

## **The Examining Authority's (ExA's) first written questions and requests**

The following table sets out the Examining Authority's (ExA's) initial written questions and requests in relation to the proposed Yorkshire and Humber CCS Cross Country Pipeline. Responses are required by **Thursday 18 December 2014**. Please note that if this deadline is missed the ExA is not obliged to take account of your response.

Each question has a unique number in Column 1. **Please use the number reference system when responding to a question.**

Column 2 identifies the organisation(s) or individual(s) from which answers are sought. Column 3 sets out the question, often with a contextual introduction.

The ExA would be grateful **if all named bodies could answer questions directed at them**, providing either a substantive response or explaining why the question is not relevant to them. The expectation is that each organisation will provide an answer to each question asked of it, but joint answers are acceptable if appropriate and the relevant issue is addressed. If the answer to a question is set out in, for example, a Statement of Common Ground (SOCG) then a cross reference to where the issue is addressed is acceptable.

In some areas there can be a degree of overlap between the likely answers to questions and it is acceptable to brigade questions and provide one answer where appropriate. If you do so please use all number references and ensure all elements are addressed.

The list of organisations to which an individual question is addressed is not exclusive. You may answer any question asked and if you have relevant evidence that will be welcomed by the ExA.

<b>Ref No.</b>	<b>Respondent:</b>	<b>Question:</b>
<b>1</b>	<b>Operations</b>	
<b>Q1.1</b>	Applicant	Can the applicant explain the reasons for the depths of the pipeline 1.2m, 1.7m, 2m and 4.3m below ground, watercourses, main rivers and canals, public highways and railways (ES Chapter 3 para 3.2.1)? For example, should the depth of 3.5m be used at the River Ouse crossing?
<b>Q1.2</b>	Applicant	Can the applicant explain how the excavation, subsequent infilling and settlement of the pipeline trench would enable the pipeline to remain secure and retain its integrity? Can the applicant confirm that none of the land within or close to the DCO site would be adversely affected by any past coal mining operations?
<b>Q1.3</b>	Applicant	Given the need for the pipeline to cross beneath the rail line at Brind, can the applicant explain how would this be done in the absence of a Temporary Construction Area (TCA)?
<b>Q1.4</b>	Applicant	Can the applicant explain how the elevations of the Drax PIG trap and the Camblesforth Multi Junction by 1m above ground level (and 0.3m at the Skerne Block Valve) is sufficient to mitigate against potential flood risk (ES Chapter 3 para 4.1.23)?
<b>Q1.5</b>	Applicant	Can the applicant explain how many employees would work at the Pumping Station 24/7 both during construction and upon completion?
<b>Q1.6</b>	Applicant	Can the applicant explain the construction sequence and timing as a development of the table at 7.5 (para 1.5.1). For example, would the pipeline be built in sections between or either side of the block valves and what would be the approximate speed of construction within a section? Would the sections be self contained and is there an intended sequence of sections within one season - April to September?
<b>Q1.7</b>	Applicant	The construction of the pipeline would commence in 2018 and is anticipated to take one season (beginning in April to the end of September) (ES Chapter 3 paragraph 5.2.29). This construction period has been assumed throughout the ES. Can the applicant describe what assurances there are that

Ref No.	Respondent:	Question:
		construction will not exceed this time period? What will be the fall back position if there are set backs during construction and this is not possible? Will this affect any of the assessments undertaken?
Q1.8	Applicant	Can the applicant explain whether the works specified in ES Chapter 3 Table 8 would be undertaken simultaneously within the same season?
Q1.9	Applicant	Can the applicant explain whether the Above Ground Installations (AGIs) would be built within a "pipeline season" or are they able to be constructed all year round; and when is the intended construction?
Q1.10	Applicant	Can the applicant explain how the link would be made between the landfall operations which are within the DCO limits on the seaward side of the cliffs and the offshore scheme? How would the choice of whether to use Horizontal Directional Drilling (HDD) or tunnelling impact on operations on the seaward side of the DCO boundary?
Q1.11	Applicant	Para 5.2.18 of ES Chapter 3 states that <i>"should ground conditions warrant it, trench supports and close sheet piling along the sides of the Pipeline trench would be used to aid construction and provide a safe working environment"</i> . Can the applicant explain what ground conditions would warrant the need for sheet piling? Can the applicant confirm that sheet piling has been considered in relevant topics e.g. in the noise assessment? Are there any areas where piling should not be allowed to avoid potential impacts on sensitive receptors?
Q1.12	Applicant	Para 1.1.9 of ES Appendix 6.3.2 (Crossing Methods) states that for open cut methods <i>"Bank stabilisation works will be discussed with the Environment Agency/ IDB / LLFA [Internal Drainage Board / Local Lead Flood Authority] to ensure that suitable materials and methodologies are being used."</i> DCO requirement 8 requires a scheme of ecological mitigation and reinstatement to be submitted and approved by the local planning authority. There is no reference to the Environment Agency (EA)/IDB within the requirement. Can the applicant consider whether the requirement should be amended?
Q1.13	Applicant	It is noted that Area B of the Camblesforth multi-junction (an outline area providing capacity for a

Ref No.	Respondent:	Question:
		further three PIG Traps that would be needed to accommodate future connections to the pipeline but will be grassed in the meantime (para 4.2.1 of ES Chapter 3)) and Barmston pumping station are being applied for at outline level. Parameter plans have been produced for each of these project components which include the maximum dimensions of buildings. Can the applicant and local planning authorities consider whether the DCO is sufficiently detailed for these components and how would these “reserved matters” be controlled?
Q1.14	Applicant	Maximum heights for Area B of the multi-junction are stipulated in ES Chapter 3 Table 3 but have not been included on the planning arrangement (Document 2.25), the details of which must be accorded with during construction under DCO requirement 6. Can the applicant consider whether Document 2.25 should be amended to include the maximum heights? And what should be the time limit in the DCO for construction of Area B?
Q1.15	Applicant	Table 1 of ES Chapter 3 outlines 8 no. temporary construction areas that will be required for laydown areas and pipe stringing; these are shaded pink on Fig 3.2. Land for construction compounds is included in Schedule 9 of the DCO (Works nos. 2A, 4D, 6D, 7, 9D, 11D, 12 and 14D), all of which are shown on the works plans. However, areas 1, 3, 4, 5 and 6 from ES Chapter 3 Table 1 and Fig 3.2 are not identified as temporary construction areas on the works plan (although it is noted that these areas are within the red line boundary). Can the applicant consider whether these areas should be identified as temporary construction areas within the works plans and in Schedule 9 of the DCO?
Q1.16	Applicant	The DCO refers at Requirement 16 to a drainage strategy certified by the Secretary of State and it is noted a Drainage Design is contained in Document 7.7.1 and 7.7.2 (10-2574-GND-01-05-0100 to 10-2574-GND-01-05-0125). However, Article 49, certification of plans, does not list the drainage strategy. Can the applicant consider whether Article 49 should refer to these plans and are the Local Planning Authorities (LPAs), EA and relevant IDB’s content with the strategy?
Q1.17	Applicant	Each technical chapter contains details of proposed mitigation. In addition, Document 6.18 provides a summary of residual effects and includes details of the proposed mitigation. The tables do not however contain references to the relevant DCO requirement that would secure this mitigation. Can the

<b>Ref No.</b>	<b>Respondent:</b>	<b>Question:</b>
		applicant update the tables in Document 6.18 to identify the relevant DCO requirement(s) for each mitigation measure?
<b>Q1.18</b>	Applicant	Should the Code of Construction Practice (CoCP) be updated prior to construction commencing given the requirement within the CoCP to update surveys prior to construction and to apply mitigation as appropriate? Can the applicant consider how can this be secured in the DCO? Do interested parties such as NE, EA, Yorkshire Wildlife Trust and the local authorities agree the content of the CoCP and do they agree that the CoCP is consistent with the schedule of mitigation?
<b>Q.1.19</b>	Applicant	Can the applicants supply a visual aid in order to understand the relationships between the multiple plans (for example, but not limited to, the CoCP, the Environmental Management Plan, the Water Management Plan, the Pollution Prevention and Control Plan and the Project Environmental Management Plan). Can the applicant explain how the various plans are secured for delivery and enforcement by the DCO/Deemed Marine Licence (DML) requirements?
<b>Q1.20</b>	Applicant	Para 9.3.3 of the CoCP (Doc Ref 7.5) states that ES Chapter 16 provides a Schedule of Environmental Commitments (Document 6.16). However, there is no other reference to this document as part of the ES (the contents page of the ES states that Chapter 16 is 'Not Used', i.e. there is no chapter 16.) Can the applicant consider whether, if it is not an error, why this potentially useful chapter has been removed from the ES? Can the applicant consider reinserting the chapter?
<b>2</b>	<b>Air Quality and Emissions</b>	
<b>Q2.1</b>	Applicant	The CoCP Section 8 describes the methods used to suppress dust in storage and working areas, stockpiles and HGV traffic routes. Can the applicant explain how this mitigation is secured in the DCO and how will the need for dust suppression be triggered? Can the applicant explain how the stakeholder communications plan would operate and with whom would engagement take place within the community?

