



Planning Act 2008

North Lincolnshire Green Energy Park

9.21 Written summaries of oral submissions put at Issue Specific Hearing 3 (Day one – 25 January 2023)

PINS reference: EN010116

February 2023

Revision number: 0



1. INTRODUCTION

- 1.1 The Development Consent Order (**DCO**) application for the North Lincolnshire Green Energy Park (**NLGEP**) was submitted on 31 May 2022 and accepted for examination on 27 June 2022.
- 1.2 The third Issue Specific Hearing (**ISH3**) for the NLGEP DCO application was a blended event which was held in person at Forest Pines Spa and Golf Resort, Ermine Street, Broughton, Brigg, DN20 0AQ and virtually by Microsoft Teams on Wednesday 25 and Thursday 26 January 2023 at 10.00am each day.
- 1.3 The Examining Authority (**ExA**) invited the Applicant to respond to the matters raised and the Applicant confirmed it would respond in writing after the hearing.
- 1.4 This document seeks to fully address the representations made by the Interested Parties at the ISH3 on Wednesday 25 January.
- 1.5 The Applicant has responded to the issues raised by each attending party and provided cross-references to the relevant application or examination documents in the text below.

2. THE APPLICANT'S SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT ISH3

Ref	Questions / Issues Raised at ISH3 and Hearing Action Points	Summary of Applicant's Response at ISH3	Applicant's Written Response
<p>Agenda Item 3: Issues relating to cultural heritage</p> <p>(a) Archaeology</p> <ul style="list-style-type: none"> • Applicant to provide an update on progress of investigations, results or reports that are now available and whether there are any implications for the baseline and assessment of conclusions. • Understand the position of NLC and Historic England on these matters. • Latest understanding of views on protocol to suspend work in the event it were to be necessary to protect assets, • Historic England's view on NLC concern as set out in [REP2-042] about the potential for substantial harm if the development results in the destruction of unknown remains, • Applicant's view on Outline Archaeological Strategy and Historic England's request to provide one. 			
1.	<p>The ExA asked the Applicant to provide an update on progress of investigations, results or reports that are now available and whether there are any implications for the baseline and assessment of conclusions.</p> <p>In response to the Applicant's comments, the ExA noted that submission of an addendum report in July 2023 is too late as the examination closes on 15 May 2023 and so the ExA</p>	<p>The Applicant made reference to the archaeology and cultural heritage assessment (document reference APP-060), which was included as Chapter 12 of the Environmental Statement, and submitted in support of the current DCO Application. This included two written schemes of investigation (WSIs) to assist further investigations, those included a geoarchaeological deposit model and a trial trench evaluation. The fieldwork part of the geoarchaeological evaluation and deposit model was completed in September 2022. Draft reports have now been reviewed by North Lincolnshire Council (NLC) and a high resolution deposit model has been produced.</p>	<p>The addendum report referred to will be submitted at Deadline 9 once the fieldwork has been completed. The Applicant will continue to provide NLC and the examination with updates on any material developments.</p>

	<p>would not be able to take the addendum into account.</p> <p>In response to the Applicant's further comments, the ExA noted that the addendum report needs to be submitted at a time where NLC has had an opportunity to review it as NLC has raised concerns and the ExA would need to understand NLC's position prior to the close of the examination.</p> <p>The ExA noted the deadlines in the examination timetable and asked for confirmation of the deadline when the addendum will be submitted.</p>	<p>Those results have fed into the revision of the trial trench WSI.</p> <p>The Applicant agreed with NLC the scope of the first phase of trial trenching in early December and work began soon after that on 5 December – the Applicant is 75% though the trial trench evaluation now. The Applicant has had a number of site meetings with NLC and work is going well. The Applicant does not feel the results of this evaluation will substantially change the results in the assessment in APP-060.</p> <p>APP-060 identified five assets of buried archaeology that may be significantly affected by the development and the archaeological evaluation has shown that two of those five will not be significantly affected by the development. These results are preliminary and the Applicant is expecting an interim report one month following the completion of the fieldwork. The fieldwork is due to be completed at the end of January, so by the end of February the Applicant will have an interim report. By the end of April we will have a final report. All of that information will be included in an addendum report that is planned to be submitted by end of July 2023.</p> <p>In response to the ExA's comment about this timescale, the Applicant confirmed it will make sure the results are obtained sooner and are submitted in time.</p> <p>In response to the ExA's comment about NLC needing time to review the report, the Applicant said that the initial timescale referred to is based on the standard amount of time in which archaeological reports are produced (usually</p>	
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		<p>three months after fieldwork is complete). However, as the evaluation has identified less archaeology than expected, and so far there has been no significant findings, the Applicant believes the report will be able to be produced earlier</p>	
2.	<p>ExA referred to the fieldwork carried out and the Applicant's view that it does not substantially change what has previously been said. The ExA noted this indicates that there are some changes and asked what these are.</p>	<p>The Applicant showed a figure of trial trenches on screen. This shows the 168 trial trenches across the project area, only 41 are left to be excavated and they will be completed early next week. So far the Applicant has not identified any significant archaeology in these trenches. Two of the assets the Applicant had predicted significant impacts on have not been identified. That is one of the changes to the assessment. There have been some other assets of minor significance that have been identified so they will be added in the addendum report. Those are the changes.</p> <p>In terms of the geoarchaeological evaluation and deposit modelling, in the original assessment, the Applicant identified three zones of archaeological potential. The revised model, using many more data points, including two borehole transects across the floodplain, has confirmed the model. The most important aspect of these results is that it confirmed that most of the flood plan, including the area where the plastics recycling and concrete manufacturing facilities are located, are of low archaeological potential. That is the key finding of the geoarchaeological evaluation - it confirmed the results submitted in the original assessment.</p>	<p>The Applicant has no further comments.</p>

		<p>There is also a second phase of evaluation that the Applicant is discussing with NLC in the area of the ERF which the Applicant has not yet been able to evaluate due to the current land use. That evaluation will happen post-determination, but the Applicant is confident that it will encounter archaeology. The Applicant has already identified a significant impact on two assets in that area so the Applicant is confident that this won't change the original assessment and is committed to extensive mitigation in that area. The two assets are the remains of what appears to be the medieval settlement and some deeply buried organic deposits under up to six metres of alluvial silt.</p>	
3.	<p>The ExA asked the Applicant whether they believe that the baseline for archaeological discovery remains the same and that the conclusions currently drawn are consistent and are unlikely to change.</p>	<p>The Applicant confirmed that the comments made by the ExA are fair.</p>	<p>The Applicant has no further comments.</p>
4.	<p>The ExA noted that the Applicant has said it has set out its assessment on a worst case basis and that even if archaeology is more significant than anticipated, the methods and safeguards are in place that would protect those assets. The ExA said that NLC is questioning whether that is correct because the full</p>		<p>In response to the concerns of NLC that the mitigation strategy set out in the ES was a programme of observation and monitoring, the Applicant refers to section 7 of APP-060, where a commitment to the controlled excavation of known as well as currently unknown assets that may be identified during evaluation investigations was clearly set out. In particular, the Applicant would like to direct attention to:</p> <p>7.1.1.2-7.1.1.3</p> <p>This section explains the iterative process whereby the mitigation design will be informed by the evaluation process. It also sets out the</p>

	<p>information is not yet available. The ExA asked NLC, if we don't have the information by the time of the end of examination, in terms of mitigation currently being offered, would that give NLC appropriate safeguards as a final outcome.</p> <p>Alison Williams from NLC raised concern about the mitigation that has been offered in the ES. That it is basically a programme of archaeological observation and monitoring. NLC does not feel they are at a stage of accepting that as a mitigation strategy for a development of this scale and for potential archaeology which still hasn't been evaluated.</p> <p>Until NLC has the assessment detail and they know what archaeology there is at the second stage of evaluation, it will be difficult to confirm what mitigation is appropriate. There will need for a programme of archaeological observation and monitoring during construction but may also need a pre-construction archaeology evaluation and monitoring so it can be properly recorded. The archaeology may need to be</p>		<p>understanding that the evaluation process may lead to further phases of evaluation.</p> <p>7.1.1.7</p> <p>This section describes the controlled excavation of the buried remains at Flixborough Staithe.</p> <p>7.1.1.8</p> <p>This section describes the design of a 'further programme of appropriate evaluation and mitigation' of the upper levels in the area of the proposed ERF (evaluation to test the extent of Flixborough Staithe remains and mitigation to excavate and record any remains that may be affected by the project).</p> <p>7.1.17</p> <p>This section describes any controlled mitigation excavations that may be required following the trial trench evaluation in Area 3 (proposed refuelling and recharging and district heat network).</p> <p>7.1.1.20-7.1.1.21</p> <p>This section describes a commitment to carry out controlled mitigation excavations in Area 4 (proposed Gas AGI and sub-station and surrounding landscaping zone to the east and north) of any archaeology identified by the trial trench evaluation that may be impacted by the Proposed Development.</p> <p>7.1.1.24.</p> <p>This section describes a commitment to carry out controlled mitigation excavations in Area 6 (proposed flood bund) of any archaeology identified by the trial trench evaluation that may be impacted by the Proposed Development.</p> <p>The Applicant has amended requirement 11 in the dDCO submitted at Deadline 4, to reflect the wording received from NLC with some further</p>
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	<p>excavated and recorded in advance of any work taking place.</p> <p>Until NLC knows information regarding the area they have not been able to evaluate, the extent and scope of archaeological mitigation that may be needed is difficult to define at this stage.</p> <p>The ExA asked the question to get both parties to be thinking about plan B. If the information doesn't come through in good time, we need to be in a position where there is hopefully an agreement or clarity on the mitigation side as well. What can the ExA say to the Secretary of State on the archaeological work undertaken. Whether that is a revised requirement, will leave the parties to consider.</p>		<p>minor amendments to make it bespoke to the scheme. The Applicant will further consider the points raised by the ExA and will continue to liaise with NLC in relation to this.</p>
5.	<p>The ExA asked the Applicant about subsurface remains and the effects of vibration – if this would require any updates to the ES?</p> <p>The ExA followed this with a comment that one of the issues is piling – whether the Applicant has committed to</p>	<p>The Applicant confirms it does not consider there to be any potential risk to buried archaeological assets from increased vibration.</p> <p>The Applicant confirmed that the Code of Construction Practice (CoCP) (document reference REP3-015) has been updated to include a piling plan, and that will include a risk assessment, but at the moment this is primarily aimed at protecting ground water, surface water and soils from cross-contamination. There is also another issue with piling with regard to the</p>	<p>The Applicant will provide an updated CoCP at deadline 5 which includes the changes set out at the Issue Specific Hearing 3.</p>

