

KEADBY 3 **CARBON CAPTURE POWER STATION**

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

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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 Examining
Authority's Written Questions Responses**

The Planning Act 2008

Applicant: Keadby Generation Limited

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GLOSSARY

Abbreviation	Description
ADMS	Atmospheric Dispersion Modelling System
AGI	Above ground installation
AIL	Additional Abnormal Indivisible Load
AQMAU	Air Quality Modelling and Assessment Unit
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
LBMEP	Landscaping and Biodiversity Management and Enhancement Plan
MW	megawatts
NLC	North Lincolnshire Council
NSIP	Nationally Significant Infrastructure Project
PCC	Proposed Power and Carbon Capture
PINS	Planning Inspectorate, The
SoCG	Statement of Common Ground
WFD	Water Framework Directive

Abbreviation	Description
ZCH	Zero Carbon Humber

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1.0 INTRODUCTION

1.1 Overview

- 1.1.1 This Applicant's Response to Examining Authority's Written Questions Responses (**Application Document Ref. 9.9**) has been prepared on behalf of Keadby Generation Limited ('the Applicant') which is a wholly owned subsidiary of SSE plc and Keadby with Althorpe Parish Council ('The Parish Council'). 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 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 This document sets out the Applicant's responses to the responses made by other respondents to the Examining Authority's Written Questions. The remainder of this document responds to responses from the following parties:

- Section 2 – North Lincolnshire Council
- Section 3 – Canal and River Trust
- Section 4 – Environment Agency
- Section 5 – Maritime and Coastguard Agency
- Section 6 – National Grid Transmission Pls and National Grid Gas Plc
- Section 7 – National Grid Ventures
- Section 8 – Natural England
- Section 9 – Northern Powergrid

2.0 APPLICANT'S RESPONSE TO NORTH LINCOLNSHIRE COUNCIL'S WRITTEN QUESTION RESPONSES

2.1.1 The Applicant's Response to North Lincolnshire Council's Written Question Responses can be found below in Table 2.1.

Table 2.1: Applicant's Response to North Lincolnshire Council's Written Question Responses

North Lincolnshire Council Responses	Applicant Response
<p>Q1.1.7 The Council's Highway Development Officer has reviewed the Framework Construction Traffic Management Plan [APP-0161] and the Framework Construction Workers Travel Plan [APP-0162] and is satisfied with the content of these documents. It is noted that discussions were held with the applicant regarding these documents prior to submission of the application and all of our comments have been addressed.</p> <p>The Council's Environmental Health Officer has reviewed the Framework CEMP [APP-160] and is generally satisfied with the contents of the document, which is considered to cover all relevant topic areas. They do however identify 2 points that they would prefer to see amended:</p> <ul style="list-style-type: none"> The document states that core construction working hours and HGV deliveries would be Monday to Friday (except bank holidays) 07:00 to 19:00 and Saturday 08:00 to 13:00. This department typically ask that construction operations are undertaken between Monday to Friday (except bank holidays) 08:00-18:00 in line with other Local Authorities 	<p>North Lincolnshire Council's comments on the Construction Traffic Management Plan [APP-0161] and the Framework Construction Workers Travel Plan [APP-0162] are noted including that they foresee no issues with regards to the documents.</p> <p>In delivering a First of a Kind Project of this nature where this is a clear and recognised urgency, the Applicant notes that any reduction in core working hours would impact on and extend the construction programme, as specified in Chapter 5 of the ES [APP-048] and result in an extended duration of construction, which could also have an effect on amenity of local residents.</p> <p>The Applicant acknowledges that there may be an increased sensitivity to certain construction activities (typically those generating noise or involving traffic movements) in the early morning period (07:00 to 08:00) and early evening period (18:00 to 19:00) of the proposed core working hours in comparison to other proposed daytime working hours. For this reason, the Applicant is of the view that controlling activities within the</p>

<p>and to protect the amenity of those living in the vicinity.</p> <ul style="list-style-type: none"> The document makes reference to “prohibit open fires on site”, this department prefer to see a no burning of waste policy implemented on site. 	<p>periods 07:00 to 08:00 and 18:00 to 19:00 is a more appropriate means of protecting amenity of residents, whilst minimising the duration of construction of a NSIP.</p> <p>Requirement 27 (Construction hours) therefore proposes control over delivery or removal of materials, plant and machinery to 08:00 to 18:00 hours on Monday to Friday and 08:00 to 13:00 hours on a Saturday, unless otherwise agreed or in the event of an emergency.</p> <p>The Applicant has proposed core construction hours that are more stringent than those applied in the recent Section 36 consent for Keadby 2 Power Station in which HGV deliveries (other than AIL or during emergencies) were permitted Monday to Thursday 07:00-20:00 hours, Friday 07:00-18:00 hours and Saturday 07:00-13:00 hours. The Applicant is not aware of complaints on the grounds of construction noise associated with these working hours for Keadby 2 construction and also notes that its proposed core working hours are also broadly aligned with other power related DCOs including Eggborough CCGT and West Burton C Power Station and with the assessment categories and thresholds set out in BS5228 (Ref) i.e. weekday daytime (07:00 – 19:00) and Saturdays (07:00 – 13:00) for the control of noise from construction sites. In addition, through the use of these working hours, this will reduce the number of construction worker vehicles using public roads to access the</p>
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	<p>Site during rush hour periods. Therefore, the Applicant proposes to undertake further discussion with North Lincolnshire Council in respect of the construction hours proposed and is committed to seeking to agree common ground with NLC on this matter. The Applicant in particular will consider further opportunities to restrict or stagger construction working hours or apply trigger levels on the control of construction noise during the more sensitive periods (07:00 to 08:00 and 18:00 to 19:00) where there are benefits to public amenity in doing so. In line with The NPSE (Defra, 2010) guidance on defining significant adverse effects the following concepts could be used to monitor trigger levels;</p> <ul style="list-style-type: none"> • No Observed Effect Level (NOEL) - the level below which no effect can be detected. Below this level no detectable effect on health and quality of life due to noise can be established; • Lowest Observable Adverse Effect Level (LOAEL) - the level above which adverse effects can be detected; and • Significant Observed Adverse Effect Level (SOAEL) - the level above which significant adverse effects can be detected. <p>In line with the Applicant's comments on North Lincolnshire Council's Local Impact Report submitted at Deadline 2 (REP2-008) the Framework CEMP (APP-160) has been updated at Deadline 3 to include a no burning of waste policy.</p>
Q1.1.8	Noted.

<p>NLC are not able to answer this question as they do not have sufficient information of the other projects at this time due to their current status. It is anticipated that any potential conflicts between the proposed CO2 export pipeline and the proposed Hornsea Four Off Shore Windfarm projects will be robustly considered as part of the examination of those projects. With regards to proposed R33 (CCP) NLC are of the opinion that this Requirement is adequate to link the development to the prospective CO2 gathering network. The Requirement is considered to meet the relevant tests. This Requirement is important in ensuring that the power station is not developed without the carbon capture infrastructure in place.</p>	
<p>Q1.2.7 NLC would expect to see all mitigation measures detailed in Section 8.2 of the IAQM guidance for 'high risk' sites to be included within a CEMP for this development. It is considered that these mitigation measures are sufficient to ensure no significant effect.</p>	<p>Mitigation measures to be used on site will be detailed within the Final CEMP to be produced by the appointed contractor, secured by Requirement 17 of the draft DCO [APP-005]. and will include consideration of relevant measures set out in Section 8.2 of the IAQM 2014 guidance which are listed as 'highly recommended' for High Risk sites and are generally good practice. On this basis, the Applicant has updated the Framework CEMP at Deadline 3 to clarify the requirement for consideration of all relevant measures set out in Section 8.2 of the IAQM 2014 guidance which are listed as 'highly recommended' for High Risk sites and are generally good practice for the final CEMP.</p>
<p>Q1.3.10 NLC's ecologist has confirmed that the applicant addresses this issue</p>	<p>The Applicant acknowledges the comments and advice of the NLC's ecologist. This will be used in the</p>

