England, this impact pathway was taken forward to AA within the updated HRA Appropriate Assessment submitted at Deadline 1 [REP1-006].</p> <p>As stated in the Statement of Common Ground between the Applicant and Natural England, submitted at Deadline 1 [REP1-009], the Parties are now agreed that the Proposed Development Proposed Development would not adversely affect the integrity of the relevant European Sites.</p>
Q1.4.10	The Applicant	<p>The SCR and flue gas washing will be required in order to ensure that the BAT-AELs are met in accordance with the Environmental Permit. Emissions monitoring will be required by the Environmental Permit, to ensure that emission concentrations are within the permitted limits. As outlined in previous responses, the use of SCR is not considered to be mitigation for potentially significant effects on designated Habitats but ammonia controls such as acid wash may be considered to be mitigation; consequently the HRA Appropriate Assessment was revised on this basis and submitted at Deadline 1 [REP1-006].</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>The Environmental Permit requires that all plant is maintained in accordance with BAT, and to ensure that permitted emission limit values (ELVs) are complied with.</p>
Q1.4.11	The Applicant	<p>This is addressed within the updated HRA Appropriate Assessment that was submitted at Deadline 1 [REP1-006] (paragraph 5.2.5 to 5.2.6). A very small area of reed bed is present in the order limits at the cooling water outfall where it would not be affected.</p> <p>Even though Natural England consider reedbed be considered to fall within a broad definition of saltmarsh, it is otherwise not a qualifying interest feature of the Humber Estuary SAC and Ramsar site, as set out in Section 4.3 of the updated HRA Appropriate Assessment. The only type of saltmarsh vegetation identified as a qualifying feature is the 'Salicornia and other annuals colonising mud' vegetation and this does not accord with the reedbed observed along the margins of the River Trent.</p> <p>The Applicant considers that this distinction has been agreed with Natural England in relation to requirements for HRA, as the Parties are now agreed that the Proposed Development Proposed Development would not adversely affect the integrity of the relevant European Sites [REP1-009].</p>
Q1.4.12	The Applicant	<p>This point was subsequently resolved through consultation between the Applicant and Natural England in September 2021, at which time the baseline habitat conditions were discussed and clarified. The outcome of this discussion and the supporting evidence is captured within the updated HRA Appropriate Assessment that was submitted at Deadline 1 [REP1-006] (paragraph 5.2.5 to 5.2.6).</p> <p>As stated in the Statement of Common Ground between the Applicant and Natural England, submitted at Deadline 1 [REP1-009], the Parties are now agreed that the Proposed Development Proposed Development would not adversely affect the integrity of the relevant European Sites.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q1.4.13	The Applicant	<p>This is addressed within the updated HRA Appropriate Assessment that was submitted at Deadline 1 [REP1-006] (paragraphs 5.3.13 onwards).</p> <p>As stated in the Statement of Common Ground between the Applicant and Natural England, submitted at Deadline 1 [REP1-009], the Parties are now agreed that the Proposed Development Proposed Development would not adversely affect the integrity of the relevant European Sites.</p>
Q1.4.14	The Applicant	<p>An updated HRA Appropriate Assessment was submitted at Deadline 1 which addresses this question [REP1-006].</p> <p>As stated in the Statement of Common Ground between the Applicant and Natural England, submitted at Deadline 1 [REP1-009], the Parties are now agreed that the Proposed Development Proposed Development would not adversely affect the integrity of the relevant European Sites.</p>
Q1.4.15	The Applicant	<p>An updated HRA Appropriate Assessment was submitted at Deadline 1 which addresses this question [REP1-006] (paragraph 5.3.1 onwards).</p> <p>The existing consented discharge from Keadby 1 Power Station is regulated by the Environment Agency under Environmental Permit EPR/YP3133LL/V011, originally issued in April 2006. This allows a maximum daily discharge of 15m³/sec (average over a 24-hour period).</p> <p>It is anticipated that the rate of discharge from the Proposed Development will be less than 1m³/sec and be discharged intermittently, in combination with the 0.016m³/sec proposed to be discharged from Keadby 2 Power Station. Consequently, it is considered that the Proposed Development will be operating well within the existing consented parameters of Keadby 1 Power Station.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		As stated in the Statement of Common Ground between the Applicant and Natural England, submitted at Deadline 1 [REP1-009], the Parties are now agreed that the Proposed Development would not adversely affect the integrity of the relevant European Sites.
Q1.4.16	The Applicant	<p>An updated HRA Appropriate Assessment was submitted at Deadline 1 which addresses this question [REP1-006]. The details of the eel screens and water intake rate, as well as a full impact assessment, is provided from paragraph 5.3.31 onwards of the HRA Appropriate Assessment.</p> <p>As stated in the Statement of Common Ground between the Applicant and Natural England, submitted at Deadline 1 [REP1-009], the Parties are now agreed that the Proposed Development Proposed Development would not adversely affect the integrity of the relevant European Sites (including consideration of lamprey).</p> <p>The committed eel screens are proposed to be secured via Requirement 5(4) of the draft DCO [APP-005].</p>
Q1.4.17	NE	N/A
Q1.4.18	The Applicant	<i>[REP1-006] Keadby Generation Limited Deadline 1 Submission – 5.12 Habitats Regulations Assessment Appropriate Assessment Report – Rev 2</i> was submitted 21st December, and presents the unabated results, as evidence for the required mitigation.
Q1.4.19	The Applicant	Please see the Applicant's response to Q1.2.5.
Q1.4.20	The Applicant	An updated HRA Appropriate Assessment was submitted at Deadline 1 which addresses this question [REP1-006].

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>As stated in the Statement of Common Ground between the Applicant and Natural England, submitted at Deadline 1 [REP1-009], the Parties are now agreed that the Proposed Development Proposed Development would not adversely affect the integrity of the relevant European Sites.</p>
Q1.4.21	The Applicant	<p>An updated HRA Appropriate Assessment was submitted at Deadline 1 to address the detailed advice provided by Natural England [REP1-006].</p> <p>As stated in the Statement of Common Ground between the Applicant and Natural England, submitted at Deadline 1 [REP1-009], the Parties are now agreed that the Proposed Development Proposed Development would not adversely affect the integrity of the relevant European Sites.</p>
<p>5. Climate Change</p>		
Q1.5.1	The Applicant	<p>The operating arrangements for the HRSG and CCP would be controlled in the Environmental Permit and it is not considered appropriate to duplicate these as terms of the DCO. The HRSG stack is sized for a volume and velocity of gas, not a frequency of throughput. Accordingly the HRSG stack would be sized identically if it were used more frequently e.g. in the hypothetical scenario (which is prevented through Requirement 33 of Schedule 2 of the draft DCO) of the project being built and operated without a CCP. The Proposed Development will be designed to capture at least 90% of the carbon dioxide that would otherwise be emitted, based on the contract and rules to be agreed with Government on how this is to be delivered, measured and monitored (through a Dispatchable Power Agreement).</p> <p>The plant design is expected to achieve higher than 90% capture during normal operating conditions but the rate may be lower outside of normal operating conditions (e.g. at start-up) or in response to events outside of the Applicant's control (e.g. the plant may be required to continue to generate electricity without carbon</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>capture in the event of a temporary emergency shutdown of the HLCP infrastructure). The Environmental Permit and the Dispatchable Power Agreement (DPA) would control the capture rate and how this is to be delivered, measured and monitored, including any limited operating exceptions in unabated mode.</p> <p>Paragraph 4.4.7 of Chapter 4: The Proposed Development [APP-047] confirms that the HRSG stack will be sized appropriately to result in a level of impact that will be no worse in unabated mode than for the carbon capture (abated) mode of operation. The parameters for the HRSG stack are provided in Table 4-1 of Chapter 4: The Proposed Development and these reflect the fact that when operating in unabated mode, the emissions from the HRSG stack will be at a higher temperature than those from the CCP absorber stack(s) and therefore will have greater thermal buoyancy, resulting in better dispersion. For this reason, the height of the HRSG stack will be lower than the CCP absorber stack(s) and is anticipated to be up to 85m above ground level – thus comparable with the height consented for Keadby 2 Power Station (a 910MWe gas fired generating station which operates without a CCP) in the variation to the Section 36 consent granted in 2016.</p> <p>During normal (abated) operation, flue gases will enter the integrated CCP. However, during outages of the CCP, exhaust gases will be discharged through a dedicated stack above the HRSG building. These outages will be rare as, as set out in the Applicant's response to Q1.1.2, the Proposed Development will be designed to capture at least 90% of the carbon dioxide that would otherwise be emitted, based on the contract and rules to be agreed with Government. There is expected to be significant incentivisation under the government contract ('dispatchable power agreement' or DPA) to capture higher rates, through pricing the carbon intensity of the electricity generated. This can be seen in the draft heads of terms for the DPA model published by government (Dispatchable Power Agreement (DPA) provisional Heads of Terms (Annex A): October 2021 update, BEIS).</p>
Q1.5.2	The Applicant	As stated in the Applicant's Comments on Relevant Representations & Additional Submissions document [REP1-021], submitted at Deadline 1, regarding point (i) made by Client Earth, as discussed within Chapter 4: The Proposed Development [APP-047], the Proposed Development will be designed to capture at least

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>90% of the carbon dioxide that would otherwise be emitted, based on the contract and rules to be agreed with Government on how this is to be delivered, measured and monitored. The current indications from government in the Track 1 Cluster support package are that the 90% figure itself is a minimum capture rate per hour of base load operation.</p> <p>As set out in the Applicant's response to Q1.1.2 above, there is to be significant incentivisation under the government contract ('dispatchable power agreement' or DPA) to capture higher rates, and the plant design is expected to achieve higher than 90% capture during normal operating conditions. As such, the Applicant cannot amend the wording of the draft DCO Requirement 33 to state that 'at least 90% of the total carbon emissions generated will be captured at all times during its commercial operation'.</p> <p>Regarding point (ii) made by Client Earth, the captured carbon dioxide would indeed be permanently stored in the proposed offshore geological storage site. It is intended to connect the Proposed Development to the East Coast cluster, the operators of which will intend to inject the captured carbon into the Endurance saline aquifer (or its equivalent) in the North Sea. The drafting of Requirement 33 (1) provides a control over the CCP in that the authorised development may not commence, save for permitted preliminary works), until various details relating to the consenting and licensing of elements of the wider carbon capture, usage and storage chain, out with the DCO application, have been submitted to and approved by the relevant planning authority. As such, a carbon dioxide storage licence for an offshore geological storage site has to be in place before the Proposed Development can commence construction. The licence will regulate the permanent storage of the carbon dioxide. The storage site is not operated by the Applicant.</p> <p>We consider Requirement 33 meets the planning tests, including all appropriate and reasonable controls over the construction and commercial operation of Keadby 3 Carbon Capture Power Station without duplicating unnecessarily the controls afforded by other regimes both existing (permitting) and in development (electricity export and carbon export); and being precise by using suitable defined terms. We</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>note that the drafting does not tie the Proposed Development to the Endurance store itself in the unlikely event this were not to come forward. Nevertheless, to provide further certainty and in line with Requirement 30 of the draft White Rose CCS (Generating Station) Order we are considering adding reference to the need for a pipeline works authorisation under section 14 of the Petroleum Act 1998 for the offshore carbon transport pipeline to be in place before the works (as specified in the current drafting of Requirement 33) are commenced.</p>
Q1.5.3	The Applicant	<p>As stated in paragraph 17.1.2 of Chapter 17: Climate Change and Sustainability of ES Volume I [APP-060] "The Proposed Development would be fitted with carbon capture technology that will be designed to be capable of capturing over 90% of carbon emissions emitted from the generating station in the reference case". This reference scenario (i.e. the Proposed Development operating for up to c. 8,000 hours per year at 100% full load on the CCGT and 90% carbon capture rate) is compared to the UK carbon budgets in Table 17:30 and is considered to provide the worst-case assessment for annual carbon emissions as explained in paragraph 17.6.8.</p> <p>Unabated periods are not accounted for in the reference scenario and as detailed in paragraph 17.6.15 in the ES [APP-060] unabated emissions for the reference case (i.e. without carbon capture) would be substantially higher but would be for considerably shorter periods of operation. It is therefore considered that the worst-case assessment for annual carbon emissions is for the plant running 'as designed' i.e. in abated mode, all year round with an average capture rate of 90% which is the reference case that has been presented in Chapter 17: Climate Change and Sustainability.</p>
Q1.5.4	The Applicant/ NLC	<p>As set out in the Statement of Common Ground with North Lincolnshire Council (APP-008) (see in particular Appendix 2) submitted by the Applicant at Deadline 1, NLC agreed that the list of schemes of relevance to the cumulative effects assessment in Chapter 19 of ES Volume 1] [APP-043].</p>
<p>6. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</p>		

