



## **Application by Chrysaor Production (UK) Limited for an Order Granting Development Consent for the Viking Carbon Capture and Storage Pipeline**

### **The Examining Authority's first written questions and requests for information (ExQ1)**

**Published on Wednesday 3 April 2024**

This document sets out the Examining Authority's (ExA) First Written Questions and requests for information (ExQ1), in order to facilitate the conduct of the Examination. Responses are due by **Deadline 1, Friday 26 April 2024**.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues in the Rule 6 letter, Annex C [PD-007]. The questions relate to issues as they have arisen during the Examination through the review of application material, written submissions, site inspections and Hearings.

Column 1 sets out the unique reference number to each question which starts with 'Q1' (indicating that it is from ExQ1), followed by an issue number, a sub-heading number and a question number. When you are answering a question, please start your answer by quoting the unique reference number.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. Please provide a substantive response to the questions directed at you or indicate why the question is not relevant to you. You may also respond to questions that are not directed at you, should the question be relevant to your interests.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [VikingCCSPipeline@planninginspectorate.gov.uk](mailto:VikingCCSPipeline@planninginspectorate.gov.uk) and include 'Viking CCS Pipeline Project' in the subject line of your email.

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## List of abbreviations

<b>AA</b>	Appropriate Assessment	<b>CIL</b>	Community Infrastructure Levy
<b>AIL</b>	Abnormal Indivisible Loads	<b>CO2</b>	Carbon dioxide
<b>AEoI</b>	Adverse Effect in Integrity	<b>COMAH</b>	Control of Major Accidents Hazards
<b>AEP</b>	Annual Exceedance Probability	<b>CCS</b>	Carbon Capture and Storage
<b>ALO</b>	Agricultural Liaison Officer	<b>CS</b>	Carbon Storage
<b>AGI</b>	Above Ground Installations	<b>dB</b>	Decibel
<b>AONB</b>	Area of Outstanding Natural Beauty	<b>DBA</b>	Desk Based Assessment
<b>AP</b>	Affected Persons	<b>DCO</b>	Development Consent Order
<b>AQMA</b>	Air Quality Management Area	<b>dDCO</b>	Draft Development Consent Order
<b>BNG</b>	Biodiversity Net Gain	<b>DBA</b>	Desk-Based Assessment
<b>BoR</b>	Book of Reference	<b>DIO</b>	Defence Infrastructure Organisation
<b>BVS</b>	Block Valve Station	<b>DMRB</b>	Design Manual for Roads and Bridges
<b>CA</b>	Compulsory Acquisition	<b>EA</b>	Environment Agency
<b>CA Guidance</b>	Planning Act 2008: guidance related to procedures for the compulsory acquisition of land	<b>EIA</b>	Environmental Impact Assessment
<b>CA Regulations</b>	The Infrastructure Planning (Compulsory Acquisition) Regulations 2010	<b>EM</b>	Explanatory Memorandum
<b>CAH</b>	Compulsory Acquisition Hearing	<b>EMF</b>	Electro-Magnetic Fields
<b>CCS</b>	Carbon Capture and Storage	<b>ES</b>	Environmental Statement
		<b>ExA</b>	Examining Authority



<b>FRA</b>	Flood Risk Assessment	<b>LSE</b>	Likely Significant Effects
<b>FS</b>	Funding Statement	<b>LVIA</b>	Landscape and Visual Impact Assessment
<b>GHG</b>	Greenhouse Gas	<b>m</b>	Metre
<b>H2S</b>	Hydrogen Sulphide	<b>MoD</b>	Ministry of Defence
<b>HDD</b>	Horizontal Directional Drilling	<b>MSA</b>	Mineral Safeguarding Area
<b>HGV</b>	Heavy Goods Vehicle	<b>NE</b>	Natural England
<b>HRA</b>	Habitats Regulation Assessment	<b>NFU</b>	National Farmers Union
<b>HRAR</b>	Habitats Regulation Assessment Report	<b>NG</b>	National Grid
<b>HSE</b>	Health and Safety Executive	<b>NGT</b>	National Gas Transmission Plc
<b>IAGI</b>	Immingham Above Ground Installation	<b>NH</b>	National Highways
<b>INNS</b>	Invasive Non-Native Species	<b>NOx</b>	Nitrogen oxide
<b>IP</b>	Interested Parties	<b>NPPF</b>	National Planning Policy Framework
<b>ISH</b>	Issue Specific Hearing	<b>NPS</b>	National Policy Statement
<b>km</b>	Kilometre	<b>NPS EN</b>	National Policy Statement Energy Suite
<b>LA</b>	Local Authority	<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>LIG</b>	Land Interest Group	<b>OCEMP</b>	Outline Construction Environmental Management Plan
<b>LIR</b>	Local Impact Report	<b>OCTMP</b>	Outline Construction Traffic Management Plan
<b>LLFA</b>	Lead Local Flood Authority	<b>OFH</b>	Open Floor Hearing
<b>LOGGS</b>	Lincolnshire Offshore Gas Gathering System	<b>OLEMP</b>	Outline Landscape and Ecology Management Plan
<b>LRN</b>	Local Road Network	<b>PA2008</b>	The Planning Act 2008



<b>PC</b>	Parish Council	<b>SSSI</b>	Site of Special Scientific Interest
<b>Project webpage</b>	Project webpage of the National Infrastructure Planning website	<b>SU</b>	Statutory Undertaker
<b>R</b>	Requirement in the dDCO	<b>SuDS</b>	Sustainable Urban Drainage Systems
<b>RIAA</b>	Report to Inform Appropriate Assessment	<b>tCO2e</b>	Tonnes of Carbon Dioxide Equivalent
<b>RR</b>	Relevant Representation	<b>TAGI</b>	Theddlethorpe Above Ground Installation
<b>s</b>	Section of Parliamentary Legislation	<b>TCPA</b>	Town and Country Planning Act
<b>SAC</b>	Special Area of Conservation	<b>TGT</b>	Theddlethorpe Gas Terminal
<b>SI</b>	Statutory Instrument	<b>TP</b>	Temporary Possession
<b>SOCG</b>	Statement of Common Ground	<b>USI</b>	Unaccompanied Site Inspection
<b>SoR</b>	Statement of Reasons	<b>UXO</b>	Unexploded Ordnance
<b>SoS</b>	Secretary of State	<b>WFD</b>	Water Framework Directive
<b>SPA</b>	Special Protection Area	<b>WSI</b>	Written Scheme of Investigation
<b>SRN</b>	Strategic Road Network	<b>ZTV</b>	Zone of Theoretical Visibility
		<b>3D</b>	Three-dimensional

## Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the [Examination Library](#). The Examination Library will be updated regularly as the Examination progresses.



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<b>Q1.1. General and Cross-topic Questions</b>		
<b>Planning Policy</b>		
1.1.1	Applicant	<p><b>Which National Policy Statements (NPS) are Important and Relevant</b></p> <p>The written questions 1.1.2 and onward directly relate to the Applicant’s case as submitted to the Planning Inspectorate, thus relate to the energy suite of NPSs.</p> <p>However, it occurs to the ExA that no energy is being produced by this scheme and no parts of the Proposed Development are designed for producing energy or capturing the emissions arising from an energy project contained within the application for development consent. In purest form, the application appears to be for a waste-processing development.</p> <p>For these reasons, the ExA is curious to understand:</p> <ol style="list-style-type: none"> <li>1) Why the Applicant considers the energy suite of NPSs are the most important and relevant to this application.</li> <li>2) Whether there are aspects of the NPS for Geological Disposal Infrastructure that may be more important and relevant.</li> <li>3) Whether the NPS for Hazardous Waste has any importance and relevance to this Examination.</li> <li>4) Give reasons for any assertions made regarding the above including, where necessary, any commentary on how the Proposed Development meets the policy criteria of these other NPSs.</li> </ol>
1.1.2	Applicant	<p><b>New NPS</b></p> <p>The Viking CCS Pipeline Project application was submitted in October 2023. A new suite energy of NPSs was designated on 17 January 2024 (NPSs dated November 2023). However, the NPSs are clear that these only become ‘designated’ for applications submitted after 17 January 2024, though they are capable of being important and relevant matters.</p> <p>Although the Applicant has presented the case for the Proposed Development under the (then draft) NPSs across the Environmental Statement (ES), the Applicant is invited under this question to set out any further thoughts, revisions or amendments to its position having reflected upon the now designated versions of the NPSs.</p>

**Deadline for responses is Deadline 1, 26 April 2024**

1.1.3	All Local Authorities	<p><b>New NPS</b></p> <p>Set out the legal and policy implications arising from the designation of the new NPSs, the impacts (if any) on the Examination and any other matters important and relevant for the ExA to take into account. This should include, if it is felt that the energy suite of NPSs apply, an explanation of how the transitional provisions will work given that this project was accepted for Examination shortly before designation of the new energy NPSs.</p>
1.1.4	Applicant	<p><b>Section 104 or Section 105 of the Planning Act 2008</b></p> <p>The Applicant has made the assertion that there are no NPSs in effect for the Proposed Development (and certainly no technology specific NPSs), thus section (s) 105 of the Planning Act 2008 (PA2008) is applicable. The ExA would appreciate clarification on the following points:</p> <ol style="list-style-type: none"> <li>1) With specific reference to NPS EN-1, Paragraph 3.6.5, explain the Applicant’s view as to why the Proposed Development does not fall for consideration under s104 of PA2008.</li> <li>2) With specific reference to NPS EN-4, Paragraph 1.8.1 to 1.8.3 (particularly 1.8.1(iv)), explain why the Proposed Development does not fall for consideration under s104 of PA2008.</li> <li>3) In the Planning, Design and Access Statement [APP-129, Paragraphs 1.5.2 and 1.5.3] there is admission that the project would constitute a Nationally Significant Infrastructure Project (NSIP) because it falls in the definition of a cross-county pipeline. By this same rationale and definition, having regard to NPS EN-4 Paragraph 1.8.1(iv), why is it considered that the Proposed Development does not fall for consideration under s104 of PA2008?</li> <li>4) Has the Applicant considered that elements of the Proposed Development may fall within the scope of the NPSs, whilst other elements may fall outside? Please set out the considerations in relation to each.</li> </ol>
<b>Planning Permissions</b>		
1.1.5	All Local Authorities	<p><b>Updated Baselines</b></p> <p>The local planning authorities to confirm, either in response to this question or within their Local Impact Reports (LIR):</p> <ol style="list-style-type: none"> <li>1) whether the Applicant's summary of the local planning policy situation is complete or if policies have been missed or require updating; and</li> <li>2) whether any additional applications or planning permissions need to be taken into account as part of the cumulative effects assessment.</li> </ol>



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1.1.6	North Lincolnshire Council	<p><b>Applications under the Town and Country Planning Act</b></p> <p>The Applicant reports that <i>“proposals by Phillips 66 and Immingham VPI (Humber Zero) are part of separate applications under the Town and Country Planning Act 1990 which are currently being determined by the LPA (North Lincolnshire Council) and, as such, these works do not form part of the Proposed Development.”</i></p> <p>Update the Examination of what is known about these applications and whether any decision has been reached.</p>
<b>Legislative Framework</b>		
1.1.7	Applicant	<p><b>Other Consents and Licences</b></p> <p>The list of other consents required [APP-130] appears to omit consideration of a number of important consents. In particular, the Applicant is required to outline progress and timescales towards obtaining:</p> <ul style="list-style-type: none"> <li>a) Hazardous Substances Consent;</li> <li>b) Control of Major Accidents Hazards (COMAH) Licence;</li> <li>c) Greenhouse Gas Permit;</li> <li>d) Permit for the Transport of Abnormal Loads;</li> <li>e) Section 278 of the Highways Act for carrying out of works to the public highway;</li> <li>f) Gas Safety (Management) Regulations 1996 consent;</li> <li>g) Pipeline Safety Regulations 1996; and</li> <li>h) Connection Agreement for connection to the electricity distribution network.</li> </ul>
1.1.8	Applicant	<p><b>Offshore elements of the Viking CCS Project</b></p> <p>In Appendix B to their Relevant Representation (RR) [RR-073], Natural England (NE) have raised the complexity of examining associated NSIPs holistically.</p> <ul style="list-style-type: none"> <li>1) Given that the Viking CCS Project encompasses both onshore and offshore elements, but the offshore elements are not before this Examination, how does the Applicant respond to NE's suggestions and concerns?</li> <li>2) The Applicant to provide an opinion as to the interaction between the onshore and offshore elements of Proposed Development, and specifically what the Applicant thinks (and why) the ExA can take into account in making its deliberations?</li> </ul>

**Deadline for responses is Deadline 1, 26 April 2024**

		<p>3) Can the Applicant set out clearly how intra and inter project effects are accounted for the ES as it relates to both the onshore and offshore elements of this overall project?</p> <p>4) When there is a high dependence of this project upon the success of the offshore consenting process, why the Viking CCS Project as a whole does not form a single NSIP application.</p>
1.1.9	Applicant	<p><b>Precedents and Novel Drafting in the draft Development Consent Order (dDCO) [AS-008]</b></p> <p>Notwithstanding drafting precedent that may have been set by previously made Development Consent Orders (DCOs) or similar orders, full justification should be provided for each power/provision taking account of the facts of this particular Proposed Development.</p> <p>1) Applicant, revise the Explanatory Memorandum (EM) on this basis, where necessary, and highlight for the ExA where changes on these grounds have been required.</p> <p>2) Where drafting precedents in previously made DCOs have been relied on, these should be checked to identify whether they have been subsequently refined or developed in the most recent made DCOs so that the proposed dDCO provisions reflect the Secretary of State's (SoS) current preferences. Applicant, revise the dDCO drafting and the EM on this basis, where necessary, and highlight for the ExA where changes on these grounds have been required.</p> <p>3) Applicant to check and signpost where it has explained the purpose of and necessity for any provision which uses novel drafting in the EM and identify the PA2008 powers on which any such provision is based. The drafting should be unambiguous, precise, achieve what you want it to achieve, be consistent with any definitions or expressions in other provisions of the dDCO and follow guidance and best practice for Statutory Instrument (SI) drafting referred to above.</p>
1.1.10	Applicant	<p><b>The Net Zero Teesside Project</b></p> <p>On 16 February 2024, development consent was granted for the Net Zero Teesside Project. In reviewing the SoS' decision letter and the DCO (as made), does the Applicant have anything to change, justify or comment upon in relation to the current application for the Proposed Development?</p>
1.1.11	Local Authorities	<p><b>Purposes of an Area of Outstanding Natural Beauty (AONB)</b></p> <p>On 26 December 2023, s245 of the Levelling-Up and Regeneration Act 2023 amended the duty in the Countryside and Rights of Way Act 2000 in relation to AONBs; the National Parks and Access to the Countryside Act 1949 in relation to National Parks, and the Norfolk and Suffolk Broads Act 1988 in relation to the Broads. The amendment now requires relevant authorities</p>