	<p>non-impact piling and if so where that is secured.</p>	<p>protected areas. The Applicant is proposing to further update the plan so that it accommodates a risk assessment that considers the Humber protected site and will also consider the proximity of buried archaeology. That way the risk assessment is more holistic than just pollution and contamination. That will be presented in outline as an appendix to the CoCP. The CoCP requires a detailed Construction Environmental Management Plan (CEMP) and they are both secured by requirement four of the dDCO.</p>	
<p>6.</p>	<p>The ExA has made reference to a WSI identifying how ground works in each impact area should be monitored and recorded (APP-060 para 7.1.1.1). Would this be covered in the WSI secured by requirement 11 or is it a separate WSI and if so when would that be prepared and how would it be secured?</p>	<p>The Applicant envisages developing a mitigation strategy ASAP following the results of the ongoing archaeological evaluations and that strategy will contain a written scheme of investigation for mitigation and will include various aspects. Number one, comprehensive mitigation of those structural remains at Flixborough staithe, which the Applicant is confident exist below ground and so will be able to put quite a bit of detail in there. The Applicant will take a precautionary approach and assume extensive structural remains across the wider area and ensure enough time and resources are timetabled in to respond quickly and revise those WSIs as needed in conjunction with NLC.</p> <p>It is a large project and was archaeologically unknown before the evaluations started. It is also a complex sedimentary landscape. All three different geoarchaeological zones described in APP-060 have been challenging to work in. The higher ground to the east and north features windblown sands masking archaeological deposits and the floodplain in the west has potential archaeological deposits are buried under 12 metres of alluvium. This is why it was necessary to take a phased</p>	<p>The Applicant has no further comments.</p>

		<p>approach to the evaluation and why the the process necessarily continued post-submission of the ES.</p> <p>As the ExA has noted, the Applicant has a great working relationship with NLC and has been engaged in a process of revising WSI's as more knowledge becomes available. It's been a necessary iterative process where results feedback into further project design. The Applicant is confident they will be able to design an affective mitigation programme for those works. The Applicant is confident they will be able to submit an appropriate overarching mitigation strategy for the final deadline as part of the examination process. This will include specific written schemes of investigation covering full archaeological mitigation of Flixborough staithe and the deeper organics deposits in the same area. Both of these assets will be challenging to investigate and mitigate, but together with NLC the Applicant is confident that it can be achieved within the necessary timescale..</p>	
7.	<p>The ExA asked if the NLC had any response to the Applicant's comments on this matter.</p> <p>Alison Williams from NLC confirmed that they need assessment results, evaluation results and agreeing an archaeological mitigation plan that will inform what further work needs to be done, the nature of that further work, and specifics of the written schemes of</p>	<p>The Applicant confirmed it agreed with what NLC has said. It is going to be tricky to predict the extent of Flixborough Staithe, but that is why the Applicant will take a precautionary approach and will be discussing together with NLC to think of the worst case scenario and how to schedule that in.</p>	<p>The Applicant has no further comments.</p>

	<p>investigation for each piece of work to be undertaken by the archaeological contractor.</p> <p>The archaeology mitigation strategy doesn't need to cover every detail because some should be agreed with the contractors who are going to be undertaking the works at a later stage. NLC needs a detailed enough overarching mitigation strategy based on results of assessment and evaluation so that NLC can see there is going to be a satisfactory programme of archaeological works done for development and all the different areas of the development in all the zones of archaeological potential.</p> <p>The overarching mitigation strategy will have to be pretty detailed for this development but individual written schemes of investigation for specific pieces of work maybe something that are then agreed at a later stage with contractors who will be undertaking the work.</p> <p>The ExA asked if the Applicant wanted to respond.</p>		
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<p>8.</p>	<p>The ExA asked about the timing of production of the detailed mitigation strategy and having that agreed, and then that being linked in to the requirement so that the WSIs that come later flow from that. The follow up question is whether requirement 11 achieves what NLC would wish it to achieve as drafted.</p> <p>The ExA then asked the Applicant whether there has been any progress on working through the differences on requirement 11 of the draft DCO?</p>	<p>Alison Williams from NLC explained that NLC made some suggestions for changes to requirement 11 in its response to EXQs. That is NLC's position at the moment and they wish to see some changes along the lines of their response.</p> <p>The Applicant has received as part of the written representations an updated suggested requirement 11 from NLC. The Applicant has reviewed that and will be updating the dDCO as part of the deadline 4 submission, noting some of the changes have been requested by NLC to cover off the timing of preparation of the mitigation strategy and what that needs to cover.</p> <p>Just to go back on the points that NLC made, the draft that we've been provided with does require that the timetable for that mitigation field work is undertaken and completed in accordance with that mitigation strategy as and when that's agreed prior to construction commencing.</p> <p>So the Applicant has reviewed that the updated requirement 11 and with some minor tweaks to make it bespoke to this scheme we will be providing that as part of the deadline 4 submissions. The Applicant will liaise with NLC in terms of that precise wording to ensure they are comfortable it addresses their concerns and points. It goes into a bit more detail than current requirement 11, particularly around the mitigation strategy and how that is developed.</p>	<p>The Applicant has amended requirement 11 in the dDCO submitted at Deadline 4, to reflect the wording received from NLC with some further minor amendments to make it bespoke to the scheme.</p>
<p>9.</p>	<p>Simon Nicholson from RAIN – two very minor points – one, it is a staithe rather than a staithe. Two, I noted that,</p>	<p>The Applicant responded that typically in those trenches, the water doesn't come in immediately and the archaeologist is able to observe the excavation of that trench and make</p>	<p>The Applicant has no further comments.</p>

	<p>when driving past the test trenches, the water table was so high he did not see how archaeological investigation could be carried out, as the water was within a few inches of the top of trenches. Clarity on how the investigation was carried out with that volume of water in?</p>	<p>assessments of whether or not there is archaeology. If there was archaeology visible they would have got a pump on site and endeavoured to investigate as best they could. The Applicant commented that those trenches observed would already have been assessed and been photographed and appropriate drawings made as is necessary prior to it filling up with water. One or two trenches filled with water rather rapidly so perhaps recording hasn't been as detailed as the Applicant would like but there is little we can do when working in a floodplain next to a river. The number of trial trenches, the sheer percentage sample we've done, which in a lot of areas is upward of 4%, and therefore beyond standard sample size, ensures the Applicant has adequately dealt with those areas under investigation.</p>	
10.	<p>The ExA asked the NLC and HE about their position on the protocol to suspend work in the event it were to be necessary to protect assets (REP2-042).</p> <p>Alison Williams from NLC - the protocol for stopping work is part of the procedure for archaeological monitoring and recording (the "watching brief"). NLC is not yet at the stage of accepting that is the appropriate mitigation strategy. In any such programme of archaeological monitoring and recording you would expect the archaeologist to have the</p>	<p>The Applicant confirmed there is a number of things that can be done. The Applicant is always in dialogue with NLC and can commit in our CoCP to something more detailed to secure commitment to it. At a previous deadline the Applicant submitted an amendment to para 5.4.17 to expand on the provision for stopping work in the event of encountering human remains. We could add additional text we can agree together. This stop work policy will have to reflect the nature of the archaeology and the detailed design as we go further down the road, so it's something that will need to be fleshed out in that overarching strategy of mitigation and then the individual WSIs. So it is a work in progress, but we can draft something to secure the Applicant's commitment to doing those steps.</p>	<p>The Applicant will provide an updated CoCP which addresses the 'stop work' policy at Deadline 5.</p>

	<p>status of seeing some archaeology and requiring machinery to stop work until that archaeology was accessible and could be assessed and decide the appropriate treatment for it.</p> <p>That is a standard part of programme archaeological monitoring and recording but on a development on this scale, it's hard to see how that protocol is going to work in a programme of archaeological monitoring and recording. Until NLC understands more fully the archaeological potential, and the nature, extent and type of construction in those areas, that agreeing a mitigation strategy whether or not it contains standard protocol, is difficult.</p> <p>The ExA asked the Applicant to respond to the comments made by NLC on this matter.</p>	<p>In response to the comment from NLC that the mitigation strategy in APP-060 was basically just outlining a monitoring programme (also raised in point 4), the Applicant would like to draw attention to para 9.2.11, where a commitment to controlled archaeological investigation at Flixborough Stather is set out. Requirement 11 also sets out a similar commitment to full mitigation of any significant archaeology that will be impacted by the Proposed Development so that commitment is already there. The Applicant also agrees that it is not appropriate on a development of this scale to defer to watching briefs - that is not mitigation and we (The Applicant and NLC) both agree on that. There has been a lack of clarity in some of the documents and the Applicant will make sure that is ironed out together with NLC. The Applicant is committed to comprehensive mitigation for all significant archaeology.</p>	
11.	<p>The ExA asked if Historic England (HE) had any comments to make on this matter?</p> <p>Tim Allen from HE explained that he thinks it's about that management of risk across the grant of the DCO. It goes back again to there being in</p>	<p>The Applicant explained that there is likely to be more than one construction environmental management plan (CEMP) – certainly there will be one for early works and then likely separate plans for different parts of the development as they all have different environmental issues. The CEMPs will set out things like roles and responsibilities and staffing levels, so although it is a complicated site with potentially lots of things happening at different places at the</p>	The Applicant has no further comments.