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q1.6.1	The Applicant	The Applicant confirms that the Book of Reference is fully compliant with the DCLG Guidance i.e. Annex D – of the Planning Act 2008, Guidance related to procedures for the compulsory acquisition of land, DCLG, September 2013.
Q1.6.2	The Applicant	Please see the Update on the progress that has been made with Affected Persons in respect of Compulsory Acquisition and Temporary Possession (Application Document Ref. 9.6). For clarity, the exchanges detailed within this table do not include the letters sent directly to the same parties under S44 and S57 PA 2008 at the appropriate points in the pre application and pre-examination stages as reported in the Consultation Report and via the Applicant's S59 notice.
Q1.6.3	Affected Persons/ IPs	N/A
Q1.6.4	The Applicant	<ul style="list-style-type: none"> <li data-bbox="772 863 2027 1206">i. The Applicant's Land Referencing consultants (Ardent) erected site notices on or close to all unregistered land as part of the Stage 2 Consultation and at Section 56 acceptance stage. Additional consultation methods have been employed (including local and national newspaper adverts/notices, press releases and posters) in order to raise awareness of the scheme to all parties with a potential interest in the relevant land. Further to this, Ardent issued Request for Information letters which contained questionnaires requesting known parties to provide details of all other parties benefitting from an actual or potential interest. The Book of Reference identifies instances where the Applicant has been unable to obtain details of names and addresses despite the exercise described above. <li data-bbox="772 1273 2027 1383">ii. The Applicant considers that sufficient diligence has been undertaken already to identify and notify unknown landowners or interests. However, as discussions with known parties continue and further inspections and onsite meetings take place as part of ongoing negotiations and

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>further information is provided to the Applicant, any currently unknown parties as may be identified will be added to the Book of Reference. In this regard, further title and occupier information has been requested from, inter alia, Railway Wharf (Keadby) Limited and PD Ports Properties Limited as a result of site inspections.</p>
Q1.6.5	The Applicant/ Statutory Undertakers	<p>i. The Applicant has sought to agree Statements of Common Ground with each of the undertakers listed within the BoR. Details of discussions between the Applicant and the statutory undertakers are set out in the response to 1.6.2. The Applicant is hopeful of concluding agreements at the earliest opportunity but is unable to speculate as to the timescales thereof. A summary of the compensation discussions is provided below.</p> <p>British Telecommunications Public Limited Company – DWD initially discussed matters with British Telecommunications PLC who advised that the matter would be dealt with. A response is awaited.</p> <p>National Grid Electricity Transmission PLC and National Grid Gas PLC – DWD have been in discussions with the Boors DCO liaison Officer and it is hoped that matters can be progressed imminently.</p> <p>Network Rail Infrastructure Limited – As set out within the table referred to at 1.6.2 there have been extensive discussions and DWD are currently arranging a further meeting in the near future to hopefully make progress towards a voluntary agreement.</p> <p>Northern Powergrid – DWD have been in discussions with Northern PowerGrid ('NPG'). The Applicant's current understanding is that proposed development will not impact upon NPG's interests but confirmation, or otherwise, of this is awaited from NPG.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>Severn Trent Water – The Applicant was initially in contact with Fisher German (agents) in April 2021. A meeting has been arranged for the week commencing 1 February 2022 in light of which the Applicant will be able to provide a further update.</p> <p>Yorkshire Water Limited – DWD have attempted to make contact but are yet to receive a response.</p> <ul style="list-style-type: none"> i. We are not aware of any impediments to the conclusion of agreements. ii. No additional statutory undertakers have been identified.
Q1.6.6	The Applicant	<ul style="list-style-type: none"> i. The Applicant notes the request and confirms that a spreadsheet has been created which lists the changes made to version 2 (Revision VP2.0) of the Book of Reference [REP1-003] and Land Plans [REP-004]. ii. The Applicant notes the request and confirms that a “tracked changes” version of the Book of Reference has been provided along with a clean version of it and the Land Plans. iii. The updated versions of the Book of Reference and Land Plans both have unique revision numbers compared to their predecessors i.e. “VP2.0”. iv. The Applicant undertakes to update the dDCO including Schedules 6 and 8 as appropriate
Q1.6.7	The Applicant	Please find a completed Annex A at Appendix 1 in the Applicant's Response to the Examining Authority's First Written Questions – Vol 2 (Appendices) (Document Ref. 9.3).
Q1.6.8	Affected Persons and IPs	N/A

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q1.6.9	The Applicant	The Applicant will adopt the spreadsheet referred to at 1.6.2 and provide additional columns with commentary in respect of the progress of negotiations regarding the prospective exercise of compulsory purchase powers at each stage.
Q1.6.10	Statutory Undertakers	N/A
Q1.6.11	The Applicant	<p>A response to the RRs was provided in the 'Applicant's Comments on Relevant Representations & Additional Submissions' document submitted at Deadline 1 [REP1-021] and an update on positions is set out below.</p> <p>Discussions are taking place in relation to protective provisions for Network Rail and Northern Powergrid to ensure that all impediments to the delivery of the proposed scheme are removed whilst affording appropriate protection to the relevant statutory undertaker. We expect to issue Protective Provisions soon and the dDCO will be updated to incorporate Protective Provisions once agreed.</p> <p>The Protective Provisions for CRT have been updated to include those amendments which were set out in the RR. To the extent that some of the requested amendments are not accepted yet by the Applicant, these continue to be discussed and the ExA will be updated at the next deadline.</p>
Q1.6.12	NGET/ NGG	N/A
Q1.6.13	The Applicant/ NGET / NGG	DWD's compensation team have engaged with both NGET and NGG in order to explain and identify their interests and equipment. In addition, discussions have taken place between the Applicant and NGET/NGG with regard to technical and engineering matters, with Applications or Modification Applications submitted. The current status of discussions and measure of agreement is recorded in the Statements of Common

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>Ground but the Applicant will continue to engage in order to reach full agreement at the earliest opportunity. The Applicant also refers to the Statement of Common Ground [REP1-013].</p>
Q1.6.14	The Applicant / NGV	<p>The following response has been agreed by the Applicant and NGCL:</p> <ul style="list-style-type: none"> i. The parties are willing to work together to reach an agreement regarding appropriate protective provisions governing the interface between the Proposed Development and the Humber Low Carbon Pipelines (HLCP) Network. Draft protective provisions are being prepared for discussion between the parties and an update on progress will be provided to the Examining Authority as the examination progresses. ii. The parties refer the Examining Authority to the Statement of Common Ground between the Applicant and NGCL (REP1-012) which confirms, at paragraph 4.2.6, that the Applicant agrees with the request that NGCL be consulted on any approval sought from the relevant local planning authority under Requirement 5(7). The Applicant has now updated the draft DCO to insert the words ', after consultation with National Grid Carbon Limited', between 'and' and 'approved' where those terms appear in the third line of DCO Requirement 5(7) to give effect to this change. iii. Although the parties have not yet agreed a set of protective provisions, a draft has been prepared for discussion. The parties are willing to work towards an agreement, in whichever form this may take, and will update the Examining Authority on the progress of discussions as the examination progresses. iv. Please see the response to part (iii) of this question above.