<p>acceptably in paragraph 5.3.7 of Document 5.10 - Landscaping and Biodiversity Management and Enhancement Plan [APP-039]. Keadby Ash Tip supports 15 hectares of OMH and has been ascribed national importance for its acid grassland and OMH habitats and its invertebrate communities (Broughton 2017, Wilson 2017). 0.25 ha (or 1.7%) of this resource, at the very edge of the Ash Tip, will be lost to the Keadby 3 proposal, as described in sections 11.6.39 to 11.6.43 of the ES. Section 11.6.41 highlights that, "The area of vegetation that will be lost is peripheral to the main area of OMH and has a relatively level compacted stone substrate due to it coinciding with an area used in the past as a vehicle access route. Therefore, while it is part of the OMH by virtue of its connection to the wider habitat resource, it lacks the characteristics of the wider habitat resource that result in its high value (i.e. varied topography, variable substrates, more complex vegetation structure)." Furthermore, whilst the biodiversity net gain assessment assumes that this resource will be lost, applying the precautionary principle, section 11.6.44 notes that some of the area may naturally regain valuable ephemeral/ short perennial vegetation.</p> <p>Flower-rich grassland is a recognised component of OMH, providing habitat structure and nectar for a variety of invertebrates. Blanket replacement of structurally varied OMH with flower-rich grassland would not be acceptable.</p>	<p>implementation of the Landscaping and Biodiversity Protection Plan to be prepared to discharge requirement 6 of the draft DCO.</p>
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<p>However, the creation of flower-rich grassland to add to the wider 15-hectare mosaic and mitigate for the 1.7% loss is considered to be acceptable.</p> <p>To maintain botanical diversity, the grassland must be created on nutrient poor soils and managed positively thereafter, to prevent succession to rank grassland. In our ecologist's experience, structural diversity can be created by tipping heaps of any unwanted sand that may arise from site works.</p>	
<p>Q1.5.4 NLC confirm that the short list of developments presented in ES Chapter 10 [APP-062] is agreed.</p>	<p>The Applicant acknowledges the response that the shortlist of committed developments identified in Table 19-5 of ES Chapter 19 [APP-062] and shown on ES Figure 19.2 [APP-159] has been agreed with the authority.</p>
<p>Q1.8.1 a) The ALC's stated within ES Chapter 13 [APP-056] are correct and the land does fall within the definition of best and most versatile land. b) NPPF 174 b) requires decisions to recognise the benefits of the best and most versatile agricultural land. However, much of the Isle of Axholme is classed as grade 1 or 2. If any development is to be permitted in this area, then there will be circumstances when other material planning considerations are judged to outweigh the importance of the best and most versatile land.</p> <p>With regards to the appropriateness of the location, large parts of the site are brownfield land, the site offers access to electrical and gas connections and the siting adjacent to the existing power stations provides</p>	<p>The Applicant acknowledges the response and comments made by North Lincolnshire Council in relation to the Applicant's consideration of siting the Proposed Development to avoid best and most versatile (BMV) agricultural land, including agreement on the overriding need for the Proposed Development to be sited in its proposed location for the reasons set out in Table 6.6 of the Planning Statement [APP-034].</p> <p>The Applicant acknowledges the response of North Lincolnshire Council and notes that the reinstatement of soils will be undertaken in line with the final CEMP, controlled by Requirement 17 of the draft DCO [APP-005]. A framework Soil Resources Plan is</p>

<p>synergies in terms of key infrastructure, services, operations and maintenance. Therefore it is considered that there are specific reasons why this site is appropriate for the proposed development despite its ALC's and why other sites of a lower classification may not be appropriate.</p> <p>It is further noted that those parts of the site falling within ACL Grade 1 are the existing access road from the A18 and temporary laydown areas that will be reinstated following development.</p>	<p>included in the Framework CEMP [APP-160].</p>
<p>Q1.9.2</p> <p>NLC agree that a more detailed complaints procedure is required as set out in the ExA's question. This will provide clarity for all parties and will ensure that all complaints are investigated in an appropriate manner.</p>	<p>The Applicant acknowledges the response and that discussions on this matter have taken place with North Lincolnshire Council. As explained in the Applicant's response to the ExA First Written Questions [REP2-006] 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 this could be added to the Framework CEMP, if required.</p>
<p>Q1.9.3</p> <p>i) The Council's Environmental Health Officer has advised that it is unknown whether the SOAEL is achievable until final mitigation measures have been determined. The applicant should employ best practice and follow appropriate guidance during the construction phase to achieve the lowest noise levels possible</p> <p>ii) The Council's Environmental Health Officer has advised that mitigation measures such as those contained within BS 5228-</p>	<p>The Applicant acknowledges the response of North Lincolnshire Council and notes that it has also provided comments in the Applicant's response to the ExA First Written Questions [REP2-006] which describes the Applicant's proposals to follow appropriate guidance to control noise levels during construction. Such proposals would form part of the agreed scheme of noise control during construction to be secured through DCO Requirement 28 (Control of noise and vibration –</p>

<p>1:2009+A1:2014 are likely to be appropriate to control the impact of noise during construction if incorporated within a final CEMP</p>	<p>construction) of the draft DCO [APP-005].</p> <p>Mitigation measures contained in BS 5228-1:2009+A1:2014 have been considered in paragraphs 9.5.2 – 9.5.11 of APP-052 (Chapter 9: Noise and Vibration) as 'Best Practicable Means' / design and impact avoidance measures to control noise during construction. These are therefore replicated in Table 4 of the Framework CEMP and would therefore be included in the final CEMP secured by Requirement 17 of the draft DCO [APP-005].</p>
<p>Q1.9.10</p> <p>NLC are not aware of an agreement to monitor for vibration only at NSR12 – Keadby Lock.</p> <p>The LPA's interest with regards to Keadby Lock relates to how it is appreciated as a heritage asset and any potential impacts in this regard</p>	<p>The Applicant acknowledges the response from NLC and its interests in Keadby Lock as a heritage asset. The updated Statement of Common Ground issued in draft to North Lincolnshire Council ahead of Deadline 3 outlines the agreement on the assessment of effects related to Keadby Lock as a designated heritage asset presented in Chapter 15: Cultural Heritage [APP-058], including consideration of aspects such as noise and vibration during construction and operation of the Proposed Development, and that the assessment is agreed to be appropriate.</p>
<p>Q1.16.14</p> <p>The Council's Highway Development Officer has confirmed that they are broadly satisfied with the content of Art 10.</p> <p>With regards to Art 10 (5) it is noted that the proposed junction</p>	<p>North Lincolnshire Council Highway Development Department's comments on Article 10 of the draft DCO [APP-005] are noted. The Applicant confirms that it has provided further information to North Lincolnshire Council confirming that the modifications to the existing A18 junction have been</p>

<p>improvements include some Departures from Standards (DfS), which have yet to be accepted by the Local Highway Authority. Whilst there is no objection in principle to the requirement to issue approval for works within 28 days, this may be problematic if the DfS have not been accepted prior to an application for approval being submitted.</p> <p>Discussions have been held with the applicant on this matter and it is understood that it is their intention to provide the Highway Authority with the information necessary to review the justification for the DfS and issue a decision on this matter during the examination. This would resolve the concerns of the Local Highway Authority regarding the timeframe set out in Art 10 (5).</p>	<p>designed following the parameters on the DMRB Standards CD109/CD123 for a 60mph road and outlining the justification regarding the proposed departure from standard (DfS) for NLC consideration.</p>
<p>Q1.16.15</p> <p>NLC are of the opinion that an appeal process should be referenced with regards to Art 10 and Art 12.</p>	<p>The Applicant notes that 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.</p>
<p>Q1.16.16</p> <p>The Council's Highway Development Officer has confirmed that they are satisfied with the content of Art 11.</p> <p>With regard to Art 11 (1) the Local Highway Authority has no issues or concerns raise.</p>	<p>North Lincolnshire Council Highway Development Department's comments on their agreement in relation to Article 11 of the draft DCO [APP-005] are noted.</p>
<p>Q1.16.17</p>	<p>North Lincolnshire Council Highway Development Department's comments on Article 12 of the draft DCO [APP-005] are noted including</p>

<p>The Council's Highway Development Officer has confirmed that they are satisfied with the content of Art 12.</p> <p>Art 12 (1) appears to be acceptable.</p> <p>With regards to Art 12 (2) the Local Highway Authority has no objection to the requirement to issue approval within 28 days. However as per the answer to Q1.16.14, this could be problematic if the DfS has not been accepted prior to an application for approval being submitted.</p>	<p>in relation to Article 12 (2). As outlined in the answer to Q1.16.14, the Applicant hopes to reach agreement with North Lincolnshire Council in relation to the departure from DMRB standard through the provision of the additional information supplied.</p>
<p>Q1.16.20</p> <p>The Council are unsure as to why Article 16 is included in the Draft DCO as it would appear to relate to known burial grounds and there are none known within the order limits.</p> <p>Although given the incomplete state of the archaeological evaluation we do not know whether to expect the presence of an ancient burial ground and there is always the potential for the discovery of human remains during any groundworks. The archaeological contractor should be expected to deal with all such discoveries within the order limits and under Section 25 of the Burial Act 1857 obtain a licence from Secretary of State to remove human remains on behalf of the applicant. This procedure should be included in the WSI and relate to the construction works in general; currently the WSI refers only to human remains discovered during archaeological interventions, this is one of the areas that the LPA feel is needing revision before the WSI can be agreed.</p>	<p>The Applicant agrees that Article 16 is not required and has now been removed from the draft DCO [APP-005] submitted at Deadline 2 [REP2-003] at the request of the ExA.</p> <p>In its response to the Rule 17 letter by the ExA [REP2-012] the Applicant has set out a proposed further phase of evaluation that could be undertaken during the examination period, and for which a Written Scheme of Investigation (WSI) would be produced which contains reference to the requirements of the Burial Act 1857 and how this must be considered during archaeological evaluation.</p> <p>The Outline WSI [APP-163] submitted with the application states, as per Section 5.8, the requirements for dealing with human remains under Section 25 of the Burial Act 1857. Any further updates to the OWSI / mitigation WSI will be agreed with the LPA.</p>