	<p>place and submitted before the DCO that overarching archaeological strategy that clearly sets out how archaeological mitigation will be deployed and how residual risk will be managed by supervision and recording so the distribution of that risk is more appropriate and that can come back to construction management plan to secure that. There must be an overarching archaeological strategy that's informed by field assessment work and having that as the yardstick against which post-determination submissions and WSIs can be measured and having that outline archaeological strategy tied to the construction management plan.</p> <p>The ExA asked if the Applicant had any further comments to make in response to HE.</p>	<p>same time, a lot of the work is phased so we can make provisions for the staffing levels as necessary to give that level of safeguarding for archaeology. There will not be one person running around one large site and this will be clearly set out.</p>	
12.	<p>The ExA agreed asked if any other interested parties have any further comments on this matter?</p> <p>Simon Nicholson from RAIN referred back to the map of testing. There seems to be a huge area that the proposed road covers where no digging</p>	<p>The Applicant explained that area referred to there is the new road and utilities corridor that runs from Ferry Road west in the south, north up to Stather Road after it bends rounds from its north south orientation to east west orientation leading up to the proposed ERF facility.</p> <p>The Applicant has evaluated the floodplain through extensive geoarchaeological boreholes</p>	The Applicant has no further comments.

	<p>has been done. on the grounds that archaeology is an unknown, why hasn't this been test dug as there could be important archaeology underneath there? By the admission of the Applicant they are discovering stuff they didn't know was there.</p> <p>The ExA asked the Applicant if they had any response to Simon Nicholson's comments.</p>	<p>and created a high resolution geoarchaeological map which shows that that area has been a wetland, most likely for millennia, prior to it being drained. In discussion with NLC the Applicant has reviewed whether it was appropriate to excavate trial trenches in that area and have decided for now it wasn't appropriate as they would tell us very little so it would be an unnecessary use of resources.</p> <p>This is primarily because there are metres and metres of flood and warping silts below the surface. For health and safety reasons we can only excavate trial trenches into a certain depth, so we would be putting trial trenches through undifferentiated silt, (i.e. no stratigraphic divisions). There would therefore be nothing to record or report. The Applicant is confident that is the case based on the boreholes that we have put in across that area.</p>	
<p>b) Setting of Listed Buildings</p> <ul style="list-style-type: none"> Whether the assessment undertaken is appropriate and provides for sufficiently detailed information to fully understand any implications in respect of affect on setting. 			
13.	<p>The ExA asked NLC whether the assessment undertaken is appropriate and provides for sufficiently detailed information to fully understand any implications in respect of effect on setting, particularly for the six grade II listed buildings within 1km of the main infrastructure works. ExA asked NLC to expand on the concerns identified and to explain their position?</p>	<p>With specific regard to the issues NLC has just raised, we believe they are referring largely to listed buildings in the vicinity of the DHN/PWN.</p> <p>The sites NLC are referring to are Gazetted sites 100, South Lodge of Normanby Park, 63, the Sawcliffe Farmhouse, the Angel War Memorial, and 45-47 Old Crosby, and the Barclay Hotel. These all fall within 1km not of the main ERF, but of the DHN and they don't lie</p>	<p>The Applicant has no further comments.</p>

	<p>Andrew Law from NLC confirmed the concern is the level of detail in the assessment. NLC has seen the responses from the Applicant and understand some of the points put forward with regard to the nature of some of the works however NLC does not believe the assessment really sets out an appropriate level of detail on the potential impacts and just relies upon the fact that works will essentially be temporary and a number of the works will be below ground works, ie district heat and private wire network. NLC's position is that there should be a more robust assessment of the length of the works and potential for impact and a more detailed settings assessment.</p> <p>The ExA asked NLC what they are looking for from the Applicant to fill the gaps?</p> <p>Andrew Law from NLC explained that as a minimum they expect visualisations to be included within the assessment to give more information with regards to the nature and length of the construction works referred</p>	<p>adjacent to it, they lie a few hundred metres from it, the closest one being 45-47 Old Crosby.</p> <p>Given that the DHN is temporary, the main impacts are going to be during construction/excavation and laying out the utilities, it is the Applicant's view that that wouldn't have an impact on the setting of the listed buildings.</p>	
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	<p>to give more confidence that the matter is properly being assessed and not just relying on the fact there'll be no permanent impact. There is just a statement there won't be impact but NLC wants this to be evidenced through the assessment.</p> <p>The ExA asked if the Applicant would like to respond to any of the comments made on this matter?</p>		
14.	<p>The ExA said that, because it is temporary and is similar to utility construction in the highway, and is some distance away from the building, is the Applicant essentially saying either it is not necessary to make an assessment of the effect on setting or that you just think it has been screened out because of the separation distance and the temporary nature of it?</p>	<p>The Applicant stated there won't be an impact and so there isn't anything to assess.</p>	<p>The Applicant has no further comments.</p>
15.	<p>The ExA asked NLC if they had any comments to on this matter.</p> <p>Andrew Law from NLC stated NLC would expect some form of assessment even if the conclusion is that there is no impact. There seems to be a</p>	<p>The Applicant explained that the district heat network works are planned to be constructed over a period of approximately 2.5 years. This will be phased as the progress for the additional heat network continues along the road so sections will be done as phases progress.</p>	<p>The Applicant has no further comments.</p>

	conclusion without assessment.		
16.	<p>The ExA asked whether there could be any clarity on the length of time of this work in proximity to these listed buildings? The temporary construction effects could be over in a much shorter time but need clarity as to what would it realistically be in a worst case scenario? If this is going to be of any assistance to us, that is the sort of detail we will need otherwise we'd just have to say a worst case scenario of a total of 2.5 years albeit some of that will be quite distant from the listed buildings.</p>	<p>The Applicant confirmed that this is something to take away and will get back to the ExA on this point.</p> <p>The Applicant confirmed that the closest the works would be to any listed building would be over 100 metres, which would be 45-47 Crosby, but otherwise it would be many hundred metres away.</p>	<p>It is estimated that the District Heating Network construction would move at a speed of around 100m / week. As such, works that would have the possibility of impacting the Grade II listed building 45-47 Old Crosby (in Crosby Conservation Area), would take between 4-6 weeks. Considering this short amount of construction time, it is considered reasonable to conclude that there would be no impact on this site as a result of the District Heat Network construction.</p>
17.	<p>The ExA asked NLC whether there was any guidance on at what point you can screen out any effects? Best practice or a comparative project?</p> <p>Andrew Law from NLC confirmed that NLC's conservation officer was not present at the hearing and Andrew Law was unsure what guidance he is using. The clarification which is being offered would be</p>	<p>The Applicant explained that the most important guidance is the Historic England guidance on the impact on the setting of heritage assets. This guidance focuses on qualitative rather than quantitative issues. It is about whether the development affects the significance of the building. So first you assess the significance of the building and then whether the impact of the development could affect that significance. In terms of other projects, HS2 has long, long appendices of assessments on listed buildings, most of which are negative all the way through. The Applicant's intention was to focus on where there could potentially be significant issues.</p>	<p>The Applicant has no further comments.</p>

	<p>helpful for NLC to understand the position.</p>	<p>That is why the Applicant has focused on Flixborough nunnery. The Applicant considered the other listed buildings which fall within the proximity of the ERF project, the two listed buildings at Amcotts and the four at Flixborough, visited those sites and considered those factors. The screening and the relative relationship of those buildings to the development meant there isn't going to be an impact and no change in significance.</p>	
<p>c) Flixborough Saxon Nunnery</p> <ul style="list-style-type: none"> Understand the difference of view between Historic England and NLC as to the magnitude of harm. 			
<p>18.</p>	<p>The ExA asked HE to comment on NLC's position in REP-042, para 9.0.11, classifying it as substantial harm?</p> <p>Tim Allen from HE – think we may have interpreted the question slightly differently – our view is there will be a considerable impact on the setting of the monument through change to the significance of the setting. Within the limits of the work done there are two areas of potential setting impact – visual and aesthetic, which is about understanding the monument in the setting of the Trent. The introduction of new structures into that will alter/erode the historic landscape context, which is</p>	<p>The Applicant believes there isn't really anything further to say. The understanding of the significance of any hypothetical contemporary remains that might exist at Flixborough Stather we will only get when the site is excavated and mitigated which we have already committed to do and that was never going to happen until post consent. The Applicant does not think it is appropriate to expect us to take that into account at this stage as that can only be assessed post mitigation.</p>	<p>The Applicant has no further comments.</p>

	<p>already altered since the 9th c. The balance between the rural and industrial character would be shifted. There is the contribution to the setting of the site through any archaeological remains found at the site including the stather, if they turn out to be contemporary they may provide information about the site. Were such remains to be lost, that would have archaeological significance on the setting of the monument. The degree of that is difficult to assess and so HE and NLC may have taken different views – any variance comes back to the uncertainty over how important and how much any closely related remains are to the site, given we haven't that information on them.</p> <p>The ExA asked NLC for its view. Alison Williams from NLC advised she believed there had been a slight misunderstanding. Alison asked if the ExA was under the impression NLC was saying there would be substantial harm to the Flixborough scheduled monument and the ExA confirmed. Alison noted NLC's response was to clause 2 of that question.</p>		
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	<p>That referred to all the heritage assets and not just the scheduled monument. NLC agree with HE – the results of the archaeological assessment will inform the impact on the scheduled monument. The main impact that we have at the moment is through the setting and that would be judged as less than substantial. The full impact can't be assessed until we have details from the archaeological evaluation.</p> <p>The ExA asked the Applicant to see if there is anything further to say on comments so far?</p>		
19.	<p>ExA – detail on piling (REP2-033). In response to question 5.1.5, it states piling on land will be bored piling, so we are seeking clarity on the position on piling and the commitment to it and how that is secured. We now have appendix K to the CoCP but just wanted clarity as to whether that now specifies within it that it will be bored piling as opposed to impact or other types of piling?</p>	<p>The Applicant confirmed that this is a point to take away and come back with more detail - don't believe the CoCP and the aspect of the piling plan is that specific so will come back to the ExA on this.</p>	<p>The Applicant will provide an updated CoCP to address this at Deadline 5.</p>
20.	<p>The ExA – move on to landscape and understanding the historic landscape character assessment.</p>	<p>There is the landscape character assessment, which assesses the present day character of landscape, and there is also historical</p>	<p>The Applicant has no further comments.</p>