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Q2.2	Applicant	Can the applicant explain how many crews would be working on the operation so that road cleaning etc., is carried on when and where necessary?
Q2.3		The A165/A63 has been selected as a construction route to provide access to the M62 for construction vehicles, including the section within the City of Hull. In 2005, the City of Hull Council (CoHC) declared an Air Quality Management Area (AQMA), following monitored exceedences of the annual mean NO <sub>2</sub> objective. The AQMA was declared for the A63 from the junction with Hessle Road to the junction with Wilberforce Drive and includes properties adjacent to this road. The ES states that the traffic data shows the anticipated increases in traffic associated with the construction phase, on this road will be minimal (Chapter 12 para 6.1.2). Can the applicant explain what the increase would be?
<b>3 Biodiversity, Biological Environment and Ecology</b>		
Q3.1	Natural England (NE)	Section 13 of ES chapter 9 identifies 'Difficulties Encountered Undertaking the Assessment' and states that not all land was surveyed as access was not available to all land. Para 13.1.2 asserts that <i>"enough of the Application Boundary has been surveyed to be able to undertake a robust assessment"</i> . Is NE content that although some areas were not accessible for ecological surveys that the ES has presented sufficient ecological baseline information?
Q3.2	Applicant	ES Chapter 9 para 8.5.20 discusses the impacts of operational turbine collision risk for bats on the small domestic scale wind turbines that will operate at all AGI sites except Barmston Pumping Station. This states <i>"bats are unlikely to choose to forage within the internal areas of the AGI as there will be limited foraging opportunities. Commuting routes are more likely to follow the existing retained hedgerows or woodland edges or around the outside the site using the areas of new tree and scrub planting. Furthermore the diameter of the small scale turbine is unlikely to result in a high risk of collision. High flying bat species e.g. Noctule are not likely to be affected by the presence of the turbine due to its height (6.5 m) relative to the flight height by these species"</i> . However no reference to previous research has been provided to support the conclusion in para 9.5.19 of a Negligible Adverse significance of effect (not significant). Furthermore, consideration of collision risk for birds is only briefly

Ref No.	Respondent:	Question:
		mentioned in para 9.5.20 where a significance of effect of Negligible Adverse (not significant) is concluded. The conclusions appear poorly justified. Can the applicant provide further details to justify this conclusion and are relevant interested parties content that the significance of effect for both bats and birds is Negligible Adverse (not significant)?
Q3.3	Applicant	The turbines are described in the ES as being <i>"6.5m in height; of which approximately 3m will be located above the height of the instrument building. The rotor diameter of the turbine will be approximately 1m"</i> (ES Chapter 9 para 7.4.16). It is unclear why the turbines are necessary and the DCO does not specify their dimensions. Can the applicant explain their necessity and explain how their design is secured?
Q3.4	Applicant	<p>The cumulative impact assessment is very limited and acknowledges <i>"some potential for cumulative effects to occur between the Onshore Scheme and The White Rose CCS project at Drax and The Don Valley Power Project in Stainforth as there are overlaps between application boundaries and study areas between the Onshore Scheme and these projects"</i> (ES Chapter 9 para 12.2.3). However, no further details are provided and it is concluded that <i>"adequate mitigation measures should be adopted during the construction phase of the White Rose CCS Project in combination wherever possible with those to be implemented for the Onshore Scheme to ensure ecological effects remain at acceptable levels"</i>. These projects are subject to separate consents which will be applied for at a later date.</p> <p>Can the applicant supply details of any potential construction overlaps with these projects based on current information available, and how these would be mitigated?</p>
Q3.5	Applicant	ES Chapter 9 para 8.2.55 refers to piled reception pits being located as far as possible from the cliff to avoid indirect vibration. This does not appear to be included in the CoCP. Can the applicant update the CoCP to reflect the ES?
Q3.6	Applicant	ES Chapter 9 para 8.2.115 contains greater detail regarding mitigation measures for reptiles than the CoCP (para 10.3.15). Can the applicant update the CoCP to reflect the ES?

<b>Ref No.</b>	<b>Respondent:</b>	<b>Question:</b>
<b>Q3.7</b>	Applicant	ES Chapter 9 para 8.2.130 refers to pole and tree mounted barn owl boxes not being removed, whereas para 10.3.8 of the CoCP states they would be avoided where possible. Can the applicant clarify this and update the CoCP to reflect the ES?
<b>Q3.8</b>	Applicant	ES Chapter 9 para 8.5.8 contains detail of planting to be undertaken at each of the AGI sites but these are not included in the CoCP (although it is noted that reinstatement and planting is regularly referred to in the CoCP). Can the applicant either include details in the CoCP or within the landscape strategies (which are secured within the DCO) in order to secure delivery and enforcement of this mitigation?
<b>Q3.9</b>	Applicant	ES Chapter 9 para 8.5.11 refers to a 7m buffer (excluding construction access) at Camblesforth Multi-junction between the working area and Carr Dike Drain which will ensure that bats can still forage along this section of the drain. However, it is noted from Figure 2.1 of the CoCP that Carr Dike Drain is located by Drax PIG trap, not the Camblesforth Multi-junction and that the same requirement is referred to in ES Chapter 9 para 8.5.23 with regards to water vole. Can the applicant clarify where this mitigation is required and how it is secured?
<b>Q3.10</b>	Applicant	ES Chapter 9 para 8.5.19 refers to alternative barn owl nest/roost sites being provided at Barmston Pumping Station to address the potential effect of disturbance during the construction of the site. CoCP para 10.3.8 states that barn owl boxes will be installed at locations to be agreed to either mitigate effects, if there are any, or to enhance local barn owl numbers. It is unclear what process will be followed in obtaining "agreement" and with whom. Could this be clarified by the applicant?
<b>Q3.11</b>	Applicant	ES Chapter 9 para 8.5.73 refers to the erection of a temporary environmental barrier, to be installed prior to works commencing, between the barn owl nest site and the working areas at the Barmston Pumping Station. Can the applicant provide details of the barrier (e.g. its materials and dimensions) and include them in the CoCP?
<b>Q3.12</b>	Applicant Local Planning	Are the local planning authorities, the EA, NE and English Heritage (EH) content that the CoCP adequately ensures all the required mitigation measures can be delivered and enforced?



