

Appendix A

This document is appendix A to the covering letter from the applicant dated 22 December 2023. It provides responses to the comments issued by the Planning Inspectorate on 17 November 2023 under Section 51 of the Planning Act 2008 and the comments provided within the checklist completed under section 55 of the Planning Act 2008.

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Comments provided by the Planning Inspectorate in the letter dated 17th November 2023.	
<p>Environmental Statement (ES)</p> <p>A number of outline management plans being relied upon for managing the effects of the proposed development are embedded within the ES as appendices. It is suggested that these become separate, standalone documents that are easier to access and navigate into. This also prevents double-counting in Article 44 where both the ES, and then the management plans as appendices to the ES, are listed as certified documents.</p> <p>In addition, there are further management plans provided in the appendices to the ES (such as the surface water management plan, emergency response plan, soil management plan etc) that derive from the Construction Environmental Management Plan (CEMP). It is suggested these plans are filed, organised and labelled as appendices to the CEMP, rather than being appendices to the ES.</p>	<p>At this stage it is proposed to leave the outline management plans within the ES, as they formed part of the original submission, and are representative of the information at the time of submission. In particular, 5 draft/outline management plans are currently included within the ES. These include:</p> <ul style="list-style-type: none"> - Draft Construction Environmental Management Plan (Application document 6.4.3.1) [APP-068]; - Outline Soil Management Plan (Application Document 6.4.10.1) [APP-096]; - Outline Surface Water Management Plan (Application Document 6.4.11.6) [APP-102]; - Draft Construction Traffic Management Plan (Application Document 6.4.12.5) [APP-107]; and - Outline Site Waste Management Plan (Application Document 6.4.18.1) [APP-113]. <p>As stated, these are outline plans and at the appropriate time, where required, will be updated by the Applicant. If they require revision during the examination phase, it is proposed at that stage (via prior agreement) that these updated versions are issued as stand-alone documents which will supersede those currently included within the ES.</p>
<p>Consultees identified on a precautionary basis</p> <p>Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to</p>	<p>Following further discussion with the Planning Inspectorate and Historic England, the Applicant was advised to send</p>

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<p>consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicant may wish to serve notice on the bodies listed in Box 6 of the section 55 checklist [i.e. The Royal National Lifeboat Institute and the Historic Buildings and Monuments for England (Offshore): Historic England] when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.</p>	<p>correspondence to the relevant Historic England regional office (which, it is noted, had been used at statutory consultation). The s56 notice was sent to the address provided. The Applicant also sent a hard copy of the s56 notice to the Royal National Lifeboat Institution.</p>
<p>Consultation Report</p> <p>Chapter 5 of the Consultation Report (Document 5.1) and Part 2 of the Book of Reference (Document 3.3) identify “Category 3” consultees under section 44 of the Planning Act 2008. However, paragraph 5.4.9 of the Consultation Report states no Category 3 persons were written to at the beginning of the statutory consultation period without justification as to why. The Applicant should consider the extent to which the identification of and consultation with Category 3 consultees is robust and fully documented in the updated Book of Reference to ensure that potentially Interested Parties are aware of the examination process going forward.</p>	<p>The Applicant carried out diligent inquiries ahead of the statutory consultation to identify those with an interest in the land affected by the Proposed Development.</p> <p>No Category 3 parties were identified outside of the order limits. The Applicant considers that Category 3 also includes:</p> <ul style="list-style-type: none"> • Certain Category 1 'Owners' • All Category 1 'Lessees and Tenants' • Any Category 2 interest for land within the DCO boundary <p>Relevant parties under these categorisations were contacted at the statutory consultation as outlined in Chapter 5 of the Consultation Report.</p>