<p>Any conflict between Article 16 and the archaeological recording of any new discoveries of burial grounds should be clarified.</p> <p>With regards to the number of notices required the LPA are of the view that multiple notices may be required to be displayed for the purposes of Art 16 due to the extent of the Order Limits. Any publicity undertaken by the LPA on such a large site would include the display of a number of site notices in different locations in the area immediately surrounding the site.</p>	
<p>Q1.16.28</p> <p>The Council's records do not identify any Tree Preservation Orders within the Order limits. Nor is any part of the site located within a conservation area. Therefore none of the trees likely to be affected by the development are protected.</p>	<p>The Applicant acknowledges the confirmation by North Lincolnshire Council on this matter.</p>
<p>Q1.16.29</p> <p>i) Table 11.9 of Chapter 11 of the ES [APP-054] indicates that hedgerows were scoped out of the Ecological Impact Assessment as no impact was anticipated. Art 35 (4) may therefore have been included to cater for unforeseen circumstances. Any such removal of hedgerows may be expected to be limited in extent, and would only affect very young or species-poor hedgerows (see ii) below). A biodiversity net gain of 35.9% is forecast in relation to hedgerows. The mixed native hedgerow planting proposals use appropriate species and specifications. Overall, the approach to hedgerows losses and gains appears acceptable.</p>	<p>The Applicant acknowledges the response of North Lincolnshire Council on this matter and confirms no anticipated need to remove any sections of hedgerows to achieve access during construction. Native plantings are proposed to enhance an existing immature hedgerow, and to gap up sections of hedgerow when the Additional AIL Route (originally constructed for Keadby 2 Power Station) is no longer required for construction of the Proposed Development. Proposals in respect of hedgerow treatment are shown on Figure 4.15: Indicative Landscaping and Biodiversity Plan [APP-024].</p>

<p>ii) According to sections 4.3.29-4.3.30 of the submitted Preliminary Ecological Appraisal report [APP-078], none of the hedgerows recorded on-site would qualify as “Important” under the Hedgerow Regulations 1997 for ecological reasons. Hedgerows in North Lincolnshire require fewer species to class as “Important”, when compared to many other counties. Nevertheless, the hedgerows are all either very young or described as “dominated by common hawthorn”, so this assessment appears likely to be correct.</p>	
<p>Q1.16.33</p> <p>Art 42 relates to proceedings which are brought under Section 82(1) of the Environmental Protection Act 1990 (summary proceedings by persons aggrieved by statutory nuisances). The Local Authority would investigate statutory nuisance complaints under Section 79-80 of this legislation.</p> <p>The requirement for Art 42 in the DCO is unclear as the defence to proceedings are contained within Section 82(9) of the Act itself.</p>	<p>Please see paragraph 5.52 of the Explanatory Memorandum [APP-006] for an explanation of why this is included.</p>
<p>Q1.16.43</p> <p>Applying the mitigation hierarchy, mitigation and biodiversity enhancement should be provided on-site as far as possible, with off-site delivery of habitat being a last resort to be taken only after on-site opportunities have been exhausted.</p> <p>NLC would expect the majority of the net gain in biodiversity to be delivered on-site. Any shortfall in biodiversity</p>	<p>The Applicant acknowledges the response and advice of North Lincolnshire Council on this matter. The current expectation is that Biodiversity Net Gain (BNG) will be delivered on land within the Applicant's control in accordance with the current Landscape and Biodiversity Management and Enhancement Plan (LBMEP) [APP-039]. This will be confirmed once the updated Metric 3.0 calculations have been made.</p>

<p>units that cannot be delivered on-site should be delivered locally in accordance with our Biodiversity Opportunity Map, The Humberhead Levels National Character Area profile and other local guidance. R6 should be amended to make it clear that off-site delivery should be delivered locally as this is not specified at present. Ideally this would be delivered by the applicant on land under their control. To that extent, the R6 (5) (c) is potentially necessary, relevant to planning and the proposed development, enforceable, precise and reasonable.</p> <p>However, if biodiversity measures “outwith the Order Land” cannot legally or practically be secured under the terms of the order, then some other mechanism will be required.</p>	<p>As explained in the Applicant’s response to the ExA First Written Questions [REP2-006] the location and extent of land for biodiversity enhancement will be confirmed in the final LBMEP secured by Requirement 6 (Landscaping and biodiversity protection management and enhancement) of the draft DCO [APP-005]. The Applicant believes 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. As noted, the Applicant is happy to consider alternative land ‘outwith the Order Land’ within the Local Area when discharging Requirement 6 and is happy to update the wording of the Requirement to secure local delivery, in the event at this is required.</p> <p>Given that the Applicant notified the ExA of its intention to make a change to the Application on 1 February 2022, the Applicant intends to provide an updated LBMEP on or around Deadline 5, following further technical engagement with NLC on the updated Metric 3.0 calculation results.</p>
<p>Q1.16.44</p> <p>NLC agree that a provision for periodic review and updating of the landscaping and biodiversity protection plan would be appropriate given the long timescales involved and the potential for environmental</p>	<p>The Applicant believes that the methodology for periodic review set out in para. 7.2.1 of the LBMEP [APP-039], which requires a revision of management requirements as necessary at least once every five years, is sufficient. However we will discuss this further</p>

<p>conditions, policies and priorities to change in that time.</p> <p>It is noted that there appears to be a commitment for periodic review and revision set out at para. 7.2.1 of the LBMEP [APP-039].</p>	<p>with NLC in light of their ExQ1 response.</p>
<p>Q1.16.47</p> <p>NLC are of the opinion that the Proposed Development coming into commercial use is not an appropriate trigger point for the submission of design details of any permanent highway accesses. It would make sense for the works to the access on the A18 to be undertaken at an early stage of the construction phase, when traffic movements are low. This would allow the access to be brought into use prior to the peak construction period.</p>	<p>It is the intention of the Applicant to bring the modified A18 access including replacement Mabey Bridge spanning the Hatfield Waste Drain (this being Work 9B) into use before other construction works commence, as described in paragraph 5.2.2 of ES Volume 1 Chapter 5 (APP-048): “An early works phase, including the A18 carriageway improvements and Mabey Bridge replacement, would be undertaken over a circa 6 month period”. The design details for Work 9B are controlled by R5(9).</p> <p>The central point being made by NLC is agreed with, which is that Work 9B should be developed out before substantial construction works commence. The drafting that would facilitate this would be the insertion of a new paragraph to R8, requiring that Work 1 may not be developed before the details required pursuant to Requirement 5(9) have been submitted to and, after consultation with the highway authority, approved by the relevant planning authority, and Work 9B built out in full.</p> <p>While not the central theme to NLC’s response, we would like to clarify that Work 8 collectively comprises the maintenance and improvement of the existing private track (route) between the A18 and Work 1 (8A), associated gatehouse</p>

	<p>(8B) and emergency access route to the north of Work 1 (8C). These would only be developed to support commercial operation since they involve the formation of the long-term (permanent) surfaces, egress routes for operational staff, and supporting facilities for operational staff such as the permanent gatehouse. Therefore the present R8(3) drafting (which requires that the design details for Work 8 to be approved pursuant to R5(8) before commercial operation) contains the appropriate trigger.</p> <p>We intend to update the dDCO at the next deadline following discussion with NLC to explain the above points in further detail and check that this is acceptable to NLC.</p>
<p>Q1.16.53</p> <p>The Council's Environmental Health Officer has expressed concern relating to the exemptions set out in R27 (Construction Hours).</p> <p>NLC typically request that construction operations are undertaken between Monday to Friday (except bank holidays) 08:00-18:00 in line with other Local Authorities and to protect the amenity of those living in the vicinity. R27 seeks construction hours of 07:00 to 19:00 Monday to Friday, which already exceeds NLC's standard approach to construction hours. It then seeks additional exemptions to the proposed hours.</p> <p>It is unclear why a start-up and shut-down period is required as this would</p>	<p>Please refer to the Applicant's comments in relation to construction hours (Q1.1.7). Consideration of potential schedule impact for this nationally significant infrastructure is required particularly given that amenity is protected through the range of mitigation incorporated and secured in the dDCO.</p> <p>Requirement 27 has been drafted to control the limited activities which the Applicant proposes be permitted within the 30 minute start-up and shut-down periods at the beginning and the end of the core construction hours. No construction works are permitted during these periods; they are for staff to mobilise to their working areas, don Personal Protective Equipment and receive briefings and toolbox talks. The</p>