Ref No.	Respondent:	Question:
	Authorities Environment Agency (EA)  NE  English Heritage (EH)	
<b>Q3.13</b>	Applicant	<p>N E's Relevant Representation (RR) also advises a requirement is included within the DCO to ensure <i>"that no dewatering takes place when flow rates as measured at the gauging station at Snakeholme, on the West Beck, are below 36.4 megalitres per day"</i>. This is required in order to protect habitats within the River Hull Headwaters SSSI which may be sensitive to dewatering. The EA's relevant representation also proposes changes to the DCO/CoCP with regards to dewatering and proposes the following wording which accords with NE's request:</p> <p><i>"Dewatering activities at the River Hull / Driffield Canal crossing shall cease should river flows in West Beck (measured at the Environment Agency's Snakeholme gauging station) drop below 36.4 mega litres per day. Dewatering activities may recommence once three consecutive days of flows above 36.4 mega litres per day are observed."</i> Is the applicant willing to include such a measure within the DCO/CoCP?</p>
<b>Q3.14</b>	Applicant	<p>In addition, ES Chapter 9 paras 8.5.15 and 8.5.22 refer to operational lighting and state that on site lighting at AGIs is likely to consist of bulkhead lights, only illuminated to allow safe access during night-time visits. During normal operations these will not typically be illuminated at night. Can the applicant explain what the operational lighting strategy is and how is it secured in the DCO?</p>
<b>Q3.15</b>	Applicant	<p>ES Chapter 9 para 8.5.19 refers to undertaking venting operations at AGIs, where possible, outside the most sensitive nesting period for Barn Owl (Spring/Summer). The DCO contains requirements for venting operations (requirement 24 for AGI maintenance and 25 for the pipeline) which restricts the frequency and duration of venting. Can the applicant explain whether it would be possible to secure the</p>

Ref No.	Respondent:	Question:
		need to avoid venting during spring/summer except in the event of emergencies?
Q3.16	Applicant	<p>It appears that all of the mitigation necessary at the pumping station will be in place at commencement of operation. Can the applicant confirm this is the case and explain how this will be ensured?</p> <p>Given that a phased approach to the delivery of the pumping station is likely, has the applicant considered active management of the site to reduce the likelihood of land becoming recolonised by ecological receptors?</p>
Q3.17	Applicant	The EA's RR calls for a definitive list of enhancements to which a commitment is made (paras 1.6-1.12). The Yorkshire Wildlife Trust RR echoes the EA's sentiments. How is the applicant able to respond to this request?
Q3.18	Applicant	Monitoring during the operational phase is described in ES Chapter 9 Section 11. This includes monitoring of re-instated hedgerow and tree planting will require monitoring to ensure successful establishment (para 11.1.2). Can the applicant explain how this monitoring will be secured and what measures will be implemented should establishment not be successful?
Q3.19	Applicant	Monitoring of barn owl boxes (both existing and installed) would take place on an annual basis for the duration of the Onshore Scheme, with the results being fed back to the Barn Owl Conservation Trust's monitoring group for inclusion in the national monitoring database (ES Chapter 9 para 11.1.4). Can the applicant explain how this monitoring will be secured and would the results be used to indicate the need for any further boxes to be installed, if necessary?
Q3.20	Applicant NE EA	Can the applicant confirm whether the monitoring referred to in ES Chapter 9 Section 10 has been agreed with relevant consultees? Are interested parties (including NE, EA, Yorkshire Wildlife Trust and the local authorities) content with the monitoring proposals?

<b>Ref No.</b>	<b>Respondent:</b>	<b>Question:</b>
	Yorkshire Wildlife Trust  Local Authorities	
<b>Q3.21</b>	Natural England (NE)	Can NE confirm whether it considers any additional mitigation measures for great crested newts are required within the CoCP and may a letter of no impediment now be issued?
<b>Q3.22</b>	Applicant	ES Chapter 8: Land Use and Agriculture considers the Thorpe Marsh Gas Pipeline. Can the applicant explain its omission from the ecological assessment presented in ES Chapter 9?
<b>Q3.23</b>	Applicant	With regard to the Lower Derwent Valley SPA, Table 5.4 of the No Significant Effect Report (NSER) (Document 5.4) states that mallard (part of the assemblage qualification for the site) has been recorded within or adjacent to the application site. However, no justification is provided as to why a significant effect is considered not likely and the feature is screened out of further assessment. Can the applicant explain why?
<b>Q3.24</b>	Applicant  NE	There are two types of matrices provided by the applicant for each European site; the first being 'screening matrices' which summarise each of the applicant's screening stages described above, and the second being 'summary matrices' which follow the format advised in the Planning Inspectorate's Advice Note 10 and presents the overall outcome of the screening. Can NE confirm that all of the correct sites and features have been considered in the applicant's NSER? Does NE agree with the content and conclusions of the screening matrices? Can the applicant provide the Planning Inspectorate with a full set of screening matrices in a Word format?
<b>Q3.25</b>	Applicant  NE  All interested parties	Appendix 5.4.12 to the NSER details the distribution and foraging ranges of bird species from Flamborough Head and Bempton Cliffs SPA and Flamborough Head and Filey Coast pSPA. It has been used as evidence to support the conclusion of no Likely Significant Effect (LSE) of the project alone and in-combination with other projects, including the offshore scheme that will be the subject of a separate application. Can the applicant explain what the sources are of the distribution data (including dates it

Ref No.	Respondent:	Question:
		<p>was collected)? For clarity, could the applicant update the figures in Appendix 5.4.12 to include the site boundary of the offshore scheme?</p> <p>Details of Flamborough Head and Filey Coast pSPA and Appendix 5.4.12 were incorporated into the revised NSER that was accepted by the ExA at the Preliminary Meeting. Given that this was submitted by the applicant after the close of the relevant representation period, do NE and any other interested parties have any comments to make on the information that has been provided by the applicant?</p>
<b>Q3.26</b>	Applicant	The Lower Derwent Valley is considered in Table 5.3 and the screening matrices of the NSER. However, Ramsar Criterion 6 as included on the Joint Nature Conservation Committee (JNCC) citation has not been considered in the NSER. Can the applicant explain this omission and confirm there is no likely significant effect on the species which fall into this criterion?
<b>Q3.27</b>	Applicant	Table 5.1 of the NSER identifies built in measures that have been relied upon to conclude no LSE on European sites. This includes DCO Requirement 15 which requires operational noise to not exceed the existing background noise level at the nearest existing residential receptor (namely Rose Cottage). Can the applicant confirm that there are no sensitive ecological receptors located closer to the pumping station than the identified residence that could be impacted upon by operational noise, including any species from European sites?
<b>Q3.28</b>	Applicant NE EA	The silt management and spillage emergency response plans identified in Table 5.1 of the NSER are to be implemented across all construction areas and are stated to be included in the CoCP (Document 7.5). These two plans are not specifically listed in the CoCP although measures to address silt and spillage are considered. Does NE/EA consider the CoCP as drafted is sufficient in this respect or do the plans need to be identified separately in the CoCP?
<b>Q3.29</b>	Applicant	Table 5.1 of the NSER states that during operation, chemicals, diesel and other substances will be stored on site at the pumping station only and will be appropriately banded and stored. DCO requirement 6(c)(ii) requires a chemical risk analysis to include information regarding how and when chemicals are to be used, stored and transported to be included in a project environmental

Ref No.	Respondent:	Question:
		management plan (PEMP). It is unclear whether this plan addresses the operational phase, can the applicant clarify?
<b>Q3.30</b>	Applicant  Marine Management Organisation (MMO)	Para 4.6.11 of the NSER states <i>that "monitoring of sediment trapping and any notable downdrift sediment starvation would be in accordance with the construction and monitoring programme to be agreed with the MMO as a condition of the Deemed Marine Licence"</i> . It is noted that condition 10 of the DML requires "monitoring of suspended sediment concentrations in seawater within the jetting area and at a suitable control location, should jetting be used for pipeline installation". Can the applicant and MMO comment on whether monitoring is required should alternative methods be used for pipeline installation, and if so, can the DML be amended accordingly?
<b>Q3.31</b>	Applicant	Can the applicant clarify what the latest position is regarding the preparation and submission of information on the offshore scheme to enable NE to consider whether there would be a LSE on any European site from the pipeline in combination with it?
<b>4</b>	<b>Design, Landscape and Visual Impact</b>	
<b>Q4.1</b>	Applicant	The AGIs will require electricity grid connections, which is the responsibility of the District Network Operator (DNO) and not part of the DCO application. The ES does not appear to have considered the potential cumulative impacts of the grid connections with the proposed development. Can the applicant clarify how the connections have been taken into account in the EIA?
	<b>Barmston Pumping Station:</b>	
<b>Q4.2</b>	Applicant	Construction effects have been assessed based on the approach outlined in the Construction Report (Document 7.6), in Chapter 3 of this ES (Document 6.3), and the maximum parameter drawings submitted for approval, which include the TCAs. The primary assessment is of the construction of the Pumping Station in its entirety, commencing in 2017 and being completed in 2018. Two scenarios are considered as sensitivity tests:

Ref No.	Respondent:	Question:
		<p>(a) all housings for Pumps and Variable Speed Drives (VSDs) are constructed, but with only two of the four pumps installed, and two of the eight VSDs. The sensitivity test considers the effects of the other pumps/VSDs being installed in the existing housings in 2023.</p> <p>(b) only one pump building is constructed initially, and the second pump building is constructed in 2023, when additional pumping capacity is required. It is then assumed that further pumps would to be installed in building 1, with associated VSDs, with the second pump house and a further four pumps and associated VSDs being installed as part of pump house 2 construction activities in 2023. The ES does not indicate which construction scenario is preferred by the developer.</p> <p>Can the applicant describe which of the options has the least environmental impact and could the applicant explain how and why it would be constructed in phases <i>“as and when required”</i>? (ES Chapter 3 para 4.6.14) Can the applicant consider whether the DCO should restrict the options to the one which has the least environmental impact?</p>
Q4.3	Applicant	Can the applicant clarify whether the Pumping Station vent stack would be 8m above ground level, if not, how high and how would this fit in with the heights of buildings and plant within the various zones (ES Chapter 3 para 4.6.20)?
Q4.4	Applicant	Can the applicant explain when, where and why the external lighting would operate at the pumping station (ES Chapter 3 para 4.6.29)?
	<b>AGIs:</b>	
Q4.5	Applicant	Can the applicant explain how the access and egress lighting would work at the AGIs (other than the pumping station) if the operational lighting would not be permanent?
Q4.6	Applicant	Can the applicant explain how the planting schedules at the AGIs are secured in the DCO with schemes for implementation, timing and enforceability?

Ref No. Respondent: Question:		
<b>5</b>	<b>Flood Risk, Climate Change and Water Resource</b>	
<b>Q5.1</b>	Applicant	<p>Para 2.2.3 of the Flood Risk Assessment (FRA) states that: <i>“that the six AGIs which form part of the Onshore Scheme all fall within the “essential infrastructure” classification as a CCS installation. Their working requirement is such that they all need to remain operational and safe for users in times of flood”. This is based upon the CLG Planning Practice Guidance to the NPPF (table 2), under which CCS Infrastructure is defined as “Highly vulnerable”, but is not included under “essential infrastructure”. The construction compounds and TCAs have not been included in the sequential test given that that are only required for a temporary period and would be returned to their original state therefore not affecting water flows and Flood Zones in the long term.</i></p> <p>Can the applicant explain whether it is appropriate to classify all aspects of the development as essential infrastructure, and why construction compounds and TCAs have been omitted from the sequential test (see para 2.5.1 of the FRA, document 5.2, for example, how ‘temporary’ is ‘temporary’).</p>
<b>Q5.2</b>	Applicant Environment Agency (EA) Local Planning Authorities (LPA) Internal Drainage Boards (IDB)	<p>Para 4.4.9 of the NSER states that all main rivers and, where practicable, Water Framework Directive (WFD) designated watercourses will be crossed using non-open cut methods. Can the applicant explain which WFD watercourses may not be able to be crossed by non-open cut methods? Do the EA/LPAs/IDBs have comments on this, including whether the mitigation proposed is sufficient to safeguard these watercourses?</p>
<b>Q5.3</b>	EA	<p>Can the EA consider whether the intended mitigation as proposed in the CoCP (document 7.5) (para 9.2.6 etc) would be sufficient to prevent pollution and protect water quality and whether this has been adequately secured in the DCO to ensure delivery and enforcement?</p>

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Q5.4	Applicant	<p>In their RR, the EA feel that the applicant has not provided sufficient mitigation for the intra-project cumulative impacts of Ecology and Nature Conservation and water resources in terms of water vole habitat that will be temporarily lost. Given the number of crossings planned (for example, about 100 open-cut crossings are planned), any disturbance from works in the vicinity of watercourses not associated with crossings and effects of the open cut watercourse crossings in relation to the mobilisation of sediment, the EA are concerned that mitigation measures will not be absolute in their efficacy of reducing the mobilisation of sediments and they consider that these residual effects are not adequately acknowledged or mitigated in the ES. The EA has requested additional on-site mitigation measures or off-site compensation measures (paragraphs 1.2-1.5 of their RR). How is the applicant able to respond the request from the EA and how can these and any other mitigation measures be delivered in the DCO?</p>
Q5.5	Applicant	<p>In their RR, the EA state that <i>"Whilst the mitigation measures proposed represent best practice, and in each individual case, may only have negligible residual impact, <u>cumulatively, the effect of the crossings may result in an unacceptable risk to the water environment.</u> We therefore consider that it is necessary for the applicant to provide additional on-site mitigation measures, or off-site compensation measures to address these residual risks more robustly. Whilst we accept that the applicant has mentioned the provision of new ditch habitat at the AGI sites, we feel these measures fall short of what is needed and suggest that <u>a more thorough investigation of on-site mitigation measures, or off-site compensation measures, is appropriate.</u>"</i> Does the applicant intend to undertake further site-specific surveys in developing specific mitigation measures and if so how will these be undertaken and mitigation measures determined and agreed with statutory consultees? If the provision of any such compensatory measures (if required) could be outside the order limits of the DCO, any such compensation would need to be addressed and agreed through a suitably robust method. Would the applicant consider that a separate legal agreement would be necessary in those circumstances and, if so, what form would these agreements take?</p>
Q5.6	Applicant EA	<p>The EA is concerned that the specific sources of water for hydrostatic testing do not appear to have been finalised. The EA is satisfied that an abstraction from the River Ouse for the southern section of the pipeline would be acceptable in principal. However, there is concern that no such watercourse has</p>



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		been specified for the northern section of the pipeline. Do the applicant and EA have sufficient certainty that the necessary abstraction licences are capable of being granted? Have the potential environmental impacts of any such operation been properly assessed in the ES?
Q5.7	Applicant	DCO Requirement 11 addresses drainage proposals for all AGIs (with the exception of Area B of the Camblesforth Multi-junction and the Barmston Pumping Station. The EA in their RR considers that a more detailed requirement is deemed necessary to ensure the appropriate controls are put in place. The EA is also unclear why Area B of the Camblesforth Multi-Junction and the Barmston Pumping Station are excluded from Requirement 11. Could the applicant explain why this is so and whether they agree to an additional requirement as requested by the EA?
Q5.8	Applicant EA	The EA is also proposing an additional requirement to tie the DCO to the specifications and mitigation measures within the "approved Flood Risk Assessment". Does the applicant support that proposal and, if so, could a form of words be agreed with the EA?
Q5.9	Applicant	Section 3.5 of ES chapter 3 explains that Flexible Drainage Areas (FDAs) have been incorporated into the scheme as information from land owners regarding existing drainage had not been forthcoming. Therefore, a precautionary approach has been applied with proposed FDAs being larger areas than would usually be necessary for the installation of drainage. Why has information from landowners about existing drainage in the FDAs not been forthcoming and why should the boundary of an FDA extend to a field boundary? Should such agreement be reached during the examination, would the applicant seek to amend the application by the deletion of any FDAs and a reduction of the Order limits?
Q5.10	Applicant EA NE	Both NE and the EA are seeking (in their RR's) an additional requirement to protect flows in West Beck associated with dewatering activities at the River Hull / Driffield Canal crossing. Does the applicant accept this additional requirement and, if so, could a form of words be agreed with NE and the EA?
Q5.11	EA	Do the EA and the NFU consider that the expressions of intent in the CoCP (document 7.5) (para

<b>Ref No.</b>	<b>Respondent:</b>	<b>Question:</b>
	National Farmers Union (NFU)	9.3.18) sufficient to safeguard drainage interests in agricultural land within and adjacent to the application site? If not, can the above parties suggest ways in which those interests can be met?
<b>Q5.12</b>	Yorkshire Water	Has Yorkshire Water secured the appropriate Protective Provision in the DCO to safeguard its equipment from damage or interference associated with the construction and operation of the project? If not, what should be included and how should it be phrased?
<b>Q5.13</b>	EA	Does the EA consider there any reasons to suggest that the issue of an Emission Trading Scheme (ETS) permit for the project would be withheld?
<b>Q5.14</b>	Applicant	Can the applicant explain why the pipeline is crossing Bracken Beck by open cut trenching rather than using a trenchless technique?
<b>Q5.15</b>	Applicant EA	Can the applicant and the EA agree on how the "true clean bottom" of a watercourse is defined?
<b>6</b>	<b>Historic Environment</b>	
<b>Q6.1</b>	Applicant EH	DCO requirement 12 (Archaeology) requires a written scheme of investigation (WSI) to be approved by the LPA prior to the authorised development commencing and any archaeological works or watching brief for a stage of the authorised development must be carried out in accordance with the approved written scheme for that stage. Can the applicant and EH agree on whether EH should have a role in being consulted on the WSI prior to its submission?
<b>Q6.2</b>	LPAs	Do the LPAs accept that there are no settings of heritage assets which would be adversely affected by the AGIs or the pipeline?