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		<p><i>“...to seek to further the purpose of conserving and enhancing the natural beauty of the AONB/National Park/Broads.” (ExA emphasis)</i></p> <p>Can the relevant Local Authorities provide a commentary on whether not the Proposed Development would affect their ability to ‘further the purposes’ of the Lincolnshire Wolds AONB?</p>
<b>Design</b>		
1.1.12	Applicant	<p><b>The Principles of Good Design</b></p> <p>The Planning Design and Access Statement [APP-129, Paragraph 6.3.14ff] details some of the elements of design taken into account by the Applicant. However, this raises several questions:</p> <ol style="list-style-type: none"> <li>1) What options for fencing were considered and why was 'prison fencing' deemed appropriate in terms of visual appearance?</li> <li>2) The equipment kiosks are said to be clad in metal panels. What colour will these panels be and how reflective will the surface be?</li> <li>3) What other materials for the kiosks and block valve stations were considered and why were they discounted?</li> <li>4) There are no design details for the appearance of the venting stacks across the whole project. Describe how these features would look.</li> <li>5) In Paragraph 6.3.29 it states that landscaping would help blend the Theddlethorpe Above Ground Installation (TAGI) into the surroundings. With particular emphasis on the Theddlethorpe Option 2 site, how high will the landscaping grow and how will this realistically obscure or reduce views of the 25 metre (m) high venting equipment?</li> </ol>
1.1.13	Applicant	<p><b>Illustrative Drawings</b></p> <p>The ExA acknowledge that the final designs and layouts of the Immingham Above Ground Installation (IAGI), TAGI and block valve stations are not before the Examination. Nonetheless, the ExA requests 3D illustrative visualisations of each of these parts of the Proposed Development were provided giving an impression of height, colour and form.</p>
1.1.14	Local Authorities	<p><b>Design Review</b></p> <p>Can all IPs please confirm if an Independent Design Review Process should be required for this Proposed Development?</p>

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1.1.15	Applicant	<p><b>Sensitive to Place</b></p> <p>NPS EN-1 (2024) at paragraph 4.7.2 states: <i>“Applying good design to energy projects should produce sustainable infrastructure sensitive to place, including impacts on heritage...matched by an appearance that demonstrates good aesthetic as far as possible.”</i></p> <p>With particular attention on the Theddlethorpe Option 2 site, set out how the design process, starting with site selection criteria, accords to these design principles?</p>
1.1.16	Applicant	<p><b>Beauty</b></p> <p>National guidance stresses the need for developments to be beautiful. Explain how the principles of beauty have been applied to the design process for the Proposed Development.</p>
<b>Miscellaneous</b>		
1.1.17	Applicant	<p><b>Works Plans</b></p> <p>The scheme design, referred to in requirement 4 (1) of the DCO [AS-008], only refers to works 1, 14, 21, 31, 42 and 44 as being required to be in general accordance with the works plans. The ExA are unclear as to why this is the case, as all works are required to be in accordance with the works plans. The Applicant is requested to provide detail and reasoning on this requirement of the DCO in relation to all works.</p>
1.1.18	Applicant	<p><b>Working Corridor</b></p> <p>The ES [APP-045, Section 3.2 and 3.3] provides a description of the design envelope of the Proposed Development. It states that for the onshore pipeline, the limits of deviation are set at 100m, with a pipeline construction working width of 30–50m along the majority of the route. This is stated to be due to the Applicant wanting to maximise flexibility in order to avoid post-consent amendments. The Applicant also states in paragraph 3.3.3 that, in most areas, the limits of deviation are contiguous with the red line boundary and therefore the maximum or worst-case scenario is accounted for within the assessments. It is however noted that the Applicant does not clearly state where the limits of deviation and red line boundary are not contiguous.</p> <p>The Applicant is requested to provide this information.</p>

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<b>Major Hazards and Accidents</b>		
1.1.19	Applicant	<p><b>Health and Safety Executive (HSE)</b></p> <p>The ExA notes that the HSE have not registered as an Interested Party for this particular project. Could the Applicant confirm the full extent of any discussions held with the HSE and what feedback, if any, was received on the safety aspects of this NSIP?</p>
1.1.20	Applicant UK Health Security Agency	<p><b>Confirmation of agreed approach</b></p> <p>Can it be confirmed that the requirements of the UK Health Security Agency [APP-059, Table 17-4] have been fully met and that the Environmental Statement (ES) complies with the relevant Environmental Impact Assessment (EIA) Regulations.</p>
1.1.21	Applicant	<p><b>Shut Down</b></p> <p>If the pipeline has to shut down, what are the knock-on effects for the businesses that feed into the pipeline? Do they have to stop, or can they continue operating with their emissions being vented/released at source? Or would there be capacity to store a certain amount of collected emissions at the IAGI? Explain.</p>
1.1.22	Applicant	<p><b>Corner Farm</b></p> <p>The ExA notes concerns that a routeing change near Grimoldby has placed several dwellings in a perceived 'dangerous' proximity to the pipeline [RR-089].</p> <ol style="list-style-type: none"> <li>1) Please explain fully what factors were taken into account in determining the pipeline route (and its alterations) where residential properties were nearby.</li> <li>2) Was a safety distance a defining factor at any stage?</li> <li>3) If such 'dangerous' zones do exist (i.e.; blast zone) for a certain width alongside the pipeline corridor, how would this impact upon or constrain the limits of lateral deviation sought by the Applicant?</li> <li>4) Following the response to item 3, if there are instances where working widths would be constrained and pipeline routeing excluded, could these be shown on an illustrative drawing?</li> <li>5) Following the response to item 3, if there are areas where development would be precluded from the Order limits due to health and safety concerns, would the Applicant commit to an article or requirement in the DCO confirming no work within such margins shall take place?</li> </ol>

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1.1.23	Applicant	<b>Fractures</b> If a fracture in the Proposed Development occurred, either within the proposed 24” pipeline or within the existing 36” pipeline, what would be the emergency procedures and who would be notified?
1.1.24	Applicant	<b>Public safety</b> Can it be explained why the choice of pipeline material/ thickness is considered to be a betterment of traditional pipeline construction methods when it comes to public safety?
1.1.25	UK Health Security Agency	<b>As low as reasonably practical</b> With regards to potential major hazards and accidents [APP-061] can you confirm whether or not the Applicant has done enough to ensure that all risks are managed and mitigated to a point where they are as low as reasonably practical?
1.1.26	Applicant	<b>Gas pressures</b> When the safety and suitability assessments were carried out for the Lincolnshire Offshore Gas Gathering System (LOGGS), were they done on the basis of the gas pressure (barg) of the Proposed Development? If so, how does that pressure compare with the previous barg when the LOGGS was operational?
1.1.27	Applicant	<b>Other Gases</b> The industrial premises in Immingham are likely to produce gases other than carbon dioxide at source. In respect of these: 1) how will the Proposed Development, where it connects to these industries, filter out these gases or prevent them entering the system? 2) would there be an immediate shutdown procedure should a foreign gas (i.e.; ammonia) entered into the system? 3) what could the repercussions be if such gases were to become pressured within the Proposed Development? 4) could the Proposed Development be modified, either at the construction stage or during operation, to collect and transport methane?

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		5) if foreign gases are being collected at source but then expelled or released at the IAGI intake facility, should these not feature as a waste product/ waste effect arising from the Proposed Development?
1.1.28	Applicant	<b>Nitrogen</b> It is noted an intention that nitrogen gas bottles would be sourced to allow the purging of the pig launcher, analysers and sample points. Where would these be stored and how would they be secured to avoid danger of explosion, leaks or any other risks?
1.1.29	Applicant	<b>Conoco Landfill</b> Explain what effects, if any, there would be on the former landfill site known as 'Conoco' now that the change request has been sought.

Q1.2. Air Quality and Emissions		
Air Quality Management		
1.2.1	Applicant	<p><b>Air Quality during operation</b></p> <p>The ES [APP-056] [APP-057] [APP-059] and general application documents refer to the requirement to vent an unquantified amount of carbon dioxide (CO<sub>2</sub>) during maintenance. There is also a noted requirement in paragraph 3.9.4 of the ES [APP-045] to undertake atmospheric dispersion modelling to determine the required height of the stacks for venting of larger volumes of CO<sub>2</sub> (either to confirm use of the current design of up to 25m or requiring additional temporary structures of up to 50m). It is therefore not clear how the acknowledged requirement to undertake dispersion modelling to avoid risks to human health is compatible with the Applicant scoping out human health risk from venting operations, or why there is a requirement for a stack height of up to 50m other than referring to “larger volumes of CO<sub>2</sub>”. The ES also refers to the following [APP-056]:</p> <ul style="list-style-type: none"> <li>• Paragraph 14.3.9 states <i>“At the PEIR stage, it was stated that once more was known about the venting, that this would be discussed at the ES stage. More information is now known about the venting system, and this will only comprise of CO<sub>2</sub> emissions which will not directly impact human health. Therefore, the impacts from the emissions from venting the pipeline have not been considered within this assessment”</i>; and</li> <li>• Paragraph 14.7.40 <i>“It should also be noted that routine emissions from the venting system will not be directly harmful to human health or ecologically sensitive receptors and have not been included within this assessment”</i>.</li> </ul> <p>Based on the information available within the Scoping Report [APP-074], the Inspectorate agreed to scope out operational emissions from all sources. However, the matter of additional dispersion modelling for temporary vents does not appear to have been referred to within the scoping report on which the scoping opinion was based, and nor was the scale of venting operations, and the Scoping Opinion [APP-075] entry 3.7.2 <i>“advises that a periodic review is made as further information becomes available about the Proposed Development and in response to the outcomes of consultation with stakeholders. The ES should include account of the approach taken, including all relevant supporting evidence of the absence of a pathway(s) for likely significant effects to occur”</i>.</p>



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		<p>In light of new information being provided on the temporary venting facilities and additional modelling (that was not provided at scoping), the Applicant is requested to provide additional information on the methodology associated with the assessment air quality impacts of venting of planned, emergency and fugitive emissions. The response should include information on:</p> <ul style="list-style-type: none"> <li>• Why there is a requirement for additional atmospheric modelling and a potential stack height of up to 50m (as per paragraph 3.9.4);</li> <li>• Details of the likely constituents, volume and duration of any emissions during all phases with details of how a worst case has been defined (as per paragraph 14.3.9);</li> <li>• Evidence of whether the constituents are likely to result in adverse effects on human and ecological receptors; and</li> <li>• Where there is the potential for an adverse effect, the methodology and findings of the assessment to determine whether there is the potential for a significant effect based on the current parameters established within the draft DCO, and where necessary informed by dispersion modelling.</li> </ul>
1.2.2	Applicant	<p><b>Air Quality during decommissioning</b></p> <p>Paragraphs 14.3.9 and 14.7.41 [APP-056] states that “<i>All effects relating to the decommissioning of the Proposed Development are scoped out as this would not require extensive ground works or vehicle movements of a scale sufficient to trigger a detailed air quality assessment</i>”. It is however not clear if this information has been provided for the final venting of the system prior to decommissioning, in line with the question above. The Applicant is therefore requested to provide additional methodological information in relation to the absence of an assessment of decommissioning works.</p>
1.2.3	Applicant	<p><b>Odour during operation</b></p> <p>In relation to scoping out of odour from operational emissions, the ES appears to rely on the statement in paragraph 3.9.5 [APP-045] which states that “Based on feedback from the current potential emitters, it is not anticipated that the CO<sub>2</sub> entering the Viking CCS Pipeline will contain any Hydrogen Sulphide (H<sub>2</sub>S)”.</p> <p>There is currently limited information on the confirmed emitters who will utilise the pipeline, and therefore it is not clear how this information can be relied on. The Applicant is requested to provide additional information on the methodology associated with the assessment of odours, given the absence of confirmed emitters who will connect into the pipeline, and additional justification as to the criteria used to be able to scope this matter out, as it is noted that</p>

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		paragraph 16.6.5 of the Scoping Report refers to the requirement to assess odours in relation to human health.
1.2.4	Applicant	<b>Nitrogen oxide</b> The gases listed [APP-056, Paragraph 14.4.13] does not identify nitrogen oxide (NOx). Is there a reason for this?
1.2.5	Local Authorities	<b>Air Quality Management Areas (AQMAs)</b> Can the relevant Local Authorities confirm whether, as a result of the Proposed Development on its own or cumulatively with other projects, there would be any adverse impacts on air quality within the nearest AQMAs?
1.2.6	Local Authorities	<b>Air Quality</b> Are there any concerns regarding the residual air quality effects predicted by the Applicant and, if so, what specifically needs to happen in order to resolve the issues?
1.2.7	Local Authorities	<b>Dust Control</b> Are there any comments on Construction Dust Emissions mitigation/CEMP/Construction Monitoring commitments?
1.2.8	Local Authorities	<b>Air Pollution/Odour Mitigation</b> Are IPs satisfied with the monitoring/mitigation measures proposed by the dDCO that deal with air pollution/emissions and potential odour issues?
1.2.9	Applicant	<b>Impact of construction traffic on air quality</b> The ES states that construction traffic will cause IAQM and DMRB screening criteria to be exceeded. No assessment of the impacts of this appear to have taken place. Please provide appropriate assessments of potential significant effects on air quality.
<b>Impacts on human health</b>		
1.2.10	Applicant	<b>Venting conditions</b> Neither the ES [APP-057] nor the Habitats Regulations Assessment (HRA) [AS-026] tackle the issue of venting and the climatic conditions in which this could take place. Whilst common sense that venting in a strong wind would result in gas emissions being diluted and transported rapidly from source, venting in still or foggy conditions may result in less of a dispersal with

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		potential for air to sink. Can the Applicant set out their thoughts on this and whether general venting (as opposed to emergency venting) should only be undertaken in certain climatic conditions?
1.2.11	Applicant	<b>Electro-Magnetic Fields (EMF)</b> The UK Health Security Agency has requested that EMF is assessed. Provide the necessary assessment or provide detailed explanations as to why this is not required.