<p>normally be included within the construction hours. The Council's Environmental Health Officer has expressed particular concerns of allowing a start-up period as early as 06:30 which is considered "night time" hours with respect to noise.</p> <p>It is also unclear why the maintenance of plant and machinery cannot be undertaken within normal construction hours. There is potential for noise disturbance to result from maintenance operations outside of normal working hours.</p> <p>NLC are of the view that the exemptions should be removed from R27 unless they can be robustly justified.</p>	<p>periods are defined in the draft DCO [APP-005] as:</p> <p>"start-up period" means a period prior to physical construction works starting for the day during which activities including the opening up of the site, the arrival of workers, changing in to work wear and pre-works briefings take place".</p> <p>"shut-down period" means a period after construction works have finished during which activities including changing out of work wear, the departure of workers, post works briefings and closing and securing the site take place".</p> <p>As such, the Applicant notes that during these periods, noise generating activities will predominantly involve arrival and departure of worker vehicles. As noted in the Construction Workers' Travel Plan (APP-162), working hours on major construction sites tend to be long, due to pressures of timescales and available light. Therefore, the arrival and departure of workers' vehicles tend to be spread over the peak periods, rather than all falling in the traditional peak hours, thereby minimising the impact on any particular time period (in terms of avoiding congestion and delays) and to deliver the project in a compressed programme. The arrival and departure profile for workers is set out in Appendix 10A: Transport Assessment (Table 16) (APP-074) and would include up to 167 arrivals between 06:30 – 07:00 and 390 departures between 18:00 – 19:00. The Applicant has</p>
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	<p>assessed the potential changes in road traffic noise (HGVs and construction worker traffic) in Chapter 9: Noise and Vibration of ES Volume I (APP-052) and the results presented in Table 9.28 indicate either no change or very low change in road traffic noise, resulting in negligible adverse effects (not significant) at local residential noise sensitive receptors (NSR). On this basis, the Applicant proposes that the hours for start-up and shut-down are not likely to give rise to adverse effects on residential amenity.</p> <p>Essential maintenance of plant and machinery required for the construction of the Proposed Development is proposed to be undertaken during core construction hours, as far as reasonably practicable. However, as noted in Chapter 5: Construction Programme and Management (APP-048) it is likely that some construction activities may need to be undertaken outside of these core working hours which could include maintenance of plant and machinery. The Applicant proposes that where on-site works are to be conducted outside the core hours, they would comply with any restrictions agreed with the local planning authority, in particular regarding control of noise and traffic but for this reason, twenty four hour working for certain activities has been assessed in Chapter 9: Noise and Vibration (APP-052) which sets out specific mitigation and control measures required to prevent disturbance from any activities outside of core working hours. Any</p>
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	such works will be minimised and will be carefully managed to reduce effects on the local community.
<p>Q1.16.55</p> <p>The 2014 edition of the standard was replaced with an amended version in 2019, the former having been withdrawn. The amended standard was published to improve clarity, to correct errors and improve the consistency of the assessment of the impacts. All references to “BS 4142” should therefore be to the latest standard, BS 4142:2014+A1:2019.</p>	<p>The Applicant notes that 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 has been updated to refer to this standard.</p>
<p>Q1.16.57</p> <p>c) The requirement to allow for space and routes for pass-outs within the design of the development appears to be a matter that needs to be considered and agreed as part of the detailed design approval process. This is because the space and routes for pass-outs may influence the layout of the buildings and structures on the site. The current trigger point of “... not being brought into commercial use...” may result in a situation whereby a design has been approved and built that does not allow for the requisite space to be provided.</p> <p>d) NLC can confirm that the wording of R32 is generally acceptable.</p>	<p>The Applicant notes that 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. The Applicant notes that these spaces may not be present during the construction of the Proposed Development where land may be used for temporary purposes.</p> <p>The Applicant acknowledges the response of North Lincolnshire Council regarding Requirement 32 and notes no further action is required.</p>
<p>Q1.16.61</p> <p>NLC are of the opinion that R33 is necessary and relevant to both planning and the development being permitted. This is because the carbon capture element of the proposed development and low carbon energy production is an essential part of the</p>	<p>A carbon dioxide storage licence would only be granted by the Oil and Gas Authority to a promoter of a strategically significant carbon dioxide storage project. We have at Deadline 3 defined the term ‘carbon dioxide storage licence’ in the draft DCO to add precision.</p>

<p>development and forms a fundamental part of the justification for a new gas fired power station. This Requirement is needed to ensure that the new power station is not developed without the carbon capture infrastructure and as such is considered to be reasonable.</p> <p>For the most part R33 appears both precise and enforceable. However R33(2)(b) does appear to be open to some interpretation.</p>	
<p>Q1.16.63</p> <p>The LPA has no objection to the date stipulated within Schedule 9 para. 2(1) in respect of applications to discharge Requirements given that there is a mechanism within this para. To agree extensions to the timeframe where appropriate.</p> <p>Para. 3(3) has a similar allowance to agree an extended period for requests of additional information where appropriate (e.g. if a specified consultee is not able to provide a response within the stipulated timeframe) and as such there is no objection to this timescale.</p> <p>Para. 3(2) does not currently include a mechanism to agree an extension of time for requesting additional information, where there is no specified consultee and the LPA would prefer for such a mechanism to be included. This would provide comfort should any unforeseen issue prevent a request for additional information being issued in time.</p>	<p>Noted.</p>
<p>Q1.16.67</p> <p>None of the submitted representative viewpoints cover the approach to the</p>	<p>The Applicant acknowledges the response of North Lincolnshire Council on this matter and notes that it has responded to the ExA 1st</p>

<p>Gatehouse on the A18. However it is a very open landscape with few strong vertical elements in the foreground. On this basis it is important to ensure that the structure is small and of restrained design.</p> <p>The indicative details show a relatively small building commensurate with its proposed use. However the maximum height parameter could result in an intrusive structure within the open landscape. It is suggested that a reduction in the height of the building should be considered if possible, as well as the potential for use of intermittent roadside tree planting to soften the approach on the A18.</p>	<p>Written Questions (Q1.16.66) confirming that it is willing to reduce the maximum dimensions for the single storey gatehouse building to up to 4m above ground level (AGL) i.e. up to 5.5m AOD. This change has been included in Schedule 11 in the draft DCO at Deadline 3.</p> <p>The gatehouse structure will be located in a landscape which contains a number of built structures which are visible across the view. The upper most section of the single structure will be visible in views from Public Rights of Way from the north, south and west, appearing in the distance, partially screened by intervening vegetation. From the east, views of the structure will be screened by intervening vegetation. The construction and operation of the single story gatehouse is judged to result in non-significant effects on landscape character and visual amenity. Notwithstanding this, the Applicant will consider opportunities for planting to assist with the softening and screening of the structure. If necessary, this would be added to the LBMEP (APP-039)</p>
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3.0 APPLICANT'S RESPONSE TO CANAL AND RIVER TRUSTS WRITTEN QUESTION RESPONSES

Table 3.1: Applicant's Response to Canal and River Trusts Written Question Responses

Canal and River Trust Response	Applicant's Response
<p>Q1.2.7</p> <p>Having reviewed the Framework Construction and Environmental Management Plan, the Trust is generally satisfied that the dust mitigation proposals are sufficient. Having reviewed the contents of the report, we do wish to make two observations below:</p> <p><u>Page 19, Table 2 – Air Quality</u></p> <p>Having reviewed table 2 in depth, the Trust is generally satisfied with the general mitigation and monitoring measures identified. Consideration could, however, be given for the covering or seeding of soil heaps. Unless there is a reason as to why this has not been considered (in which case it would be helpful for this reason to be referenced), soil heaps could be a considerable sourced of dust, especially dry weather. Covering or seeding of the heaps could provide a sustainable solution to help limit any dust exposure from these to the wider environment.</p> <p><u>Final CEMP</u></p> <p>A significant proportion of detail with regards to dust mitigation is reserved for the final CEMP document, including details of responsibilities and monitoring.</p> <p>Depending entirely on what the referenced investigations find, the Trust would expect the final CEMP to include</p>	<p>The Applicant notes the Canal and River Trust's comments in relation to soil heaps and notes that Appendix B of the Framework CEMP (APP-160) presents a Framework Soil Resources Plan (SRP) for the handling and storage of soils during construction. Paragraph B1.1.19 sets out a range of measures to be considered, and implemented as far as reasonably practicable, by the construction contractor; including seeding for grass cover or sealing excavated materials and soil stockpiles. The wording of the Framework CEMP submitted at Deadline 3 has been updated in light of the comments received from the Trust and as agreed in the Statement of Common Ground between the Parties.</p> <p>The Applicant acknowledges the comments of the Canal and River Trust on this matter and notes that mitigation measures in both Chapter 8: Air Quality (APP-051) and Appendix 8A: Air Quality, Construction (APP-069) have been conservatively based on the assumption that high risk mitigation measures are to be applied at the Proposed Development Site, despite the evaluation that receptors in the vicinity are low or medium risk (human health and ecological receptors respectively). Therefore, mitigation measures appropriate to the scale of perceived risk are included in the Framework CEMP, and these would be applied as part of the Final CEMP.</p>