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>The Applicant intends to record the above and update as necessary in an updated SoCG to be submitted at Deadline 3.</p>
Q1.6.15	The Applicant	<p>The Applicant fully intends to continue to reach agreements that allow objections/representations to be withdrawn. The Applicant will provide an update as to the timing point at the earliest opportunity in light of the ongoing negotiations with the statutory undertakers.</p>
Q1.6.16	The Applicant	<p>The Applicant is advised by DWD and Bell Ingram in respect of compensation matters. The combined team benefits from extensive experience in the negotiation and settlement of compensation claims on behalf of both acquiring authorities and claimants in full accordance with the body of statute, case law and guidance commonly referred to as the Compensation Code. In this regard, DWD, assisted by Bell Ingram, have provided the Applicant with detailed estimates as to the individual and global compensation entitlement together with cost budgets in respect of the potential for matters having to be determined if negotiated agreements cannot be secured. Contingencies have then been applied.</p> <p>The Applicant is committed to reach agreements that are, at the very least, consistent with the Compensation Code. The current estimates are under constant review as further information is provided by affected parties particularly in respect of any anticipated loss of profits claims.</p> <p>The Applicant intends to fund these liabilities from internal resources which are considered to be more than adequate without any need to draw on external or third party finance. Funding will therefore be available prior to the commencement of the Compulsory Acquisition process. In any event, there is no reason to assume that additional funding could not be secured in the highly unlikely event that it was required bearing in mind the Applicant's financial status.</p> <p>The actual and intended offers/settlements of compensation are confidential between the parties concerned such that details thereof cannot be disclosed to third parties. In addition, it would be prejudicial to ongoing</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>negotiations for details of offers and/or settlements to be made publicly available and such information is commercially sensitive. We are therefore unable to supply the requested costs or CA figures, nor a breakdown as to how they were arrived at.</p>
Q1.6.17	The Applicant	<p>The Applicant does not believe that further agreement is required from the Crown in respect of the outfall and river abstraction rights as it is currently intended to use the existing infrastructure. However, this is subject to final design and it may yet be the case that minor additions and/or alterations will be required such that the existing agreements need variation. Agreement has yet to be reached with the Crown in respect of the use of the Railway Wharf. However, initial indications are that consent for the required works/use will be forthcoming subject to the agreement of an appropriate payment and the Applicant is optimistic that agreement will be secured.</p>
Q1.6.18	The Applicant	<p>The Applicant's position is set out in detail within the Statement of Common Ground [REP1-015]. However, in brief terms, the Applicant would make the following comments. Network Rail, together with the Environment Agency and CRT own freehold land under North Pilfrey bridge. The bridge was constructed pursuant to three separate leases. In the case of Network Rail, the lease is between Railtrack PLC and Scottish & Southern Energy PLC dated 7 June 2001 and relates to the airspace occupied by the bridge structure. SSE are wholly responsible for the maintenance and repair of the bridge structure and no part of the bridge is available to or used by Network Rail. As such, the bridge does not comprise equipment or land used by Network Rail in conjunction with their operation. In addition, the bridge is privately owned and the highway thereon has not been adopted.</p> <p>It is intended that the current arrangements between SSE and Network Rail will remain as per the 2001 lease. In this regard, SSE is agreeable to the Applicant using the bridge for the purposes of the proposed development but the consent of Network Rail may be required as they are the landlord. In addition, the Applicant wishes to install a telecoms cable within the bridge demise but, again, whilst SSE is agreeable,</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>the consent of Network Rail is potentially required. Other than the installation of the telecoms cable, no physical alterations will take place to the bridge.</p> <p>Whilst the Applicant fully understands operational land be subject to protection from development likely to impact upon the safe and efficient operation of equipment and infrastructure, such protection is not warranted in respect of North Pilfrey Bridge bearing in mind that it is a private bridge constructed, owned and maintained by SSE and that Network Rail neither use, own, nor have any rights to take access across the bridge.</p> <p>The exclusion of compulsory acquisition powers in respect of North Pilfrey Bridge would result in Network Rail effectively being granted a ransom position with no compulsion to consent to the required use of a private bridge thereby representing a significant impediment to the delivery of the proposed development. The Applicant does not consider that this is appropriate given the bridge is not operational land.</p> <p>The Applicant is hopeful, in light of recent discussions, that continuing negotiations with Network Rail will result in the granting of the requisite consents to allow the Applicant to take access across SSE's bridge structure and further updates will be provided in this regard.</p>
Q1.6.19	The Applicant	<p>The Applicant notes the content of Northern Powergrid's Relevant Representation [RR-012]. DWD has been exchanging correspondence with NPG to confirm the requirements of the Applicant's development and the potential impact of the proposed development. Contact was first made on the 15 September 2021 whereupon DWD provided details of the proposed development, plans and general commentary. This was followed by further exchanges culminating in additional clarification being provided by DWD on 30 November 2021 to which NPG responded on 2 December 2021 advising that the matter had been passed to NPG engineers to review the plans and proposals. DWD has subsequently followed up and a response is awaited. In addition, broader engagement between the applicant and NPG has taken place since October 2020. Such engagement has covered topics such as linear asset diversion, new 132kV connection, earthing</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>and route proving. This interaction shall continue throughout the duration of the project. The Applicant intends to send Protective Provisions to NPG following Deadline 2.</p> <p>The Applicant fully intends to reach voluntary agreement. The Applicant also refers to the Statement of Common Ground [REP1-018].</p>
Q1.6.20	The Applicant	<p>With regard to the Trust representations headed "Proposed compulsory acquisition of the Trust's property" we note that it is stated that the "...Applicants have yet to engage with the Trust in relation to acquisition of land on a voluntary basis...". In response the Applicant is able to advise that the Applicant's surveyor submitted an enquiry via the Trust web page on 10 June 2021 requesting their Estates Surveyor to make contact to discuss the proposed development. A representative of the Trust responded and opened a dialogue during which the Applicant provided full details of the proposed development, links to the internet database and confirmation of the Applicant's intention to agree voluntary terms against the background of the Compensation Code. As part of this the Applicant provided overlay plans together with a detailed description of each plot identified within the Book of Reference and a description of the intended use of that plot. The Applicant was recently advised that the Trust intended to instruct Gerald Eve to progress negotiations and a virtual "without prejudice" meeting took place on 26 January 2022 between DWD and Gerald Eve. The Applicant is therefore of the opinion that extensive discussions have taken place and are hopeful, in light of this meeting with Gerald Eve, that voluntary terms can be agreed.</p> <p>The Applicant notes the points raised at Section 7 of the EA [AS-002] and can advise that, since September 2021, there has been dialogue between the EA and the Applicant. As a result of these discussions, it has been possible to identify and clarify the EA's interest in each of the identified plots and the intended use thereof. It is now understood by the Applicant that the EA has no formal interest in respect of 14 plots such that the number of plots that need to be considered has been reduced. The Applicant believes that the broad structure of a potential agreement has taken shape and will now seek to refine the details with the EA in the hope that voluntary terms can be agreed.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q1.6.21	The Applicant	The Applicant has reviewed each of the representations and remains of the opinion that there are no Category 3 parties. The Applicant is unclear as to how persons not otherwise qualifying and solely raising queries in respect of project financing or viable alternatives could be considered to comprise Category 3 parties.
Q1.6.22	The Applicant	No, other than such land or rights as may identified as being necessary as a result of changes to the draft DCO.
Q1.6.23	The Applicant, Affected Persons and IPs	The Applicant considers that all potential impediments to the development have been identified and addressed. In addition, the Applicant does not have any concerns in respect of matters outside the scope of the dDCO impacting upon the operation of the development.
7. Cultural Heritage and the Historic Environment		
Q1.7.1	N/A	N/A
8. Landscape and Visual		
Q1.8.1	NLC	<p>The Applicant notes that the surrounding area is similarly dominated by Grade 1 and Grade 2 agricultural land with areas of Grade 3 agricultural land, which may also be best and most versatile ('BMV'). There is no suitably located non-BMV land close to the Site. This is shown in the Yorkshire & Humber Region 1:250 000 Agricultural Land Classification included at Appendix 2 in the Applicant's Response to the Examining Authority's First Written Questions – Vol 2 (Appendices) (Document Ref. 9.3).</p> <p>Table 6.3 of the Planning Statement [APP-034] explains the suitability of the site more generally including by reference to existing electrical grid, gas, water and transport connections.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>Furthermore, requirements of the draft DCO [APP-005] secure a Construction Environmental Management Plan ('CEMP'). A CEMP is to be approved before each part of the development is commenced and must include a soil management plan (requirement 17(2)(c)).</p>
<p>9. Noise and Vibration</p>		
<p>Q1.9.1</p>	<p>The Applicant</p>	<p>As a result of UK Government COVID-19 laws and public health advice restricting travel and many societal activities throughout the pandemic, background sound levels were not considered to be representative before the submission of the Environmental Statement (June 2021) due to reduced traffic and other human and economic activity levels. During the pre-application period (and continuing until later in 2022) Keadby 2 Power Station has also been under construction/ commissioning. Therefore, it has not been possible to undertake measurements of conditions that would be deemed more representative of those that would prevail in future years (i.e. when post-pandemic societal activities have returned to 'normal' and when Keadby 2 Power Station is operational), than those derived and used in the noise assessment for the Proposed Development.</p> <p>The derived "representative future background sound levels" used in the assessment of operational sound from the Proposed Development were calculated from the measured background sound level (existing data gathered for the Keadby 2 ES in 2015/2016) and predictions for Keadby 2 Power Station operational sound levels (i.e. the background sound levels were adjusted by the same level by which the ambient sound levels are predicted to increase due to operation of Keadby 2 Power Station).</p> <p>During Stage 2 consultation, engagement with the Environmental Protection Officer at NLC was undertaken to agree the methodology of the assessment including on the use of existing data gathered for the Keadby 2 Power Station ES in 2015/2016 to define background sound levels. NLC agreed with the approach proposed by the Applicant.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>The future “representative background sound level” cannot be measured reliably until Keadby 2 Power Station is operational, which is expected to be following completion of commissioning in October 2022. Once Keadby 2 Power Station is operational, additional sound surveys are proposed to confirm the “representative background sound levels” at noise sensitive receptors to inform the on-going design development of the Proposed Development and to confirm the mitigation required to achieve Requirement 29 of the draft DCO [APP-005].</p>
Q1.9.2	The Applicant/ NLC	<p>Details of the proposed monitoring and investigation of complaints during the construction phase has been described in the Framework CEMP [APP-160]. The Applicant has a robust procedure for managing complaints and a dedicated Stakeholder Manager with responsibility for liaising with members of the local community – details of which could be added to the Framework CEMP, if required.</p> <p>Following notification to the Applicant's Representative for immediate investigation, the Applicant's procedures in summary, involves obtaining the nature of the concern and name and contact details of the complainant and subsequent follow up investigation to seek further information, where required. The Applicant and the appointed contractor work together to address the complaint (with remedial action, where required).</p> <p>Full detail on the specific mitigation measures required for each construction phase including details regarding the protocols for investigation and recording of noise complaints is secured by Requirement 28 (Control of noise and vibration – construction) and would be provided in the final CEMP.</p> <p>The process for investigation of complaints during commissioning and operation is a matter for control under the Environmental Permit.</p>
Q1.9.3	The Applicant/ NLC	<p>At this stage in the project design development, before the appointment of a construction contractor, site specific details regarding the construction activities, programme and numbers and types of construction</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>plant are unavailable. The agreed scheme of noise control during construction will be secured through DCO Requirement 28 (Control of noise and vibration – construction) of the draft DCO [APP-005]. It will also form part of the final CEMP which must be produced in accordance with the Framework CEMP [APP-160]. Table 4 of the Framework CEMP sets out the embedded impact avoidance and additional mitigation, enhancement and management measures to be included as a minimum in the final CEMP secured by Requirement 17 of the draft DCO [APP-005]. Specifically, this includes those measures considered 'Best Practicable Means' in column 2 of Table 4 which are cited as design and impact avoidance measures in paragraphs 9.5.2 – 9.5.11 of APP-052 (Chapter 9: Noise and Vibration). Column 3 of Table 4 also describes how the monitoring strategy would be implemented in order to assess the effectiveness of mitigation measures, monitor the impact of construction works and take other actions necessary to enable compliance.</p> <p>The final CEMP must be submitted to and approved by the relevant planning authority before commencement of the authorised development and must be in accordance with APP-160 (Framework CEMP) submitted. The final CEMP will also describe, under this section, the responsible party for each mitigation, enhancement measure or monitoring requirement (given that as a contractor has not yet been appointed, responsibilities cannot be assigned at this stage) and can include further monitoring arrangements if NLC requires this in its role as discharging authority for requirements.</p> <p>Given this, it is considered that the Framework CEMP provides as much detail as is possible, in the absence of a construction contractor being appointed, and is considered sufficiently detailed to provide confidence that the included design and impact avoidance measures can be satisfactorily discharged at the required stage.</p>
Q1.9.4	EA	N/A
Q1.9.5	The Applicant	In Table 9.35, the "T" in "dB $L_{Aeq,T}$ " is the BS4142:2014+A1:2019 reference time period which is 1 hour during the day and 15 minutes at night.