<b>Q1.3. Assessment of Alternatives</b>		
<b>Strategic Alternatives</b>		
1.3.1	Applicant	<p><b>Routeing principles</b></p> <p>In paragraph 2.4.1 of ES Chapter 2 [APP-044] it states: <i>"The main objective underpinning the development of the new onshore Viking CCS Pipeline was to create a linkage between CO<sub>2</sub> emitters in the Humber industrial area to the north of Immingham, to the existing Lincolnshire Offshore Gas Gathering System (LOGGS) Pipeline at Theddlethorpe; thus, there are defined start and end points."</i></p> <p>Can the Applicant explain what other options were considered other than connecting to the LOGGS pipeline (i.e.; why was the connection at Theddlethorpe a defined end point at the start of the process and not, for example, the Endurance pipeline and terminal)?</p>
1.3.2	Applicant	<p><b>LOGGS pipeline longevity</b></p> <p>The LOGGS pipeline is said to have been constructed in 1998 [AS-013, paragraph 6.1.15] and the Applicant has stated several assessments were undertaken on its current condition (fracture assessment, integrity assessment, CO<sub>2</sub> corrosion assessment). Can copies of these assessments be provided to the Examination, together with reasons why the Applicant considers the LOGGS pipeline would be safe and suitable for the 25-40 year lifetime of the Proposed Development when it is already approximately 25 years old?</p>
<b>Project Alternatives</b>		
1.3.3	Applicant	<p><b>Theddlethorpe Site Options</b></p> <p>Paragraph 2.9.7 of ES [APP-044] states that five alternative sites were considered for the location of the TAGI (further to option 1 of building on the existing gas terminal site). Provide a map showing the locations of these alternatives and provide a table showing the scoring matrix that led to the decision to include Option 2 only in the dDCO [AS-008], including providing the technical note referred to in paragraph 2.9.7 [APP-044].</p>
1.3.4	Applicant	<p><b>Block Valve Stations (BVS)</b></p> <p>The rationale behind BVS locations is set out in paragraphs 2.9.10 to 2.9.13 respectively [APP-044]. However, it does not give justification for the number or frequency of the BVS along the route (i.e., why two stations further apart would not work or why the broadly 13</p>

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		kilometre (km) distance between the BVS is needed). Provide further reasoning behind these design choices.
1.3.5	Applicant	<p><b>BVS location decision</b></p> <p>Paragraph 2.9.13 [APP-044] states the three final preferred locations for the BVS. However, other than the geographic distance away from the IAGI, it appears no other design or environmental criteria were applied in deciding the locations of the BVS. Can the Applicant explain:</p> <ol style="list-style-type: none"> <li>1) what other locations at the broad 13km intervals were assessed for potential BVS siting (a map may be a suitable means of presentation);</li> <li>2) why other alternatives and options for BVS locations in the 13km proximity were discounted or not pursued;</li> <li>3) why the BVS locations selected represented the best environmental and technical locations; and</li> <li>4) how has mitigation by design influenced the final selections of the BVS locations?</li> </ol>
1.3.6	Applicant	<p><b>Block Valve Station proportions</b></p> <p>The ExA note from the Statement of Reasons (SoR) [AS-013, Paragraphs 6.1.8 - 6.1.10] that the northernmost BVS is said to have a permanent land take of 43x38m. However, the other two block valve stations are said to require 50x40m area each. Why is there this difference and why cannot the smaller BVS model be applied consistently across the scheme?</p>
1.3.7	Applicant	<p><b>Routeing choices</b></p> <p>Under the bullets in paragraph 2.10.1 [APP-044] it is stated the DCO Order Limits were drafted specifically to include 'Electricity Connections Distribution Network Operator's existing network.' In all the previous optioneering discussions and assessments referred to in the ES, this has not been flagged as a priority or guiding principle.</p> <ol style="list-style-type: none"> <li>1) Why were the Order Limits deliberately designed to incorporate such infrastructure?</li> <li>2) What influence did accessibility to such infrastructure have over the pipeline corridor routeing selection?</li> </ol>
1.3.8	Applicant	<p><b>Construction compound choices</b></p> <p>A total of 14 construction compound locations are purported to have been assessed [APP-044, Paragraph 2.9.14]. The ES states: <i>"The selection of the preferred construction</i></p>

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		<p><i>compounds was made with due consideration to the initial analysis work that had been undertaken, along with further consideration about how accessible the sites were in relation to the DCO Site Boundary and how impacts could be minimised where possible by choosing locations closer to the pipeline construction corridor."</i></p> <p>In respect of this:</p> <ol style="list-style-type: none"> <li>1) Provide details of the initial analysis work undertaken that resulted in locations being discounted or preferred over others.</li> <li>2) The wording suggests refinements were made to the compound locations on the basis of proximity to the construction corridor. Can it be explained if impacts on communities or the landscape in anyway influenced such refinements.</li> </ol>
1.3.9	Applicant	<p><b>Design choice for pipeline dimensions</b></p> <p>The LOGGS pipeline is said to be 36" in diameter. The proposed pipeline would be 24" and would then 'tie in' with the existing LOGGS pipeline.</p> <ol style="list-style-type: none"> <li>1) For what technical or environmental reasons is the new pipeline proposed to be 24" and not 36"?</li> <li>2) Would there not be some turbidity in the gas currents and/ or loss of pressure when the carbon dioxide switches from one pipe to another and would this impact on performance?</li> </ol>
1.3.10	Applicant	<p><b>Options for connectors</b></p> <p>From the diagram [APP-044, Figure 1-2] it would appear that the northern endurance pipeline would travel towards Immingham from the west and would pass in very close proximity to Phillips 66 Limited and Immingham VPI LLP.</p> <ol style="list-style-type: none"> <li>1) Would that mean that the target industries for this DCO application have the option of connecting to another pipeline?</li> <li>2) If they chose to do so, would that mean, at the time of construction, the Viking CCS Pipeline would have no subscribers?</li> <li>3) It appears from the diagram that the endurance pipeline would cross the Humber Estuary before going to the Northern Endurance Gas Terminal. Was this ever considered as an alternative for the Applicant as opposed to a 55km pipeline down to Theddlethorpe?</li> </ol>

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1.3.11	Applicant	<p><b>Corner Farm</b></p> <p>The ExA notes concerns that a routeing change near Grimoldby has placed several dwellings in a perceived 'dangerous' proximity to the pipeline [RR-089].</p> <p>1) Please explain fully what factors were taken into account in determining the pipeline route (and its alterations) where residential properties were nearby.</p> <p>2) Was a safety distance a defining factor at any stage when considering project alternatives?</p> <p>3) If the answer to 2) above is yes, provide evidence and details accordingly.</p>
<b>General Considerations for Alternatives</b>		
1.3.12	Applicant	<p><b>Clarification on project</b></p> <p>In the Explanatory Memorandum [APP-007], it states that Schedule 1 sets out the authorised development for the purposes of <b>each</b> project (ExA emphasis). What does it mean by the word 'each'?</p>

<b>Q1.4. Climate Change</b>		
<b>Assessments and Calculations</b>		
1.4.1	Applicant	<p><b>Calculations of emissions</b></p> <p>The ES [APP-057, Paragraph 15.3.6] states that greenhouse gas emissions (GHG) from electricity and fuel use from construction are omitted from the carbon calculations. In the subsequent table [APP-057, Table 15-16] there is reference to emissions from plant and enabling works, but not expressly from vehicles undertaking the construction.</p> <ol style="list-style-type: none"> <li>1) Are the ExA to deduce from this that emissions from construction vehicles have not been incorporated into the carbon calculations?</li> <li>2) If that is correct, why is it appropriate to discount this from the overall total of emissions likely to be generated by the Proposed Development?</li> <li>3) Can a figure be placed on these emissions so that the contribution is transparent?</li> <li>4) With construction vehicles seemingly excluded, are the emissions of travelling to and from construction compounds accounted for with the 'Transport of Materials' category [APP-057, Tables 15-17 and 15-18]?</li> <li>5) What does construction worker commuting [APP-057, Tables 15-17 and 15-18] comprise and does this assume all workers go straight to site, or that workers would travel back and forth between the relevant construction compounds?</li> </ol>
1.4.2	Applicant	<p><b>Calculations in respect of pipeline corridor</b></p> <p>The ES [APP-057, Table 15-17] makes no differentiation between the southwest or southeast exit routes from the Immingham compound. The Applicant is requested to provide clarity on the calculations used and provide a consistent approach to the assessment of the different options and, notwithstanding the contents of the Applicant's change request [AS-038 to AS-053], which route represents the worst-case scenario for emissions?</p>
1.4.3	Applicant	<p><b>Calculations in respect of Theddlethorpe</b></p> <p>The ES [APP-057, Paragraph 15.7.7] states emissions have been calculated only for Theddlethorpe Option 1, but then concludes the emissions for Theddlethorpe Option 2 would be similar with no significant difference. Bearing in mind Option 1 is redevelopment of previously developed land and Option 2 represents development of a greenfield site, explain</p>



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		how the conclusions regarding no material difference have been reached. The Applicant is requested to provide clarity on the calculations used and provide a consistent approach to the assessment of the different options.
1.4.4	Applicant	<p><b>Missing assessment</b></p> <p>The works to the Dune Valve Station do not seem to be included within the assessment of construction emissions [APP-057]. Is this correct and, if so, is there a reason for this?</p>
1.4.5	Applicant	<p><b>Missing assessment</b></p> <p>The ES [APP-057] makes no allowances or contingencies for venting emissions, either at the block valve stations or at the IAGI and TAGI. Provide details of the emissions likely over the operational lifetime of the development for:</p> <p>a) regular maintenance and routine venting on a 25m stack; and</p> <p>b) safety venting with a 50m stack.</p>
1.4.6	Applicant	<p><b>Emissions from Operation</b></p> <p>ES Chapter 15 [APP-057, paragraph 15.7.19] states that all operational omissions of the Proposed Development are attributed to electricity usage. It is not stated why the operational assessment excludes the venting of CO<sub>2</sub> during maintenance or emergency scenarios, or the potential for fugitive emissions [APP-057]. The Applicant is requested to provide clarity on this matter and additional justification and any supporting evidence as to the criteria used to be able to scope this matter out. Why has a contingency figure not been applied for venting and venting emissions and what would the worst-case tonnes of carbon dioxide equivalent be from the Proposed Development with that contingency added?</p>
1.4.7	Applicant	<p><b>Emissions during construction</b></p> <p>With reference to Table 15-6 [APP-057], paragraph 15.3.6 states that the following are omitted from the construction assessment;</p> <ul style="list-style-type: none"> <li>• land-use change; removal of hawthorn plants, soil preparation, tree planting, and wild seeding as well as other landscaping activity;</li> <li>• water-use in construction processes have been considered insignificant and have been excluded from the GHG calculation; and</li> <li>• electricity and fuel use in construction processes.</li> </ul>

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		No evidence or detailed justification for excluding these matters from the GHG calculations has been given other than to say, “ <i>these emissions sources are not anticipated to be material to the overall emissions impact</i> ”. The Applicant is requested, with reference to the relevant guidance, to provide clarity on this matter and additional justification as to the criteria used to be able to scope these sources out. Why have these been omitted and what will the operational assessment change to if they are included?
1.4.8	Applicant	<p><b>Emissions during construction</b></p> <p>In order to understand the total GHG emissions during construction in relation to the individual sections listed [APP-057, Tables 15-16 to 15-27], it may be beneficial to additionally provide as a single table (e.g. each section as its own column with the total at the end), as at present the numbers do not appear to fully add up, and it is not clear how the pipeline options (Tables 15-22 and 15-23) have been considered in the total. The Applicant is requested to provide clarity on the calculations used.</p>
1.4.9	Applicant	<p><b>Emissions from operation</b></p> <p>Maintenance of the Proposed Development is not included within the assessment, as paragraph 15.3.7 [APP-057] states that “<i>Only limited maintenance activities are required to be undertaken during the operational lifespan of the Proposed Development, as outlined in section 3.14</i>”.</p> <p>No evidence or detailed justification for excluding these matters from the GHG calculations has been given. They are initially listed in table 15-6 [APP-057]. The Applicant is requested to provide clarity on this matter and additional justification and any supporting evidence as to the criteria used to be able to scope this matter out.</p>
1.4.10	Applicant	<p><b>Emissions from operation</b></p> <p>Table 15-28 [APP-057] only appears to assess operational energy use, however table 15-6 lists 4 aspects as required to be scoped in:</p> <ul style="list-style-type: none"> <li>• Emissions arising from fuel consumed by maintenance vehicles and plant;</li> <li>• Embodied GHG emissions within the materials used for maintenance;</li> <li>• Grid electricity use during operation of the development; and</li> <li>• Gains in sequestration value due to new planting and habitat creation.</li> </ul> <p>Whilst some of the ExQ1 above addresses the omissions of points 1 and 2, and point 3 is assessed, it is not clear why point 4 has been omitted, as it is not referred to anymore in the</p>

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		ES, including within paragraph 15.3.7 which lists exclusions from the calculations. The Applicant is requested to provide clarity on this matter and additional justification and any supporting evidence as to the criteria used to be able to scope this source out.
1.4.11	Applicant	<p><b>Emissions from operation</b></p> <p>The operational assessment provided in ES [APP-057] also does not appear to quantify the avoided emissions as a result of the operation of the Proposed Development. As the estimated throughput of the Proposed Development is known, it is considered that this can be calculated. The Applicant is requested to provide clarity on the calculations used.</p>
1.4.12	Applicant	<p><b>Emissions during decommissioning</b></p> <p>On-site decommissioning activity is not included as paragraph 15.3.8 [APP-057] states that “<i>is not currently feasible to assess emissions for construction activities during decommissioning. Due to uncertainty surrounding future construction techniques and technology these emissions should be assessed closer to the decommissioning date</i>”.</p> <p>No evidence or detailed justification for excluding these matters from the GHG calculations has been given, as it could be considered that these are broadly similar to construction related works. They are also initially listed in table 15-6 [APP-057], and an assessment of decommissioning was required to be scoped in as per the Scoping Report. The Applicant is requested to provide clarity on this matter and additional justification as to the criteria used to be able to scope this matter out.</p>
<b>Impacts of Climate Change</b>		
1.4.13	Applicant	<p><b>Sea Level Rises</b></p> <p>The ExA has noted, as has the Environment Agency (EA) [RR-034], that the forecast of sea level rise impacts is only considered in relation to the TAGI [APP-057]. However, the IAGI would also be susceptible to sea level rise impacts. Explain why no assessment has been provided or, preferably, provide such an assessment.</p>
1.4.14	Applicant	<p><b>Venting conditions</b></p> <p>Neither the ES [APP-057] nor the Habitats Regulations Assessment (HRA) [AS-026] tackle the issue of venting and the climatic conditions in which this could take place. Whilst common sense that venting in a strong wind would result in gas emissions being diluted and transported</p>