<p>specific area focused controls to manage any contamination found that could also be mobilised, including dust. This would include the need for information upon the location, any treatment of contaminated particles and storage locations.</p>	<p>This is the approach adopted on many other DCOs.</p> <p>The Applicant acknowledges the response from the Canal and River Trust with regards to the wording in Article 8.</p>
<p>Q1.16.13</p> <p>The Trust has reviewed Article 8 and does not have any specific concerns with the wording from a legal or operational perspective.</p>	<p>The Applicant acknowledges the response from the Canal and River Trust with regards to the wording in Article 8.</p>
<p>Q1.16.23</p> <p>We note that the proposed Supplemental Power does allow the undertaker to use any watercourse for the drainage of water, which could include the Stainforth & Keadby Canal, owned and managed by the Trust. Any new discharge to the canal would need to be carefully managed to ensure it did not result in a pollution risk, cause hard to navigation or result in complications to the water management of the canal.</p> <p>Subject to the inclusion of sub paragraph (3), requiring the consent of the person to whom the watercourse belongs, the Trust is satisfied that Article 14 should not adversely impact upon the Trust's ability to assess proposed incoming water drainage from the scheme.</p>	<p>The Applicant acknowledges the response from Canal and River Trust regarding the inclusion of Sub Para (3). The requirement to obtain the consent of the Trust for any discharge to the canal has been included in the revised Framework CEMP submitted at Deadline 3.</p>
<p>Q1.16.21</p> <p>The Trust note that Article 17 would allow the undertaker to temporarily interfere with the canal to carry out their works, or to moor barges or other vessels at the canal. It also would allow for the closure of the canal, although</p>	<p>The Applicant acknowledges the response. Works in the Stainforth & Keadby Canal will be coordinated with the Trust.</p> <p>Comments by the Canal and River Trust on this matter are noted and the Applicant can confirm that it has</p>

under sub paragraph (2) only for the minimum time necessary and must keep obstruction, delay or interference to a minimum.

We advise that any operations in the Stainforth & Keadby Canal, or works that could impact the canal, need to be co-ordinated with the Trust appropriately, so as to ensure that those operations do not adversely impact upon the Trust's charitable objectives nor result in any adverse impact to the structure of the canal.

Subject to the following, the Trust is satisfied that Article 17 should not adversely impact upon the Trust's ability to manage the Stainforth & Keadby Canal:

1. The Trust recommends that the changes are made to the protective provisions (Schedule 10, Part 2) of the DCO as set out in the Trust's written representation. The changes relate to the work areas identified, the cap on liability and compliance with the Trust's Code of Practice.

All other paragraphs within the protective provisions (Schedule 10, Part 2) remain the same.

continued to engage with the Canal and River Trust in respect of Article 17 including amending Schedule 10 (Protective Provisions) Part 2, for the Protection of the Canal and River Trust, (Paragraph 22) drafting to refer to the 'Trust's Code of Practice' in the updated draft DCO submitted at Deadline 2. A minor typo in reference to the date (April 2021) has subsequently been made in the draft DCO submitted at Deadline 3.

4.0 APPLICANT'S RESPONSE TO ENVIRONMENT AGENCY'S WRITTEN QUESTION RESPONSES

Table 4.1: Applicant's Response to Environment Agency's Written Question Responses

Environment Agency Responses	Applicant's Response
<p>Q1.1.4</p> <p>The EA can confirm that an application to vary permit EPR/YP3133LL/V011 has been received. Unfortunately, due to the high volume of permit applications received during the last 12 months, and limited staff resources, the EA cannot currently provide any indication of the timescale for its determination.</p>	<p>The Applicant acknowledges the response from the Environment Agency and notes their resource constraints. The Applicant will update the ExA on the progress with the determination of the Environmental Permit, including duly made status, at relevant points during the Examination.</p>
<p>Q1.1.7</p> <p>The EA has reviewed the Framework CEMP and is of the view that the content of this document is satisfactory, bearing in mind the current point in the submission process the Proposed Development has reached.</p> <p>The EA has not reviewed the Framework Construction Traffic Management Plan, or the Framework Construction Workers Travel Plan as these issues do not fall within its remit.</p>	<p>The Applicant acknowledges the response and notes that agreement on the content of the Framework CEMP (APP-160) that has been reached via the updated Statement of Common Ground with the Environment Agency submitted at Deadline 3.</p> <p>Comments regarding the Framework Construction Traffic Management Plan (APP-161) and the Framework Construction Workers' Travel Plan (APP-162) are noted, and the Applicant has agreed the content of these documents with the responsible parties.</p>
<p>Q1.2.4</p> <p>Amine products are controlled through an environmental permit (i.e. emission limits included to protect the environment and human health) and should not, therefore, be dealt with through the DCO.</p>	<p>The Applicant acknowledges the response and confirmation that amine products would be controlled via the environmental permit, rather than through the DCO.</p>
<p>Q1.2.7</p>	<p>The Applicant acknowledges the response.</p>

<p>Air Quality during the construction phase does not fall within the EA's remit so it would not be appropriate to comment on whether or not the proposed dust mitigation measures are sufficient.</p>	
<p>Q1.2.11</p> <p>The EA has not undertaken a detailed review of the Appendix 8C and will only be able to do this during the permit determination process.</p> <p>However, the EA can advise that wind speed and direction data is available for the Scunthorpe Town AURN air quality monitoring site from North Lincolnshire Council: XXXXX. This monitoring site is closer to the application site than Doncaster Airport.</p> <p>Also, for background data, the Scunthorpe Town AURN is closer. It is not appropriate to use data from Low Santon as this air quality monitoring station is in a unique industrial setting, adjacent to and downwind of England's sole remaining Integrated Iron and Steelworks and within an Air Quality Management Area (AQMA) for PM10 – exceedances of the 24-Hour Mean.</p> <p>Please note that Scunthorpe Town AURN is also within the same AQMA.</p>	<p>The Applicant acknowledges the response and the timing of the review of Appendix 8C: Air Quality Assessment of Amine Degradation Products (APP-071).</p> <p>The full set of monitored meteorological data for Doncaster Airport was used for the assessment as this was aligned with previous modelling work that had been carried out for the Keadby Power Station site (i.e. Keadby 2 Environmental Permit Application, which has now been determined and a permit granted).</p> <p>The data provided for Scunthorpe Town Automatic Urban and Rural Monitoring Network (AURN) is stated as being "modelled" data and it is not clear how this data is derived. Wind-roses for the modelled Scunthorpe Town AURN have been produced and are compared with the relevant years of Doncaster Airport's meteorological data used in the Applicant's assessment. The results are presented in Appendix A. It can be seen that the prevailing wind direction and speed is comparable for the two locations. It is therefore considered that appropriate meteorological data has been used for the assessment.</p> <p>The table below compares the annual average NOx/ NO2 data for the Scunthorpe Town AURN and the Santon site used in the Applicant's assessment. This data is only relevant to the amines chemistry module.</p>