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q1.9.6	The Applicant	<p>The scheme of control for operational noise is to be agreed with the local planning authority through discharge of Requirement 29 (Control of noise - operation) of the draft DCO [APP-005]. Requirement 29 requires that no part of the authorised development must be brought into commercial use until a scheme for the management and monitoring of noise during operation has been submitted to and approved by the planning authority. The noise level is to be determined with reference to BS4142:2014.</p> <p>Noise from the scheme must not exceed 3dB above the defined representative background sound level during each of the daytime and the night time periods adjacent to the nearest residential properties at locations agreed with the local planning authority following commissioning of the authorised development. It has been agreed with North Lincolnshire Council in the signed Statement of Common Ground submitted at Deadline 1 [REP1-007] that the design and impact avoidance and noise mitigation measures - including the means that these are to be secured via the draft DCO [APP-005] - are appropriate.</p>
Q1.9.7	The Applicant	<p>It has been agreed in the Statement of Common Ground with the Marine Management Organisation (MMO) [REP1-010] submitted at Deadline 1 that Appendix 11H [APP-083] provides a site specific noise assessment using a source-pathway-receptor approach to assess potential impacts on all relevant species (receptors) with potential to occur in the zone of influence of the Proposed Development. It is further agreed, in relation to the sound source, that the approach applied is precautionary by using realistic worst-case assumptions based on typical cofferdam construction techniques in marine and tidal conditions and assessing impact piling as the potential worst-case scenario.</p> <p>It is recognised that the MMO had suggested an alternative methodology for the prediction of underwater sound impacts at receptors. However, the alternative approach would not result in any material change in the assessment or conclusions, or to the embedded mitigation proposed and committed to within the draft DCO [APP-005] Requirements.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q1.9.8	The Applicant	<p>At this stage in the project design development, before the appointment of a construction contractor, site specific details regarding the construction activities, programme and numbers and types of construction plant are unavailable. As such, a conservative assessment has been provided in Chapter 9: Noise and Vibration [APP-052] based on the levels which might be expected when the busiest phase of each construction activity is occurring at the closest part of the Proposed Development Site to each noise sensitive receptor. As such, each construction noise prediction represents a worst-case at that noise sensitive receptor and is only indicative, but considered to be conservative and robust.</p> <p>Construction noise thresholds (limit values) have been provided in Table 9-18 of Chapter 9: Noise and Vibration [APP-052], which are to be applied at local NSR and which, based on the conservative assessment undertaken, are considered to be achievable and that will not give rise to significant effects. Further assessment has been identified as being required pre-construction, to demonstrate that appropriate mitigation measures are developed to achieve the threshold values, once the contractor is appointed and working methods defined, including number and types of proposed plant and equipment. This detailed assessment (and other mitigation measures detailed in Section 9.7 of Chapter 9: Noise and Vibration) is secured by Requirement 28 of the draft DCO [APP-005], which will ensure that construction noise and vibration is minimised.</p> <p>Construction noise impacts during cofferdam installation will be further minimised through the use of the final CEMP, secured by Requirement 17 of the draft DCO.</p>
Q1.9.9	The Applicant	<p>Appointment of a contractor will follow completion of a tendering process for the design and construction of the Proposed Development and once a commercial decision is made to progress the project. Therefore, at this stage in the project design development, before the appointment of a construction contractor, site specific details regarding the construction activities, programme and numbers and types of construction plant are unavailable and each construction noise prediction represents a worst-case at that noise sensitive receptor and is only indicative, but considered to be conservative and robust. As noted in Q1.9.8, once</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>further information from the appointed contractor is available, detailed assessment will be undertaken considering requirements for specific mitigation measures for each construction phase to meet the construction noise and vibration limits and reduce levels to as low as is reasonably practicable.</p>
Q1.9.10	The Applicant/ NLC	<p>It has been agreed in the Statement of Common Ground with the Canal and River Trust [REP1-014] submitted at Deadline 1 that the methodology to assess the impacts at NSR 12 Keadby Lock is appropriate as detailed below:</p> <p><i>“The Trust did raise concerns at earlier rounds of consultation with regards to the potential impact of vibrations from construction equipment in proximity to the canal edge, or from activities associated with the potential construction of new craning facilities in proximity to Keadby Lock. These impacts have been discussed in the submitted Environment Statement, and the Parties agree that the approach taken by the Applicant to assess noise and vibration effects of the Proposed Development on the canal walls and Keadby Lock is appropriate (including methodology, data collection methods, baseline data, approach to assessment and analysis).”</i></p> <p><i>“The Trust note and take no issue with the consideration that has been given in Section 9.6 Chapter 9: Noise and Vibration [APP-052] to potential vibration effects associated with construction of the main power plant (Proposed PCC Site) and potential construction and removal of a cofferdam within the Stainforth and Keadby Canal for the canal water abstraction option (Work 4A) on the Keadby Canal wash walls and Keadby Lock, a scheduled monument (NSR11). The Trust note that vibration effects on these structures as assessed in Chapter 9 (including Table 9.27), are anticipated to be negligible (not significant). On the basis that no new piling works will be undertaken alongside Work No. 10B, the Trust do not take any issue with the assessment. The Parties agree that Requirement 28 (Control of noise and vibration – construction) of the draft DCO [APP-005] and provisions in the Framework CEMP [APP-160] provide appropriate controls to mitigate construction related vibration effects of the Proposed Development on canal infrastructure.”</i></p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		NLC has agreed that NSR12 is a vibration sensitive receptor only for the purposes of the assessment presented in Chapter 9: Noise and Vibration and has confirmed that the assessment of assessment of effects related to Keadby Lock as a designated heritage assets presented in Chapter 15: Cultural Heritage [APP-058], including consideration of aspects such as noise during construction and operation of the Proposed Development, is appropriate. This will be documented in an Updated SoCG at Deadline 3.
10. Socio-economic Effects		
Q1.10.1	N/A	N/A
11. Transportation, Traffic and Waste Management		
Q1.11.1	The Applicant	<p>The volumes of waste assessed in Paragraph 4.2.3 are calculated on a per annum basis. It is acknowledged in the Waste Technical Note [OD-003] that as CCP/CCS technology has yet to be implemented at scale in the UK, there are no facilities that currently accept waste streams from CCS as there are no arisings in the UK. Consequently, the specific management route for CCP wastes will be determined in consultation with potential waste vendors following appointment of a contractor.</p> <p>As confirmed in paragraph 6.1.2 of OD-003, No significant indirect effects have been identified in relation to waste management, having regard to the assessment criteria for waste management published by IEMA.</p>
Q1.11.2	The Applicant	The Waste Technical Note [OD-003] provided as an additional submission by the Applicant provides an estimate of the types and quantities of liquid waste generated by the Proposed Development during construction, operation and decommissioning and identifies in Section 3 a description of the waste treatment and disposal facilities that may be available to manage these wastes (paragraph 3.2.2) recognising that several non-hazardous liquid waste (effluent) streams are likely to be treated on Site and disposed of via the cooling water outfall. Table 6 and Table 7 identify available treatment facilities nationally

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>and locally within Yorkshire and the Humber. Section 4 (paragraph 4.1.2) considers the potential impacts of these wastes from the Proposed Development on regional and national waste management capacity.</p> <p>Residues from application of SCR would be generated intermittently during planned maintenance activities – volumes would be <20 tonnes/annum and primarily consist of depleted catalyst which would be sent off-site for specialist recovery and treatment. Due to the gaseous nature of the fuel used in the generating station, no other flue gas treatment residues are generated within the Proposed Development and therefore no other such residues will require off site treatment or disposal..</p>
Q1.11.3	The Applicant	<p>As stated in the Applicant's Comments on Relevant Representations & Additional Submissions document [REP1-021] submitted at Deadline 1, it is noted that there is no requirement to consider all receptors within 200m of affected roads. Receptors such as TR5-9 are adjacent to modelled roads, and therefore the impacts at these receptors will be higher than at receptors such as Roe Farm and Vazon Bridge which is not adjacent to any modelled roads. For this reason, although not reported, the impacts due to construction traffic will be less at Roe Farm Vazon Bridge than at other reported receptors which are closer to the modelled roads and at which no significant air quality effects have been identified.</p> <p>The Statement of Common Ground also submitted at Deadline 2 between the Applicant and the UK Health Security Agency confirms that all matters previously raised have been suitably addressed or are no longer of relevance.</p>
Q1.11.4	The Applicant	<p>The Applicant would like to direct the ExA to the Applicant's response to John Carney's RR contained within Deadline 1 Submission – 9.1 Applicant's Comments on Relevant Representations and Additional Submissions [REP1-021].</p>
Q1.11.5	Mr John Carney	N/A

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
12. Flood Risk, Hydrology and Water Resources		
Q1.12.1	The Applicant	<p>The Applicant can confirm that no dredging or disposal at sea is proposed for the Proposed Development.</p> <p>As set out in the Statement of Common Ground between the Applicant and the MMO [REP1-010], submitted at Deadline 1, it is agreed that no further assessment is needed on this matter in the draft DCO/DML [APP-005].</p>
Q1.12.2	The Applicant	<p>As set out in the Statement of Common Ground between the Applicant and the MMO [REP1-010] submitted at Deadline 1, it is agreed that the MMO has been provided with an appropriate opportunity to review and provide feedback upon the draft DML and that the wording of the DML is largely accepted. However, it is agreed the DML will be updated to include the commitment to restrict piling works at night (19:00- 07:00), in order to reduce the impact on species which tend to migrate at night/ in darkness as set out within the Framework CEMP [APP-160] and Appendix 20A: Schedule of Commitments [APP-098].</p> <p>Other minor wording amendments as set out in paragraphs 4.1 – 4.10 of the MMO's Relevant Representation [RR-006] are noted and have been amended in the updated draft DCO [APP-005] submitted at Deadline 2. The Applicant and MMO has is agreed that no further changes to the DML or draft DCO are considered necessary.</p>
13. Design and Layout		
Q1.13.1	The Applicant	<p>Section 5 (Design Approach and Development) of the Design and Access Statement [APP-035] sets out the approach taken by the Applicant to the design of the Proposed Development including how it was informed by the surrounding context, the nature of the Proposed Development and various benefits the Site has</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>which led to it being selected. It goes on to explain how various options were considered during the on-going design process as well as feedback received during consultation.</p> <p>The Design Principles for the Proposed Development are set out in Appendix 1 of the Design and Access Statement along with detailed description of how each principle influenced the design and references to the related DCO documents.</p> <p>The main design objectives of the Proposed Development can be described as follows with further information available in Chapters 4, 5 and 6 of the ES Volume I [APP-047 – APP-049]:</p> <ol style="list-style-type: none"> 1. Efficiency – the Proposed Development must seek to optimise the operation of the plant to maximise efficiency with regards to the production of energy and capture of carbon while minimising emissions and waste. 2. Safety – it is important to protect human health by safely and responsibly managing activities on site through the design of the Proposed Development. The safety in design hierarchy should be to eliminate hazards, in preference to controlling hazards in preference to providing personal protective equipment. The Site also requires adequate emergency access / egress. 3. Environmental Impact – the Proposed Development needs to minimise or avoid environmental impacts affecting the environment and human health, and mitigate remaining impacts where possible. Furthermore, the Proposed Development must be designed to be durable and adaptable, suitably defended from flood risk and with appropriate operational laydown areas to ensure that it can remain operational as much as possible through its lifetime. The Proposed Development must also be designed to accommodate maintenance to ensure it can operate safely and reliably. 4. Flexibility – a key reason for needing to incorporate flexibility within the Proposed Development at a consent stage relates to the appointment of a contractor, who would carry out the detailed design, which would not take place until after the DCO has been granted and the Applicant has made a final investment decision.