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		rapidly from source, venting in still or foggy conditions may result in less of a dispersal with potential for air to sink. Can the Applicant set out their thoughts on this and whether general venting (as opposed to emergency venting) should only be undertaken in certain climatic conditions?
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<b>Q1.5. Compulsory Acquisition</b>		
<b>Overarching Case</b>		
1.5.1	Applicant	<p><b>Compulsory Acquisition (CA) Schedule</b></p> <p>Please provide updates of the CA Schedule concerning the position of ongoing negotiations for acquisition by agreement and include the total number of plots for which agreement has been reached. The Applicant is requested to provide regular updates throughout the Examination. Please ensure that the number of outstanding objections at the date of the updated CA schedule is correctly reflected.</p>
1.5.2	Applicant	<p><b>Funding Statement</b></p> <p>Paragraph 12.1.1 of the Funding Statement [AS-011] states that <i>“the Applicant has sufficient funding to compensate those with an interest in the Order Land.”</i> However, the guidance from the former Department for Communities and Local Government published in September 2013 states at paragraph 17 that Applicants should provide as much information as possible <i>“about the resource implications of both acquiring the land and implementing the project.”</i> Please explain that the costs are available both for acquisition and implementation.</p>
1.5.3	Applicant	<p><b>Unknown Interests</b></p> <p>There are a number of interests identified as “unknown” in the Book of Reference (BoR). What further steps during the Examination will be taken to identify any persons having an interest in land?</p>
1.5.4	Applicant	<p><b>Alternatives to Acquisition</b></p> <p>The section on “Consideration of Alternatives” in the SoR [AS-013] is very brief. The Applicant refers to the Consultation Report and details of certain changes are set out at paragraph 5.3.2 of the SoR. Please set out in summary form, with document references where appropriate, if any further assessments of alternatives have been made to the proposed acquisition of land or interests.</p>

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1.5.5	All Local Authorities	<p><b>Alternatives to Acquisition</b></p> <p>In their roles as both Planning Authority and Highways Authority, are the Local Authorities aware of any reasonable alternatives to the CA or Temporary Possession (TP) sought by the Applicant or of any areas of land or rights that the Applicant is seeking the powers to acquire that they consider would not be needed?</p>
1.5.6	Applicant	<p><b>Consultation</b></p> <p>The ExA had concerns regarding the content of the Schedule of Negotiations [APP-012] as clearly there had been very little contact as evidenced by the many representations received from Affected Persons (APs).</p> <p>The position has progressed with the submission of the CA Tracker [AS-030] in January 2024 which lists 183 Freeholders but with no objections. This is not correct since at that time there were four representations which were clearly objections and another two which mentioned the possibility of statutory blight having arisen. The ExA require evidence of meaningful engagement to be submitted to the Examination with explanations where such cannot be provided.</p>
1.5.7	Applicant	<p><b>CA in proximity to the IAGI</b></p> <p>Paragraph 3.1.11 of the Description of the Proposed Development [APP-045] states that <i>“The CO<sub>2</sub> to be transported in the Viking CCS Pipeline will be captured, conditioned and compressed by emitters, including Phillips 66 and VPI Immingham”</i>. In such circumstances, it is difficult to understand why CA is sought over land owned by Phillips 66 Limited and Immingham VPI LLP when it is clear that a commercial negotiation will need to be concluded with these APs and without such contracts in place, the flow of CO<sub>2</sub> will be significantly reduced. Please explain.</p>
1.5.8	Phillips 66 VPI Immingham	<p><b>Proposed Change Request and the IAGI</b></p> <p>The Applicant has just submitted a Change Request which relates to:</p> <ul style="list-style-type: none"> <li>a) the reduction of the Order Limits for works related to the IAGI and associated accesses; and</li> <li>b) the removal of Option 2 for the pipeline route in the vicinity of the IAGI.</li> </ul>

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		Phillips 66 Limited [RR-084] and Immingham VPI LLP [RR-115] both made objections to the Application. The concerns related not just to the proposed Option 2 but also such issues as the amount of the permanent and temporary land take and also the safeguarding through the Protective Provisions. Do these companies wish to maintain their objections to the application for a DCO and, if so, on what basis?
1.5.9	Applicant	<p><b>Omitted Documents</b></p> <p>Paragraph 3.1.13 [APP-045] states that <i>“currently, as of summer 2023, a Scoping Report has been prepared and baseline and assessment work are currently underway which will form part of the ES. Following acceptance of the ES, consent may be granted by the Secretary of State via the licencing authority. This lies outside the scope of this ES.”</i></p> <p>Please explain why these documents are not being produced to this Examination when the offshore elements seem fundamental to the workings of the pipeline? The fact that it is subject to a separate consent regime appears irrelevant.</p>
1.5.10	Applicant	<p><b>Pipeline Depth</b></p> <p>Paragraph 3.7.10 [APP-045] states that <i>“The pipeline is expected to have an external diameter of 24” (609 mm) and be buried to a minimum depth of 1.2 m to the top of the pipe. This will be greater at crossing points of railways, roads and watercourses.”</i> Several Affected Persons (APs) raise concerns over the depth of the pipeline yet the dDCO [AS-008] allows the Applicant to reduce this depth. In what circumstances may this happen and has this possibility been made clear to concerned farmers and other APs</p>
1.5.11	Applicant	<p><b>Corporate Structure</b></p> <p>Following from the previous question, it is noted from the company structure provided that the Applicant is some degree removed from the parent company, Harbour Energy PLC. There are four different Chrysaor companies between the parent company and the Applicant (figure 1 from [AS-011]) and one of these is based in the Cayman Islands. Please explain why the ExA and the SoS should</p>

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		be comfortable with such a degree of remoteness and provide, in effect, a corporate family tree to show both the chain of command and chain of funding.
1.5.12	Applicant	<p><b>Project costs</b></p> <p>As to the costs of the project, is £240 million realistic bearing in mind the current economic uncertainty and high interest rates. Is there any update on this figure? Furthermore, please provide costings for the offshore element which is the subject of separate consents?</p>
1.5.13	Applicant	<p><b>Laydown Areas</b></p> <p>Chapter 3 of the ES [APP-045] refers to the requirements of both a 40 m x 40m temporary land take, and 20 m x 15 m laydown area for the construction of the facilities. It is not clear whether the laydown area forms part of the 40 m x 40m temporary land take, or whether this is a separate area. The Applicant is requested to provide information on this. If the laydown is separate, can the Applicant confirm how this is presented in the application documents, in particular the works plans, lands plans and DCO [AS-008], and confirm how the planned arrangements have been assessed within the ES.</p>
<b>Statutory Undertakers</b>		
1.5.14	Applicant	<p><b>Book of Reference (BoR)</b></p> <p>The BoR [AS-015] includes reference to a number of Statutory Undertakers with interests in land. Please provide a progress report on negotiations with each of the Statutory Undertakers and indicate whether there are any likely impediments to the securing of agreements with such Statutory Undertakers before the end of the Examination.</p>
1.5.15	Applicant	<p><b>Exemptions</b></p> <p>At paragraph 6.1.5 of the SoR [AS-013], the Applicant states that the “<i>width of the Order Limits is generally 100m.</i>” A specific exception is mentioned concerning the Anglian Water facility, but the ExA wishes to be satisfied of any other exceptions so please be specific of any other sites where the 100m width will be exceeded.</p>



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1.5.16	Applicant Anglian Water	<p><b>Anglian Water</b></p> <p>The ExA spent some time during the Unaccompanied Site Inspection (USI) [EV1-001] viewing the location of the Anglian Water facility and the crossing of the Louth canal. Apparently Anglian Water may have plans to expand or alter their works. Please explain why such a wide width is required in this location when rather more certainty might be expected at this stage?</p>
1.5.17	Applicant National Gas Transmission PLC National Grid Electricity Transmission Mablethorpe Flexible Energy Generation	<p><b>Theddlethorpe</b></p> <p>It is stated at paragraph 10.4.8 of the SoR [AS-013] that the Theddlethorpe Gas Terminal (TGT) site does not meet the requirements set out in s127(1) PA2008 for Statutory Undertaker's Land. Please provide a justification for this assessment as the site was decommissioned as recently as 2021 and, as stated at paragraph 10.4.9, National Grid has been "<i>exploring plans for future development</i>"?</p>
1.5.18	Applicant National Gas Transmissions PLC	<p><b>Theddlethorpe</b></p> <p>In their representation [RR-070], National Gas Transmission Plc (NGT) say that their site "<i>was acquired and is generally needed for NGT's own operational purposes.</i>" They add that "<i>negotiations ..... are at an advanced stage</i>". Is this still disputed by the Applicant and, if so, please can NGT and the Applicant provide details of the original acquisition and current proposals and activities with the site?</p>
1.5.19	Applicant National Gas Transmissions PLC	<p><b>Theddlethorpe</b></p> <p>If it is found that NGT are not a Statutory Undertaker (SU) within s127 PA2008, then it is still argued [RR-070] that the land take includes "<i>an excessive amount of land within the Order Limits</i>" which will sterilise the future proposals for clean energy use on the site. The land required is shown on sheet 35 of the Land Plans [AS-016]. Can the Applicant be more specific as to their land requirements to minimise the effect on future alternative uses?</p>
1.5.20	Applicant National Gas Transmissions PLC	<p><b>Immingham and Theddlethorpe</b></p> <p>The terms of the restrictive covenants set out at page 35 of the SoR [AS-013] appear rather wide. Please clarify over which land these covenants are being</p>

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	Phillips 66 Ltd	sought as according to the BoR [AS-015] it would appear to be limited to the blue land at the proposed IAGI and TAGI? Do the Landowners have any further comments concerning the imposition of these covenants?
1.5.21	Applicant	<b>LOGGS Pipeline</b> Paragraph 2.1.2 of the Bridging document [APP-128] explains that the proposed development will “repurpose existing 118km 36” offshore LOGGS pipeline.” It is not clear who owns this pipeline, and it is likely to be an associated company of the Applicant. Please explain the background and what arrangements will be in place to obtain consent to the use of this existing pipeline?
1.5.22	Applicant Anglian Water [RR-009] Louth Navigation Trust [RR-053] Environment Agency [RR-034]	<b>Louth canal</b> The ExA viewed this site of the crossing of the canal during the USI [EV1-001]. It is shown at page 36 of ES Chapter 1 [APP-045] and designated by the black dot. The proposed method of crossing is detailed in paragraphs 3.12.201 to 3.12.211 [APP-045]. How satisfied are the parties mentioned as to the practicality and safety of the construction method proposed?
<b>Individual Affected Persons</b>		
1.5.23	Affected Persons	<b>Factual data</b> Are any APs or Interested Parties (IPs) aware of any inaccuracies in the BoR [AS-015] SoR [AS-013] or Land Plans [AS-016]? If so, please set out what these are and provide the correct details.
1.5.24	Applicant	<b>Blight</b> Please provide an update of any Blight notices served.
1.5.25	Applicant	<b>Protected characteristics</b> Have any APs been identified as having protected characteristics as defined by the Equality Act 2010 and, if so, what regard has been given to them?
1.5.26	Applicant Phillips 66 Ltd	<b>Routeing from the IAGI</b> The position may have moved on with the submission of the Change Request but in the CA Tracker [AS-030] submitted in January, it is submitted that

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		<p><i>“Phillips 66 intend to lease the land at Immingham to Chrysoar and the lease agreement is in the final stages of negotiation.”</i></p> <p>However, as at the date of their submission [RR-084] on 15 January 2024, Phillips 66 Limited state that <i>“no legal agreement has been entered into.”</i> It is noted that Phillips 66 Limited objected to the Application in their RR though the CA Tracker does not record any objections at all to the DCO. Please clarify?</p>
1.5.27	Applicant	<p><b>Theddlethorpe</b></p> <p>The alternative to using the former TIAG site involves a permanent roadway and installation which leaves the field very difficult to farm in the future. This is raised by the relevant APs [RR-103]. If this Option is progressed, what can be done to minimise the impact on the farming operations both during construction and for the future?</p>
1.5.28	Applicant Air Products (BR)	<p><b>Other Pipelines</b></p> <p>Air Products (BR) Limited raised an objection [RR-003] to the CA over land over which it has an interest. They have both oxygen and nitrogen pipelines within the land owned by Phillips 66. Has there been progress in trying to resolve their concerns?</p>
1.5.29	Applicant The Spilman Family Aylesby Manor Farms Limited	<p><b>Blight</b></p> <p>There are a number of representations from these Affected Persons [RR-012], [RR-066], [RR-109], [RR-121], [AS-036] and in particular relating to the lack of consultation and the impact the proposed pipeline will have on their farming operations. There is also a reference that the proposal might have resulted in statutory blight to their interests. What is the latest position with these negotiations?</p>
<b>Crown land and special category land</b>		
1.5.30	Applicant	<p><b>Crown Interests</b></p> <p>In accordance with s135(2), PA2008 consent is required for any provision in the DCO which relates to Crown Land or rights benefiting the Crown. The experience of the ExA from other projects is that this process can take some</p>