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	The Applicant considers its approach to identification of and consultation with all land interests to be robust and these have been documented in the Book of Reference.
<p>Summary</p> <p>Please pay close attention to the advice set out in this letter and previous advice issued regarding draft documents and act on it accordingly. Where not following the advice given, provide a justification for not doing so.</p>	PINS provided comments on a number of draft application documents on 12 th September 2023. The table of comments has been updated to include commentary from the applicant to explain how these comments taken into consideration. A copy of the table is provided.
<p><u>Comments provided by the Planning Inspectorate on the 17th November 2023 in the Section 55 checklist Box 30</u></p>	
<p>Draft Development Consent Order (Doc 2.1)</p> <p>Section 44 references certified documents. The Development Consent Order (DCO) refers to "the outline archaeological written scheme of investigation (document numbers 6.4.8.3 and 6.4.8.4)". Document 6.4.8.4 has not been supplied and it isn't listed in the index.</p> <p>The DCO lists an outline operational and maintenance environmental management plan (document number 6.4.3.6) which is "Environmental Statement Volume IV Appendix 3-6 Operational Phase Mitigation". The Application does not appear to include an outline operational and maintenance environmental management plan.</p>	<p>The reference to Document 6.4.8.4.1 within the Article 44 of the draft DCO is an error. An updated version of the draft DCO is submitted with this corrected, together with other minor amendments and corrections.</p> <p>For clarity, the Applicant will submit a document titled 'outline operational and maintenance environmental management plan'. This will be submitted no later than Deadline 1.</p>
<p>Funding Statement (Doc 3.1)</p> <p>The contents page numbering is not correct (7,8,9).</p>	

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	An updated version of the Funding Statement has been submitted with this corrected.
<p>Statement of Reasons (SoR) (Doc 3.2)</p> <p>The SoR lists land plan plots 35/29 & 35/32 as Temporary Possession, however these are listed as requiring Permanent Rights and Temporary Use in the land plans, and are not listed in Schedule 6 Part 1 of the dDCO (Land subject to Temporary Possession).</p> <p>The SoR lists land subject to permanent acquisition of subsurface as being shown as “hatched pink” on the land plans, however the land plans show this land as orange</p>	<p>These points are errors in the Statement of Reasons that have now been corrected and an updated version submitted.</p> <p>Plots 35/29 & 35/32 have been deleted from Table 5 – Temporary Possession of Land. Both plots remain in the Table 4: Permanent acquisition of land for pipeline.</p> <p>The reference to “hatched pink” in paragraph 9.2.11 has been corrected to “shaded orange”.</p>
<p>Book of Reference (Doc 3.3)</p> <p>Plot 35/8 – should say ‘A1013’ and is located east of Mablethorpe, not west.</p> <p>Plot 8/2 – Described as east of Riby Road but appears to be more north/northwest.</p> <p>Plot 22/6 – described as west of Chequers Farm but appears to be more southwest</p>	<p>These comments have been addressed and an updated Book of Reference is submitted.</p>
<p>Work Plans (Doc 4.2 Part 1 of 2 and Part 2 of 2)</p> <p>Works numbers are labelled differently between plans and DCO: Work No.01, No.01a etc. in plans but Work No.1, No.1a etc. in DCO.</p> <p>Descriptions of works is not always consistent with the description given in the DCO (for example Work No. 43). There are no title or scale on map insets compared to land plan insets.</p>	<p>An updated version of the draft DCO has been submitted to address the points raised.</p> <p>The Works Plans will be updated and an updated version submitted at Deadline 1.</p>

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<p>Land Plans (Doc 4.3)</p> <p>Plots 35/29 & 35/32 are listed as requiring Permanent Rights and Temporary Use in the land plans but are listed as Temporary Possession in the SoR.</p> <p>Points of reference should be reviewed and labelled appropriately. An example is Ashby Hill (B1203) needs to be added on sheet 15.</p> <p>There are no grid references around the border for each plan (whereas there are on the Work Plans)</p>	<p>An updated version of the Land Plans is submitted to address these comments.</p>
<p>Indicative Junction Designs Plans (Doc 4.19)</p> <p>There is no scale bar or scale provided on plan. Also, the diagonal 'R' dimensions are partially intersected by the annotating arrows. Presentation is unclear.</p>	<p>An updated version of the Indicative Junctions Design drawing has been submitted.</p>
<p>Consultation Report and Appendices (Doc 5.1 and 5.2)</p> <p>There are references to engagement where relevant evidence has not been appended to the consultation report as evidence. Examples are emails to prescribed bodies for the targeted consultation, engagement with local media and MP's in Table 3-2.</p> <p>Evidence of consideration of statutory guidance "Planning Act 2008: Guidance on the pre-application process" has no explicit reference to the consideration of elements of the guidance, including Local Impact Reports and Statements of Common Ground.</p>	<p>The Applicant is reviewing the Consultation Report as submitted to identify additional areas where evidence would be beneficial. An updated Consultation Report and Appendices will be submitted at a later date once this review is complete.</p> <p>Table 1-5 of the Consultation Report [APP-034] sets out how the Applicant has complied with the statutory guidance on the pre-application process. The table considers the sections of that guidance that are relevant to the Applicant's role in the pre-application process. It does not consider aspects that are directed at other parties e.g. the advice in the section on Local Impact Reports (paras 45 and 44) is directed to Local</p>