	<table border="1" data-bbox="778 353 1275 577"> <thead> <tr> <th rowspan="2">Year</th> <th colspan="2">Scunthorpe Town</th> <th colspan="2">Santon</th> </tr> <tr> <th>NOx</th> <th>NO2</th> <th>NOx</th> <th>NO2</th> </tr> </thead> <tbody> <tr> <td>2015</td> <td>25.0</td> <td>17.6</td> <td>21.6</td> <td>14.5</td> </tr> <tr> <td>2016</td> <td>25.3</td> <td>16.7</td> <td>30.6</td> <td>19.3</td> </tr> <tr> <td>2017</td> <td>22.3</td> <td>15.6</td> <td>29.5</td> <td>18.5</td> </tr> <tr> <td>2018</td> <td>21.7</td> <td>15.4</td> <td>29.0</td> <td>20.0</td> </tr> <tr> <td>2019</td> <td>22.4</td> <td>15.4</td> <td>28.6</td> <td>17.7</td> </tr> </tbody> </table> <p data-bbox="770 611 1385 1010">It can be seen that the Santon site has higher concentrations of NOx and NO2 than the Scunthorpe Town site (for all years except 2015). In terms of the amines assessment, the higher NOx/NO2 concentrations from the Santon site result in higher predicted concentrations of nitrosamines and nitramines, and therefore its use in the Applicant's assessment can be considered to lead to conservative results.</p> <p data-bbox="770 1043 1374 1294">A sensitivity model with the 2017 data showed that the predicted results with the Scunthorpe Town meteorological data were only very slightly lower than those presented in the Applicant's main assessment. The results are compared in the table below:</p> <table border="1" data-bbox="775 1328 1362 1458"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">Santon</th> <th colspan="2">Scunthorpe Town AURN</th> </tr> <tr> <th>PC µg/m³</th> <th>PC/AQAL</th> <th>PC µg/m³</th> <th>PC/AQAL</th> </tr> </thead> <tbody> <tr> <td>NITROSAMINE</td> <td>0.014</td> <td>7%</td> <td>0.014</td> <td>7%</td> </tr> <tr> <td>NITRAMINE</td> <td>0.0073</td> <td>4%</td> <td>0.0056</td> <td>3%</td> </tr> <tr> <td>Total</td> <td>0.02</td> <td>11%</td> <td>0.02</td> <td>10%</td> </tr> </tbody> </table>	Year	Scunthorpe Town		Santon		NOx	NO2	NOx	NO2	2015	25.0	17.6	21.6	14.5	2016	25.3	16.7	30.6	19.3	2017	22.3	15.6	29.5	18.5	2018	21.7	15.4	29.0	20.0	2019	22.4	15.4	28.6	17.7		Santon		Scunthorpe Town AURN		PC µg/m ³	PC/AQAL	PC µg/m ³	PC/AQAL	NITROSAMINE	0.014	7%	0.014	7%	NITRAMINE	0.0073	4%	0.0056	3%	Total	0.02	11%	0.02	10%
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<p data-bbox="199 1498 320 1532">Q1.2.16</p> <p data-bbox="199 1561 730 1776">It is the EA's view that more specific reviews should take place. An Environmental Permit would not be determined without this information. Controls would then be set within the Environmental Permit.</p>	<p data-bbox="770 1498 1374 1677">The Environmental Permit variation application contains detailed information on the emissions controls proposed which will be reviewed during the environmental permit determination period.</p>																																																										
<p data-bbox="199 1812 300 1845">Q1.3.1</p> <p data-bbox="199 1874 687 2018">The EA's recommendation to undertake surveys outside of the Proposed Development site in the wider landscape is a longer-term</p>	<p data-bbox="770 1812 1385 2024">The Applicant acknowledges the response. With regards to future/ongoing survey needs - these will be done within the appropriate survey season and as early as feasible within the project progression to allow time for protected species licences to</p>																																																										

<p>requirement that will be necessary to ensure the development remains legally compliant with environmental legislation as the development progresses. The EA recommends that these are done as early as possible to ensure the best possible outcome for protected species (most notably, water vole).</p> <p>As such, it may be appropriate to adjust the wording of Requirement 6(2)(a) to include the wider landscape so that this matter can be resolved.</p>	<p>be secured (if needed) and implemented. The Applicant notes that agreement on wording of this Requirement in relation to protected species, including water vole, has been reached via the updated Statement of Common Ground with the Environment Agency submitted at Deadline 3.</p>
<p>Q1.3.2</p> <p>The EA is primarily interested in updated surveys for water vole, otter and invasive non-native species. All of these are specified in section 4.2 of the LBMEP.</p>	<p>The Applicant acknowledges the response and agreement that Section 4.2 of the LBMEP provides the appropriate surveys and walkovers to determine presence/absence of protected species.</p>
<p>Q1.6.3</p> <p>Despite references in the BoR, the EA has no formal interest in plots 1, 2, 4, 5, 6, 7, 8, 9, 66, 88, 91, 92, 93, 95, 97 - 110, 113, 171.</p>	<p>The Applicant confirms that discussions have identified that the Environment Agency have no formal interest in these plots.</p>
<p>Q1.6.5</p> <p>The EA carries out maintenance works at plots 27 and 28 under powers contained in the Water Resources Act 1991, Section 165 and will continue to do so – there are no outstanding issues in respect of these plots.</p> <p>Negotiations re granting the Applicant easements on plots (3, 10, 26, 30, 31, 46, 47, 52, 53, 54) under the freehold ownership of the EA are at an early stage.</p> <p>Further clarity is being sort in respect of the impact of the works/DCO on</p>	<p>The Applicant confirms that discussions are ongoing in respect of these plots.</p>

<p>EA easements and/or rights of way in respect of Plots 75, 76, 77, 80, 80a, 96, 156 and 157.</p> <p>It is, therefore, not possible to state whether there are any impediments to securing agreements at the current time.</p>	
<p>Q1.6.9</p> <p>The EA has no view on this currently.</p>	<p>Noted.</p>
<p>Q1.6.23</p> <p>The EA is not currently in a position to say whether all potential impediments have been identified and addressed. The EA still requires clarification regarding the Applicant's intention for plots where it currently has the benefit of easements, as outlined in answer to Q1.6.5 above.</p> <p>The Applicant has correctly identified in Section 14 of its "Schedule of Other Consents and Licences" (APP-033) when an Environmental Permit for flood risk activities will be required from the EA.</p>	<p>The Applicant considers that all potential impediments to the development have been identified and addressed.</p>
<p>Q1.9.4</p> <p>Noise emissions in general are controlled by the use of a condition, which reads: "Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not</p>	<p>The Applicant acknowledges the response regarding standard permit wording for emergency venting and notification requirements and the application of permit conditions for noise emissions in general.</p>

<p>practicable to minimise the noise and vibration”.</p> <p>It is expected that any emergency venting would be subject to Notification requirements. Notification requirements are a provision within the permit for the reporting of abnormal or other conditions.</p>	
<p>Q1.16.13</p> <p>In clause 8.3 of the draft Development Consent Order the Applicant seeks to disapply byelaws made under s66 of the Land Drainage Act 1991. The relevant byelaws which the EA enforce are the Anglian Water Authority Land Drainage and Sea Defence Byelaws. We would like clarification from the Applicant which of these byelaws it wishes to disapply, the reason for seeking disapplication and the justification for it.</p>	<p>Article 8(3)(b) only relates to byelaws made by an internal drainage board. The Anglian Water Authority land Drainage and Sea Defence Byelaws are therefore not affected by this Article.</p>
<p>Q1.16.18</p> <p>The EA has no objection to the wording of this Article as the Applicant acknowledges an environmental permit for the discharge of water will still be required from the EA.</p>	<p>The Applicant acknowledges the response regarding the wording of Article 14 & 14 (8).</p>
<p>Q1.16.23</p> <p>The EA supports the ExA’s suggested amended wording for Article 19.</p>	<p>The Applicant acknowledges the EA’s comment but notes that the wording contained in the draft Development Consent Order is entirely consistent with wording used in made DCOs – therefore, no amendment is considered necessary.</p>
<p>Q1.16.24</p> <p>The EA supports the ExA’s suggested wording to be added to the end of Art 19(2), although there may</p>	<p>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</p>

<p>be difficulties in identifying what rights would be consistent with the new use.</p>	<p>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.</p>
<p>Q1.16.37</p> <p>The EA expects to find the smallest eel life-stage at this location in the catchment (glass eel/elver).</p> <p>With respect to the fish mitigation strategy / working method statement; the EA will be able to comment and advise on this once further (more specific) details of what works will actually be taking place, i.e. the chosen abstraction option and the works associated with achieving this, are available. For works occurring in and / or close to water, the EA need to ensure that any risks to fish etc. are suitably managed.</p>	<p>The Applicant acknowledges the response a provided. The Applicant has previously engaged on potential eel screening requirements and abstraction regimes with the Environment Agency and this advice has been taken into account as indicated within Chapter 11: Biodiversity and Nature Conservation (paragraph 11.5.26) (APP-054). As confirmed in the Statement of Common Ground between the Parties, the Applicant has amended the wording of requirement 17 of the draft DCO to specify the inclusion of a Fish Management Plan (FMP). The Applicant notes that it proposes that the FMP sits within the CEMP rather than the Deemed Marine Licence as it applies to both cooling options proposed by the Applicant, and therefore applies to the river and the canal, where the DML only controls activities in the river. The Applicant has also agreed to include the Environment Agency as a consultee to discharge of the FMP and therefore share the fish mitigation strategy / working method statement for review at the appropriate work stage.</p>
<p>Q1.16.44</p> <p>The EA does not wish to stipulate at what interval any updates to the landscaping and biodiversity protection plan should be undertaken. However, by virtue of the requirements of R6, updates may be required as a consequence of updated surveys due to the natural evolution of the habitats and the motility of species.</p> <p>Any updates that affect the implementation of the landscaping or</p>	<p>The Applicant acknowledges the response and confirms that this is the adopted approach. The plan (APP-039) states that "The final LBMEP will be agreed as a Requirement of the draft DCO."</p>