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>5. Security – site security is essential to minimise the risk of crime, particularly crime that may impact the Site's occupants and operation.</p> <p>Section 6 (The Assessment of the Proposed Development Against Planning Policy) of the Planning Statement [APP-034] sets out the conformity with NPS EN-1, EN-2, EN-4 and EN-4. This includes sections on Landscape and Visual Impact.</p> <p>Paragraph 5.9.8 of EN-1 notes <i>“Landscape effects depend on the existing character of the local landscape, its current quality, how highly it is valued and its capacity to accommodate change. All of these factors need to be considered in judging the impact of a project on landscape. Virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.”</i></p> <p>Paragraph 2.6.5 of EN-2 notes that <i>“it is not possible to eliminate the visual impacts associated with a fossil fuel generating station” and that “mitigation is therefore to reduce the visual intrusion of the buildings in the landscape and minimise impact on visual amenity as far as reasonably practicable”.</i></p> <p>Paragraph 2.6.6 of EN-2 goes on to state that design should aim to provide the best fit with the existing local landscape to reduce visual impacts. It is suggested that this may include the design of buildings minimising their negative aspects through size, external finish and colour of plant, while complying with engineering and environmental requirements permits.</p> <p>Paragraph 2.6.7 goes on to state that <i>“reduction of visual impacts may often involve enclosing buildings at low level as seen from surrounding external viewpoints”.</i></p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>Chapter 14: Landscape and Visual Amenity of the ES Volume I [APP-057] summarises the above NPS policy and considers likely impact on landscape, character and sensitivity to change, and options for mitigation, as part of its assessment of effects. It is concluded that the opportunity for mitigation of the visual effects of the Proposed Development is limited due to the size and scale of the Proposed Development, as is suggested in the above policy. It is considered that the addition of landscape features such as trees and woodland would not be effective in reducing these effects on visual amenity. An integrated design approach that considers massing and the disposition of taller structures within the Proposed PCC Site to minimise potential wall effects is considered to have potential to reduce visual impacts of the Proposed Development. The final finishes of the buildings and exact sizes of component parts would not be finalised until the final detailed design is complete. Implementation of detailed design parameters is proposed to be secured by a requirement of the draft DCO [APP-005] including siting, layout, scale and external appearance, including colour, materials and surface finishes of permanent buildings and structures.</p> <p>In conclusion, the Proposed Development is considered to be compatible with NPS EN-1, especially paragraph 5.9.8, as well as NPS EN-2, especially paragraphs 2.6.5 – 2.6.7. The Proposed Development, due to its nature, will have effects on the landscape but it is not possible to eliminate the visual impacts associated with a fossil fuel generating station. However, the Proposed Development has been designed to minimise harm as far as reasonably practicable. This includes through the consideration of massing and the disposition to taller structures to minimise potential wall effects. Furthermore, detailed design is to be secured via requirement and can ensure the final design can mitigate negative aspects. It is not considered possible to mitigate the remaining adverse impacts.</p>
Q1.132	The Applicant	<p>The basis of design assumes that the power island and carbon capture plant (CCP) auxiliaries within the Proposed PCC Site could be supplied from generated power, with back-feed for start-up from a 132kV cable required when there is no power available from the Proposed Development. The Applicant has included within the Order Limits two potential options for the 132kV import cable connection routing given the uncertainty in the most technically feasible solution at this stage of design development.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>The ES has assessed the environmental effects associated with both the northern and the southern 132kV connection routes in the relevant ES chapters (e.g. Chapter 9: Noise and Vibration [APP-052]; Chapter 11: Ecology and Nature Conservation [APP-054]; Chapter 12: Water Resources and Flood Risk [APP-055].</p> <p>Nevertheless by way of an update to the ExA, a route proving study has been scoped and services in the process of being procured for commencement in Spring 2022. The study shall investigate the validity of each route option, taking account of other installed or planned services. The Applicant proposes to liaise with NPG during the route proving study to ensure a coordinated approach. However the results of the study may not be conclusive, and it would not be possible to make an informed decision on route until the end of 2022, after examination is closed.</p> <p>Compulsory purchase powers for the works in relation to Work 3B are set out in Articles 19 – 22 of the draft DCO [APP-005] recognising that as optionality exists, paragraph 4 of Article 20 is included which 'requires the undertaker, once the Work No. 3B option has been confirmed in accordance with Requirement 5(3), to serve notice on those with interests in plots whose land is not required to implement the Work No. 3B option. The purpose of the notice is to confirm the undertaker no longer intends to compulsorily acquire new rights in those plots.</p>
Q1.133	The Applicant	<p>As set out in the Statement of Common Ground between the Applicant and the Canal and River Trust [REP-014] submitted at Deadline 1, the Parties agree that detailed design of the abstraction point, and permanent structures cannot yet be finalised, and that detailed design is secured by Requirement 5 of the draft DCO [APP-005]. Comments made by the Trust regarding changes to wording in the draft DCO [APP-005] are noted. The Applicant is considering the request by the Canal and River Trust to amend the wording of Requirement 5(4c) (Detailed Design) which secures the method of construction, siting, layout, scale and external appearance of any new, upgraded or replacement intake structures within the waterway, including</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>the screens to be installed to those structures in accordance with the Eel (England and Wales) Regulations 2009(a) and any ancillary plant, buildings, enclosures or structures to include 'angle of flow'.</p> <p>The Applicant has also agreed that Requirement 5(4) shall be amended to secure, in relation to Work 4A, that details are to be submitted to and in consultation with the Canal & River Trust approved by the relevant planning authority.</p> <p>The Parties have agreed that details of any eel screen required are adequately secured by the wording of Requirement 5(4c) and that other than adding the Trust in as a consultee on this requirement, no further wording changes are required.</p> <p>The amended draft DCO is submitted at Deadline 2.</p>
Q1.134	The Applicant	<p>As stated in the Applicant's Comments on Relevant Representations & Additional Submissions document [REP1-021] submitted at Deadline 1, the Applicant notes the concerns regarding the visual impact of construction lighting for Keadby 2 Power Station site which is currently undergoing commissioning. The Applicant notes that Keadby 2 Power Station is not yet operational and the lighting is more prominent before the building is clad. The cladding is currently being installed on Keadby 2 Power Station and is expected to be complete in February 2022 and the transition from construction lighting to permanent lighting complete by late 2022.</p> <p>In relation to the construction and commissioning stages of Keadby 2 Power Station, the Applicant has provided an Indicative Lighting Strategy which is proposed to be secured by Requirement 7 of the draft DCO [APP-005].</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>The Applicant acknowledges that landscaping measures including tree planting can provide visual screening and is willing to consider the planting of additional trees on the Proposed Development Site in non-operational areas. However, such planting would not be for the purposes of mitigating effects of construction lighting for the Proposed Development in the direction of Amcotts village, as no significant effects are predicted.</p>
<p>14. Geology and Land Contamination</p>		
Q1.14.1	The Applicant/ NE	<p>As set out in the Statement of Common Ground between the Applicant and Natural England [REP1-009] submitted at Deadline 1, the Parties agree that water quality effects on European Sites described in the updated HRA [APP-006] have been adequately assessed and that the Applicant has considered the need to update the Draft DCO to consider whether any of the updates to the HRA relied on water pollution prevention measures specific to the Humber Estuary (as opposed to measures which are 'standard'). On this basis, the Applicant does not consider it necessary to update the draft DCO further than has been agreed with Natural England in the Statement of Common Ground [REP1-009], including adding Natural England as a consultee on the Framework CEMP.</p>
Q1.14.2	The Applicant	<p>Paragraph 13.4.18 of Chapter 13 [APP-056] identifies details of 8No. surface water abstractions within 250m of the Proposed Development Site whereas paragraph 13.4.19 provides details of nitrate vulnerable zones. It is considered likely that the Examiners question is in relation to paragraph 13.4.19 and the Applicant has responded on this basis.</p> <p>Chapter 12: Water Environment and Flood Risk of the ES [APP-055] provides details on the surface water quality, including nitrate concentrations for specific surface watercourses. Paragraph 12.4.23 indicates nitrate concentrations are high (35mg/L) in the River Trent at Keadby, likely reflecting the agricultural land use of the surrounding catchment, with use of fertilisers which run off to watercourses draining to the River Trent. In addition, paragraph's 12.4.25, 12.4.27 and 12.4.30 indicate high nitrate concentrations in the</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>Sheffield and South Yorkshire Navigation (New Junction and Stainforth and Keadby Canal), Keadby Warping Drain and Keadby Pumping Station Drain respectively, again likely reflecting surrounding agricultural land use. For paragraphs 12.4.25, 12.4.27 and 12.4.30, actual concentrations are not provided. Atmospheric deposition of nitrogen oxides (NOx) and ammonia emitted from the Proposed Power and Carbon Capture (PCC) Site has been assessed and reported in Chapter 11: Biodiversity and Nature Conservation [APP-054], for a range of statutory and non-statutory designated sites which contain species sensitive to nitrogen deposition, but also other sensitive habitats not afforded any nature conservation designation such as open mosaic habitat present within the former Keadby Ash Tip (7.9ha of unimproved acid grassland habitat and 15.4ha of OMH, as these habitats are considered sensitive to potential effects of emissions to air from operation of the Main Site). In all cases, the 1% threshold for insignificance is not predicted to be exceeded, so the effects from NOx, ammonia, nutrient nitrogen deposition and acid deposition are all anticipated to be negligible.</p> <p>The Applicant anticipates that nitrate levels in surface water runoff will be negligible from the Proposed Development since preventative maintenance and use of bunding and impermeable surfacing will reduce pollutant levels in any surface water to be discharged from the Proposed Development Site. While considered very unlikely, if elevated nitrate levels are identified as a potential risk at the detailed design stage, then discharge concentrations will be set and monitored through the Environment Permit.</p>
Q1.14.3	The Applicant	<p>As stated in the Applicant's Comments on Relevant Representations & Additional Submissions document [REP1-021], submitted at Deadline 1, the UK Health Security Agency notes that construction significance has been assigned 'neutral' whereas temporary effects are described as minor adverse in Table 13.14 of Chapter 13 [APP-087]. The Applicant confirms that it has applied a risk based approach in accordance with LCRM guidance (2021) which uses the principle, (as explained in paragraph 13.6.13 of Chapter 13) that where there is no predicted change between the main baseline risk and the main construction risk, the construction effect significance is assessed as a neutral effect. The majority of effects in Table 13.14 are classified as neutral to minor adverse, with three as neutral. Where minor adverse is defined this is due to</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>an increase in contamination risk of 1 risk level between baseline and construction CSM in the risk matrix. For example, land that has a low contamination risk in the baseline becomes a moderate/ low risk' in construction (refer to Table 13.6). In each case the effect is classified as not significant.</p> <p>The UK Health Security Agency has confirmed that they have no further comment to make – as set out in the Statement of Common Ground between the submitted at Deadline 2.</p>
Q1.14.4	The Applicant	<p>The Applicant can confirm that the storage of materials that could be classified as hazardous in designated locations with specific measures to prevent leakage and the release of their contents, (described in paragraph 13.5.9 of Chapter 13 [APP-056]) will take place within Work No. 1. Figure 4-1 (Area J) of [APP-106] provides an indicative illustration of the material/ consumable storage area in Work No. 1.</p>
<p>15. Planning Policy</p>		
Q1.15.1	The Applicant/ IPs	<p>The Secretary of State has recently consulted on draft updated energy NPSs and it is anticipated that the updated NPS could be designated later in 2022. At the present time, these remain in draft and are not yet adopted policy. Nevertheless, the Applicant envisages providing an updated, track-changed Planning Statement and Design and Access Statement regarding the (limited) implications of the draft NPS at Deadline 3.</p>
Q1.15.2	The Applicant	<p>The Net Zero Strategy: Build Back Greener (October 2021) expands on key commitments in the Energy White Paper, proposing to deliver “four carbon capture usage and storage (CCUS) clusters, capturing 20-30 MtCO₂ across the economy, including 6 MtCO₂ of industrial emissions, per year by 2030”. Setting aside 6 MtCO₂ per year to be captured from industrial emissions this leaves a commitment of between 14-24 MTCO₂ per year to be captured from energy sources. The Proposed Development, to form part of the CCUS cluster in the Humber region will capture some 2 MTCO₂ per year. This means that the country needs between 7 and 12 Carbon Capture Power Stations of this size in order to meet the Government's</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>commitments, or approximately 2-3 within each CCUS cluster. In conclusion the need case for the Proposed Development is greater following the publication of the Energy White Paper.</p> <p>The Applicant will submit an updated version of the Planning Statement at Deadline 3 which will reflect the above.</p>
Q1.15.3	The Applicant	<p>The Applicant will submit an updated version of the Planning Statement at Deadline 3 which will have regard to the revised National Planning Policy Framework insofar as it is relevant to NSIP projects.</p> <p>The National Model Design Code forms part of the government's planning practice guidance and is intended to be used by local planning authorities and provides tools, processes and outputs which can be applied to a range of design advice produced by local authorities, including design codes and design guides. Furthermore, it has a focus on residential and commercial development rather than nationally significant infrastructure projects. It is not in itself a statement of national policy. No such design codes or guides have been prepared at a local level that are relevant to the Proposed Development. In light of the above, the National Model Design Code is not considered to be of specific relevance to the Proposed Development, and this has been agreed in principle with NLC.</p> <p>We intend to update the Statement of Common Ground with North Lincolnshire Council at Deadline 3 or a future deadline to record agreement with the above statement.</p>
<p>16. Draft Development Consent Order</p>		
Q1.16.1	The Applicant	<p>The Draft Development Consent Order has been amended and submitted at Deadline 2 to delete these references.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q1.162	The Applicant	It should include Work No. 7 and should be renamed "carbon capture and compression plant". The draft DCO will be amended.
Q1.163	The Applicant	The Proposed Development is not operable remotely and as such there are no circumstances where the exportation of electricity would not require occupation of the authorised development by the undertaker.
Q1.164	The Applicant	This is correct. The definition of "NGC" has been moved so that alphabetically it appears before definition of "National Grid Carbon Gathering Network".
Q1.165	The Applicant	There are expected to be two stages of compression for the CO ₂ before it is stored. The first stage takes place on Site, using the undertaker's apparatus including compression facilities which are included within the Proposed Development under Work No. 7A, to enable the CO ₂ to meet the pressure and specification required to be injected into the CCS cluster pipeline network for the onshore transport of CO ₂ . It is likely that a second stage of compression will take place within the cluster network to further increase the pressure of CO ₂ in the system prior to it being transported offshore. This second stage of compression would take place off Site, is outside the control of the Applicant and would be the responsibility of the CCS cluster network operator; it is envisaged that further details on that compression will be provided within the application for the HLCP export pipeline and gathering network.
Q1.166	The Applicant	Wording is consistent with Drax Power (Generating Stations) Order 2019 but references to the identified wording has been removed on the basis protective provisions are included for electronic telecommunications infrastructure via Article 37 and part 4 of Schedule 10 in any event.
Q1.167	The Applicant	The definitions of Schedule 2 have been reviewed and have been incorporated within Article 2(1) as appropriate. There is no duplication/crossover between retained definition in Schedule 2. Article 2(4) has therefore been amended to delete reference to Schedule 2.