	<p>Councillor Marper at the Open Floor Hearing last night (24 January 2023) asked for us to give great weight to the review of the landscape character assessment which has been recently revised, and also to the upcoming local plan. The council's actual submission is NLC is not giving great weight to the local plan draft as it stands because it is at such an early stage. The ExA would like to understand the council's position on the landscape character assessment and local plan?</p> <p>Andrew Law from NLC – NLC has been undertaking an update of the landscape character assessment in preparing the new local plan. The new local plan has now been submitted for examination but is at a very early stage so NLC is giving very limited weight to it in any assessment. The updated landscape character assessment has not been formally adopted by the council and in decision making the council is using its existing somewhat outdated character assessments at the moment.</p>	<p>landscape characterisation, which is a separate approach to understanding historic landscapes.</p> <p>In relation to the landscape character assessment, the Applicant has been working to the same previous landscape character assessment for North Lincolnshire which NLC has been referred to.</p> <p>The Applicant is not aware of an updated landscape character assessment, as opposed to a historic landscape characterisation, but would be happy to discuss with the team if that is something that needs to be looked at.</p> <p>In response to NLC's response to the EXQs, the Applicant did say we would look into the earlier characterisation report. The Applicant can confirm this was reviewed when preparing the assessment and doesn't think it changes the assessment as set out in APP-060. The earlier characterisation report only covers Axholme Island itself and distinguishes two different character types within the area of Axholme fen. One is recently enclosed land and one is an older settlement around the area of Amcotts. The Applicant believes it was reasonable to group those together as part of a single landscape and assess an overall moderate effect as set out in the assessment presented in APP-060.</p>	
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	<p>The ExA asked then asked the Applicant for an update on the progress of reviewing the characterisation study of the Isle of Axholme and any implications for assessment of impacts to historic landscape character as a result and the timescales for that work.</p>		
<p>Agenda Item 4: Issues relating to design</p> <p>a) Status of the DAS in light of response to ExQ1, comments of NLC and revised documentation presented at Deadline 3. b) Relationship of Design Codes Document to the information presented within the DAS and whether the Codes as drafted provide sufficient confidence that good design would be achieved and the NPS Policy met. c) Role of Design Champion, Design Review Panel and the Council in securing Good Design and the suitability of the DCO</p>			
<p>21.</p>	<p>The ExA wanted to understand the relationship between the DAS and the DCO and the assessment within the ES. Then NLC's view in light of the Applicant's responses at deadlines 2 and 3. There is a thread through the NPS about achieving good design and within our report we need to explain to the Secretary of State that good design would be achieved if consent is granted. Seeking clarity on what the Design Principles & Codes Document (DP&C) as now drafted would secure a way of delivering in a way that we can be confidently assessed and administered</p>	<p>The Applicant in the following response refers to the following documents:</p> <ul style="list-style-type: none"> • Design And Access Statement Revision 1 (Reference REP3-012) • DP&C document Revision 1 (Reference REP3-013) • The Requirements as set out in the Draft DCO <p>These documents along with other submission material provides considerable and proportionate design information to demonstrate the delivery of good design as well as securing its ongoing role in the future stages of the Project.</p> <p>Good design is recognised within the National Policy Statement EN-1 within section 4.5, where it states that high quality design goes</p>	<p>The Applicant has no further comments.</p>

	<p>by NLC. Explain how the DP&C document would work in practice?</p>	<p>beyond aesthetic considerations, and that the functionality of an object including fitness for purpose is equally as important as its aesthetics. It goes on to say that applying good design should produce sustainable infrastructure sensitive to place, efficient in the use of natural materials, resources and energy, matched by an appearance that demonstrates good aesthetic as far as possible.</p> <p>Although it does recognise that the nature of energy infrastructure will often limit the extent to which it can contribute to the enhancement of the quality of the area.</p> <p>The National Planning Policy Framework sets out what is expected for well-designed places, with the National Design Guide providing guidance on how well designed places that benefit people and communities are recognised.</p> <p>In light of this and recognising the importance of good design, the Applicant at an early stage of the Project established suitable governance to aid in the delivery of good design. This was achieved through the establishment of project principles. These project principles set out the aspiration and helped guide the project throughout the design, planning and consultation stages. The Project Principles are based upon the National Infrastructure Commissions 'Design Principles for National Infrastructure'. The document also recognises that design is about how something works and how it looks, and how design can be used to solve problems and maximise different types of benefits.</p>	
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		<p>The design process brings together technical and creative expertise that provides good value and works well for climate, people and places. Good design is as much about the process as it is the product and principles ensure a good process leads to a good design outcomes.</p> <p>The DAS sets out how the design process was conducted across 6 stages, that have cumulated with the submission of the DCO. The 6 design stages illustrate how the design of the project evolved with explanation provided regarding the position of the project within its wider and immediate context, the layout of the individual elements in order to minimise effects on its neighbours. The DAS also provides illustrative material that tests elements of the detailed design that build in beneficial biodiversity and recreational features as recognised within NPS EN1 and EN3.</p> <p>This design process also reflects the components of good design as set out within the National Design Code. This recognises the importance of careful attention to the components of places that includes the context for places and buildings, hard and soft landscapes, technical infrastructure and social infrastructure. All of which have been considered by the Applicant during the design process along with the careful consideration of the masterplan, form and scale of buildings, their appearance, landscape, materials and detailing as explained within the DAS and with the design principles secured within the DP&C document.</p> <p>The development of the illustrative detail design within the DAS demonstrates how the parameters have been tested and also provide</p>	
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		<p>a context and understanding of the project which provides assurance that the project can deliver the Applicant's vision and good design. This illustrative detailed design has been used to set the Design Codes set out within the DP&C document.</p> <p>The role of the Design Codes is to provide a series of rules to be applied to the ongoing design of the project, and steer some aspects of the detailed design. They help provide the next level of detail and control beyond the those set out in the project parameters and have been informed by the mitigation measures identified within the Environmental Statement . An example of this, is the Landscape and Visual Impact Assessment mitigation which identifies the need for a variation in roof heights and massing and use of material colours. These are secured through Design Code DC_ARC 1.02 and DC_ARC 3.06 through to DC_ARC 3.08, both of which are a key consideration of good design as set out within NPS EN-3 paragraph 2.5.50.</p> <p>The illustrative material within the DAS is therefore an expression of how the project could be implemented, when applying the Design Principles and Codes and the mitigation identified in the Environmental Statement.</p> <p>For these reasons, it is not the intention to certify the DAS within the DCO, but this doesn't prevent it from being used as an informative document for the detailed design process. The DP&C document has been updated to include references to the illustrative material within DAS, that provide informative text and illustrations on the interpretation of the design codes. These references will assist the Design</p>	
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	<p>Champions, Design Review Panel as well as the local planning authority understand the design intent by providing points of reference as the project moves through the next stages of design. The DAS therefore helps to articulate and illustrate the Applicants vision for a hub of low-carbon and renewable energy generation, set within a sustainable landscape of wetlands and woodland corridors and explains the design process of how good design has been applied in delivering this vision.</p> <p>The DP&C help demonstrate how the project has and will continue to delivered 'good design'.</p> <p>NLC, in their response to the EXQs, support the ambition and merit of the DP&C and agree that they provide a robust framework, providing a level of certainty and control to the detailed design, ensuring consistency across the project. In responding to NLC's responses, the Applicant has also committed to ensuring a Design Champion is identified for each stage of the project and that the detailed designs undergo a review by an independent Design Review Panel, in order to provide greater certainty and assurance of the delivery of good design across the project.</p> <p>The responsibility of the Design Champion will be to take ownership of design and delivery of good quality sustainable design. They will ensure that design is appropriately considered alongside other factors, such as cost, safety and technical compliance, all of which are embedded within the design principles. This approach reflects what is advocated in the NIC's Design Principles for National Infrastructure guidance which highlights the</p>	
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		<p>benefits of appointing a design champion to promote this vision across projects.</p> <p>The role of Design Review Panel is to provide scrutiny to the design outcomes of the detailed design process and draw-in experience from similar scale and types of project/ design, with ability to bring local through to national expertise and relevance into the review.</p> <p>The draft DCO, under requirement 3, requires that details regarding siting design, external experience, dimensions of all buildings and structures, colours, materials, circulation roads, parking, ground levels and heights to be submitted to and approved by the relevant planning authority. Requirements 5 and 6 also require details regarding lighting and landscape to be submitted and approved.</p> <p>This approval process, supported by a DP&C Compliance Statement, provides NLC with the appropriate design governance to ensure the delivery of good design as required by NPS Policy.</p> <p>In summary, the DAS sets out how the Applicant has had regard to good design in developing the proposals for the proposed development. The document explains the how the Site's context, wider setting, planning policy and design guidance has been taken into account in the design evolution of the project</p> <p>The DP&C document establishes appropriate governance to ensure the delivery of good design within the detailed design stage, which includes:</p>	
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		<ul style="list-style-type: none"> • Provision of a Design Champion for each of the phases of the Project; • Commitment for detailed design to be considered by an independent design review panel; • Established Design Principles and Codes to steer detailed design; and • Commitment to the preparation of a Design Principles and Codes Compliance Statement to be submitted alongside detailed designs. <p>This design governance will provide NLC with the confidence that along with stakeholders that good design will be delivered and will be a fundamental consideration within the next stage of design process.</p>	
22.	<p>The ExA queried the relationship of the DP&C document to the information presented within the DAS and whether the Codes as drafted provide sufficient confidence that good design would be achieved and the NPS Policy met.</p> <p>The ExA provided some examples; within the DP&C document revision, page 17 contains code 'DP People 101' and that states to 'bring new job opportunities and contribute to education and vocational training.' Underneath this, there are objectives 'to bring Scunthorpe and Lincolnshire</p>	<p>The Applicant explained that the section referred to is the high level design principles which sets out what the Applicant is trying to achieve; the three bullets are to bring job opportunities training and education, provide high quality workplace for the workforce and protect and enhance the neighbourhood.</p> <p>That is the principles of what the Applicant set out to achieve at the beginning of the project and that is then supported by the objectives underneath which provide clarity of what we are trying to achieve through those principles. The second half of the document, which relates to the codes, they are more prescriptive and provide a further level of detail to specifically control some of the design elements of the project.</p>	The Applicant has no further comments.