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		considerable time. Please provide an update of negotiations and confirm whether agreement is likely to be reached before the end of the Examination?
1.5.31	Applicant	<p><b>Crown Land offshore</b></p> <p>Paragraph 3.1.2 of the SoR confirms that the offshore elements of the Project are “<i>subject to a separate consenting process.</i>” Details of some of the consents required are given in the Bridging Document [APP-128] and paragraph 2.3.1 explains that “<i>the Crown Estate is responsible for granting leases for offshore pipeline transportation, seabed and subsurface rights to developers for CO<sub>2</sub> storage, with the regulation of projects being carried out by the licensing authority, the North Sea Transition Authority</i>”.</p> <p>What is the current position concerning the negotiation of the lease with the Crown Estate?</p>
1.5.32	Applicant	<p><b>Common land</b></p> <p>The SoR [AS-013] at section 10.3 sets out details of Special Category Land as referred to in sections 131 and 132 PA2008. At paragraph 10.3.10 of the SoR, it is stated that the total area acquired is less than 200m<sup>2</sup> thus bringing it within the exception contained in section 131(5) PA2008. What is the precise area of the common land subsurface for which CA powers are sought?</p>
<b>Offshore</b>		
1.5.33	Applicant	<p><b>Licences</b></p> <p>It is stated at paragraph 5.1.5 of the Bridging Document [APP-128] and also para 3.1.9 of ES Chapter 3 [APP-045] that the Applicant has been granted a licence for appraisal and storage purposes. This licence is classified as Carbon Storage (CS) 005. This Licence clearly extends simply to exploratory purposes and is, in any event, time limited to a period of six years from October 2021. What further discussions have taken place with the North Sea Transition Authority for a long-term arrangement which allows more than mere exploration?</p>

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1.5.34	Applicant	<p><b>Licences</b></p> <p>Following from the previous question, the current Licence emphasises that no activity can be carried out until a Crown Lease has been granted. Please outline what discussions have taken place to date in order to achieve the grant of such a lease which will no doubt be required as the purpose and use will be different from that granted in the existing lease?</p>
1.5.35	Applicant	<p><b>dDCO</b></p> <p>As no offshore works can be undertaken until the Crown Lease is granted, is it appropriate for a similar restriction relating to onshore works to be contained in the dDCO? If this is not considered necessary, then please explain why not?</p>
1.5.36	Applicant	<p><b>National Policy Statements</b></p> <p>It was acknowledged at the CAH1 that the SoR [AS-013] should have referred to the final version of EN-1 which came into force on 17 January 2024. Paragraph 4.5.11 requires the Secretary of State to assess how the high-level marine objectives, plan vision, and all relevant policies; paragraph 4.9.10 refers to some of the consents that will be required; and paragraph 4.9.19 states that details should be provided as to how cumulative impacts will be assessed and whether any consents and licences have been obtained. Does the Applicant consider that these provisions apply to this application and, if not, then please justify their position?</p>
1.5.37	Applicant	<p><b>CA Guidance</b></p> <p>Reference to this was made at the CAH1. Paragraph 19 provides that any potential risks or impediments to the scheme have been properly managed. However, as yet, no evidence has been submitted as to whether the necessary consents for the offshore elements of the scheme will be forthcoming. Such detail was very clearly provided from the outset in the Net Zero Teesside application and recent decision from the Secretary of State. Without these consents, the pipeline can never be used. Why should the absence of such matters (or even reference of progress) not be considered to be a “potential risk” or an “impediment”?</p>

<b>Q1.6. Cultural Heritage</b>		
<b>Above ground heritage assets</b>		
1.6.1	Historic England Lincolnshire County Council	<p><b>Designated Heritage Assets</b></p> <p>Relevant Representations [RR-050] [RR-041] mainly focus on archaeology. In respect of above ground designated heritage assets, please confirm:</p> <ol style="list-style-type: none"> <li>1) Whether the methodology to identify heritage assets and assess the construction/ operation impacts upon them is appropriate and complete?</li> <li>2) Whether the Applicant's assessment of the significance of each individual heritage asset and the subsequent reporting/ estimating of the effects on each is satisfactory [APP-050, Table 8-10]?</li> <li>3) Set out in each instance (each asset on its own) whether the less than substantial harm predicted by the Applicant would be outweighed by the public benefits of the Proposed Development.</li> <li>4) If there are any areas where there is disagreement with the Applicant, specify which assets are involved and the reasons for disagreement.</li> </ol>
1.6.2	Historic England Lincolnshire County Council	<p><b>Desk-Based Assessment (DBA)</b></p> <p>In setting out the approach to the assessment, there are several occasions [APP-050, 8.5.24 and 8.5.31 as examples] where a number of heritage assets have been named but conclusions are reached via the DBA that only a few would be affected. Are the conclusions of the DBA robust and with those few assets that have been identified as having impacts upon them?</p>
1.6.3	Applicant	<p><b>Conclusions in the DBA</b></p> <p>For a number of assets [APP-089, Paragraphs 5.2.11, 5.2.14, 5.2.17, 5.2.20] it is concluded that there would not be any significant effects. However, there is no explanation for why such a conclusion is reached other than distance. The rationale for not taking the assets forward is not clearly set out, particularly in relation to noise, visual effects, traffic and transport impacts. Please elaborate on the reasons why a proportion of the assets have been immediately excluded from assessment.</p>

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1.6.4	Applicant	<p><b>Temporary changes to setting</b></p> <p>The DBA reports [APP-089, Paragraph 5.2.23] that <i>"It is not considered likely that the Proposed Development will result in any significant effects through temporary change to setting during construction."</i> However, it is not clear how long the 'temporary change' would endure for. In all instances where this phrase is used, can the Applicant set out the anticipated duration over which the setting of a heritage asset would be subject to construction effects AND over what duration would the Applicant consider effects would be of significance worthy of assessment?</p>
1.6.5	Applicant	<p><b>Relevance of physical screening to setting</b></p> <p>The DBA appears to place a high amount of relevance to physical screening [APP-089, Paragraphs 5.2.25, 5.2.26, 5.2.29, 5.2.93] when considering the potential impacts upon setting. The ExA is concerned that the concept of setting may have been constrained or limited to purely visual interactions between the asset and the Proposed Development. What reassurances can the Applicant give to the ExA that the cultural and historical elements of setting have equally informed the assessment as to whether impacts would occur or not at this sifting stage of the DBA?</p>
1.6.6	Historic England Lincolnshire County Council	<p><b>Relevance of physical screening to sifting judgements</b></p> <p>The DBA [APP-089, Paragraph 5.2.65, 5.2.95] identifies 155 assets within the 2km study area but narrows this list substantially by stating: <i>"The remaining assets have been scoped out of the assessment of the baseline as they are sufficiently distant and screened from the DCO Site Boundary."</i> It is noted that of the heritage assets identified, only eight of these have been taken forward for assessment in the Environmental Impact Assessment (EIA) [APP-050, Tables 12 and 13].</p> <p>Do the heritage consultees have any concerns regarding the Applicant's use of distance and screening judgements to determine whether or not an impact upon an asset's setting would occur and ultimately the level of assessment that has occurred in the ES?</p>
1.6.7	Applicant	<p><b>Louth Canal</b></p> <p>The DBA [APP-089, Paragraph 5.2.56] considers no effects would occur upon the setting of the Louth Navigation because of the use of a trenchless crossing technique. However, it is not clear what type of technique would be used and the requirements thereof. For example, if Horizontal Directional Drilling (HDD) is to be used, a launch and reception compound would need to be created. There appears no information as to the distance such pits would be away</p>

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		from the asset or what impacts (noise, visual, vibration etc) such pits may cause to the asset. This needs to be presented clearly in order the DBA conclusions to be justified.
1.6.8	Applicant	<p><b>EIA Criteria</b></p> <p>When looking at the Figures contained within Appendix 8-1 [APP-089] and cross-referencing the numbered assets with the analysis in the DBA, it has become apparent that perhaps not all effects arising from the Proposed Development may have been considered. For example, numbered assets 409, 373 and 581 (to name but a few) are geographically close to the Order Limits and therefore the construction working corridor. Given the proximity, the setting of these assets may be affected by noise, dust, construction traffic, the siting of trenchless crossing compounds etc and yet there is no information regarding this. Applicant to explain why it was considered appropriate to not take such assets through to the EIA [APP-050] on this basis.</p>
1.6.9	Historic England Lincolnshire County Council	<p><b>Historic Landscape Character</b></p> <p>The Applicant has not undertaken detailed assessment of the Historic Landscape Character areas [APP-050, Paragraph 8.5.17] on the basis there would not be any significant impacts. Are these conclusions acceptable and, if so, why?</p>
1.6.10	Applicant	<p><b>Landscaping and setting</b></p> <p>The ES [APP-050, Paragraph 8.7.4] appears to imply that the landscaping proposed as part of the Proposed Development is not considered a permanent effect upon the setting of heritage assets. Why is this the case?</p>
1.6.11	Applicant	<p><b>Moderate Adverse Effects</b></p> <p>The ES [APP-050] identifies significant adverse residual effects would occur during construction (receptors 129, 270, 282, 580 and 590) and no mitigation is subsequently proposed to reduce these effects. Furthermore, receptor 580 would experience permanent moderate adverse effects during operation, again with no mitigation proposed. Explain with reasons.</p>
<b>Archaeology</b>		
1.6.12	Applicant	<p><b>Bores near archaeology deposits</b></p> <p>In amongst the embedded mitigation measures [APP-050, Paragraph 8.6.4] the ExA note that there is no restriction on the use of HDD or auger bores (or equivalent) in proximity to areas of</p>



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		archaeological potential. Should such methods of construction be reviewed and or prevented as part of embedded mitigation measures to prevent damage or loss of archaeological assets?
1.6.13	Applicant	<b>Intrusive investigations</b> There are calls [RR-041] [RR-050] for detailed archaeological work to take place now and during the Examination so as to inform any post-consent mitigation. Does the Applicant intend to undertake any work now to reassure IPs and reaffirm its own position at the close of the Examination?
1.6.14	Historic England Lincolnshire County Council All Local Authorities	<b>Written Scheme of Investigation (WSI)</b> The DCO application is accompanied by a WSI [APP-091] [AS-001]. For the purposes of the Examination: 1) Is the WSI a comprehensive and robust approach to investigating the potential for archaeological deposits? 2) Does the WSI contain sufficient strategies and mitigation measures to sensitively explore, retain or remove archaeological deposits? 3) Explain whether amendments are required to the document and how those amendments would be of a benefit to the scheme.

<b>Q1.7. Draft Development Consent Order</b>		
<b>Interpretation and Articles</b>		
1.7.1	All Local Authorities	<p><b>Definition of commence</b></p> <p>Are the local authority's content with the definition of 'commence' as set out in the dDCO [AS-008] and the scope of works included/ excluded within it?</p>
1.7.2	Applicant	<p><b>Commence</b></p> <p>This definition does seem rather wide, and some limitations would seem to be appropriate. Restricting commencement until after the offshore elements have been consented and until the Landscape Plan (Requirement 11) has been resolved and in place are examples. Please could the Applicant consider the position?</p>
1.7.3	Applicant	<p><b>Definition of existing pipeline</b></p> <p>The definition of 'existing pipeline' in the dDCO [AS-008] makes no reference to the LOGGS. What is the reason for this?</p>
1.7.4	Applicant Local Authorities	<p><b>Definition of maintain</b></p> <p>The definition of 'maintain' includes the ability to divert or alter.</p> <ol style="list-style-type: none"> <li>1) Are Local Authorities' content with this?</li> <li>2) Does this give the Applicant the ability, post-construction, to divert parts of the Proposed Development, thus potentially giving rise to further environmental effects?</li> <li>3) Please provide further justification in relation to the need for 'improve'.</li> <li>4) Please explain how and why these would be necessary in relation to maintenance of the proposed development.</li> </ol>
1.7.5	Applicant	<p><b>Definition of maintain</b></p> <p>The dDCO [AS-008] provides the terms 'abandon or decommission' within the definition of maintain. The EM [APP-007] explains this definition is used in other made DCOs.</p> <ol style="list-style-type: none"> <li>1) Explain why it is a relevant definition for this Order.</li> <li>2) Explain what this means from a practical sense.</li> <li>3) How would 'abandon' be reported, notified or accounted for?</li> <li>4) How would abandonment interact with the compensatory regime?</li> </ol>

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1.7.6	Applicant Local Highway Authorities National Highways	<p><b>Definition of highway authority</b></p> <p>Does the definition of highway authority [AS-008] need to separate National Highways (NH) from the local highways' authority?</p>
1.7.7	Applicant	<p><b>Definition of Associated Development</b></p> <p>Despite what is said in the EM [APP-007, Paragraph 1.6.162], there is no definitive identification of what constitutes associated development in the dDCO [AS-008], only a definition of ancillary development in Schedule 1 Part 2. Make clear both in the dDCO and in writing separately the full extent of what is being considered as associated development in this project.</p>
1.7.8	Applicant	<p><b>Street Works</b></p> <p>Under the definitions and interpretation of this Order, is the Applicant considering that any HDD beneath a highway/ strategic road network would constitute 'street works'?</p>
1.7.9	Applicant	<p><b>Pig Receiver</b></p> <p>Can the Applicant confirm whether the pig receiver referred to [APP-045, Paragraph 3.6.11] would require an additional DCO application or handled as a variation?</p>
1.7.10	Applicant	<p><b>Article 6</b></p> <p>The limits of deviation [AS-008] appear to allow the Applicant not just flexibility, but also judgemental discretion in deciding the depth of which the pipe would be buried. The Applicant should set out:</p> <ol style="list-style-type: none"> <li>1) What ground conditions would make burial at 1.2m depth impracticable.</li> <li>2) The Bridging Document [APP-128, paragraph 3.2.3] refers to a "<i>minimum depth of 1.2 metres</i>". There is no caveat to this. Has there been included in the consultation, a clear message that this depth might be reduced?</li> <li>3) There is a further possibility of reducing the depth allowed by Article 6(2). Why is the reference to the SoS as opposed to the relevant local planning authority in consultation with Statutory Undertakers?</li> <li>4) Whether any organisation would be notified of instances where the desired burial depth was not achieved.</li> </ol>