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>Schedule 13 contains the form of the deemed licence with the MMO. The terms and provisions of the licence have been discussed and agreed between the Applicant and the MMO. It therefore has standalone definitions in the context of the licence terms, Article 2(4) therefore remains necessary to ensure that in reading and interpreting the deemed MMO licence it is only the definitions within Schedule 13 which are applicable. It is considered that Article 2(4) in its amended form is therefore still appropriate and is limited solely to Schedule 13. This approach is also consistent with the wording used in the Eggborough CCGT (Generating Station) Order.</p>
Q1.16.8	The Applicant	Article 2(5) of the Draft DCO has been amended accordingly and submitted at Deadline 2.
Q1.16.9	The Applicant	The wording is consistent with that used in Transport and Works Act Orders and has precedent. For example, it was most recently included in the Network Rail (East West Rail) (Bedford to Bicester) Order 2020.
Q1.16.10	The Applicant	Please see Applicant's responses to questions 1.1.2 and 1.5.2.
Q1.16.11	The Applicant and Northern Powergrid	<p>Northern Powergrid will carry out the 'Non-contestable Works' at Keadby 132kV Substation if an offer to connect was accepted by the applicant. Installation of the linear assets (underground cable) may be carried out by Northern Powergrid or the Applicant and this is expected to be decided in 2022. Some of these works would be external to buildings and potentially subject to planning control. Accordingly, the Applicant is naming Northern Powergrid in Work 3B Schedule 1 and accordingly has updated the draft Development Consent Order submitted at Deadline 2 to give Northern Powergrid or the Applicant the benefit of work 3B.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q1.16.12	The Applicant/ Statutory Undertakers	The Applicant considers that subject to the amendment noted in response to question 1.16.11 there are no further statutory undertakers who should have the benefit of development powers for any parts of the Proposed Development. A case would need to be made out by the relevant statutory undertaker to be added into article 6 as a beneficiary of development powers, and we note no other statutory undertakers are named in Schedule 1 (works descriptions).
Q1.16.13	C&RT, the EA, the Relevant Port Authority, and the relevant Internal Drainage Board	N/A
Q1.16.14	NLC, as the Highway Authority.	N/A
Q1.16.15	The Applicant, NLC and any Statutory Undertaker	Article 10(5) (Power to alter layout, etc., of streets) and Article 12(2) (Access to works) contain deeming provisions in the event that the relevant highway authority does not provide consent within the defined period of time. It is not considered that an appeal process is therefore required.
Q1.16.16	NLC, as the Highway Authority.	N/A
Q1.16.17	NLC, as the Highway Authority.	N/A
Q1.16.18	C&RT, the EA, the Relevant Port Authority, and the	N/A

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
	relevant Internal Drainage Board	
Q1.16.19	The Applicant	Article 16 (Removal of Human Remains) has been removed from the draft Development Consent Order.
Q1.16.20	The Applicant/ NLC	As noted above, Article 16 (Removal of Human Remains) has been removed from the draft Development Consent Order in response to Q1.16.19 including sub-paragraphs.
Q1.16.21	The C&RT	N/A
Q1.16.22	The Applicant	The majority of the private roads are already within ownership of SSE plc (or subsidiary companies) or with the benefit of existing rights. Any third party land within the private roads which falls within the red line is comprised in the land plans for necessary compulsory acquisition powers in any event. An update on discussions with these third parties forms part of this submission.
Q1.16.23	The Applicant, 'IPs' and 'Affected Persons'	Wording contained in the draft Development Consent Order is entirely consistent with wording used in made DCO's – therefore, no amendment is considered necessary.
Q1.16.24	The Applicant, 'IPs' and 'Affected Persons'	The Applicant considers this wording is not appropriate. One of the benefits of using compulsory acquisition is the ability to "cleanse" the land from existing rights. The introduction of such wording would be contrary to this principle and would create further debate as to which rights should be treated as subsisting. Further the wording of Article 19(2) is entirely consistent with wording used on previous DCOs.
Q1.16.25	The Applicant	The wording in the draft Development Consent Order is entirely consistent with other made DCOs. Please see:

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<ul style="list-style-type: none"> Article 22(4) and 22(5) of The Drax Power (Generating Stations) Order 2019; Article 20(4) and Article 20(5) of The Eggborough (Gas Fired Generating Station) Order 2018.
Q1.16.26	The Applicant	<p>Article 27 is a standard DCO article. Please see:</p> <ul style="list-style-type: none"> Article 27 of The Drax Power (Generating Stations) Order 2019; and Article 25 of The Eggborough (Gas Fired Generating Station) Order 2018.
Q1.16.27	The Applicant	This has been corrected. Please note Article 33 has now been moved to become Article 19.
Q1.16.28	The Applicant and NLC	According to North Lincolnshire Council records available online, no trees within the Proposed Development Site are subject to Tree Preservation Orders or located within a designated Conservation Area.
Q1.16.29	NLC	N/A
Q1.16.30	The Applicant	Article 35(5)(b) relates only to the right under Article 5(3) to enter a building and land for the purposes of carrying out a survey rather than any physical protective works. As no physical works/interference can be undertaken this is therefore excluded from Article 35(6) – as the ability to serve a counter-notice is only to question whether it is necessary or expedient to carry out works.
Q1.16.31	The Applicant	The purpose of Article 40 is to act as an affirmation that the "consent" granted under the DCO regime should be treated as a "planning permission" for the purposes of S264(a) of the Town and Country Planning Act 1990, to ensure that the land is then "operational land". It would therefore follow (if the DCO is made) once development is carried out that this would fulfil limb(b) given it would be carried out pursuant to a planning permission which falls within limb(a).

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q1.16.32	The Applicant	<p>The Statutory Nuisance Statement [APP-038] provides such justification and explains that it is not expected that the construction, operation (including maintenance) and decommissioning of the Proposed Development would cause a statutory nuisance in respect of these numbered types of statutory nuisance (those in Section 79 (1) b – h).</p> <p>Article 41 of the draft DCO [APP-005] contains a provision that would provide a defence to proceedings in respect of statutory nuisance (Section 79 (1) b – h) should they be initiated against the Applicant or any future operators of the Proposed Development (in respect of Section 79(1) of the EPA 1990 (statutory nuisances and inspections thereof)), subject to certain criteria.</p>
Q1.16.33	NLC	N/A
Q1.16.34	The Applicant	<p>The wording of Article 40 is consistent with notice provisions contained in other made DCOs. A body corporate is any entity which is not an individual, in which the secretary or clerk is the person to whom notices are to be addressed. The concern with seeking to define this term is that given the term "body corporate" could catch a number of different organisations/association/companies, there is a risk the definition could not be precise enough. As the wording is consistent with other made DCOs it is considered Article 40 remain as drafted. Please see:</p> <ul style="list-style-type: none"> • The Drax Power (Generating Stations) Order 2019; and • The Eggborough (Gas Fired Generating Station) Order 2018.
Q1.16.35	The Applicant	<p>Schedule 9 is the process by which the relevant local planning authority will consider an application to discharge a requirement. Paragraph 5 of Schedule 9 sets out the process by which the Applicant can appeal the relevant local planning authority's determination (of lack of) where the circumstances in paragraphs 5(a)-(d) arise. This replicates the same process as would be available when seeking to discharge planning conditions in the usual way. It is a separate process to any consent/approvals required</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		by the Secretary of State as set out Articles 46(Arbitration) and Article 47 (Guarantees in respect of payments of compensation).
Q1.16.36	The Applicant	<p>The decision notices for NLC planning references PA/2021/188, PA/2019/1595 and PA/2018/1950 can be found at Appendices 1, 2 and 3 of the Planning Statement [APP-034], respectively.</p> <p>The other documents, namely approved plans, the officer delegated report drafted in relation to each planning permission, can be found at Appendices 3a, 3b and 3c in the Applicant's Response to the Examining Authority's First Written Questions – Vol 2 (Appendices) (Document Ref. 9.3), respectively. None had related committee reports or committee minutes.</p>
Q1.16.37	The EA/ The Applicant	<p>The Applicant and Environment Agency are agreed that Requirement 5(4) and 5(5) of the Draft DCO [APP-005], together with the environmental permit obligations, appropriately controls the design of the selected cooling water abstraction to provide compliance with the Eels (England and Wales) Regulations 2009, noting the design and impact avoidance measures in Section 11.5 of Chapter 11: Biodiversity and Nature Conservation [APP-054] to protect all life stages of eel and commitment to the final design which would be based on a BAT assessment in accordance with the Joint Environment Protocols.</p> <p>As noted in the Statement of Common Ground with the Environment Agency, The Applicant has proposed in the Landscaping and Biodiversity Management and Enhancement Plan [APP-039] that a Fish Management Plan be prepared and agreed with relevant stakeholders (including the Environment Agency – refer to paragraph 4.7.9) to specify the measures and supervision required to deliver legislative compliance during installation and drawdown of any cofferdam used for construction of either the river Trent or Stainforth and Keadby Canal water abstraction options and which would also apply (if relevant) to replacement of the existing Mabey Bridge over the Hatfield Waste Drain Local Wildlife Site (LWS). The Parties agree that this is suitably secured via existing Requirements of the DCO including (Requirement 6(4) which requires a landscaping and biodiversity management and enhancement plan to be submitted to</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:						
		<p>and approved by the relevant planning authority and 6(7) which requires that this plan must be in accordance with the principles of the indicative landscaping and biodiversity management and enhancement plan [APP-039] submitted. The Fish Management Plan is further controlled via the CEMP (Requirement 17 of the Draft DCO [APP-005] which must be prepared in accordance with the Framework CEMP [APP-160]. The Applicant notes the comments of the EA regarding how the Fish Management Plan is to be secured, including whether this should be via the Deemed Marine Licence in the draft DCO, with the Environment Agency as a named consultee. The Applicant will seek to agree with relevant stakeholders how the Fish Management Plan should be secured and provide an update at Deadline 3, to give further clarity.</p>						
Q1.16.38	The Applicant	R5(11) has been corrected to Schedule 11.						
Q1.16.39	The Applicant	R5(11) has been corrected to refer to Works No.1 and 8B.						
Q1.16.40	The Applicant	<p>Work Nos 2 – 7 and 9 – 11 are excluded from R5(12), which only includes Work Nos 1 and 8. This is because only the Proposed Power and Carbon Capture Site (Work No 1) and the Gatehouse (Work No 8) are considered to require local authority approval, the former due to its size and the latter due to its location within a more open landscape compared to other works. Other works entail underground or small scale aboveground utilitarian compounds for safety critical infrastructure and do not offer opportunities to be influenced by the design principles or the potential for adverse effects on the visual and landscape, if not properly designed. The Table below sets out the reasons for each Work No which is excluded from R5(12). Given the utilitarian nature of the described works, if further control is considered necessary by the Examining Authority and North Lincolnshire Council, we would look to expand Schedule 11 (Design Parameters) accordingly.</p> <table border="1" data-bbox="638 1332 2027 1374"> <thead> <tr> <th data-bbox="638 1332 810 1374">Work No.</th> <th data-bbox="810 1332 1355 1374">Work Desc.</th> <th data-bbox="1355 1332 2027 1374">Reason for Exclusion</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Work No.	Work Desc.	Reason for Exclusion			
Work No.	Work Desc.	Reason for Exclusion						