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Q6.3	EH	Is EH content that the safeguarding of heritage assets will be satisfactorily provided for in the DCO requirement?
<b>7</b>	<b>Land Use (including agriculture and minerals) and Safety</b>	
Q7.1	Applicant	ES Chapter 8 paras 4.32-4.4.33 confirms that a walkthrough was undertaken on 5-8 August 2013 and a hand auger survey was carried out at the pumping station. Could the applicant clarify how the results of the hand auger survey have been incorporated into the assessment and why it was limited to the pumping station only?
Q7.2	Applicant	Can the applicant explain what the temporary construction compounds will comprise (eg gravel or hardstanding) and whether the use and make-up of the temporary construction compounds would have any longer term impacts on Best and Most Versatile (BMV) land that would require any specific measures for restoration?
Q7.3	Applicant	Table 1 of ES Chapter 8 states <i>"the routeing and siting studies sought to avoid mineral resources wherever possible and the findings of those studies are located in the Proposed Scheme Report"</i> . Document 7.8 states that mineral safeguarding areas were considerations for detailed siting, but an assessment of impacts has not been undertaken in the ES. Can the applicant explain to what extent the ES has considered any impacts on the mineral industry?
Q7.4	Applicant	Can the applicant explain which minerals of local and national importance could be sterilised by the proposal, where this would occur and what is the extent of alternative deposits of those minerals? Could the applicant provide an assessment of the quantity of minerals which might be sterilised and explain whether there is the potential for prior extraction of such minerals and whether there is potential to use the aggregate minerals from any prior extraction in the construction of the project?
Q7.5	Applicant	Table 11 of ES Chapter 8 (Land Use and Agriculture) confirms there are a number of Environmental Stewardship Schemes present in the study area. Paras 1.1.2 and 7.2.8 state that the biodiversity

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		effects associated with temporary changes to Environmental Stewardship land is considered in Chapter 9 Ecology and Nature Conservation in the ES. However, Chapter 9 does not contain such an assessment. Can the applicant provide this information and identify whether any mitigation measures are necessary?
<b>Q7.6</b>	Applicant NFU	ES Chapter 8 para 8.1.4 refers to soil storage and re-instatement in accordance with Defra guidelines 'Good practice for Handling Soil' (Defra 2000 Sheets 1-19). Should these guidelines be referenced in the CoCP? The NFU has sought an after care period of at least 10 years. Can the applicant and NFU describe any technical or procedural advice to support a particular period of after care, whether 5 or 10 years?
<b>Q7.7</b>	Applicant	ES Chapter 8 para 8.1.4 goes on to state that natural free draining soils will be re-instated following best practice and will return to normal production quickly. Is this best practice the Defra guidelines referred to above? Can the applicant confirm where this is contained in the CoCP?
<b>Q7.8</b>	Applicant	ES Chapter 8 para 8.1.6 states that the location and condition of existing land drainage will be established and a record of condition compiled. Can the applicant confirm where this is contained in the CoCP?
<b>Q7.9</b>	Applicant	ES Chapter 8 para 8.1.10 states that an Agricultural Liaison Officer will be employed to liaise with land owners and occupiers throughout the entire construction period. Can the applicant confirm where this is contained in the CoCP?
<b>Q7.10</b>	Applicant	The ES appears not to have addressed the potential for land sterilisation which could otherwise be used for agriculture (despite Table 2 stating this is considered in Section 7.2.1). Could the applicant explain how the sterilisation of agricultural land along the pipeline route has been minimised?
<b>Q7.11</b>	Applicant Defra	Can the applicant explain that, given much of the Study Area is dominated by Grades 1, 2 and 3a of agricultural land which are considered to be BMV land, what will be the arrangements for monitoring its reinstatement? Do NE or Defra have comments on what monitoring is necessary? Do the applicant, NE

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	NE	and Defra have any views on how such monitoring can be secured in the DCO?
<b>Q7.12</b>	Applicant	In the event of pipeline failure and potential leakage, can the applicant explain how the gas would be detected and what measures would be in place to ensure the protection of health and safety? Can the applicant explain whether the measures would be secured in the DCO or provided for in other legislation?
<b>Q7.13</b>	Applicant	Can the applicant explain the justification for the proposed number of block valves and whether more, or fewer, should or could have been provided?
<b>Q7.14</b>	Applicant	Can the applicant indicate whether agreement been reached with Trinity House about the safeguarding their interests in the DCO?
<b>Q7.15</b>	Applicant	Could the applicant explain the Camblesforth Multi Junction access issues raised in the RR from the Drax Power Station Angling Club?
<b>8</b>	<b>Noise, Disturbance and Vibration</b>	
<b>Q8.1</b>	Applicant	The key guidance referred to in informing the assessment is BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' and WHO's 'Guidance for Community Noise' and 'Night Noise Guidelines for Europe'. Table 6 of ES Chapter 13 also sets out that the definition of noise sensitive receptors is taken from the Scottish Government Technical Advice Note (TAN) Assessment of Noise. Although there seems to be agreement of methodologies and substantial consultation with local authority Environmental Health Officers (EHOs) as presented in section 4.10, there is no specific reference to the use of <a href="#">Scottish TAN</a> guidance in this respect, does the applicant consider that it is a valid point of reference and should it be used as guidance?
<b>Q8.2</b>	Applicant	No baseline data is presented in terms of ambient noise levels along the pipeline construction corridor. Instead, as described in section 4.5 of ES Chapter 13, the construction noise assessment is based on

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	LPAs	the maximum levels of construction noise during daytime hours in accordance with Annex E.2 of BS5228:2009 (70 dB(A) in rural areas). Paragraph 4.5.9 summarises that <i>"As the construction noise assessment is based on construction limits, it is not necessary to define the background noise levels at the NSRs"</i> . Can the applicant provide clarification in justifying this approach? Do the planning authorities with Environmental Health responsibilities concur with the adopted approach?
<b>Q8.3</b>	Applicant	ES Chapter 13 para 9.2.1 states that there will be, at worst case, moderate adverse effects at noise sensitive receptors (NSRs) located 50-150m from the works reducing to minor adverse at 200m. Para 7.2.1 acknowledges potentially major adverse effects within 50m, and that there are 31 such NSR's within this zone. Para 9.2.1 does not acknowledge the residual effect on those properties within 50m, although Table 39 states that effects will be moderate / minor following mitigation. Can the applicant provide further justification as to how mitigation measures will be sufficient to reduce the major adverse effects to moderate /minor at these receptors? In this context, can the applicant explain the differences in impact at sensitive NSRs between the likely pipeline route and the pipeline envelope assessments.
<b>Q8.4</b>	Applicant	There is the potential for 24 hour working at crossings listed in ES Chapter 13 Table 23. Table 39 identifies potentially moderate adverse residual effects on NSRs from night time working. Can the applicant consider whether Requirement 13 should include a commitment that HDD will not commence when it would clearly overrun into unsocial hours where moderately adverse effects would otherwise be experienced?
<b>Q8.5</b>	Applicant	Can the applicant confirm the location of pumping in relation to residential receptors? For how long would pumping take place (eg 24hrs) and what noise attenuation techniques will be employed for the generators and pumps?
<b>Q8.6</b>	Applicant LPAs	ES Chapter 13 paras 8.1.22 – 8.1.26 outline the mitigation options to minimise adverse noise effects from the operation of the pumping station. These are to be secured through Requirement 3 of the DCO. Do the relevant planning authorities with Environmental Health responsibilities agree that the scope and wording of the requirement sufficient to capture the extent of mitigation required as outlined in the