	<p>area direct job opportunities.' The ExA would like the Applicant to explain how the code links to the objectives and how the two work in parallel together. Assume the code is there and the objective is to be achieved?</p>		
23.	<p>The ExA raised concerns about the objectives and how a number of them say 'to consider'. The ExA is struggling to see how that can be an objective. An objective is something you're aiming to achieve, not to consider. The ExA asks what the Council will do, assuming the DCO is granted, and this is the basis for which they are judging your submissions for quality of design. What does that actually mean and how will that secure confidence for the Council that they will have a document that gives them sufficient room to deliver on it?</p>	<p>The Applicant understands and that may be something we take away and look at particular wording. The principles and objectives were set out at a very early stage of the process, so the use of tense probably relates to that – when we originally set out the principles and supporting objectives, one of our objectives was to consider how these things will affect people and make sure as a project team we were always considering that.</p> <p>Appreciate the point that the document is now for NLC to consider good design moving forward so we can go away and check the wording of the objectives to make sure they are appropriate for this point in time as opposed to the point of time we were at when we came up with those objectives.</p>	<p>The Applicant is meeting with NLC w/c 20 February to discuss the DP&C Document and the role of the Design Champion and Design Review Panel.</p>
24.	<p>The ExA asked the Applicant to look through the whole document as it is not just those examples previously stated. The ExA wants this document to move forward so that it will give the Council the appropriate tools to be able to ensure that the quality of design is actually</p>	<p>The Applicant responded that the fundamental point is that this was a fantastic opportunity to bring together a multitude of different benefits. It wasn't just about technology, it was about how this scheme within its context and place delivered multiple benefits.</p> <p>A prime example is how the Applicant has worked hard in considering the landscape and visual impact assessment, landscape design,</p>	<p>The Applicant is meeting with NLC w/c 20 February to discuss the DP&C Document and the role of the Design Champion and Design Review Panel.</p>

	<p>delivered. In 'DP places 107', it says 'where possible' in the objectives. That undermines to a certain extent what is set as an objective as anything is possible potentially. The ExA asked the Applicant to explain how this DP&C will deliver on the vision and what is meant by the vision. The DAS sets out the vision but the ExA is keen to understand how the scheme respects and responds to the landscape integration and connectivity to local context so we ensure that there is a high quality and imaginative design taking into account engineering and architectural design. The Applicant should create a design rationale similar to the context eg palette of materials. How will this deliver on that?</p>	<p>ecology design, surface water drainage design, and how those elements have come forward. Along with consideration of recreation benefits, how the team have collaborated and worked hard together to come up with a scheme that joins up all the building and structures together in a meaningful way which offers good design outcomes.</p> <p>It wasn't just a process where we looked at how we construct a number of buildings within the context. It was more holistic than that and sought to provide multiple opportunities and benefits to the local area. With regard to architectural design we worked to consider the roof forms, massing of buildings and the type of colours and materials that could be used to help integrate the buildings into the landscape. Those elements are controlled, and while we haven't set out what those colours and materials will be at this stage, as this is at parameter stage, the DP&C sets out the need for supporting colour studies, and how massing and roof profiles should be addressed at the detailed design stage.</p> <p>There are clear instructions within that will guide that detailed design beyond the parameters assessment in the ES. The mitigation provided in the landscape and visual impact assessment has been drawn through into the DP&C document.</p>	
25.	<p>Simon Nicholson from RAIN going back to the beginning of the Applicant's statement on design. The Applicant mentioned about the DP&C and their main planks – one thing is, this is a very large</p>	<p>The Applicant made a passing reference to the fact that the NPS does recognise that the nature of energy infrastructure projects will often limit the extent to which it can contribute to the enhancement of the quality of the local area. This is a large scale project and we have to balance a number of different elements to it</p>	<p>The Applicant has no further comments.</p>

	<p>development, which part of the design enhances the local area? Mr Nicholson can't see that anything will. It's being dropped into a rural location so how is it going to enhance the area?</p>	<p>so we have sought through the landscape design and wetland areas to enhance that particularly are of the site that offers BNG benefits.</p> <p>The Applicant has also taken the opportunity to improve the network of foot paths throughout the order limits and opportunities to link up footpaths where there currently are no links. We have sought where we can to provide benefits and enhancements to the local area but do recognise that it is a large scale project with large buildings and it is a balancing exercise of where we focus our efforts.</p>	
26.	<p>Simon Nicholson from RAIN stated that the Applicant missed the point. It was stated in the Applicant's submission in the outline of the code for national planning, the design must enhance the local area. I fail to see how it does and putting frilly bits around the outside like wetlands and planting trees isn't going to have any offset to the very large development and it's not really going to enhance the local area.</p>	<p>The Applicant had no further comments.</p>	<p>The Applicant has no further comments.</p>
27.	<p>The ExA asked for detail on the role of the Design Champion and how you envisage that will work in practice. The Applicant has indicated that there may be more than one champion so that each phase or element has their own design champion. Is that correct</p>	<p>The Applicant stated the ExA's interpretation is correct that there could be multiple phases and so could be multiple design champions. The Applicant is committed to the delivery of good design and would want that design coordination across the multiple phases to make sure it won't be broken down into individual elements. The Applicant will take that away and look at the wording when reviewing the DP&C document to provide clarity on that point.</p>	<p>The Applicant is meeting with NLC w/c 20 February to discuss the DP&C Document and the role of the Design Champion.</p>

	<p>understanding? If correct, would that lead to an inconsistency of approach or challenge to ensuring a single picture being delivered? That's one element to clarify on but ExA also asked to understand the independence of the Design Champion within the team and what teeth this Design Champion might have in encouraging and ensuring that the submission is of quality and not being watered down and so on? How you will make that work and how that will then be secured?</p>	<p>In terms of addressing whether they would have any teeth, the commitment to the detailed design going through an independent Design Review Panel that will be where it needs to be scrutinised. They will need to ensure what we are presenting and putting forward is fit for purpose so it will be scrutinised and the result of those decisions from the panel will be available to local planning authority and we'll have to prepare a design compliance statement that supports the detailed design.</p>	
28.	<p>The ExA asked the Applicant if it was their intention for the Design Panel Review element will be in public?</p>	<p>The Applicant asked to defer and get back to ExA.</p>	<p>The Design Review is not intended to be a public event however a summary of the findings of the Design Review Panel will be provided within the Design Codes Compliance Statement. The Applicant is meeting with NLC to discuss and agree how the Design Review Panel is selected and NLC's involvement in this process as well as the Design Review Panel itself.</p>
29.	<p>The ExA asked that in terms of the design review process, what happens if the Design Review Panel don't agree? What is the process if there is conflict between what the Review Panel are saying and what the Applicant is wishing to do?</p>	<p>The Applicant asked to take that away and come to ExA.</p>	<p>The Applicant is updating the DP&C document to provide further explanation regarding the role of the Design Review Panel and how it is to be used during Design Process. The Applicant will discuss and agree this approach with NLC w/c 20 February.</p>
30.	<p>The ExA noted that both parties are working on a SoCG and said that these details on the role of the Design Champion and</p>	<p>The parties agreed to this.</p>	<p>The Applicant can confirm that they will cover these points in the SoCG with NLC.</p>

	<p>Design Review Panel need to be worked through in more detail so all parties understand what the parties are committing to and how the process is intended to work so that the ExA can include in their report that understanding and the process being agreed and secured. If both parties can make sure that is something you are covering in the SoCG.</p>		
<p>Agenda Item 5: Biodiversity, ecology and HRA</p> <p>a) Biodiversity Net Gain (BNG) and whether there should be a specific commitment to a minimum of 10%</p> <ul style="list-style-type: none"> In light of the advice from NE and the potential for a requirement of a minimum of 10% BNG which may come through from the Environment Bill, would it not be appropriate to stipulate there will be a minimum 10% BNG in a requirement. 			
31.	<p>The ExA asked for an update on the anticipated level of BNG that is likely to be achieved in light of the review of use of best and most versatile agricultural land? And in doing so respond to the concerns identified in the advice from Natural England about their desire and advice to us that there should be a potential requirement for a minimum of 10% BNG.</p>	<p>The Applicant referred to the Ecology and Nature Conservation Chapter 10 of the Environmental Statement, APP-058 included an assessment of BNG. This was undertaken using the DEFRA metric 3.0, which is presented in Appendix I of the Chapter. The national policy on BNG as set out in the Environment Act 2021 will require development to deliver at least a 10% net gain in biodiversity. Although this policy is not mandatory for NSIPs, the project has been designed to meet with this target, considering its size and the design principles which reflect a responsibility to respect and promote biodiversity and the ecology of local terrestrial ecosystems. The</p>	<p>The Applicant has no further comments.</p>