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		<p>5) It is noted that the depth of the pipeline has been raised as an issue by a number of farming businesses. Would landowners be under any greater burden should the target burial depth not be achieved?</p> <p>6) What the meaning of 'convenient' is in Article 6(c) and would such convenience result in any materially different or worse environmental effects to those predicted in the ES?</p> <p>7) The EM [APP-007, paragraph 1.6.29] refers to a minimum 5m depth and yet this does not appear written into the dDCO. Explain with reasons.</p>
1.7.11	Applicant National Highways	<p><b>Articles 8 and 9</b></p> <p>Article 8(3) and Article 9(2) of the dDCO [AS-008] allow the Applicant to enter onto and undertake works in streets outside of the Order Limits.</p> <p>1) Why is this power necessary?</p> <p>2) What circumstances would require works outside of the Order Limits?</p> <p>3) What notification would be given to persons that have an interest or occupy property on such streets?</p> <p>4) Have the effects of such out-of-limit works featured within the ES?</p> <p>5) The notice period of 28 days at Article 8(5) and Article 9(5) seems limited. Can the Applicant consider a longer period?</p> <p>6) The Applicant proposes to carry out street works (within the meaning of the New Roads and Street Works Act 1991) beneath the Strategic Road Network (SRN). The ExA note that NH state [RR-072] that these works are not included in Schedule 3 of the draft DCO. Please clarify the position?</p>
1.7.12	Applicant Local Authorities	<p><b>Article 9 - Power to alter layout etc, of streets.</b></p> <p>This is a wide power, authorising alteration etc. of any street within the Order Limits. Please provide further justification as why this power is necessary. Has consideration been given to whether or not it should be limited to identified streets?</p>
1.7.13	Local Authorities	<p><b>Article 10</b></p> <p>Do the Local Highway Authorities have any concerns or objections in relation to the Applicant's proposed disapplication of legislative provisions set out under Article 10 of the dDCO [AS-008]?</p>

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1.7.14	Applicant Local Authorities	<p><b>Articles 11 and 12</b></p> <p>Articles 11 and 12 [AS-008] allow for the temporary stopping up of streets and rights of way. The Explanatory Memorandum [APP-007, paragraph 1.6.53] suggests pedestrian access will be maintained. However, the ExA understands that the public lose the right to pass or repass over a stopped-up path or road.</p> <p>1) Does the Applicant consider 'temporary stopping up' to be the correct terminology and, if so, why?</p> <p>2) If 'temporary stopping up' is not the correct terminology, explain what legislation/mechanisms will be used to temporarily close the public highway to vehicles whilst allowing pedestrian access.</p> <p>3) Again, please reconsider the notice period at Article 11(5) and 12 (6)?</p>
1.7.15	Applicant	<p><b>Article 15</b></p> <p>The ExA query the scope of the powers afforded under Article 15 of the dDCO [AS-008]. The Explanatory Memorandum [APP-007, paragraph 1.6.65] implies that the power allows the temporary use of private roads in the Order Limits without the need for the undertaker to acquire a permanent right of way. However, the ExA note that the article would allow a temporary use of a private road for both construction and maintenance of the development. If the Applicant can enter onto private roads at any time to maintain the development, why is this felt not to constitute a permanent right of way?</p> <p>Article 15 of the dDCO provides powers to allow any private road within the Order Limits to be used temporarily during the construction and maintenance of the proposed development. Please explain why this is necessary and why all private roads in the Order Limits are subject to this power.</p>
1.7.16	Applicant	<p><b>Article 19</b></p> <p>Authority to survey and investigate the land.</p> <p>1) Please justify and explain the need for that part of the wording that departs from model provisions, in particular in relation to authorisation of surveys on land outside, but adjacent to Order Limits. Provide examples of when and why such a power is necessary, reasonable and expedient. Furthermore, Article 19(2) does not actually require that permission is obtained from the relevant landowner, only that at least 14 days' notice must be given. Please review and provide justification.</p>

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		2) Please justify the allowance of works to be undertaken without the consent of the relevant highway authority (Article 19(5)) in the event that the authority withholds or delays their consent?
1.7.17	Applicant	<p><b>Article 23</b></p> <p>This Article requires TP to be taken within five years of the date of the Order. Please clarify with reference to the provisions in Article 32, when such possession will cease?</p>
1.7.18	Applicant	<p><b>Article 24</b></p> <p>Article 24 [AS-008] allows the undertaker to create new rights over land where that land might otherwise have to be acquired outright. It also, under 24(5) allows such rights to be transferred to a statutory undertaker.</p> <ol style="list-style-type: none"> <li>1) Set out fully why this is considered a fair and proportionate power for the Applicant to seek.</li> <li>2) Would the Applicant's ability to create and impose new rights and restrictions be regulated or governed in anyway?</li> <li>3) If a landowner is burdened with such rights that they deem too restrictive or unreasonable, would they be able to seek compensation and/or make a claim for blight?</li> <li>4) Why would this approach be more beneficial (to the Applicant and to the landowner) than acquiring land outright?</li> <li>5) Without acquiring the land, what right would the Applicant have to hand over rights it has created to a statutory undertaker without recourse to the person who has entitlement/ownership of the land?</li> </ol>
1.7.19	Applicant	<p><b>Article 32</b></p> <p>The EM [APP-007, Paragraph 1.6.23] sets out that the drafting for Article 32 was based on the model provisions but has been subject to several modifications. The ExA require the following:</p> <ol style="list-style-type: none"> <li>1) Bearing in mind Human Rights principles, why is it necessary and proportionate to allow early access onto land in advance of such land being acquired permanently?</li> <li>2) Explain how leaving permanent works and permanent mitigation on land would only constitute temporary possession?</li> <li>3) No reasons are given for the modifications or why the Order would benefit from such modifications, or that the modifications represent a proportionate use of powers. Provide justification.</li> </ol>

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		4) The notice period at Article 32 (2) is 28 days. It is noted that a period of three months has been agreed in other Examinations.
1.7.20	Applicant	<p><b>Article 32 Temporary possession</b></p> <p>The wording of this Article (see 32(1)(a)(ii)), appears to allow temporary possession of any land within the Order limits, regardless of whether or not it is listed within Schedule 6 of dDCO [AS-008]. Please can the Applicant justify why those wider powers (which also allow temporary possession of land not listed in that Schedule) are necessary and appropriate and explain what steps they have taken to alert all landowners, occupiers, etc. within the Order Limits to this possibility.</p>
1.7.21	Applicant	<p><b>Article 32</b></p> <p>Please give clarity as to how the time limit in Article 32(3)(a) works in practice? In particular, how is it possible to establish “<i>the date of completion of the part of the authorised development specified</i>”?</p>
1.7.22	Applicant	<p><b>Article 44</b></p> <p>1) Can the Applicant explain why the planning, design and access statement [APP-129] is not a certified document under Article 44?</p> <p>2) The interpretation section at Article 2 is lengthened as a number of the documents in this Article do not appear elsewhere in the DCO. It is suggested that some of the definitions can be moved to this Article as has been the case in several other Articles.</p>
1.7.23	Applicant	<p><b>Correction Required</b></p> <p>The second and third paragraphs of the preamble to the dDCO [AS-008] refers to ‘[single appointed person]’. The Applicants are asked to make a change to refer to the panel in paragraphs 2 and 3.</p>
1.7.24	Applicant Anglian Water	<p><b>Discrepancy in the dDCO</b></p> <p>In their representation [RR-009], Anglian Water Services appear to have identified a contradiction between Part 4 of the DCO (Articles 17 to 21) and the Outline Construction Environmental Management Plan (OCEMP) [APP-068]. The application documents state in relation to Anglian Water’s drainage network that foul drainage “<i>will be mitigated through the embedded mitigation whereby there will be an independently managed foul drainage system</i></p>

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		<p><i>at the construction compounds with the foul water contained on site, regularly pumped, emptied, and transported off site.”</i></p> <p>If this is the case, then the right to connect to the public sewer in the Part 4 of draft DCO Order would not be necessary. Is this indeed the case?</p>
1.7.25	Applicant	<p><b>Parameters</b></p> <p>The ES refers to a series of parameters associated with temporary infrastructure such as compounds and lay down areas. However, whilst the dDCO refers to the works plans etc which contain these temporary infrastructure works, the specified parameters of temporary infrastructure do not appear to be specified or secured within the dDCO. The Applicant is requested to confirm why all listed parameters are not within the dDCO.</p>
<b>Requirements</b>		
1.7.26	Applicant	<p><b>Requirement 4</b></p> <p>Requirement 4 in the dDCO [AS-008] states the height of perimeter fencing would be 3.2m. However, the Planning Design and Access Statement [APP-129, Paragraph 6.3.21] states security fencing of 2.4m in height will be erected. Explain the situation.</p>
1.7.27	Applicant Natural England (NE) Environment Agency (EA) Historic England (HE)	<p><b>Requirement 5</b></p> <p>Are there other bodies, such as NE, EA and HE and/or local groups that should be consulted, along with those already identified? If so, please amend as necessary, if not please explain. Please clarify how long the parties would be given to review and comment on the documents?</p>
1.7.28	Applicant	<p><b>Requirements 11 and 12</b></p> <p>Explain the interaction between Requirements 11 and 12 in the dDCO [AS-008] with particular emphasis on how, if survey work established protected/priority species were present, mitigation measures would be proposed and agreed with the relevant statutory bodies.</p>
1.7.29	Applicant	<p><b>Requirement 13</b></p> <p>Requirement 13(4)(a) states that the construction hours for the Proposed Development could be exceeded in events required to mitigate delays to construction due to weather conditions. (1) Describe what weather conditions would cause construction to cease.</p>



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		<p>(2) Why would it be necessary to allow effective 24hour working to 'catch-up' on the construction programme.</p> <p>(3) If works are allowed beyond programmed hours, have the effects of this been assessed in the ES or form part of the worst-case scenario that underpins the assessments (e.g., for noise)?</p> <p>(4) Commitment B16 [APP-068] states topsoil stripping would stop if there was an event with 15mm rainfall or more, with a subsequent drying period allowed before works resume. Would that classify as an 'extreme' event that would instigate later working hours?</p>
1.7.30	Applicant	<p><b>Requirement 16</b></p> <p>Requirement 16 of the dDCO [AS-008] relates to the decommissioning of the project, and the submission of an effective plan prior to planned cessation. However, under the DCO definition of maintain the term 'abandon' is used. Explain whether the Applicant would submit a decommissioning plan for any abandoned works and if not, why not?</p>
1.7.31	Applicant	<p><b>Lighting</b></p> <p>The plans that accompany the application (e.g., the Washingdales Lane Block Valve Station Elevation Plan [APP-027]) shows the location of floodlighting. The dDCO [AS-008] references lighting in Schedules 1 and 9 but does not appear subject to specific controls (design, hours of use) in the Requirements. The ExA note 'details of lighting during construction' is listed under Requirement 5(2)(a), but not in any operational sense. Explain how lighting would be used, both during construction and operation, and any limitations to such use. Subsequently consider making amendments to the dDCO to allow such limitations to be adhered to.</p>
1.7.32	Applicant	<p><b>Aviation Lighting</b></p> <p>There is no mention in the ES or the dDCO about the need (or not) for aviation safety lighting to be attached to the 25m high vents (or the emergency 50m high vent). Is lighting proposed and, if so, where would this be secured in the dDCO and what are the visual effects of this on the various receiving environments?</p>
1.7.33	Applicant	<p><b>Marker posts</b></p> <p>The description of the Proposed Development states: <i>"The Applicant will ensure that marker posts are installed along the pipeline route for operations/maintenance reasons"</i> [APP-045, 3.5.10].</p>

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		<p>There are no details in the dDCO as to the height, appearance, frequency or location of the marker posts. Provide these details, including if they are the same things as the ‘CP Test’ posts referred to [APP-045, Paragraph 3.7.23].</p> <p>Also, the ExA assumes these would be permanent features on the land along the length of the pipeline corridor. If that assumption is correct, why is land not being acquired permanently for such markers to be installed?</p>
1.7.34	Applicant	<p><b>Discharging of requirements</b></p> <p>The EA [RR-034] have requested the dDCO be amended to allow requirement discharging authorities 20 business days (as opposed to 21 calendar days) for the discharging process to be undertaken within. Is the Applicant willing to make this change? Explain with reasons.</p>
1.7.35	Applicant	<p><b>Biodiversity Net Gain</b></p> <p>In paragraph 4.1.7 of the Bridging Document [APP-128], it is stated that the Applicant “<i>is committed to making a positive contribution to biodiversity net gain and is making a voluntary commitment.</i>” Please clarify the extent of this and where in the DCO it is confirmed?</p>
<b>Schedules</b>		
1.7.36	Applicant	<p><b>Schedule 1</b></p> <p>Work No.18 a is described as an improvement and use of an existing track as a temporary access.</p> <p>1) What works will be undertaken to this access track and how do they constitute an improvement?</p> <p>2) Once the use of the temporary access has ceased, will the improvements be left in situ to benefit the landowner?</p>
1.7.37	Applicant	<p><b>Schedules 3 to 6</b></p> <p>Provide evidence that schedules 3 to 6 of the dDCO [AS-008] have been adequately consulted upon with the relevant Local Authorities and that the content has been agreed.</p>
1.7.38	Statutory Undertakers	<p><b>Schedule 9 Protective Provisions</b></p> <p>The Applicant has provided Protective Provisions in Schedule 9 of the dDCO [AS-008]. If these provisions are not acceptable, please provide either your preferred wording for the Protective Provisions or mark-up revisions to the Applicant’s proposed Protective Provisions.</p>

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		Set out your reasons for any changes, including what the consequences would be without your changes being incorporated.
1.7.39	Applicant Statutory Undertakers	<b>Schedule 9 Wording of Standard provisions</b> Several service providers including Northern Powergrid (Yorkshire) Plc [RR-080]; NH [RR-072]; Anglian Water [RR-009] are concerned that their standard clauses have not been included in the Protective Provisions. Has there been consultation concerning the detailed provisions with the appropriate SU?
1.7.40	Applicant Environment Agency	<b>Schedule 9 format</b> In their representation [RR-034], the EA submit that the draft Protective Provisions included in Schedule 9, Part 7 are not in a format they agree with and until the wording of Protective Provisions is in a format acceptable then they will not agree to the disapplication of the Environmental Permitting (England and Wales) Regulations 2016 for flood risk activities. Provide an update concerning any further discussions.
1.7.41	Applicant Marine Management Organisation	<b>Schedule 9 Scope of Provisions</b> There are no Protective Provisions for the Marine Management Organisation as no draft Deemed Marine Licence has been submitted for the offshore elements of the Project. This is raised in other questions, but this would appear to be an important element if the Proposed Development is to become functional. Please comment on this apparent omission?
1.7.42	Applicant	<b>Schedule 10 Arbitration</b> Schedule 10 of the dDCO [AS-008] sets out the terms for arbitration. Should it be written explicitly that the Secretary of State is not subject to arbitration processes?
<b>Controlling Documents for the dDCO</b>		
1.7.43	Applicant	<b>OCEMP Clarification</b> Measure A20 [APP-068] is annotated as being post-construction but it relates to site offices and welfare facilities. Should this be a 'construction' phase aspect or is it intended for welfare facilities to be retained along the pipeline route during operation?
1.7.44	Applicant	<b>OCEMP Clarification</b> Measure B4 [APP-068] uses the term " <i>within the construction site.</i> " For clarity purposes, does that mean the working corridor for laying the pipeline within the Order Limits?