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		ES?
<b>Q8.7</b>	Applicant	There are potentially major adverse effects at NSRs adjacent to TCA's 1,2 and 5 (all 6 months in duration) and a 3 month major adverse effect at TCA 4. The summary of residual effects in ES Chapter 13 Table 39 presents a major adverse worst case effect, reducing to moderate with the incorporation of mitigation measures that are limited to following B5228 and communication with the local community and the council. Can the applicant explain how performing in accordance with BS5228 can be delivered and enforced so that the intended mitigation and the moderation from major adverse to moderate adverse is achieved?
<b>Q8.8</b>	Applicant	Section 7.4 of the CoCP (Doc Ref 7.5) states that <i>"Noise monitoring will be undertaken periodically throughout construction in order to check compliance with the noise thresholds set out in Requirement 15 of the draft DCO (Document 3.1). Where compliance issues are identified prompt action will be taken to resolve those issues"</i> . Can the applicant explain how operational noise will be monitored and how can this and any subsequent compliance be enforced? Are the LPAs content with the noise monitoring proposals?
<b>Q8.9</b>	Applicant	DCO Requirement 15 includes noise limits at the nearest residential property to the Barmston Pumping Station (Rose Cottage). Can the applicant explain how, where, when and by whom will be this be measured and monitored?
<b>9</b>	<b>Rationale for the Selection of the Route, Worksites and Pipelaying Strategies</b>	
<b>Q9.1</b>	Applicant	Would the applicant explain the reasoning behind the choice of the proposed route for the pipeline and the location of the AGIs?
<b>10</b>	<b>Socio Economic Effects</b>	

Ref No.	Respondent:	Question:
Q10.1	Applicant	Can the applicant describe what would be the capacity of the pipeline in relation to the White Rose CCS project and the other emitters listed in Table 2.1 of the Proposed Scheme Report (Document 7.8) and which of those listed could realistically be served by the proposed CCS pipeline via the Multi junction?
Q10.2	Applicant	Can the applicant explain how the operations planned for the area within the DCO would affect fish netting for migratory salmon and sea trout and how can any adverse effects be mitigated?
<b>11</b>	<b>Travel, Traffic and Transportation</b>	
Q11.1	Applicant	The study area is defined at ES chapter 14 para 4.2.1 to include " <i>those roads which it has been agreed are necessary to use to allow the construction of the Onshore Scheme</i> ". Such roads are then illustrated in Figures 14.1 – 14.6, and there is a distinction made between roads that are to be used by LGV's and HGV's, as well as pipeline section numbers used in the assessment. These plans do not include the location of construction compounds or construction areas which are presented in Figure 3.2 (sheets 1-10). Could the applicant provide plans for context which show the construction routes overlain with the temporary construction areas and construction compounds?
Q11.2	Applicant	The definition of the study area also implies that no other roads outside these will be indirectly affected by the proposed development. Can the applicant explain how the impact of traffic has been taken into account on roads inside and outside the study area which may be diverted from the routes due to the presence of the construction activity?
Q11.3	Applicant	The total number of traffic movements associated with the construction of the scheme is stated as being 214,655 (ES Chapter 14 para 4.4.13). Can the applicant clarify and provide evidence as to how this has been derived with reference to the Transport Assessment (TA) and supporting appendices? This question also applies to the data that underpins Figure 1 of ES Chapter 14, and the split between pipeline construction and AGI/Construction compound trips at para 4.4.29.
Q11.4	Applicant	Table 4 of ES Chapter 14 presents 'illustrative' criteria for differentiating effects as substantial, high,



Ref No.	Respondent:	Question:
	Relevant Highways Authorities	moderate (all 'Significant'), minor and negligible effects ('not Significant'). Para 4.4.46 states that the IEMA guidelines require a level of professional judgement to be applied, and table 3 4 describes how this judgement is typically applied. Can the applicant provide further justification on the appropriateness of these illustrative criteria? (For example, 'not significant' effects include any increase less than one month in duration and increases over 40% that are less than 3 months in duration). Can the relevant highway authorities provide agreement with the applicant's adoption of this approach in assessing effect significance?
Q11.5	Applicant	The last bullet point of ES Chapter 14 para 4.4.36 states that for the type 2 assessment, " <i>only HGV trips have been assessed as these have the greatest potential effect</i> ". However, the preceding bullet point indicates that the LGV / HGV split used in the type 2 assessment is 19.1% / 80.9% respectively. Could the applicant clarify and explain whether the assessment in type 2 therefore excludes 19.1% of the total flows for the AGI/compound/pumping station construction phase?
Q11.6	Applicant	Cumulative impacts are assessed in Section 11 of ES Chapter 14. Potential cumulative effects have been identified at ATC 1 as the only route which is shared between the relevant projects considered. The cumulative traffic increase at ATC 1 is " <i>likely to exceed 30%</i> " based on the type 1 approach, although based on the type 2 assessment, the maximum increases would be 5% for 30 days and 1% for 126 days. In the light of the answer to question (v) above, regarding the perceived absence of LGV's from the type 2 approach, could the applicant clarify the extent to which this affects the assessment of cumulative effects?
Q11.7	Applicant	The type 1 assessment seems to result in the 'worst case' in terms of cumulative assessment, so (in accordance with paragraph 4.4.12 of ES Chapter 14), this is the residual cumulative impact that should be presented. In either case, para 11.1.5 of ES Chapter 14 does not describe the significance of cumulative effect in terms of the criteria in table 4 (e.g. substantial, high, moderate, minor), and instead concludes that " <i>Based on this the Type 2 it is unlikely that the Onshore Scheme will significantly contribute to HGV movements generated by the WRCCCS project</i> ". Can the applicant explain the anomaly and provide clarification as to the magnitude and significance of cumulative effects associated with the type 1 and type 2 assessments?

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Q11.8	Applicant	<p>There is no discussion of cumulative air quality/noise/traffic effects in Chapter 14, and para 5.1.3 of ES Chapter 17 merely states that no intra-project cumulative effects have been identified as part of the Traffic Transport and Access Chapter without further justification. Can the applicant explain why intra-project cumulative effects have not been explicitly discussed, considering:</p> <ul style="list-style-type: none"> <li>a) the potentially moderate adverse impacts predicted at ATC locations 12 and 35, particularly in combination with their inclusion within the 'potential dust effect buffer' zone in Figure 12.1 of ES Chapter 12 (maps 3/4 for ATC 12 and map 7 for ATC 35) and;</li> <li>b) the noise contour buffers near ATC 12 in and around the Holme Upon Spalding Moor Construction compound and temporary AGI (Figure 13.6, Map 3 of ES Chapter 13)?</li> </ul>
Q11.9	Applicant	<p>Para 8,1,5 of ES Chapter 14 confirms that a Construction Traffic Management Plan (CTMP) will be prepared and implemented in accordance with Requirement 18 of the DCO and confirms it will include <i>"Measures for the monitoring of the traffic management plan to ensure compliance from drivers and appropriate actions in the event of noncompliance."</i> Can the applicant elaborate on what these measures may comprise?</p>
Q11.10	Applicant	<p>Table 12 of ES Chapter 14 (Summary of Traffic and Transport Assessment) identifies an Environmental Management Plan (EMP_ as part of the suite of mitigation measures. However, no reference is made to an EMP in the earlier text of ES Chapter 14. Could the applicant explain how the EMP will be used as part of the suite of mitigation measures for traffic and transportation issues?</p>
Q11.11	Applicant Highways Agency (HA)	<p>In their RR, the Highways Agency (HA) stated the need for suitable Protective Provisions for occasions when the pipeline would cross the Strategic Road Network. Is the HA satisfied such provisions exist in the DCO? If not, what should be included and how should it be phrased?</p>
<b>12</b>	<b>Development Consent Order &amp; Compulsory Acquisition</b>	