		<p>BNG assessment itself uses information on baseline and proposed habitats, hedgerows and watercourses to calculate the change in biodiversity units for each of these three categories individually. This is done by inputting habitat, hedgerow or watercourse parcels into the metric table and using baseline information collated from initial phase one habitats surveys of the site. Habitats were converted into the new UKHab classification system ready to input into the metric calculator.</p> <p>Several inbuilt criteria determine the number of baseline biodiversity units. These include habitat type, areas, length, distinctiveness, condition, strategic significance and connectivity. Post intervention habitats are scored using the same criteria, in addition to the difficulty of creating and restoring a habitat and the time taken to reach the target condition specified. Post intervention habitats are those which will present on completion of the development including developed land, soft landscaping and the creation and enhancement of semi-natural habitats.</p> <p>Overall, the assessment demonstrates a positive change in habitat, hedgerow and watercourse units all of which exceed 10%. The precise values are an increase of</p> <ul style="list-style-type: none">• Habitat units: 13.74%• Hedgerow units: 34.08%• Watercourse units: 66.49% <p>It should be noted that the BNG assessment in line with the relevant guidance does incorporate all of the land in the application site. This includes extensive retained areas of arable land</p>	
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		<p>to the east of the access road which will support the flood management strategy for the site but will not be altered in terms of the metric calculator habitat classifications. As such, the large areas of retained habitat serve to significantly limit the overall percentage of BNG for habitats. For example, if this land was excluded from the calculator, the percentage for habitat gains would be in the region of 35-40%. But as we stand, we do still have over 10% of a 13.74% increase.</p> <p>Enhancements contributing to this positive increase in biodiversity units include wetland creation, improving the condition of the Lysaght's Drain, hedgerow creation and habitat improvements in the Norinco Land. These areas are shown within the indicative Landscape and Biodiversity Plans (REP3-007), outline Landscape and Biodiversity Management and Monitoring Plan (REP2-018) (LBMMP) covers the thirty year operational management and monitoring of these created and enhanced habitat which contribute towards the BNG values. Natural England have confirmed they are satisfied with the approach and results of the biodiversity net-gain assessment. Currently, BNG is secured within the DCO via the LBMMP.</p>	
32.	<p>The ExA asks if there has been a movement away from the original calculation in light of the best and most versatile agricultural land and what was going to be included or not included in that respect.</p>	<p>The Applicant explained that the issues surrounding agricultural land are relatively new and we have brought new experts to help us and as we stand, BNG calculations haven't been officially revised.</p> <p>To add some detail, the Applicant is hoping to have discussions with Natural England</p>	<p>The Applicant has no further comments.</p>

	Can the Applicant clarify is that still the case?	regarding precisely how these areas are dealt with which could include crops that potentially also contribute to BNG. At the moment the position is as described and if this changes at all as a result of these ongoing discussions, we will update the examination as soon as that happened.	
33.	The ExA asked if, as it stands, the Applicant is sticking by their calculations of the quantum of BNG that could be achieved, but there's a review in respect of best and most versatile land and what contribution or diminution that might result in?	The Applicant confirmed that the ExA is correct.	The Applicant has no further comments.
34.	David Connell (individual) asked if he was correct in hearing a mention of a 30 year management plan to ensure BNG is established. He asked if the Applicant was in a position to give any more detail on how that 30 year management programme is being rolled out or is that still subject of review and negotiations?	The Applicant confirmed that there are discussions with Lincolnshire Wildlife Trust but no agreement in writing as of yet. The outline LBMMP referred to earlier will be formulated into a detailed LBMMP and that sets out management and maintenance intervention measures and five year substantive monitoring throughout the 30 year lifetime. So there is a document in existence at the moment which has some information but there will be a future document with much more detail setting out staffing and organisations participating etc.	The Applicant has no further comments.

b) Great Crested Newts (GCN)

- **Are NE now satisfied with position in respect of concern identified about potential for GCN in Ponds 28-30 and the overall conclusion on impacts and the protection offered through the LBMMP.**

35.	The ExA asked whether any progress has been made in discussions with NE about the suitability of the surveys you've been able to undertake in light of not being able to access ponds 28-30.	<p>The Applicant explained that ponds 28-30 are located close to the eastern edge of the energy park land, on land just outside the Order Limits and close to the Norinco land, which is proposed for biodiversity enhancement. Requests to access these ponds for survey were repeatedly denied. However, this has not posed a limitation for the overall assessment on GCN within this part of the project, primarily because the ponds are located over 400 m from the energy park development at the closest point and the intervening terrestrial habitat comprises arable fields, which GCN are unlikely to cross at such a distance. Assuming GCN are present, the effect on them posed by development within the energy park land remains not significant.</p> <p>We have received correspondence from NE today confirming that they are satisfied with the responses relating to GCN so those matters are settled.</p>	The Applicant has no further comments.
36.	The ExA stated that they haven't seen a SoCG between the Applicant and NE to date. Will this ready for the next deadline?	The Applicant confirmed that they are updating the draft of SoCG at present and are in discussions with NE. We hope to have an update of that during the course of February, maybe not for the next deadline of 7 February.	The Applicant has submitted the draft SoCG with NE at Deadline 4 (document reference 8.2.12).
37.	The ExA raised concerns that they haven't seen a draft of the NE SoCG yet, and haven't really seen a response to NE's relevant representation from the Applicant's side. So if the the SoCG first draft will not be submitted by deadline 4, the	<p>The Applicant assured the ExA that there is a draft SoCG which is being updated, and that a draft of that will be submitted at the next deadline, although the final signed version will follow later.</p> <p>The draft has gone to NE, they've commented and it has come back, so it is pretty well drafted now.</p>	The Applicant has submitted the draft SoCG with NE at Deadline 4 (document reference 8.2.12).

	ExA requested a response to NE's relevant representation.		
<p>c) BMV</p> <ul style="list-style-type: none"> IPs latest position on BMV. 			
38.	<p>The ExA would like to clarify the latest position on BMV agricultural land - whether ExA is likely to get the Applicant's information on that by deadline 4?</p> <p>The ExA asked, the document the Applicant was hoping to display, does that have an Examination Library reference?</p> <p>The ExA noted that the plan referred to may not be submitted at deadline 4, but the ExA asked if in the written submissions the Applicant provides the link to the document referred to so in the meantime everyone can see the connection.</p> <p>The ExA asked for clarification of the red area on the plan.</p>	<p>Applicant was hoping to display a plan. The Applicant will endeavour to produce something for deadline 4, but plans to produce a fairly substantive assessment of the agricultural land issue. So it may be the following deadline, but in the meantime we will give an overview of where we are at the moment to give some comfort.</p> <p>This is a substantive improvement in the information available for the site in terms of agricultural land. This is a result of a survey done by the then government agency, MAFF, in 1990. It constitutes a fully accurate ALC classification and for much of the site (a few areas not quite covered). It highlights the land classification, showing the amount of best and most versatile land and its distribution. This particular type of report, which is referred to as the post 1988 data set, is often used as a baseline for doing more contemporary assessments. Typically this is just a verification on this type of assessment to ensure there has been no substantive changes to the land quality since the original survey was done. So in terms of the progress made in understanding the land capacity for the area, it is a fairly good foundation. There is a small area of the site not covered by the survey and that would need to be addressed, but it would be a relatively small area requiring intensive ALC survey. The bulk of the area would be a verification survey.</p>	<p>The links for the Post 1988 survey for most of the main area is:</p> <p>[REDACTED]</p> <p>And</p> <p>[REDACTED]</p>

		<p>The Applicant confirmed the plan isn't currently in the Examination Library and is update information which will for part of the updated assessment, but it is a public document.</p> <p>The Applicant confirmed there are two documents and they have both been referenced by NE – one of them covers the large part of the application land and the other one just fills in a little gap up to the north. The Applicant suspects they are already in the Examination Library but they will be incorporated into the assessment the Applicant provides</p> <p>[Plan displayed]. This is an image of the site itself showing the original ALC classification that was done in 1990, breaking it down into grade 1, 2 and 3a and 3b land.</p> <p>The Applicant responded that the red area is agricultural buildings.</p>	
<p>d) Risby Warren SSSI</p> <ul style="list-style-type: none"> • Applicant (8.7 of [REP2-034]) states assessment is precautionary. States it will agree to selecting and achieving specific levels for ammonia to avoid significant effects at the SSSI – this will also help to reduce deposited nitrogen. • How is this secured? • Please advise whether this is considered to have significant effects? • Biodiversity Mitigation/Enhancement. 			
39.	The ExA stated that the Applicant's (8.7 of (REP2-034)) assessment is precautionary. It states it will agree to selecting and achieving specific levels for	<p>Air quality impacts is relevant to both Risby Warren and the HRA itself.</p> <p>The Applicant will provide some details on the air quality impact assessment that was undertaken to inform the HRA. The air quality</p>	The Applicant has no further comments.