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1.7.45	Applicant	<p><b>OCEMP Clarification</b></p> <p>Measures B8 and B9 [APP-068] refer to reinstatement but no timeframe is given. The ExA consider, to be effective, a timeframe or programme of reinstatement should be committed to.</p>
1.7.46	Applicant	<p><b>OCEMP Clarification</b></p> <p>Measure E27 [APP-068] mentions bentonite, but there does not appear to be a mitigation strategy or plan for dealing with bentonite breakout. Specify whether this will be a commitment in the register of mitigations or a separate management plan to be provided.</p>
1.7.47	Applicant	<p><b>OCEMP Clarification</b></p> <p>It is noted that none of the 'F' measures in the OCEMP [APP-068] place a specific height limitation to spoil stockpile heights despite such being discussed in the Outline Soil Management Plan [APP-096]. Should this be included in the list?</p>
1.7.48	Applicant	<p><b>OCEMP Clarification</b></p> <p>Can the Applicant commit to avoiding undertaking HDD work, particularly in noise sensitive locations, at night, thus enhancing the terms of measure I20 [APP-068]?</p>
1.7.49	Applicant	<p><b>OCEMP Clarification</b></p> <p>A number of relevant representations on behalf of business and business premises have expressed concern that little has been done to research, examine or plan for the operational requirements of each existing business. It is noted that none of the 'L' measures relate to specific businesses or impacts on business premises [APP-068]. Are any such mitigations considered necessary and if not, why not?</p>
1.7.50	Applicant	<p><b>Decommissioning mitigation register</b></p> <p>The Applicant is requested to provide a justification of the current decommissioning mitigation register within the OCEMP [APP-068] only containing a single entry, as it is considered that the impacts of decommissioning may in some cases be broadly similar to construction, and therefore would be known at this stage.</p>
1.7.51	Applicant	<p><b>Approach to management plans</b></p> <p>With reference to table 2 of the OCEMP [APP-068], it is not clear why the Applicant has been able to provide some of the control documents in outline form to the examination but has been</p>

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		unable to provide others in outline form (those listed as “no” in Table 2). The ExA requests additional information on the approach to the examination of control documents.
1.7.52	Applicant	<p><b>Security of controlling documents</b></p> <p>With reference to table 2 of the OCEMP [APP-068], it does not appear as though all documents are referred to in schedule 2, part 1, requirement (5)(2), and as such it is not clear how these are to be secured. The Applicant is requested to:</p> <ol style="list-style-type: none"><li>1) Provide additional information as to why not all of the required control documents are listed in the dDCO, and where not listed, how these would be secured, as the phrase “substantially in accordance with” may result in the Applicant being able to remove these from the final Construction Environmental Management Plan (CEMP).</li><li>2) Provide additional information as to how the mitigation register in table 3 is to be secured, as the phrase “<i>substantially in accordance with</i>” may result in the Applicant being able to remove these from the final CEMP.</li></ol>

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<b>Q1.8. Ecology and Biodiversity</b>		
<b>Ecology</b>		
1.8.1	Applicant	<p><b>Chalk Stream Ecology</b></p> <p>ES Chapter 6 [APP-048], whilst referring to running water, makes only one reference to chalk streams, in mitigation measure G24. However, there does not appear consideration of the ecological value of these chalk streams or whether there are any particular species of importance/ uniqueness associated with them. Can the Applicant set out fully why this is the case.</p>
1.8.2	Applicant	<p><b>Invertebrates</b></p> <p>ES Chapter 6 [APP-048, Paragraph 6.5.72] states that effects upon invertebrate communities are only considered likely where there are permanent losses of habitat. Set out why the temporary effects of construction with subsequent restoration have not been assessed with regards to the potential effects on invertebrate species.</p>
1.8.3	Applicant	<p><b>Natterjack Toad and Common Lizard</b></p> <p>In respect of natterjack toad and common lizard at the Saltfleetby Dunes, has there been any assessment of the noise, vibration and disturbance effects arising from the works to the Dune Valve Station? If not, why not?</p>
1.8.4	Environment Agency	<p><b>Fish</b></p> <p>ES Chapter 6 [APP-048, Paragraph 6.5.92] states that no field surveys for fish have been carried out. Does the EA have any concerns in this regard?</p>
1.8.5	Applicant	<p><b>Fish relocation</b></p> <p>The Outline Landscape and Ecological Management Plan (OLEMP) [APP-127, Paragraph 2.3.29] raises the possibility of relocating fish if impacts upon them are unavoidable. Can the Applicant set out whether a receptor site, within or outside of, the Order Limits has been scoped for this purpose and secured by agreement with both a) the landowner and b) NE/ EA as necessary.</p>

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1.8.6	Environment Agency Natural England	<p><b>Invasive Non-Native Species (INNS)</b></p> <p>The Applicant has identified that invasive non-native species are present in the Order Limits [APP-048]. Mitigation measure B1 suggests a management plan will be prepared to ensure such species do not spread.</p> <p>1) Is it considered, given the species identified, that any specific measures need to be taken and/or committed to now?</p> <p>2) Should the project adopt a more proactive policy of seeking to remove such species where encountered along the pipeline-laying route?</p> <p>3) Would micro-siting around such INNS be an appropriate technique with assured biosecurity?</p>
1.8.7	Applicant	<p><b>Woodland</b></p> <p>ES Chapter 6 [APP-048, Table 6-12] states that the final pipeline route will aim to avoid areas of woodland and trees within the DCO Site Boundary but there remains potential for small areas of woodland habitat to be directly lost.</p> <p>1) In the register of mitigations, there does not appear a commitment to limit woodland loss as far as is practicable. The ExA considers this should be an aim of the route selection process and suggests such a commitment should be included. If not, why not?</p> <p>2) If woodland habitat were to be directly lost, would the Applicant seek one for one replacement via the OLEMP for that phase of the project? If not, why not? If so, where is this secured in the management plans or the dDCO?</p> <p>3) The OLEMP [APP-127, Paragraph 2.2.3] suggests that all hedges and trees removed will be reinstated, at least to a similar style and quality to those removed. Does this mean that the Applicant will initiate a replacement/ reinstatement ratio of 1:1 or greater in order to achieve net gain?</p>
1.8.8	Applicant	<p><b>Restoration</b></p> <p>ES Chapter 6 [APP-048] refers in some places to restoration or reinstatement of habitats lost temporarily during construction. There does not appear to be any assessment of how long it would take to undertake the restoration, how long it would take for the restored land to reach a condition whereby it would operate as a suitable or equivalent level of habitat as to what was lost nor any assessment of how that may impact the dependent species. Explain the circumstances of each.</p>

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1.8.9	Natural England All Local Authorities	<p><b>Cumulative Effects</b></p> <p>State whether or not the Applicant's approach to scoping and identifying likely cumulative effects, and the subsequent conclusions drawn within ES Chapter 6 is acceptable and inclusive [APP-048, section 6.11]?</p>
1.8.10	Applicant	<p><b>Extent of protection for trees and hedges</b></p> <p>In the OLEMP [APP-127, Paragraph 2.3.25] it makes some stipulations regarding tree works to retained trees. In the OCEMP [APP-068, Measure O1] it states no veteran trees will be removed. How do both of these restrictions interact with the overarching powers that would be allowed under Articles 39 and 40 in the dDCO? Do such measures need to be explicit on the face of the dDCO?</p>
1.8.11	Applicant	<p><b>OLEMP uncertainty</b></p> <p>There are occasions in the OLEMP where the language used gives room for interpretation (for example, the words "<i>as relevant and appropriate</i>" in [APP-127, Paragraph 2.3.21] or the words "<i>where feasible</i>" in [APP-127, Paragraphs 2.3.27]).</p> <p>1) Can the Applicant provide more certain language in these instances and if not, why not?</p> <p>2) If the Applicant insists on retaining the wording as written, the Applicant to explain who ultimately makes that judgement call as to whether something is appropriate or feasible, and would that person seek advice from any other party before carrying out any action?</p>
1.8.12	Applicant	<p><b>Biodiversity Net Gain (BNG)</b></p> <p>NE [RR-073] have recommended 10% BNG across all biodiversity types should be provided, being secured by a suitably worded requirement in the dDCO. The Applicant to provide wording for such a requirement and specify:</p> <p>1) if it is happy to commit to this;</p> <p>2) if the requirement is submitted on a without prejudice basis; or</p> <p>3) the reasons why a requirement is not necessary in its opinion.</p>
1.8.13	Applicant	<p><b>Mitigation Measures</b></p> <p>Implementation of controls in European Protected Species licences in relation to otters, water voles and great crested newts are referred to in ES Chapter 6 [APP-048]. The OCEMP refers to an EPS licence that will exclude water vole from the area if present and, if an otter holt is identified, this would be covered by license (G9). The ExA is required to ensure a level of</p>



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		<p>certainty that these licenses will pass the derogation tests i.e. that the potential effects can be mitigated.</p> <p>Can the Applicant provide an update on the intended use of these licences, including ensuring that the use as a mitigation measure to avoid impacts to one species or habitat does not unintentionally cause impacts to others. If this has already been considered, the Applicant should cite where this information is presented in the ES and / or HRA.</p>
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<b>Q1.9. Environmental Impact Assessment</b>		
<b>Areas for further evidence</b>		
1.9.1	Applicant	<p><b>Donna Nook</b></p> <p>The Defence Infrastructure Organisation [RR-029] have highlighted the proximity of the Proposed Development to the Donna Nook Air Weapon Range. Set out clearly the Applicant's position into the likely environmental effects upon this installation and what, if any, specific mitigation is required to ensure the compatibility of the Proposed Development with the existing use.</p>
1.9.2	Applicant	<p><b>Venting</b></p> <p>The ExA are concerned that venting, vent noise, vent emissions, timings and notifications are not detailed with sufficient coverage in the operational phase mitigation [APP-073]. There is no mention of climatic conditions that may have an effect on when venting can be done to avoid damage to human health or the natural environment. Also, despite what is suggested in ES Chapter 3 [APP-045], there is no detail as to the circumstances whereby a 50m venting stack is considered necessary or what such a stack would mitigate and no detail regarding potential additional effects (i.e.; the intra-project effect with landscape and visual impact issues) is within the ES. There is no mention of venting at the block valve stations either. Fully describe how operational venting would work during a 1 year (yr), 5yr and 25yr period and the need, if any, for mitigations arising from this operation.</p>
1.9.3	Natural England All Interested Parties	<p><b>Methodology</b></p> <p>Are NE (and others) content that the Applicant has used an appropriate methodology and guidance to inform the assessments and calculation of effects' significance in ES Chapter 6 [APP-048, Paragraph 6.4.9]?</p>
1.9.4	Applicant	<p><b>Capacity of Proposed Development</b></p> <p>The ExA consider that the description of the capacity of the Proposed Development is presented inconsistently. Paragraph 3.1.9 states that the Proposed Development alone would be capable of delivering 10 million tonnes per annum by 2030 and 15 million tonnes per year by 2035. Paragraph 3.7.14 states that the pipeline would be capable of 17 million tonnes per annum. The Applicant is requested to provide further detail on the anticipated capacity of the</p>

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		Proposed Development on an annual basis from opening year, as it is noted in paragraph 3.7.14 that the flow rate is required to be gradually increased.
1.9.5	Applicant	<p><b>Winter construction works</b></p> <p>Paragraph 3.12.32 – 3.12.34 [APP-045] refer to the potential for the cessation of works between October and the following spring. The ExA considers that this is an extended period of time and therefore has the potential to lengthen the duration of any temporary effects considered within the ES in relation to construction. Can the Applicant please confirm the worst-case duration of construction works that has formed the basis of the assessment and confirmation that this takes into account the cessation of works during winter periods, and if not whether this would affect the assessment outcomes presented within the ES?</p>
1.9.6	Applicant	<p><b>Cumulative effects with wider Viking Project</b></p> <p>It would appear from the bridging document that the assessment of cumulative effects with the wider Viking CCS project will predominately be undertaken as part of the offshore EIA, however this is not stated. The Applicant is requested to provide additional information on how the interaction (for example interaction of construction programmes and activities, and physical interactions between project components) between the onshore and offshore elements has been undertaken, as limited information is provided in the ES [APP-062].</p>
1.9.7	Applicant	<p><b>Zones of influence and long list</b></p> <p>Table 20-8 [APP-062] details the study areas / zones of influence of the various technical chapters of the ES. However, the development search area given for Town and Country Planning Act (TCPA) schemes is 4km which is less than at least five of the topics (Ecology, traffic and transport, socioeconomics, health and wellbeing and materials and waste). Limited justification is provided as to why a 4km distance has been chosen for TCPA schemes. The Applicant is requested to provide additional information on this matter.</p>
<b>Matters of clarification</b>		
1.9.8	Applicant	<p><b>Clarity on consultation</b></p> <p>It is not clear from either the introductions to each technical chapter of the ES, or from the information contained in ES Chapter 4 [APP-046] and ES Chapter 5 [APP-047], whether statutory consultees agreed with the study areas or scope of assessment in each technical</p>