Ref No.	Respondent:	Question:
	The applicant may wish to consider the DCO in the light of the Planning Inspectorate's Advice Note 15, Drafting Development Consent Orders	
	<b>Article 2:</b>	
Q12.1	Applicant	This should contain a definition of the Environmental Statement (ES) as being the statement certified as the ES by the SoS for the purpose of the Order.
Q12.2	Applicant  Local Planning Authorities	The relevant planning authority is defined as Selby DC or East Riding Yorkshire Council or both where the relevant matter is located in the area of both. The term relevant planning authority is used in the articles and requirements and they are responsible for approval of several plans etc. It is not clear what would happen where the relevant matter is located in the area of both authorities, i.e. who would the applicant apply to and who would have final say on approval? Can the applicant explain how this will work in practice where there is an overlap? Can the local planning authorities give their views on the workability of this definition?
Q12.3	Applicant	Can the applicant explain why "land drain" and "culvert" have been excluded from the definition of "watercourse"?
	<b>Articles 2 and 5:</b>	
Q12.4	Applicant	Article 2 contains a wide definition of "maintain", including "dismantle ... reconstruct ... and ...replace...". The power to maintain should not permit the construction of what is a different project from that consented and a DCO should only authorise works that are within the scope of the environmental impact assessment (EIA) that has been carried out. It is noted that the definition limits "replace" to a part or section which materially serves the same purpose and that article 5 prevents maintenance works from "materially altering the authorised development". However, this does not ensure that the maintenance works will stay within the parameters of those assessed in the ES. Can the applicant consider limiting the definition of maintain either in the definition of "maintain" and / or within the maintenance article, to the extent assessed in the ES.
Q12.5	Applicant	6(b) permits the carrying out of "construction works" anywhere within the order limits. It is not clear what constitutes construction works as this is not defined in Article 2 and could potentially authorise

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		substantial works to be undertaken anywhere within the order limits. Can the applicant include a definition of construction works and explain why the areas within which these will be carried out cannot be identified?
	<b>Articles 10, 11, 12, 13 and 14:</b>	
<b>Q12.6</b>	Applicant  Street & Highway Authorities	Are the street and highway authorities content with these provisions?
<b>Q12.7</b>	Applicant	In particular, Article 13(1) imposes a power to stop up any street, even those outside of the Order limits. Can the applicant provide justification for this?
<b>Q12.8</b>	Applicant	Similarly, Article 14(1) contains a wide power to stop up, alter, or divert any street or public right of way temporarily. Save for restrictions on certain streets listed in schedule 6 (14(3)) the power to stop up any other street in 14(1) is unlimited. Can the applicant explain why this power for streets outside the order limits is needed and why they cannot be identified at this stage?
	<b>Article 11:</b>	
<b>Q12.9</b>	Applicant	(2) "...such consent must not be reasonably delayed or withheld..." appears imprecise, unenforceable and superfluous. This phrase is repeated many times in the DCO. Can the applicant explain the justification for it?
	<b>Article 15:</b>	
<b>Q12.10</b>	Applicant	This article permits interference with the apparatus and rights of statutory undertakers and triggers s.138 Planning Act 2008 (PA2008). Can the applicant explain in relation to each statutory undertaker that this article effects why the extinguishment of the right or removal of the apparatus is necessary for the purpose of carrying out the development to which the order relates?
	<b>Article 19:</b>	

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Q12.11	Applicant	(7)(b) "drains" occurs twice in the definition of watercourse, both as included and excluded. Can the applicant clarify?
	<b>Article 23:</b>	
Q12.12	Applicant	23(2) extinguishes private rights in the land which is compulsorily acquired, 23(3) provides for compensation for loss suffered by the extinguishment of a private right of way. Can the applicant explain why it is considered unnecessary to apply compensation provisions to all rights that are extinguished or suspended by the DCO and how the owners of any other private rights interfered with will be compensated?
	<b>Article 23(4) – Crown Land:</b>	
Q12.13	Applicant	<p>S.135(1) PA2008 only permits a provision authorising the compulsory acquisition of an interest in Crown land held otherwise than by or on behalf of the Crown and only where the appropriate Crown authority consents to the acquisition. A provision authorising the compulsory acquisition of any interest in Crown land that is held by the Crown is not permitted within a DCO. The applicant may wish to consider the inclusion of an Article to protect Crown interests such as:</p> <p><i>"Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular, nothing in this Order authorises the undertaker to take, use, enter upon or in any manner interfere with any land, hereditaments, or rights of whatsoever description (including any part of the shore or bed of the sea or any river, channel, creek, bay or estuary) belonging to—</i></p> <p><i>(a) Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those Commissioners; or</i></p> <p><i>(b) a government department or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.</i></p> <p><i>(2) No interest in Crown land may be acquired compulsorily under this Order unless the appropriate Crown authority consents to the acquisition.</i></p> <p><i>(3) A consent under paragraph (1) or (2) may be given unconditionally or subject to such conditions or upon such terms as may be considered necessary or appropriate."</i></p>

<b>Ref No.</b>	<b>Respondent:</b>	<b>Question:</b>
<b>Q12.14</b>	Applicant TCE	S.135(2) of PA2008 requires the appropriate Crown authority to consent to the inclusion of any provision within the DCO relating to Crown land and rights. Has the applicant consulted The Crown Estate (TCE); are TCE content with the level of protection the article affords and has the applicant obtained express consent from TCE for the inclusion of the provision?
<b>Q12.15</b>	Applicant	Part 4 of the Book of Reference (BoR) indicates that there are Crown interests within the order land that are held by the Secretary of State for transport. Express consent from the Secretary of State for transport will be required if the applicant intends to seek compulsory acquisition of any of these interests. Has the applicant obtained this?
<b>Q12.16</b>	Applicant	Part 4 of the Book of Reference also contains plots in which the Crown interest appears to belong to the Crown. S135 of PA2008 does not permit the compulsory acquisition of interests in Crown land held by the Crown Does the applicant accept that there will have to be agreement about the creation of any easement over this land with TCE directly outside the DCO process or is there an interest in these plots help otherwise than by the Crown which the applicant is seeking to acquire?
<b>Article 24:</b>		
<b>Q12.17</b>	Applicant	24(5) also only applies compensation provisions for extinguishment of private rights of way (as with Article 23). Can the applicant explain why it is considered unnecessary to apply compensation provisions to all rights that are extinguished or suspended by the DCO and how the owners of any other private rights interfered with will be compensated?
<b>Article 26:</b>		
<b>Q12.18</b>	Applicant	6(4) (a) applies section 7 of the 1965 Act. The applicant is asked to consider whether this is appropriate here as s.7 relates to the compulsory purchase of land and this article relates to easements and rights?
<b>Article 28:</b>		
<b>Q12.19</b>	Applicant	28 (3) "...reasonable satisfaction of the owners of the land..." and elsewhere in the DCO appears imprecise and unenforceable. Can the applicant justify the phrase?

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Q12.20	Applicant	28(8) prevents the undertaker from compulsorily acquiring the land contained in Schedule 9 for temporary possession or acquiring any new rights over that land but it does not appear to prevent the compulsory acquisition of existing rights in this land. Can the applicant explain why compulsory acquisition of existing rights in the land listed for temporary possession is permitted?
Q12.21	Applicant	28(11) may in effect permit the undertaker to remain in temporary possession of the land for longer than the year specified in 28(3). Can the applicant explain how this could be justified in the circumstances?
<b>Article 34:</b>		
Q12.22	Applicant	This article authorises the compulsory acquisition of statutory undertakers land and rights. Can the applicant explain why 34(2) only applies the protective provisions to 34(1)(b) and not 34(1)(a)? Has the applicant sought the views of the statutory undertakers whose land is affected and are they content? Do the affected statutory undertakers have any comments on this?
Q12.23	Applicant	34(3) states that "in the provision of the 1990 act as applied in paragraph 1....." Paragraph 1 does not appear to apply provisions of the 1990 Act. Can the applicant explain?
<b>Article 37:</b>		
Q12.24	Applicant	Can the applicant explain the justification for this article and why it is necessary in consideration of the provisions in Article 24?
<b>Article 40 and Schedule 8:</b>		
Q12.25	Applicant	It appears that the applicant seeks to acquire new permanent rights in plot 1280 which appears to be owned by the Crown. S.135 will not permit the compulsory acquisition of Crown interests held by the Crown to be authorised by a DCO. Does the applicant accept that this will have to be pursued with TCE outside the examination process or is there another interest in this land held otherwise than by the Crown which the applicant seeks to acquire?