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:		
		2A	National Grid Gas's Gas Connection Above Ground Infrastructure ('AGI').	Small-scale aboveground utilitarian structures for safety critical infrastructure that does not offer opportunity for use of design principles.
		2B	The Applicant's Gas Connection AGI.	Small-scale aboveground utilitarian structures for safety critical infrastructure that does not offer opportunity for use of design principles.
		3A	Electrical connection works to and from the existing National Grid 400kV Substation.	Underground infrastructure.
		3B	Electrical connection works to and from the existing Northern Powergrid 132kV Substation and associated plant and equipment.	Underground infrastructure.
		4A	Underground and/ or overground water supply pipeline(s) and intake structures within the Stainforth and Keadby Canal, including temporary cofferdam.	Either underground infrastructure or small scale aboveground utilitarian structures for safety critical infrastructure that does not offer opportunity for use of design principles.
		4B	Works to the existing Keadby 1 power station cooling water supply pipelines and intake structures within the River Trent, including temporary cofferdam.	Works to existing structures.
		5	Works to and use of an existing outfall and associated pipework for the discharge of return cooling water and treated wastewater to the River Trent.	Works to existing structures.

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:		
		6	Towns water connection pipeline from existing water supply within the Keadby Power Station.	Underground infrastructure.
		7A	Applicant's AGI for compression and export of CO2.	Aboveground utilitarian structures for safety critical infrastructure that does not offer opportunity for use of design principles.
		7B	National Grid Carbon's AGI for compression and export of CO2.	Aboveground utilitarian structures for safety critical infrastructure that does not offer opportunity for use of design principles.
		9A	Temporary construction and laydown areas including contractor facilities and parking.	Temporary, small-scale works.
		9B	Access to 9A using the existing private roads from the A18 and the existing private bridge crossings, including the replacement of the western existing private bridge crossing known as 'Mabey Bridge') over Hatfield Waste Drain.	Replacement of existing small-scale structure.
		9C	Temporary construction laydown area associated with that bridge replacement.	Temporary, small-scale works.
		10A	Temporary retention, improvement and subsequent removal of an existing Additional Abnormal Indivisible Load Haulage Route.	Temporary, small-scale works.

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:		
		10B	Temporary use, maintenance, and placement of mobile crane(s) at the existing Railway Wharf jetty for a Waterborne Transport Offloading Area.	Temporary, small-scale works.
		11A	Landscaping and biodiversity enhancement measures.	Landscaping measures.
		11B	Security fencing and boundary treatments.	Small-scale works security focussed works.
Q1.16.41	The Applicant	Work 11 comprises landscaping and boundary treatment and will be delivered pursuant to designs approved by the Local Planning Authority under Requirement 6 (Landscaping and Biodiversity Protection Management and Enhancement) and Requirement 9 (Means of Enclosure). Requirements must meet the legal tests of necessity and reasonableness and it is considered that it would be unnecessary and unworkable to set out a duplicate set of controls in another requirement.		
Q1.16.42	The Applicant	<p>Biodiversity Net Gain calculations have been made using Metric 2.0 as part of the DCO application [APP-160] in order to demonstrate that net gain is achievable within the Proposed Development Site; the Applicant intends to achieve a 10% biodiversity net gain through the Proposed Development and this is achievable as shown in the Environmental Statement. However if it is agreed with the North Lincolnshire Council Landscape and Ecology Officer that the Applicant supporting an offsite provision would offer greater benefit to all parties, then the Applicant is willing to consider such an approach.</p> <p>During Stage 2 formal consultation with North Lincolnshire Council, it was suggested by NLC that an area of land off-site (north of Three Rivers) may provide opportunities for enhancement and it is understood that this land is currently under the management of Lincolnshire Wildlife Trust and the Environment Agency. As explained in Table 9-3 of Chapter 11: Biodiversity and Nature Conservation, the Applicant recognises that it may be possible and potentially beneficial to work with third party local landowners to deliver enhancements</p>		

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>to nearby Local Wildlife Sites as an alternative, and therefore the Applicant is willing to consider the use of third-party land as an alternative provision.</p> <p>The location and extent of land for biodiversity enhancement will be confirmed in the final Landscape and Biodiversity Management and Enhancement Plan (LBMEP) secured by Requirement 6 (Landscaping and biodiversity protection management and enhancement) of the draft DCO [APP-005].</p> <p>We believe that the approach set out is appropriate and precise, given that Requirement 6(5)(c)-(d) requires details of implementation, consultation with third-parties, and an implementation timetable. Agreement to the above position will be included with the next SoCG with NLC which is to be submitted at Deadline 3. We are not aware of direct precedents for this approach as the Environment Act 2021 is not fully implemented and, crucially, the credit system is not yet in place.</p>
Q1.16.43	The Applicant/ NLC	<p>The Applicant has demonstrated through Figure 4.15 [APP-024] that sufficient land is available within the Proposed Development Site in order to provide the required biodiversity enhancement to comply with policy. The location and extent of land for biodiversity enhancement will be confirmed in the final Landscape and Biodiversity Management and Enhancement Plan (LBMEP) secured by Requirement 6 (Landscaping and biodiversity protection management and enhancement) of the draft DCO [APP-005].</p> <p>Although the Applicant is happy to consider alternative land 'outwith the Order Land' within the Local Area when discharging Requirement 6, and the Applicant is happy to update the wording of the Requirement to secure local delivery, the Applicant has already demonstrated that such land is not required as the Applicant has adequate land available. However, as explained in Table 9-3 of Chapter 11: Biodiversity and Nature Conservation, the Applicant recognises that it may be possible and potentially beneficial to work with third</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>party local landowners to deliver enhancements to nearby Local Wildlife Sites as an alternative. Please also refer to the Applicant's response to Q1.16.42.</p>
Q1.16.44	<p>The Applicant/ NLC/ Any other Interested Party</p>	<p>As described in Section 5.2 of the LBMEP [APP-039] once created the new habitats will be appropriately maintained for a minimum period of 25 years (the proposed lifetime of the Proposed Development) and the LBMEP reviewed at appropriate periodic intervals over the Proposed Development's lifetime. A revision of management requirements as necessary at least once every five years thereafter for the duration of the LBMEP (minimum of 25 years) is committed to in paragraph 7.2.1 of the LBMEP [APP-039].</p> <p>In the Statement of Common Ground with North Lincolnshire Council, the Applicant has agreed that Requirement 6 included at Schedule 2 of the draft DCO [APP-005] would appropriately control the implementation of the required landscaping and biodiversity protection management and enhancement of the Proposed Development.</p>
Q1.16.45	<p>The Applicant</p>	<p>As explained in the Applicant's comments on Relevant Representations submitted at Deadline 1 [REP1-021] the Environment Agency has agreed that the specified control measures within the Framework Construction Environmental Management Plan (CEMP) [APP-160], including protected species surveys noted as required under 'Monitoring/ Additional Survey Requirements' in Table 5) and which are to be secured via Requirement 6 of the draft DCO [APP-005], are appropriate for the control of potential effects on protected species that fall within the remit of the Environment Agency during construction of the Proposed Development.</p>
Q1.16.46	<p>The Applicant</p>	<p>As stated in the Applicant's Comments on Relevant Representations & Additional Submissions document [REP1-021], submitted at Deadline 1, the Applicant confirms that biodiversity enhancement measures adopted within the Proposed Development design would include, but not be restricted to, appropriate shrub and tree planting. The Applicant has agreed the suitability of its proposals within the Landscaping and</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>Biodiversity Management and Enhancement Plan (LBMEP) [APP-039] with the Environment Agency deferring on all other biodiversity matters to Natural England and will confirm this with a Statement of Common Ground at Deadline 3.</p> <p>Requirement 6(4) of the draft DCO [APP-005] requires a landscaping and biodiversity management and enhancement plan to be submitted to and approved by the relevant planning authority and 6(7) requires that this plan must be in accordance with the principles of the LBMEP [APP-039] submitted. The LBMEP includes provision for the reinstatement and enhancement of watercourses, canals and drains (refer to para 4.10.6, 4.10.15. In addition, para 5.2.37 – 5.2.40 explain the Applicant's proposals for enhancement of Keadby Common Drains.</p>
Q1.16.47	NLC	N/A
Q1.16.48	The Applicant	<p>The PPWs allow for fencing and other security measures to be constructed at the appropriate point, the Framework Construction Environmental Management Plan ('CEMP') [APP-160] (Requirement 17) mandates it to be used during the construction of the Proposed Development, while Requirement 9 mandates its removal. As such, the placing, retention and removal of temporary means of enclosure are already considered to be secured and R9 does not need to duplicate this.</p>
Q1.16.49	The Applicant	Please refer to the Applicant's response to Q1.16.48 above.
Q1.16.50	The Applicant	<p>This is a misreading of R11(1) which refers to Work Nos. 1 <u>OR</u> 8.</p> <p>R11(1) states:</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:																		
		<p><i>"No part of Work Nos. 1 or 8 may commence until details of the specification and location of accesses for the use of all fire appliances in all of the major building structures and storage areas within the authorised development has, for that part, been submitted to and approved by the relevant planning authority."</i></p> <p>The other Work Nos. are considered to not require the Fire Prevention Measures set out in R11(1) for the reasons set out below:</p> <table border="1" data-bbox="636 627 2018 1353"> <thead> <tr> <th data-bbox="636 627 745 715">Work No.</th> <th data-bbox="745 627 1339 715">Work Desc.</th> <th data-bbox="1339 627 2018 715">Reason for Exclusion</th> </tr> </thead> <tbody> <tr> <td data-bbox="636 715 745 802">2A</td> <td data-bbox="745 715 1339 802">National Grid Gas's Gas Connection Above Ground Infrastructure ('AGI').</td> <td data-bbox="1339 715 2018 802">This Work No. does not contain habitable buildings.</td> </tr> <tr> <td data-bbox="636 802 745 890">2B</td> <td data-bbox="745 802 1339 890">The Applicant's Gas Connection AGI.</td> <td data-bbox="1339 802 2018 890">This Work No. does not contain habitable buildings.</td> </tr> <tr> <td data-bbox="636 890 745 1023">3A</td> <td data-bbox="745 890 1339 1023">Electrical connection works to and from the existing National Grid 400kV Substation.</td> <td data-bbox="1339 890 2018 1023">This Work No. comprises underground infrastructure, above ground insulated busbar or above ground overhead line assets.</td> </tr> <tr> <td data-bbox="636 1023 745 1190">3B</td> <td data-bbox="745 1023 1339 1190">Electrical connection works to and from the existing Northern Powergrid 132kV Substation and associated plant and equipment.</td> <td data-bbox="1339 1023 2018 1190">This Work No. largely comprises underground infrastructure with small amounts of aboveground infrastructure that do not feature any habitable buildings.</td> </tr> <tr> <td data-bbox="636 1190 745 1353">4A</td> <td data-bbox="745 1190 1339 1353">Underground and/ or overground water supply pipeline(s) and intake structures within the Stainforth and Keadby Canal, including temporary cofferdam.</td> <td data-bbox="1339 1190 2018 1353">This Work No. largely comprises underground infrastructure with small amounts of aboveground infrastructure that do not feature any habitable buildings.</td> </tr> </tbody> </table>	Work No.	Work Desc.	Reason for Exclusion	2A	National Grid Gas's Gas Connection Above Ground Infrastructure ('AGI').	This Work No. does not contain habitable buildings.	2B	The Applicant's Gas Connection AGI.	This Work No. does not contain habitable buildings.	3A	Electrical connection works to and from the existing National Grid 400kV Substation.	This Work No. comprises underground infrastructure, above ground insulated busbar or above ground overhead line assets.	3B	Electrical connection works to and from the existing Northern Powergrid 132kV Substation and associated plant and equipment.	This Work No. largely comprises underground infrastructure with small amounts of aboveground infrastructure that do not feature any habitable buildings.	4A	Underground and/ or overground water supply pipeline(s) and intake structures within the Stainforth and Keadby Canal, including temporary cofferdam.	This Work No. largely comprises underground infrastructure with small amounts of aboveground infrastructure that do not feature any habitable buildings.
Work No.	Work Desc.	Reason for Exclusion																		
2A	National Grid Gas's Gas Connection Above Ground Infrastructure ('AGI').	This Work No. does not contain habitable buildings.																		
2B	The Applicant's Gas Connection AGI.	This Work No. does not contain habitable buildings.																		
3A	Electrical connection works to and from the existing National Grid 400kV Substation.	This Work No. comprises underground infrastructure, above ground insulated busbar or above ground overhead line assets.																		
3B	Electrical connection works to and from the existing Northern Powergrid 132kV Substation and associated plant and equipment.	This Work No. largely comprises underground infrastructure with small amounts of aboveground infrastructure that do not feature any habitable buildings.																		
4A	Underground and/ or overground water supply pipeline(s) and intake structures within the Stainforth and Keadby Canal, including temporary cofferdam.	This Work No. largely comprises underground infrastructure with small amounts of aboveground infrastructure that do not feature any habitable buildings.																		