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	<p>Authorities. As such, the Applicant does not consider it necessary to add any further detail to this table.</p>
<p>Environmental Statement (ES)</p> <p>ES Chapter 2 Figures 2-7 and 2-8 do not appear to wholly correspond with the supporting text in paragraphs 2.9.14 or 2.9.20 above.</p> <p>In plans showing Statutory / Non-Statutory Features of the Historic Environment (Doc 6.10), the figures are labelled in full. In ES Volume III – Figures: Part 2 of 3 (Doc 6.3.2) they are labelled with the gazetteer number (unique identifier) only. ES Volume II – Chapter 8: Historic Environment (Doc 6.2.8) does not refer to the location of this gazetteer table so reading the ES figure alone may lead to confusion as to what is being represented by the numbers on the figure.</p> <p>Information is provided in full in plans showing Statutory and non-statutory nature conservation sites (Doc 6.9.1), however not all sites from this are labelled on the equivalent figures in Doc 6.3.2 (ES Figures) and ES Chapter 6: Ecology and</p>	<p>The references have been updated accordingly in chapter 2. Where previously the text states Figure 2-7, this has now been changed to Figure 2-8 and where it stated Figure 2-8, this has been updated to refer to Figure 3-30. Consequently, ES Volume II Chapter 2 has been updated (6.2.2 – Revision A). These were the only changes made to the document and an updated version is provided.</p> <p>The Applicant has added an additional statement within ES Volume II – Chapter 8 Historic Environment which clarifies the labelling used on figures within the ES and within the Application Document 6.10. In particular, the new statement makes reference to the gazetteer table (Annex A of ES Volume III Appendix 8-1) to help the reader understand what information is displayed on the figures within ES Volume III. The Applicant has also made reference to the separate plans provided within Document 6.10 and noted they are fully labelled to help the reader understand the presentational differences on the figures presented. This new information is provided on page 8-51, of the updated version of ES Volume II: Chapter 8 Historic Environment (6.2.8 – Revision A). This is the only change made and an updated version is provided.</p> <p>The Plans of Statutory / Non-Statutory Sites or Features of Nature Conservation [APP-119] includes details of all sites with designations relating to (i) nature conservation, (ii) geology and</p>

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<p>Biodiversity (Doc 6.2.6) (boundaries etc are represented but no labels).</p>	<p>(iii) landscape importance. Not all of those are relevant to consideration of the potential effects of the development on ecology, which is assessed in ES Chapter 6: Ecology and Biodiversity [APP-048]. Only the designated sites relevant to ecology are shown on figures within that that chapter and the associated figures [APP-065].</p>
<p>Flood Risk Assessment ES Volume IV – Appendix 11-3 (Doc 6.4.11.3) makes reference to annexes A to D, but these annexes have not been provided.</p> <p>No figures have been provided to demonstrate the proposed location and extent of sustainable drainage systems (SuDS) measures for each site described in the Drainage Strategy.</p>	<p>An updated version of the Drainage Strategy has been submitted including the missing Annexes (no other changes were made to the main report) and an updated version is provided (6.4.11.3 – Revision A)</p> <p>A copy of the proposed drainage plans is now included within Annex C of the updated Drainage Strategy.</p>
<p>Habitats Regulations Assessment (Doc 6.5)</p> <p>Para 4.2.2 has a reference omitted (shows as Error! Reference source not found) with respect to a figure which shows the locations of the European sites in relation to the DCO Site Boundary. It is assumed that this is referring to Figure 1.</p>	<p>Yes, this is referring to Figure 1. An updated version of the Habitats Regulations Assessment (6.5 - Revision A) has been submitted with this corrected. This is the only change made.</p>