	<p>ammonia to avoid significant effects at the SSSI – this will also help to reduce deposited nitrogen.</p> <p>Can the Applicant confirm how this is to be secured?</p> <p>Can the Applicant also advise whether this is considered to have significant effects?</p>	<p>impact assessment is detailed in the Environmental Statement. It considers the ERF plant, back-up boilers providing hot water for district heating when the ERF is off-line, back-up generators, road traffic on the new access road, shipping emissions from vessels on the wharf and rail emissions for those sections of the rail line within 200 metres of habitats, specifically those on the Humber estuary. The primary tool for assessing impacts is dispersion modelling, in this case the ADMS-5 model which is widely recognised and used for this type of assessment and the ADMS roads model which was used for the new access road. The air quality impact assessment considers the potential impacts of the emissions from these sources in the context of the local environment. Considerations include:</p> <ul style="list-style-type: none"> • Locations of sensitive receptors • Baseline at ecological receptors, this data being obtained from the Air Pollution Information Service website • The effect of nearby terrain, noting that the ERF is in a river valley and there are hills and ridgeline effects and receptors on higher ground • The effect of wind turbines to the north on plume dispersion • Local meteorology, noting that data was obtained from Doncaster airport <p>The requirements for assessing impacts from ERF plants are well established, as are the requirements for assessing impacts from traffic and transport sources. Guidance includes the Environment Agency for England on modelling best practice, habitat assessments and</p>	
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		<p>permitting; and guidance from Defra and the Institute of Air Quality Management to screen traffic impacts. The DCO application also considers the future needs of the Environmental Permit.</p> <p>The ERF plant is required to meet the emission limits in the Waste Incineration Best Available Techniques Reference Notes (BREF note). The emission limits are combined with the design for the plant provided by Fichtner Engineers which includes details such as the design tonnage, stack height, exhaust characteristics, building envelope and spatial locations. This data is used to inform the dispersion model.</p> <p>The modelling was undertaken for all of the emissions of interest set out in the BREF note for the ERF and for oxides of nitrogen for the back-up boilers, back-up generators, shipping, rail and road traffic, this being the key emission of interest for these sources.</p> <p>In terms of ecology, it is common to more than 95% of the UK, the baseline is in excess of the Critical Levels and Critical Loads for one or more parameters.</p> <p>Within the air quality impact assessment there are a number of worst case assumptions. As such the actual impacts of the operation of the project will be substantially lower than what is presented in the ES. The worst case assumptions include:</p> <ul style="list-style-type: none"> • The modelling assumed that the project will operate at the BREF emissions limit. However, the projects actual emissions will be below BREF limits, 	
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		<p>substantially in some cases. Typically oxides of nitrogen will be around 90% of the limit (this is controlled in the process to limit the amount of ammonia dosing needed); sulphur dioxide and ammonia will be around 30% of the limit. Ammonia is the most important driver for nutrient nitrogen deposition, and as such this approach has substantially overstated the impacts when considering ammonia Critical Levels and Nutrient Nitrogen Critical Loads.</p> <ul style="list-style-type: none">• The dispersion modelling assumed that the ERF facility will operate for 8760 hours/year. In practice, planned maintenance will account for downtime of approximately 10% of the plant lines. As such, the long term emissions, and therefore the annual mean impacts which are most important for the Habitat Regulation Assessment are overstated• Within the dispersion modelling, five years of meteorological data is used to capture inter-annual variability in meteorology. The air quality impact assessment is based on the year that produces the highest impacts. However, impacts to ecology occur over multi-year timeframes, and using only the worst case year will overstate the actual impacts• The project is proposing to deliver RDF using ships, trains and road haulage. At the time of preparation of the air quality	
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		<p>impact assessment the modal split is unknown. Therefore, the approach needed to be taken whereby each mode was assigned 100% capacity, ie total modelled capacity is 300%. This therefore overstates the impacts of transportation, noting that close proximity of the ship and rail sources to the Humber Estuary habitats in particular.</p> <ul style="list-style-type: none"> • The assessment of impacts on habitats for Nutrient Nitrogen and Acid Deposition uses Critical Loads. These are provided as a range, and the air quality impact assessment utilises the Low Range critical loads. This is worst case, given that the High Range critical loads can be reasonably utilised in the assessment. <p>In terms of impacts at sensitive ecological receptors, the air quality impact assessment uses a series of screening steps to identify if there are habitats where the potential for significant impacts cannot be conclusively ruled out. This identified some habitats where impacts cannot be screened out.</p> <p>If deemed of use, there is the opportunity during the examination to take an additional assessment step, based upon a reasonable operating case which would provide further detail on the likely actual impacts at ecology sites in contrast to the worst case assessment currently presented.</p>	
40.	The ExA asked if there is a commitment to do the likely	The Applicant explained there is a commitment to do that assessment and the schedule is to	The Applicant has no further comments.

	<p>effects assessment and when would that be done and how does that work in light of what we currently have as a worst case scenario? The Applicant has gone through a whole series of elements that cumulatively could bring down the outputs quite substantially, potentially. How does that work?</p>	<p>have it delivered by 20 February. There are ongoing discussions with Natural England</p> <p>The intention of this additional assessment of the actual impacts at those ecology sites is to inform that discussion to further assist in excluding sites where no significant impact can be proven through the air quality impact assessment and therefore refine the HRA onto those sites where further works, further investigation/mitigation may be appropriate.</p>	
41.	<p>The ExA asked that if 20 February is when the Applicant is having discussions with NE, or when hoping to submit to them the latest report, or discuss with them the sensitivity testing on limitations.</p>	<p>The Applicant confirmed that 20 February is intended to be the deadline at which we will produce our report for submission, that can then be discussed with Natural England.</p>	<p>Following discussions with Natural England on 6 February 2023, the Applicant is collating further information to allow a Reasonable Operating Case to be modelled. A revised date for completion of this modelling will be confirmed once that data is available.</p>
42.	<p>The ExA noted that will have potential knock on effects for the HRA. What is then the likely timing of a submission on that?</p>	<p>The Applicant confirmed that when the updated reasonable operating case has been produced, we intend to meet NE in next week or two and we will discuss a lot of the issues raised then, look at the information we probably expect to get out of that and then agree a timescale for updating the HRA.</p> <p>The Applicant is conscious that the HRA needs to be back for everyone to see so the intention is to update the HRA within 2-3 weeks after that additional modelling work. This is why we are meeting with NE now and hoping NLC can join us too so we can move on pretty swiftly.</p>	<p>Following discussions with Natural England on 6 February the Applicant is seeking to update the HRA for submission at Deadline 6 (20 March 2023)..</p>
43.	<p>The ExA noted that the Applicant (8.7 of [REP2-034]) has reaffirmed the assessment was precautionary and is</p>	<p>The Applicant confirmed that reductions in ammonia will have effects on nitrogen deposition. The deposition of nitrogen is dominated by ammonia therefore reductions in</p>	<p>The Applicant has no further comments.</p>

	<p>agreeing to selecting and achieving specific levels for ammonia to avoid significant effects at the SSSI. Would that also help to reduce deposited nitrogen?</p> <p>The ExA then asked how the commitment is secured within DCO and supporting documents?</p> <p>The ExA asked if there is a potential for a positive significant effect.</p> <p>The ExA asked if those areas over the 1% threshold might potentially go below 1%.</p>	<p>ammonia will have similarly large effects on nitrogen deposition.</p> <p>The Applicant confirmed that this is something it is discussing with NE in terms of what is likely to come out of the revised modelling work and the implications for that. As mentioned, an expected reduction in ammonia would have a knock on effect for other things as well. Lots of sites are slightly over 1% at the moment and that might change as a result of doing this. Some sites screened in might actually be screened out going forward so there is an element of change and that could evolve for other parameters as well as ammonia because it is all linked.</p> <p>The Applicant confirmed there is potential for a positive significant effect.</p> <p>The Applicant confirmed in some cases it was possible areas over the 1% threshold may go below this, and for all others they will decrease much closer to the 1% expectation as well.</p>	
44.	<p>The ExA stated that the key is how the ammonia reduction is secured so the Applicant can deliver on those improvements.</p>	<p>The Applicant noted that it is recognised in terms of setting limits for ammonia that this is ordinarily dealt with as part of the environmental permit itself. The Applicant has referenced the BREF limit levels. In terms of where we get to with the updated realistic worst case report, if we get below the 1% threshold, our position will be that we won't have to offer reduced ammonia limits in all cases.</p> <p>That is not ordinarily something controlled via the DCO. It is dealt with pursuant to the permit. NE recognise that the permit will not likely be in place as part of examination process and the DCO determination. The same process in terms of the air quality assessment and HRA has to</p>	<p>The Applicant has no further comments.</p>

		be performed as part of the detailed permitting and the more granular analysis of emission limits as part of the permit process. Until we see the outcome of the updated report, we can't indicate what the Applicant's case will be around ammonia levels and setting those limits at this point.	
e) Can NLC expand on specific concerns? le does it think some mitigation is not properly secured in the ways detailed above?			
45.	<p>The ExA asked NLC to clarify whether it is concerned in terms of how things are drafted at the moment in terms with regard to mitigation being appropriately secured re mitigation and enhancement for biodiversity more generally.</p> <p>The ExA asked if any further response from the Applicant?</p>	<p>Andrew Taylor from NLC confirmed that they would look to see that the habitats and designated sites were specifically mentioned in any requirement as opposed to just species which had been highlighted in the first instance.</p> <p>The Applicant confirmed that the CEMP will cover mitigation for both species and habitats which includes also the locally designated sites so that mitigation is secured. In terms of enhancement, we have the LBMMP to secure that.</p>	The Applicant has no further comments.
f) HRA			
<ul style="list-style-type: none"> • Update on SoCG with NE. • Sea and river lamprey, what evidence of noise effects in the river from piling does NE have, and what additional information does NE need from the Applicant. • Cumulative effect on air quality in conjunction with Keadby 2 and 3 developments relative to the stack heights as set out in Schedule 1 Part 3 of the dDCO. • Road traffic effects on air quality and implications for the Humber Estuary SAC and Ramsar – whether additional mitigation might be required for ammonia as a result of operational traffic emissions. 			
46.	The ExA noted that in relation to the HRA, the Applicant is advising the SoCG with NE is likely to be	The Applicant confirmed that if you have bored piling on land, that would not be a significant issue for lamprey in terms of vibration in the river. We have sent information to NE on this	Initial verbal feedback from Natural England is that the information supplied to them by the Applicant on 23 January 2023 should be sufficient to remove the concern about the effects of piling on lamprey.

	<p>submitted next deadline. There were a number of issues NE raised within its representations – will go through individually. We've touched on one this morning with regard to potential vibration effects within River Trent potentially affecting river and sea lamprey – if non-impact piling is committed too, does that overcome the concern of vibration?</p>	<p>earlier this week on this topic and that's something we will pick up with them at the meeting.</p>	
47.	<p>The ExA asks about the potential cumulative effect on air quality in conjunction with Keadby 2 and 3 developments and the relative stack heights and how that is set out. ExA asks for any clarity on this possible concern.</p>	<p>The Applicant states that all of the modelling has been taken at single stack height of 120 metres and that has been used throughout for the project alone and in the in combination effects with Keadby 2 and 3. At the moment the information in the HRA shows that some of the levels are just slightly over 1% when looked at in combination. We are looking at that as part of the assessment and discussion with NE and looking at the ammonia levels.</p>	<p>The Applicant has no further comments.</p>
48.	<p>The ExA asked the Applicant if it is their intention to provide an updated report for the HRA with a quantitative assessment to support the conclusions of no adverse effects on integrity to the Thorne and Hatfield SPA and Thorne Moor SAC?</p> <p>Linked to this, the ExA asked whether there is a need to do anything further with regard to road traffic and effects on air quality, and implications</p>	<p>The Applicant confirmed that this is what it is seeking to provide subject to the findings of the operational case.</p> <p>The Applicant confirmed it had given NE a verbal update on road traffic effects on air quality and implications for the SAC and Ramsar. The new access road will be over 200m away from the Humber Estuary so that should take it out of the area of concern for NE. Stather Road that is actually running adjacent to the current access road will be stopped up. So we should have a new road that is over the 200m guideline.</p>	<p>The Applicant has no further comments.</p>

	for the Humber Estuary SAC and Ramsar, both within 200m of the road?		
<p>g) Update on concerns identified by NE in respect of:</p> <ul style="list-style-type: none"> • potential for impacts from noise, vibration, and visual disturbance on Humber Estuary Ramsar. • potential loss of functionally linked land associated with Humber Estuary SPA/Ramsar. • potential impact from noise, vibration and visual disturbance on functionally linked land associated with Humber Estuary SPA/Ramsar. 			
49.	The ExA note the concerns NE had identified, not just the noise impacts, but the potential visual disturbance on Humber Estuary Ramsar. The ExA asked for an update on that.	The Applicant confirmed that in the draft SoCG, there is an updated section on the height of embankments along the Humber Estuary and River Trent. They are 2-3 m high and this provides screening for birds on the river. NE has acknowledged this and said that should assist in avoiding visual disturbance to the birds on river.	The Applicant has no further comments.
50.	The ExA asked the Applicant whether there is an loss of functionally linked land associated with Humber Estuary SPA/Ramsar.	<p>The Applicant confirmed that very little land is being lost in terms of functionally linked land used by birds from the SPA or Ramsar. We are providing NE with additional information on noise levels and are looking at additional background noise levels at the moment and seeking some comparison of those with the predicted noise levels in the area.</p> <p>There isn't a huge use of the area by the birds from the SPA and again we are updating the SoCG to include details of where some of those birds are using the land. Most of the usage where we are finding species such as red shank and mallard are in areas away from the development. They may still be within the overall red line boundary but are not being developed and are several hundred metres away from the actual development itself.</p>	The Applicant has no further comments.