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:		
		4B	Works to the existing Keadby 1 power station cooling water supply pipelines and intake structures within the River Trent, including temporary cofferdam.	This Work No. largely comprises underground infrastructure with small amounts of aboveground infrastructure that do not feature any habitable buildings.
		5	Works to and use of an existing outfall and associated pipework for the discharge of return cooling water and treated wastewater to the River Trent.	This Work No. does not contain habitable buildings.
		6	Towns water connection pipeline from existing water supply within the Keadby Power Station.	This Work No. comprises underground infrastructure.
		7A	Applicant's AGI for compression and export of CO2.	This Work No. does not contain habitable buildings.
		7B	National Grid Carbon's AGI for compression and export of CO2.	This Work No. does not contain habitable buildings.
		9A	Temporary construction and laydown areas including contractor facilities and parking.	This Work No. is temporary.
		9B	Access to 9A using the existing private roads from the A18 and the existing private bridge crossings, including the replacement of the western existing private bridge crossing known as 'Mabey Bridge') over Hatfield Waste Drain.	This Work No. does not contain habitable buildings.
		9C	Temporary construction laydown area associated with that bridge replacement.	This Work No. is temporary.

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:		
		10A	Temporary retention, improvement and subsequent removal of an existing Additional Abnormal Indivisible Load Haulage Route.	This Work No. is temporary.
		10B	Temporary use, maintenance, and placement of mobile crane(s) at the existing Railway Wharf jetty for a Waterborne Transport Offloading Area.	This Work No. is temporary.
		11A	Landscaping and biodiversity enhancement measures.	This Work No. comprises landscaping and biodiversity enhancement measures.
		11B	Security fencing and boundary treatments.	This Work No. comprises security fencing and boundary treatments.
Q1.16.51	The Applicant	The details of specifications and locations of fire accesses are an integral part of the final design of the Proposed Development and must be planned and approved pre-commencement. It is not possible or considered necessary to commit to build fire accesses on day 1 of construction and maintain them throughout, for buildings that are not yet built. For safety purposes the fire accesses must, however, be constructed before operation of the Proposed Development.		
Q1.16.52	The Applicant	The Environmental Health Officer at North Lincolnshire Council has confirmed in conversation with the Applicant that they are happy with R15 and R17 as is and do not wish to duplicate controls. This will be confirmed by the Applicant in their updated SoCG with NLC which is to be submitted at Deadline 3.		
Q1.16.53	NLC	N/A		

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q1.16.54	The Applicant	<p>In the event that the Applicant breached R28 or R29 during the construction or operation of the Proposed Development, North Lincolnshire Council, as the Local Planning Authority, would be able to use their enforcement powers as per Part 8 of the Planning Act 2008.</p> <p>Furthermore, the Applicant has their own protocols for monitoring and investigating complaints during the construction phase even where not in breach of Requirements. This is described in response to Q1.9.2 above and the Applicant's response to that question explains that it would be possible to add reference to this into the Framework CEMP [APP-160], if required.</p>
Q1.16.55	The Applicant/ NLC	<p>The assessment of operational noise presented within Chapter 9: Noise and Vibration [APP-052] has been undertaken in accordance with British Standard 4142:2014+A1:2019. Requirement 29 drafting in the draft DCO [APP-005] has been updated to refer to this standard.</p>
Q1.16.56	The Applicant	<p>The Applicant acknowledges that Work Nos. 4B includes cofferdam construction and therefore should be included within R30(1) and this is updated in the draft DCO submitted as part of the Applicant's Deadline 2 submission. It is not considered likely by reference to Schedule 1 of the draft DCO and Chapters 4 and 5 of the ES Volume I that other works will involve piling activity.</p>
Q1.16.57	The Applicant/ NLC/ EA	<p>a) As set out in the Applicant's Combined Heat and Power Readiness Assessment [APP-036], there are currently no economically viable opportunities to create a heat network. CHP is therefore not proposed to be installed from the outset; however, the Proposed Development will be CHP-Ready with sufficient space allocated for future retrofit of a heat offtake within the Proposed Development Site should that be required. This is considered to be in line with the requirements of NPS EN-1 and EN-2 and the CHP-R Guidance (Environment Agency 2013) and is considered to meet BAT requirements for plant such as the Proposed Development.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>b) It is not considered to be necessary to duplicate powers that will be within the Environmental Permit ('EP'). The DCO must be compatible with the EP which is through spacing/routing but does not necessarily need to directly specific conformity with the EP.</p>
Q1.16.58	The Applicant	<p>R33(2) has now refers to the correct article.</p>
Q1.16.59	The Applicant	<p>Requirement 33 is an adaption of established drafting used on other DCO projects for carbon capture ready CCGT projects. For example, Requirement 31 of the Eggborough Order 2018 is as follows:</p> <p><i>“Until such time as the authorised development is decommissioned, the undertaker must not, without the consent of the Secretary of State—</i></p> <ul style="list-style-type: none"> <i>a) dispose of any interest in the carbon capture readiness reserve space; or</i> <i>b) do anything, or allow anything to be done or to occur, which may reasonably be expected to diminish the undertaker’s ability, within two years of such action or occurrence, to prepare the carbon capture readiness reserve space for the installation and operation of carbon capture equipment, should it be deemed necessary to do so.”</i> <p>It secures controls that are sought in the Carbon Capture Readiness Guidance (2009) by the Department of Energy and Climate Change which is referenced in NPS EN-1 and remains extant. In particular, this refers to a two year period. It states:</p> <p><i>“The retained land should not be owned, occupied or used (either by the applicant or a third party) in any way which may prevent its being cleared and free to accommodate the carbon capture plant within two years of the capture equipment being required to be installed”</i></p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
		<p>It is considered that the Proposed Development exceeds the requirements of the 2009 guidance which only anticipates the 'reservation of space' for carbon capture. It is the Applicant's understanding that the Proposed Development must nevertheless comply with the policy by showing space reservation secured in the standard way. On top of that, the Applicant is demonstrating a commitment to building and operating the CCP with the CCGT through Requirement 33. This comprehensive requirement therefore deals with keeping land clear, commencement and commercial use.</p>
Q1.16.60	The Applicant	<p>R33(3) prevents the NSIP (Work No. 1A, the CCGT) being brought into operation until such time as the CCUS pipeline is operating and exporting captured CO₂ to the relevant licensed storage facility as Work Nos. 1C and 7 must not come into commercial use until it has a 'customer' for the compressed CO₂ export. Similarly, NGV cannot be the customer if it does not itself have a customer for the further-compressed CO₂ to transport it to the relevant licensed storage facility.</p>
Q1.16.61	NLC	N/A
Q1.16.62	The Applicant	<p>The Applicant acknowledges this drafting error in Schedule 9 Paragraph 2(4)(b) and this has corrected it in the updated draft DCO submitted at Deadline 2.</p>
Q1.16.63	NLC	N/A
Q1.16.64	The Applicant	<p>The Applicant acknowledges this drafting error in Schedule 9 Paragraph 5(1)(b) and this has corrected it in the updated draft DCO submitted at Deadline 2.</p>

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q1.16.65	The Applicant	The Applicant can confirm that the Table 6 in Schedule 11 of the Draft Development Consent Order is correct [APP-005] Table 4.1 of the Design and Access Statement has some incorrect table headings. Some rows show WxLxH whereas others are showing width/height above FFL/height AOD. Table 4.1 in the Design and Access Statement will be updated to contain the correct information and submitted at Deadline 3.
Q1.16.66	The Applicant	As shown on Figure 4.14 [APP-022], the indicative dimensions for the gatehouse (Work 8B) are up to 6m height above ground level (AGL). These parameters are based on a typical single-storey building height (5m AGL) with a margin of circa 10% to indicate a maximum height. Available Lidar data indicates that ground levels in the vicinity of the gatehouse are circa 1.5m AOD and therefore the maximum height above ground level has been set in the draft DCO at 7.5m AOD. The Applicant is willing to reduce the maximum dimensions for the building to up to 5m AGL i.e. up to 6.5m AOD if required by North Lincolnshire Council and/or the ExA and would update the indicative drawings at that point.
Q1.16.67	NLC	Although not directed at the Applicant, the Applicant would like to draw the Examiner's attention to the Design Principles found in Appendix 1 of the Design and Access Statement [APP-035], in particular the Gatehouse Design which states the following: <i>"The proposed gatehouse will use a minimal design, consisting of traditional brick materials considered typical to the setting and area. The restrained design of the gatehouse will minimise intrusion within the surrounding flat landscape."</i>
Q1.16.68	The Applicant	R5(11) has been corrected to reference Schedule 11. Schedule 12 refers to the Design Principles Statement included as Appendix 1 of the Design and Access Statement [APP-035] which is correct.

EXQ1	QUESTION TO:	APPLICANT'S RESPONSE:
Q1.16.69	Marine and Coastguard Agency	The Applicant notes that in line with the Planning Inspectorate Advice Note 11, it has applied for a Marine Licence which is 'deemed' within the draft DCO [APP-005]. Reference should be made to the Statement of Common Ground between the Parties [REP1-016], submitted at Deadline 1, which sets out that all matters in the Relevant Representation are now agreed between the Parties.
Q1.16.70	The Applicant	The term "acquiring authority" is used in the context of the legislation referred to and has the same meaning as set out in the legislation.