Ref No.	Respondent:	Question:
	<b>Article 44:</b>	
Q12.26	Applicant	44(b) permits the undertaker to remove any hedgerow within the order limits. Can the applicant provide the justification for this wide power and explain why it cannot identify all hedgerows that are likely to need to be removed at this stage?
	<b>Article 45:</b>	
Q12.27	Applicant	This provides a general power to fell or lop any tree in respect of which a Tree Preservation Order (TPO) has been made after 10 June 2014. Can the applicant explain the justification for this power and explain why it cannot identify all trees subject to a TPO that might require removal at this stage?
	<b>Article 45:</b>	
Q12.28	Applicant	This article should include all the documents with which the DCO requires compliance. It is not considered appropriate to include "any other plans or documents referred to in this order" as this is insufficiently clear and precise. Can the applicant include a complete list of all plans in the article (for example, the hedgerow plan; the CoCP; the design and access statement; the Barmston pumping station parameters plan; the Camblesforth multi junction parameters plan)?
	<b>Article 53 and Schedule 14:</b>	
Q12.29	Applicant	Are the local planning authorities content with the bespoke procedures, in particular with the time limits and fees imposed?
	<b>Schedule 1 – Authorised works</b>	
	<b>Further Associated Development :</b>	
Q12.30	Applicant	Does the applicant accept that all the works, listed (a) – (o) at the end of schedule 1, should be within the scope of the ES and the latter part of (o) should be applied to (a) – (o)? If so can the DCO be so amended?
Q12.31	Applicant	Can the applicant explain why the works which comprise the Nationally Significant Infrastructure Project have not been separated out from the associated development and is the applicant able to make that separation in the DCO?



Ref No.	Respondent:	Question:
	<b>Schedule 3 – Requirements</b>	
	<b>Requirement 1:</b>	
<b>Q12.32</b>	Applicant	The applicant has included a definition of “commence”. In some decisions the SoS has removed this definition where it allows a range of site works to take place before details of measures to protect the environment have been approved. The applicant may wish to reconsider whether its use as defined in this section would permit works with significant environmental effects taking place prior to discharge of the requirements?
<b>Q12.33</b>	Applicant	Relevant highway authority is defined as North Yorkshire County Council or East Riding of Yorkshire Council, or both. Can the applicant explain how decisions will be made if the relevant matter is within the administrative area of both?
	<b>Requirement 3:</b>	
<b>Q12.34</b>	Applicant	The applicant may wish to consider whether the use of the word “general” is too imprecise because the details should be clearly in accordance with the authorised development?
	<b>Requirement 8:</b>	
<b>Q12.35</b>	Applicant	The submission and approval of a scheme for ecological mitigation is required and reinstatement prior to the commencement of each pipeline stage. Can the applicant consider the submission of a model scheme which would illustrate the likely content so as to understand the specifics of the mitigation required, how the mitigation measures would be delivered and how the mitigation would avoid likely significant effects so that the ExA and interested parties can be satisfied that these measures would be secured through the DCO? The scheme should illustrate how mitigation from the Code of Construction Practice is built into it.
<b>Q12.36</b>	Applicant	In addition to the scheme sought in Requirement 8, schemes are sought in Requirement 9 (water management and pollution prevention and control), effectively for tree and hedgerow removal in Requirement 10, archaeology in Requirement 12 and Construction traffic in Requirement 18. All of the schemes require prior approval before the commencement of a stage. The applicant is asked to

Ref No.	Respondent:	Question:
		consider whether a joint scheme for each stage would reduce duplication and enable the ExA and the respective regulators to appreciate how each element of the scheme would interact with the others.
	<b>Requirement 9(3)(e):</b>	
Q12.37	Applicant	The applicant may wish to consider whether the word “temporary” should be removed from “temporary construction compounds” as “construction compounds” are defined as temporary compounds?
	<b>Requirement 13, 14, 15, 16, 17 and 18:</b>	
Q12.38	Applicant	These contain tailpiece provisions which permit the local planning authority to agree a subsequent change to details approved within the DCO by use of the tailpiece “unless otherwise approved in writing”. Use of tailpieces can generate uncertainty as to the works consented. Tailpiece requirements should not permit approval of works which are likely to have environmental effects outside the scope of what has been assessed in the ES. Can the applicant provide justification for each tailpiece requirement and consider limiting each tailpiece to enable only minor or immaterial changes and to prevent any works from being approved outside those assessed within the ES?
	<b>Requirement 13:</b>	
Q12.39	Applicant	13(3) Can the applicant explain what is meant by “reasonable start-up” and “shut down” periods and why they cannot be included in the normal hours of working described in 13(a)?
	<b>Requirement 16:</b>	
Q12.40	Applicant	Could the applicant indicate with references what comprises the “drainage strategy”?
	<b>Requirement 21:</b>	
Q12.41	Applicant	Requirement 21 allows for the amendment of details to be approved by the LPA “to the extent that the authority may lawfully do so”. This latter phrase appears vague and uncertain. The applicant is asked to reconsider it.
	<b>Schedule 10 - DML:</b>	
Q12.42	Applicant	Part 1 of the DML does not contain a definition of maintenance, as maintenance is licenced at 2(c). The

Ref No.	Respondent:	Question:
		applicant should consider whether a definition is required in the DML. The MMO may also wish to comment on this. In 2(3)(b) the DML authorises licenced activities to be carried out anywhere within the order limits below the mean high water spring tide. Can the applicant explain why this is necessary and why the area cannot be identified by co-ordinates?
Q12.43	Applicant	Condition 12 is similar to requirement 21 and the same concerns apply. Limiting tailpieces conditions to the extent that is "lawfully permitted" is unacceptably uncertain.
Q12.44	Applicant	Does the applicant agree to the alterations to the DCO suggested by Trinity House in the RR and, if not, could an explanation be given?
<b>Schedule 11 – Protective Provisions:</b>		
Q12.45	Applicant	Can the applicant demonstrate whether the protective provisions in this schedule have been agreed with the relevant statutory undertakers?
<b>Schedule 12 – miscellaneous controls:</b>		
Q12.46	Applicant	<p>s.150(1) PA2008 prevents a DCO including a provision which removes a requirement for a prescribed consent without the consent of the relevant body (the body who would otherwise be required to grant the consent). Prescribed consents for England are listed in schedule 1 of the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010.</p> <p>A consent under section 28E of the Wildlife and Countryside Act 1981 (duties in relation to sites of special scientific interest) is a prescribed consent (schedule 1 22). Can the applicant demonstrate that the consent of NE has been obtained and that the relevant statutory undertakers have been consulted?</p>
Q12.47	Applicant	Part 2 relates to local bye-laws. The Explanatory Memorandum says that local byelaws are modified and excluded but the DCO as presently drafted does not appear to expressly provide for this. Can the applicant explain what is intended and amend the DCO as appropriate? Can the local authorities and local drainage boards give their views on the acceptability of dis-applying them?

Ref No.	Respondent:	Question:
Q12.48	Applicant	Has the applicant agreed with Capture Power Limited (CPL) Protective Provisions for the construction of the White Rose CCS Generating Station (See RR from CPL)? If not, what should be included and how should it be phrased?
Q12.49	Applicant	<p>Can the applicant consider the following formatting issue and typos:</p> <ul style="list-style-type: none"> <li>(a) Indentation of left border requires correction</li> <li>(b) EM: Section 8 Article 53 refers to Schedule 15. It should be 14.</li> <li>(c) EM: Section 9 (schedules) refers to Schedules 1 to 15. It should be 1-14.</li> </ul>