<p>biodiversity protection plan should be submitted to and approved in writing by, NLC within agreed timescales.</p>	
<p>Q1.16.57</p> <p>The EA has not undertaken a detailed review of the Combined Heat and Power Readiness Assessment (APP-036) as this will only be undertaken during the Environmental Permit determination process (i.e. to demonstrate the use of Best Available Techniques). As such, once an Environmental Permit has been issued, the operator will be required to carry out periodic reviews of opportunities for the supply of heat to realise CHP. Therefore, the EA defers to the Local Planning Authority's view in respect of the adequacy of Requirement 32 from a planning perspective.</p>	<p>The Applicant acknowledges the response and the timing of the Combined Heat and Power Readiness Assessment (APP-036) during the Permit determination process.</p>

5.0 APPLICANT'S RESPONSE TO MARINE MANAGEMENT ORGANISATION'S WRITTEN QUESTION RESPONSES

Table 5.1: Applicant's Response to Marine Management Organisation's Written Questions Responses

Marine Management Organisation Responses	Applicant's Response
<p>The MMO note the ExA's request for comments from Interested Parties on the proposed name change. The MMO can confirm it has no objections to the proposed name change nor any suggestions for when the proposed change should occur (if granted by the ExA).</p>	<p>The Applicant acknowledges the response of the Marine Management Organisation (MMO) regarding the change to the proposed name.</p>

6.0 APPLICANT'S RESPONSE TO MARITIME AND COASTGUARD AGENCY'S WRITTEN QUESTION RESPONSES

Table 6.1: Applicant's Response to Maritime and Coastguard Agency's Written Question Responses

Maritime and Coastguard Agency Responses	Applicant's Response
<p>Q1.16.69</p> <p>Schedule 13 (DML...) - The RR of the Marine and Coastguard Agency (MCA) [RR-007] is noted. The ExA notes that the RR states a Marine Licence may be required under the Marine and Coastal Access Act 2009, at which time the MCA will be invited to comment on the licence application from the safety of navigation safety perspective. However, a DML, under the Marine and Coast Access Act 2009, would potentially form part of the DCO should it be made. Please see Art 41 and Schedule 13 of the dDCO [APP-005]. As such the ExA invites the MCA to comment in regard to the dDCO, particularly Art 41 and Schedule 13, especially from the safety of navigation safety perspective.</p> <p>The MCA can confirm that the conditions of the draft DCO, including DML (APP-005), which has been subject to review and agreement by the Marine Management Organisation and ABP as harbour authority, appropriately control the impacts of the Proposed Development, including mitigation proposed, in relation to matters of interest to the MCA. It is agreed that no changes to the draft DCO including DML are considered necessary from MCA's perspective and would defer to the MMO and the SHA on this occasion.</p> <p>The MCA would however recommend compliance with the Port Marine Safety Code (PMSC), which sets out a national</p>	<p>The Applicant acknowledges the response stating that no changes to the draft DCO including DML are considered necessary from Marine and Coastguard Agency (MCA's) perspective and would defer to the MMO and the SHA on this occasion.</p> <p>As agreed within the SoCG between the Applicant and the MCA (REP1-016) submitted at Deadline 1, the Port Marine Safety Code is not a mandatory requirement but would be a relevant consideration for the contractor operating the Waterborne Transport Offloading Facility (Railway Wharf). The Applicant and MCA have agreed that the final CEMP to be secured through the Schedule 13, (Part 3, condition 10) of the Draft DCO and DML (APP-005) will provide relevant stakeholders the opportunity to review the measures proposed for the effective management of construction risks and compliance with best practice. The Applicant would be happy to add MCA as a consultee if required.</p>

standard for every aspect of port marine safety. The Code is not mandatory; however, it is endorsed by the UK Government, devolved administrations and representatives from across the marine industry sector. It is applicable to both Statutory Harbour Authorities (SHA) and non-SHAs including marinas, terminals, marine berths and jetties. The Department for Transport also publishes the PMSC Guide to Good Practice which provides useful information and detailed guidance on the safe management of these facilities and is intended to supplement the Code.

7.0 APPLICANT'S RESPONSE TO MINISTRY OF DEFENCE'S WRITTEN QUESTION RESPONSES

Table 7.1: Applicant's Response to Ministry of Defence's Written Question Responses

Ministry of Defence Responses	Applicant's Response
<p>Military Low Flying Training</p> <p>The airspace over the UK land mass is used to provide the UK Military Low Flying System to deliver essential military low flying training. The proposed development will occupy Low Flying Area 11 within which military fixed wing aircraft are permitted to fly down to 250 feet (76.2 metres) above terrain features. The development proposed will cause a potential obstruction hazard to these military low flying training activities. To address this impact, it would be necessary for the development to be fitted with MOD accredited 25 candela omni-directional red lighting with an optimized flash pattern of 60 flashes per minute of 200ms to 500ms duration or equivalent infrared lighting on the four tallest structures (Absorber Column, HRSG Building and HRSG Stack, CO2 Stripper)</p> <p>The height of the development will necessitate that aeronautical charts and mapping records are amended. Defence Infrastructure Organisation (DIO) Safeguarding therefore requests that, as a condition of any planning permission granted, the developer must notify UK DVOF & Powerlines at the Defence Geographic Centre with the following information prior to development commencing:</p>	<p>Requirement 34 (Aviation warning lighting) controls the taller structures i.e. Work 1 and the mobile crane in Work 10B:</p> <p><i>“(1) No part of the authorised development comprised within Work No. 1 or Work No. 10B may commence, save for the permitted preliminary works, until details of the timetable for construction and retention of tall structures or the placement and retention of mobile cranes and the specification and installation timetable for aviation warning lighting for that part during construction and operation have been submitted to and, after consultation with the Civil Aviation Authority and Ministry of Defence Safeguarding, approved by the relevant planning authority.</i></p> <p><i>(2) The aviation warning lighting approved pursuant to paragraph (1) must be installed, maintained and operated in accordance with the approved details.”</i></p> <p>We therefore consider that the matter is substantially secured but recognise the list of precise information requirements listed for provision to the UK DVOF & Powerlines at the Defence Geographic Centre prior to the development commencing could be explicitly secured. We will review drafting included on made DCOs on this matter, to ensure precise drafting on anticipated completion of construction, and propose</p>

<p>Precise location of development.</p> <p>Date of commencement of construction.</p> <p>Date of completion of construction.</p> <p>The height above ground level of the tallest structure.</p> <p>The maximum extension height of any construction equipment.</p> <p>Details of aviation warning lighting fitted to the structure(s)</p>	<p>updated drafting for R34 at a future deadline.</p>
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8.0 APPLICANT'S RESPONSE TO NATIONAL GRID TRANSMISSION PLC'S AND NATIONAL GRID GAS PLC'S WRITTEN QUESTION RESPONSES

Table 8.1: Applicant's Response to National Grid Transmission PLC's and National Grid Gas PLC's Written Question Responses

National Grid Electricity Transmission and National Grid Gas Responses	Applicant's Response
<p>Q1.6.5</p> <p>As well as agreeing Protective Provisions, it is currently anticipated that agreements will be required to grant an easement option as well as rights for temporary working areas to the Promoter. Once National Grid have undertaken its full assessment of the Project's impacts, it will confirm whether any further agreements are required.</p>	<p>Noted</p>
<p>Q1.6.10</p> <p>National Grid note that protective provisions have been included for its benefit in the draft DCO [substantially on its standard terms]. National Grid are currently undertaking a full review of the protective provisions and will confirm to the ExA as soon as possible whether there is any issue with the wording.</p>	<p>Noted</p>
<p>Q1.6.12</p> <p>National Grid are currently undertaking a detailed assessment of the Project's impact on its undertaking. This involves an assessment of impacts on its land interests, apparatus and any access concerns as well as checking that the land and rights included by the Promoter for connections into the gas and electricity systems are adequate to allow the connections to be undertaken effectively and in compliance with National Grid's procedures and</p>	<p>Noted.</p>