Agenda Item 7: Review of issues and actions arising

<p>51.</p>	<p>The ExA confirmed they had kept a list of actions arising:</p> <ol style="list-style-type: none"> 1. Archaeology/cultural heritage: there is some further work to be done to update the assessment (addendum) – confirm a date for when that will be completed and reported back that must give NLC enough time to review it. 2. Overarching archaeological mitigation strategy - seen as key document by NLC and NE - and this would be agreed pre-determination. This would then become a reference document subsequently for archaeological contactors etc. That would then lead to an amendment to requirement 11 which would refer to that overarching mitigation strategy. 	<ol style="list-style-type: none"> 4. In relation to bored piling, the Applicant will update the vibration and ground excavation and foundations management plan as part of the CoCP and there may also be reference to this in the construction noise management plan which will be checked. 6. In relation to human remains, the Applicant will give some consideration to that. We are aware that it is not specifically covered by the normal article in the DCO. Having had some initial discussions it was felt that with the detail that's contained in the CoCP that may not be necessary, but we will revisit that and as belt and braces it may be something to contemplate. 14. In relation to BMV, the Applicant confirmed that the review will be submitted by deadline 5 (21 February). 15. In relation to the air quality assessment, the Applicant confirmed that the results will feed into the HRA assessment and this will be submitted by deadline 6 (20 March). 	<ol style="list-style-type: none"> 1. The Applicant expects to have this completed and ready to submit for Deadline 9. We will also continue to liaise with NLC and the ExA throughout the examination period and will share updated information with them as it is received. 2. The Applicant expects to have the Overarching Archaeological Mitigation Strategy completed and ready to submit for Deadline 9. We will also continue to liaise with NLC throughout the examination period and will share updated versions with them for review as it is drafted. 3. A revised CoCP will be submitted at Deadline 5 which addresses this point. 4. A revised CoCP will be submitted at Deadline 5 which addresses this point. 5. It is estimated that the District Heating Network Construction would move at a speed of around 100m / week. As such, works that would have the possibility of impacting the Grade II listed building 45-47 Old Crosby (in Crosby Conservation Area) would take between 4-6 weeks. Considering this short amount of construction time, it is considered reasonable to conclude that there would be no impact on this site as a result of the District Heat Network construction. 6. The dDCO submitted at Deadline 4 has been amended to include an article relating to removal of human remains. 7. This action was not for the Applicant. 8. The Applicant is meeting with NLC w/c 20 February to discuss the DP&C Document and the role of the Design Champion. 9. The Applicant is meeting with NLC w/c 20 February to discuss the DP&C Document and the role of the Design Champion.
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	<p>3. On a more detailed level necessary updates to CoCP which would reflect some of the things we are doing and detail around the watching brief and what that would be.</p> <p>4. Piling – clarity over whether, if there is a commitment to do bored piling, that is clear and that everywhere else that is referred to is consistent with that to avoid confusion.</p> <p>5. From the discussion around the district heating network construction programme, we have a timeframe of 2-3 years. If that can be clarified and broken down a bit more into how long this may potentially affect assets. NLC must go back to their specialist and seek out the guidance they were using to point them into their opinion on this issue.</p>		<p>10. The Design Review is not intended to be a public event however a summary of the findings of the Design Review Panel will be provided within the Design Codes Compliance Statement. The Applicant is meeting with NLC to discuss and agree how the Design Review Panel is selected and NLC’s involvement in this process as well as the Design Review Panel itself.</p> <p>11. The Applicant is updating the DP&C document to provide further explanation regarding the role of the Design Review Panel and how it is to be used during Design Process. The Applicant will discuss and agree this approach with NLC w/c 20 February.</p> <p>12. The Applicant can confirm that they will cover these points in the SoCG with NLC.</p> <p>13. The Applicant has submitted the draft SoCG with NE at Deadline 4 (document reference 8.2.12).</p> <p>14. Timeframes for the BMV review are currently being scoped and the Applicant will have an update on these at Deadline 5.</p> <p>15. The Applicant is preparing the actual operating case to hone and refine the HRA and improve the understanding of the likelihood of potentially significant impacts to arise, and the potential impacts on habitat sites. We are collating further emissions data and hoping to have that available to do the further modelling and provide the actual operating case by Deadline 5 or soon after that. The Applicant met with Natural England on 6 February and is on with updating the HRA for submission on 20 March.</p> <p>16. See response in row 38.</p>
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	<p>6. Cultural heritage: One of the Applicant's responses in revising the CoCP made reference to potential finds of human remains. Currently, your DCO doesn't cover human remains and previous DCOs have had quite lengthy elements in them to cover human remains being found. Consider that.</p> <p>7. Historical landscape character: NLC to go back to their specialist and respond on that by deadline 4.</p> <p>8. Ongoing review of the wording of the DP&C to be more specific, especially around objectives.</p> <p>9. To explain how design is going to be coordinated if there are multiple design champions.</p> <p>10. Whether the design review process would</p>		
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	<p>be public or private process?</p> <p>11. How conflict would be resolved if design panel and Applicant had differences of opinion.</p> <p>12. Detailed arrangements of how the Design Champion and Design Panel work would be covered by the SoCG with NLC.</p> <p>13. Applicant confirmed drafted SoCG with NE is at a sufficient stage of progress to be submitted at deadline 4</p> <p>14. Confirmed BMV review underway – when will it be submitted?</p> <p>15. Confirmed the Applicant is doing an "actual operating case air quality assessment" and that will be complete by 20 February and that would feed into the HRA subsequently 2-3</p>		
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	<p>weeks later. Can we tie that to deadlines?</p> <p>16. Plans displayed relating to ALC: Applicant to provide links in summary of oral submissions, so the ExA knows where they have come from?</p>		
Agenda Item 6: Update on progress on Statements of Common Ground			
52.	<p>The ExA asked the Applicant for an update on the SoCGs in relation to each stakeholder.</p>	<p>North Lincolnshire Council – a draft SoCG was submitted at Deadline 2. Since then the Applicant has had continued engagement with the Council on the outstanding matters and intend on submitting an updated draft SoCG at Deadline 4 on the 7 February.</p> <p>Environment Agency – a draft SoCG was submitted at Deadline 2. We are working to address the outstanding matters set out in this draft.</p> <p>Natural England – the Applicant has discussed this in more detail earlier in the day but, as a high level update, Natural England has reviewed and commented on a draft SoCG. We will be submitting an up to date version of this draft at Deadline 4.</p> <p>Network Rail – a draft SoCG was submitted at Deadline 1. The Applicant is working with the stakeholder to address the outstanding matters set out in this draft.</p>	<p>The Applicant has no further comments.</p>

	<p>National Grid - a draft SoCG was submitted at Deadline 2. The Applicant is continuing to engage with them on the matters set out within this.</p> <p>Scunthorpe and Gainsborough Water Management Board – The Applicant submitted a draft SoCG at deadline 2. A final version signed by the Applicant is currently with the Water Management Board for final sign off. This will be submitted once signed and received back.</p> <p>Anglian Water and Severn Trent – a draft SoCG for each was submitted at Deadline 1. The Applicant is working with both stakeholders to address the matters of concern.</p> <p>Associated British Ports – The Applicant has had ongoing engagement with them and have shared a draft SoCG with them for review recently . We hope to submit a draft or final SoCG at Deadline 4, depending on any comments coming from this review.</p> <p>National Highways – a draft SoCG has been shared with National Highways who are currently reviewing this.</p> <p>AB Agri Limited – a draft SoCG was submitted at Deadline 2. We are working with AB Agri to address the outstanding matters within this.</p> <p>Lincolnshire Wildlife Trust – a draft SoCG was submitted at deadline 1 and we are working with the stakeholder to finalise this document.</p> <p>Ongoing discussions regarding protective provisions have been underway with British Steel, Rainham Steel, Jotun Paints, Cadent</p>	
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		<p>Gas, Northern Powergrid and British Telecommunications and Open Reach Limited. Once a position has been reached in regards to Protective Provisions with these parties, we will incorporate this into a SoCG with each stakeholder where necessary.</p> <p>We also have calls with Bagmoor Wind Limited, Humberside Fire and Rescue Authority and UKWIN in the diary for week commencing 30 January to discuss their issues and begin progressing SoCGs for each following those calls.</p> <p>We will be prioritising contact with the remaining stakeholders over the coming weeks and updated positions will be recorded in the Statement of Commonality to be submitted at Deadline 4.</p>	
53.	The ExA clarified re Jotun Paints - they are not a statutory undertaker so no PPs?	The Applicant confirmed that they are in discussions with them and that a site visit has taken place.	The Applicant has no further comment