<p>requirements. As soon as the review is concluded National Grid will report any concerns which have arisen to the ExA. National Grid object to powers of compulsory acquisition or extinguishment of rights being exercised over its land interests due to the impact this could have on the electricity and gas transmission networks.</p>	
<p>Q1.6.13</p> <p>National Grid and the Promoter have held discussions to enable National Grid to understand fully the rights being sought by the Applicant to aid the assessment referred to in Q1.6.12. National Grid will remain in discussion with the Promoter and will discuss any concerns which arise to seek a mutually acceptable way forward if possible.</p>	<p>Noted</p>
<p>Q1.16.12</p> <p>National Grid do not currently have any requested amendments to Article 6 but reserve the right to report any concerns or issue with the wording of the Article, that may arise, to the ExA.</p>	<p>Noted</p>
<p>Q1.16.15</p> <p>National Grid do not currently have comments in this regard but reserve the right to report any concerns or issue with the wording of the Article, that may arise, to the ExA.</p>	<p>Noted</p>

9.0 APPLICANT'S RESPONSE TO NATIONAL GRID VENTURES WRITTEN QUESTION RESPONSES

Table 9.1: Applicant's Response to National Grid Ventures Written Question Responses

National Grid Ventures Responses	Applicant's Response
<p>Q1.6.14</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 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 	<p>Noted.</p>

<p>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.</p> <p>iv. Please see the response to part (iii) of this question above.</p>	
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10.0 APPLICANT'S RESPONSE TO NATURAL ENGLAND'S WRITTEN QUESTION RESPONSES

Table 10.1: Applicant's Response to Natural England's Written Question Responses

Natural England Responses	Applicant's Response
<p>Q1.2.1</p> <p>Natural England (NE) agree that impacts due to NOx from traffic emissions can be scoped out based on the absence of the sensitive vegetation receptor.</p>	<p>The Applicant acknowledges the response of Natural England and agreement to the scoping out of NOx from traffic emissions based on the absence of the sensitive vegetation receptor.</p>
<p>Q1.3.2</p> <p>NE confirm we are satisfied with the additional protected species and INNS surveys proposed in the LBMEP.</p>	<p>The Applicant acknowledges the response to additional proposed surveys in the LBMEP by Natural England and notes that the Statement of Common Ground with Natural England (REP1-009) submitted at Deadline 1 clarifies agreement on biodiversity protection management and enhancement measures being adequately secured in the draft DCO (APP-005) under Requirement 6.</p>
<p>Q1.3.3</p> <p>NE are awaiting the updated version of the ES Air Quality chapter which has been used to inform the HRA. Therefore, at this stage, there is not enough information to advice on whether we agree with the conclusion that an adverse effect can be avoided, and interest features will not be damaged or destroyed.</p>	<p>The Applicant acknowledges the response and intends to provide an updated Air Quality Chapter to further progress the matters to be agreed in the Statement of Common Ground with Natural England. The Applicant will provide the ExA with an update on progress on this matter at Deadline 4.</p>
<p>Q1.4.1</p> <p>NE confirm we are satisfied with the European Sites scoped into the assessment and the features have been correctly identified.</p>	<p>The Applicant acknowledges the response in regard to scoping in European sites.</p>
<p>Q1.4.7</p>	<p>The Applicant acknowledges the response and agreement reached on</p>

<p>The most recent version of the HRA provided by the applicant (Dec 2021) considers the matters related to lamprey entrapment at the AA stage. Section 5.2.26 states that the screening to be used for the cofferdam installation and dewatering will be of a size small enough to prevent lampreys from being drawn into the pump, preventing entrainment. The HRA also states that during dewatering lamprey will be relocated along with other stranded fish by an experienced fish ecologist. Section 5.3.35 also states that the maximum water abstraction velocity would not be permitted to exceed 0.25m/s, which is less than the lamprey maximum escape velocity of 0.3m/s, preventing impingement.</p> <p>Therefore, provided these measures are secured in the final CEMP and the LBMEP, as advised in the HRA, NE considers the adverse effect to have been addressed.</p>	<p>this matter with Natural England via the Statement of Common Ground with Natural England (REP1-009) submitted at Deadline 1. The final CEMP and LBMEP will address the measures as stated.</p>
<p>Q1.4.17</p> <p>As stated in the Statement of Common Ground (SoCG) between NE and the applicant, following the most recent HRA provided by the applicant the only outstanding issue is due to the absence of the updated air quality ES chapter which the air quality section of the HRA is based on. The provision of this document should address the outstanding uncertainties.</p>	<p>The Applicant acknowledges the response and intends to provide an updated Air Quality Chapter to further progress the matters to be agreed in the Statement of Common Ground with Natural England. The Applicant will provide the ExA with an update on progress on this matter at Deadline 4</p>
<p>Q1.14.1</p> <p>Section 6.5 of the most recent version of the HRA describes the measures NE want to see secured in the DCO. The mentioned documents; Surface Water Drainage; Foul Water Drainage; and Construction environmental</p>	<p>The Applicant acknowledges the response and notes that Requirements 12 (Surface Water Drainage), 13 (Foul Water Drainage) and 17 (Construction Environmental Management Plan) appropriately secure the measures</p>

management plan, secure these measures. Section 6.5.8 of the HRA also identifies that sewage and 'grey water' produced during the construction phase of the development will be "discharged directly into the existing local sewerage system serving Keadby 2 Power Station, or it will be captured for transportation via tankers to an off-site authorised treatment works" leaving "no available pathway for organic pollution from sewage effluent to affect the River Trent during the construction period". This should also be secured in the DCO.

In addition, we previously raised concerns about the 'cooling water' discharge. However, sections 5.3.27 and 5.3.28 of the most recent HRA demonstrate that the discharge of the 'cooling water' will not impact the function of the water environment. This is due to the inclusion of the Keadby 1 modelling report which demonstrates that the greater thermal discharge from Keadby 1 does not increase mortality or create thermal barriers to migratory fish movements (including consideration of lamprey species).

noted in the updated HRA submitted at Deadline 1.

The Applicant considers that Requirement 13 (Foul Water Drainage) provides appropriate controls for all temporary systems for foul drainage produced during the construction stage and will seek to agree this via an updated Statement of Common Ground with Natural England.

11.0 APPLICANT'S RESPONSE TO NORTHERN POWERGRID'S WRITTEN QUESTION RESPONSES

Table 11.1: Applicant's Response to Northern Powergrid's Written Question Responses

Northern Powergrid Responses	Applicant's Response
<p>Q1.6.8:</p> <p>In relation to the proposed 132kV routes to connect to NPg's substation, there will be alternatives available. However, NPg are awaiting the Applicant's connection request application, which will inform NPg of their requirements and will allow negotiations to commence on the options available. The Applicant has confirmed that a connection request is due to be submitted imminently and NPg welcomes the opportunity to engage with the Applicant further to clarify the connection works required.</p> <p>With regard to the temporary possession request for Chapel Lane, although NPg are not aware of any alternatives, they note that NPg also require continuous use of this single track road to access their substation and apparatus. This access needs to be retained at all times. In addition, NPg have 11kV cables running under Chapel Lane which need to be retained and cannot be disturbed during it's use by the Applicant. NPg is not able to confirm whether alternative access routes are available to the Applicant and welcomes discussions with the Applicant's regarding NPg's continued use of this access route.</p>	<p>The Applicant can confirm that a connection request related to the Proposed Development will be forthcoming at the appropriate time.</p> <p>The Applicant intends to retain the mentioned access.</p>
<p>Q1.6.10</p> <p>The Applicant has commenced negotiations with NPg in relation to their required protective provisions. These positive negotiations are ongoing with</p>	<p>The Applicant will continue to liaise with NPg on this.</p>

<p>the Applicant's solicitor and NPg hope to agree these without delay.</p>	
<p>Q1.6.23</p> <p>NPg is awaiting details from the Applicant as to their requirements for connection works and amendments to NPg's network required for the scheme. Until these details are provided, NPg cannot assess whether all impediments have been addressed. The Applicant has confirmed that a connection request is imminent and NPg welcomes the opportunity to discuss these issues with the Applicant in detail.</p>	<p>The Applicant can confirm that a connection request related to the Proposed Development will be forthcoming at the appropriate time.</p>
<p>Q1.16.11</p> <p>It is understood that the Applicant is intending to extend the benefit of the Order to NPg in relation to Works No. 3B. The works listed in 3B relate to the proposed 132kV connection from SSE to NPg and as such NPg has no issue with being named as a beneficiary of the order in relation to these works.</p>	<p>Noted.</p>
<p>Q1.16.12</p> <p>Assuming I have understood this question NPg are not aware of any other consultee than those already engaged.</p>	<p>Noted.</p>