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		topic. Provide evidence that the stat consultees were approached about the methodology for the EIA, and subsequently endorsed the method of the Applicant for each ES chapter.
1.9.9	Applicant	<p><b>Front-End Engineering Design</b></p> <p>Paragraph 2.1.6 of ES Chapter 2 [APP-044] suggests “Further design development will be undertaken once the Proposed Development moves into the Front-End Engineering Design (FEED) stage, which is due to commence in 2023.” Can the Examination be given an update as to what further front-end engineering design has been undertaken and how that has informed the DCO application submission and the ES assessments.</p>
1.9.10	Applicant	<p><b>Worst-case scenario</b></p> <p>At the Immingham end, there were two options for leaving the IAGI depending on Phillips 66 discussions prior to the change request. At the Theddlethorpe end, there are two options for the TAGI location. For each ES chapter topic, set out which of the options represents the worst-case scenario and demonstrate that the ES presents this information. A concise table may be a suitable presentation method.</p>
1.9.11	Natural England All Local Authorities	<p><b>Cumulative effects</b></p> <p>In ES Chapter 6 [APP-048, Paragraph 6.11.4] it states that because ecological reports had not been submitted for other developments, it had not been possible to assess potential cumulative effects. This reasoning appears elsewhere across the ES as well. Are there any concerns about the Applicant's approach to determining or calculating cumulative effects or is the justification for not considering certain developments justified in this instance?</p>
1.9.12	Applicant	<p><b>Overall lifespan</b></p> <p>The ExA is unclear as to why there is not a known decommissioning date, as paragraph 3.1.12 [APP-045] states that the Viking fields have a known storage capacity of 300 million tonnes, and 3.7.9 states that the Scoping was undertaken on a 40-year lifespan. The ES refers to a minimum operational lifespan of 25 years throughout. The Applicant is requested to:</p> <ol style="list-style-type: none"> <li>1) Provide additional information on the anticipated decommissioning date.</li> <li>2) Provide a response on why this is not currently secured within the DCO.</li> </ol>

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		3) Provide a response as to how the ES has factored in the unknown date of decommissioning, in particular where an effect during the operational phase is considered to be temporary, or relies on a set period of time, for example operational greenhouse gas emissions.
1.9.13	Applicant	<b>Determination of baseline</b> It is also noted that some surveys, such as Agricultural Land Classification and ground investigations, will only take place post consent once the final pipeline route is known. The Applicant is requested to provide a list and update on the status of these surveys, and information as to how the conclusions of the relevant ES chapters are considered to be robust and provide a worst case scenario in the absence of surveys.
1.9.14	Applicant	<b>Monitoring of mitigation</b> It is noted that some chapters of the ES (Chapters 7, 9, 10, 12, 13, 15, 16, 17, 18, 19 and 20) do not have a section describing the required monitoring of effects. This is despite some of these having residual significant effects which may require monitoring, and some chapters which do have monitoring but do not have Likely Significant Effects (LSE). The Applicant is requested to provide a justification for the approach to describing monitoring measures within the ES.

<b>Q1.10. Flood Risk, Hydrology and Water Resources</b>		
<b>Flood risk</b>		
1.10.1	Applicant	<p><b>Compounds and construction areas</b></p> <p>It is stated that hardstanding at compounds would be of a minor scale and would therefore not result in significant water run-off [APP-053, Paragraph 11.7.45]. In this regard:</p> <p>1) The compounds measure 21,500m<sup>2</sup>, 17,100m<sup>2</sup> and 13,000m<sup>2</sup> each. On what basis has the laying of hardstanding on areas well in excess of one hectare been deemed ‘minor’?</p> <p>2) The cited paragraph makes no reference to laydown areas, which are purported to be a minimum 400m<sup>2</sup> each [APP-053, Paragraph 11.7.17]. Whilst the exact number may not be known, explain the general form of a laydown area and what is anticipated in respect of surface water management.</p>
1.10.2	Applicant	<p><b>Stockpiles</b></p> <p>The ExA are concerned that storage of equipment, stockpiled soil, spoil and other construction materials would be within the flood plain. However, there appears no assessment as to how such stockpiles would affect the operation of a flood plain, nor how water would be displaced as a result of them. Update the flood risk assessment [APP-101] and ES Chapter 11 [APP-053] as necessary and, for the purposes of this question, provide details on how stockpiles would be managed to avoid adverse flood impacts.</p>
1.10.3	Applicant	<p><b>Flood Risk Probability</b></p> <p>The Flood Risk Assessment (FRA) [APP-101, Figures 9 and 10] illustrates the results of the 2115 scenarios for the 0.5% Annual Exceedance Probability (AEP) and 0.1% AEP events taking into account Higher Central and Upper End Sea level climate change allowances (set out in Section 4.2 of the FRA). These figures indicate that future climate change would lead to the overtopping of existing defences and flooding of the Immingham and Theddlethorpe facilities (paragraph 5.13.14). As a result, paragraph 5.13.15 states that the current ‘Hold the Line’ policy may lead to the raising of flood embankments to maintain the standard of protection. However, the FRA does not provide any evidence to demonstrate a commitment to raise the defences from the Applicant or relevant bodies. Explain with reasons.</p>

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1.10.4	Applicant	<p><b>Flood Risk scenario</b></p> <p>The FRA [APP-101, Paragraph 4.2.4] states that an allowance of 1.14m for sea level rise was considered appropriate to assess the 2115 scenario for the Proposed Development. However, this figure does not correspond to the tidal climate change allowances provided in Table 8 and set out in the Flood Risk and Coastal Change Planning Practice Guidance (PPG). The FRA does not provide clear justification as to why the 1.14m allowance for sea level rise is appropriate. Explain with reasons.</p>
1.10.5	Applicant	<p><b>Breach depths</b></p> <p>Can the Applicant explain why average breach depths have been provided in Table 15 of the FRA [APP-101] rather than maximum breach depths and how this gives an assessment of the worst-case scenario of the flood risk?</p>
1.10.6	Environment Agency	<p><b>Receptors</b></p> <p>Is the EA satisfied that all potential downstream water environment receptors have been considered in the assessment?</p>
1.10.7	Environment Agency	<p><b>Climate Change Allowances</b></p> <p>Are the EA content that appropriate climate change allowances have been applied in the FRA [APP-101]?</p>
1.10.8	Applicant	<p><b>Fluvial Flood Risk</b></p> <p>The conclusion of the FRA [APP-101] indicates that fluvial flood risk to the IAGI and TAGI facilities has been considered in the FRA. However, no evidence has been provided to suggest that the fluvial flood risk from and to the Immingham Facility and Theddlethorpe Facility elements of the Proposed Development have been assessed in Sections 5 and 6, respectively. The Applicant is requested to provide additional information on the fluvial flood risk.</p>
1.10.9	Applicant	<p><b>Tidal Flooding</b></p> <p>The FRA [APP-101] does not assess the risk of tidal flooding during construction of the buried pipeline in Sections 1 and 5 of the Proposed Development. Paragraph 5.12.1 states that as the pipeline would be below ground across its entire route during the operational phase the risk of tidal flooding is low, and no mitigation is required. However, no such statement is provided in relation to construction. The relevant representation provided by the Environment Agency also</p>

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		raises a number of other areas of disagreement in relation to tidal flood risk. The Applicant is requested to provide additional information on the tidal flood risk and respond to the points raised by the Environment Agency.
1.10.10	Applicant	<p><b>Assessment of cumulative effects</b></p> <p>Can the Applicant explain why an assessment of cumulative effects on the water environment during operation of the Proposed Development has not been provided in the ES?</p>
1.10.11	Applicant	<p><b>Monitoring during operation and decommissioning</b></p> <p>Monitoring activities are only proposed to be undertaken during the construction phase of the Proposed Development. No monitoring is proposed for the operational or decommissioning phases. Can the Applicant confirm why this approach is considered acceptable.</p>
1.10.12	Applicant Environment Agency	<p><b>Hold the line</b></p> <p>Paragraph 5.13.15 of the FRA [APP-101] states that the current 'Hold the Line' policy may lead to the raising of flood embankments to maintain the standard of protection.</p> <p>To the Applicant - Can the Applicant confirm whether the assessment undertaken relies on embankment raising as a mitigation measure, or whether the effects of the 'hold the line' policy are considered within the future baseline scenario against which to assess the effects of flood risk.</p> <p>To the Environment Agency - Can the EA explain to what extent raising the flood embankments can be relied upon as mitigation to maintain the necessary standard of protection?</p>
1.10.13	Applicant Environment Agency	<p><b>Sustainable urban drainage (SuDs)</b></p> <p>Can the Applicant provide evidence to demonstrate that the SuDS measures described in the Drainage Strategy [APP-099] are adequate and can be delivered within the Order Limits of the Proposed Development? A supporting plan/ figure would be helpful to illustrate the potential locations of such measures. Is the EA satisfied that the SuDS measures proposed are adequate to manage and attenuate surface water from the Proposed Development?</p>
1.10.14	Applicant	<p><b>Confidence Bound Levels</b></p> <p>Can the Applicant explain why the 50% confidence bound levels have been applied to:</p>



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		<p>1) Extreme Sea Levels in Tables 13, 14, 16 and Table 17 of the FRA [APP-101], when the Environment Agency advise that a 97.5% confidence bound is used?</p> <p>2) H++ Sensitivity Test in Table 20 of the FRA [APP-101], when the Environment Agency advise that a 97.5% confidence bound is used?</p>
1.10.15	Applicant	<p><b>Emergency Plans</b></p> <p>The ExA requests the following:</p> <p>1) Can the Applicant explain how emergency plans and procedures would be secured to ensure the safe shutdown of operation in the event of a breach event?</p> <p>2) Can the Applicant provide further detail to clarify whether the entire pipeline would be shut down in the event of flooding to one of the facilities or if shutdown arrangements to the pipeline is dependent on the location/ extent of flooding and the facilities affected?</p> <p>3) Can the Applicant provide an indication as to how and where safe refuge provision will be provided as part of the Flood Warning and Evacuation Plan? A supporting plan/ figure would be useful to illustrate the potential locations of such provision.</p> <p>4) Can the Applicant describe what mitigation measures are proposed to ensure that the operators of the Immingham Facility, including the Central Control Room, will be safe in the event of a flood?</p>
1.10.16	Applicant	<p><b>Floodplain compensatory storage</b></p> <p>Can the Applicant confirm whether any floodplain compensatory storage would be required to mitigate potential effects from the siting of the Immingham and Theddlethorpe facilities as well as some of the pipeline route, temporary compounds, temporary working, access and laydown areas that are located within the floodplain?</p>
<b>Hydrology and Groundwater</b>		
1.10.17	Environment Agency	<p><b>Assessment methodology</b></p> <p>The Applicant [APP-051, Paragraph 9.4.3] has relied upon the Design Manual for Roads and Bridges (DMRB) LA109 to assess effects arising from this project. Can the EA confirm that this is an acceptable starting point and, if so, why?</p>

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1.10.18	Applicant Environment Agency	<p><b>Sample size</b></p> <p>It is stated site surveys were carried out on 22 and 23 January 2023 [APP-051, Paragraph 9.5.5]. No other surveys are reported. Is this a sufficient sample size from which to assess effects and draw conclusions and, if so, why?</p>
1.10.19	Applicant	<p><b>Worst-case and embedded mitigation</b></p> <p>It is noted that only one embedded mitigation, a routing choice in sections 3 and 4, was applied during the project development [APP-051, Paragraph 9.6.5]. Can it be explained why no specific measures were adopted for the IAGI or the TAGI, where previously developed land gives rise to a higher likelihood of contaminants being present and disturbed?</p>
1.10.20	Applicant	<p><b>Secured mitigation</b></p> <p>Could it be signposted by the Applicant where the commitment not to drill more than 10m below ground level in Source Protection Zone 1 [APP-051, Table 9-18] is secured?</p>
1.10.21	Applicant	<p><b>Climate change resilience</b></p> <p>The impact of climate change on groundwater flooding is briefly considered in paragraphs 5.2.7 and 5.2.8 [APP-101]. It is not established if this would alter the level of flood risk, however, paragraph 5.2.8 states that “<i>any below ground elements associated with the Proposed Development should be designed in such a way as to withstand any upward hydraulic pressures in the event that groundwater levels rise as a result of climate change</i>”. The FRA does not set out how this design will be secured. The Applicant is requested to provide additional information on this matter in relation to:</p> <ol style="list-style-type: none"> <li>1) How may climate change impacts affect the groundwater levels along the Proposed Development?</li> <li>2) Where this is not known or cannot be predicted, how the pipeline can be designed to withstand upwards hydraulic pressure?</li> <li>3) How the design of the pipeline to withstand upwards hydraulic pressure is secured within the DCO?</li> </ol>
1.10.22	Applicant	<p><b>Missing annexes</b></p> <p>The Drainage Strategy [APP-099] refers to a number of Annexes but these do not appear to have been included. Can the Applicant provide these annexes to the Examination?</p>

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<b>Rivers and watercourses</b>		
1.10.23	Applicant	<p><b>Chalk stream impacts</b></p> <p>ES Chapter 11 [APP-053] considers a number of impacts on the water environment in paragraph 11.7.1. However, it is not clear which of these impacts are specific to chalk streams. Explain with reasons.</p>
1.10.24	Applicant Environment Agency	<p><b>Chalk streams and mitigation</b></p> <p>The Applicant proposes using clay plugs and flume pipes to ensure water management within watercourses [APP-053, Paragraphs 11.7.23 and 11.7.24]. Are these suitable measures for chalk streams and, if not, what would be the suitable alternatives?</p>
1.10.25	Applicant	<p><b>Lacey Beck</b></p> <p>Provide the rationale, from the water environment perspective, that informed the positioning of the central construction compound within 150 metres of this identified water feature and why other sites, with a more distant relationship to the watercourse, were discounted.</p>
1.10.26	Applicant	<p><b>Bridges and banks</b></p> <p>It is stated that locations should be avoided where a temporary bridge would put pressure on the banks of watercourses causing spoil disturbance [APP-053, Paragraph 11.7.27].</p> <ol style="list-style-type: none"> <li>1) Are these locations known at this time and, if so, can they be specified in the relevant controlling management plans?</li> <li>2) How would such locations be determined and when?</li> <li>3) What assurance can be given that a temporary bridge would not be erected and where could this be monitored or enforced?</li> </ol>
1.10.27	Applicant Environment Agency	<p><b>Cumulative construction impacts</b></p> <p>Table 11-23 [APP-053] sets out the construction impacts on watercourses. It is noted there are multiple instances of 'minor adverse' effects across the Proposed Development. 1) It occurs to the ExA that the cumulative number of minor adverse effects may lead to major adverse effect on watercourses across the whole project. Does the Applicant have any response to this probability?</p>

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		<p>2) If there is potential, as suggested in ES Chapter 12 [APP-054], for multiple construction crews to be working on a project at the same time, has the same assumption been applied in respect of the water environment?</p> <p>3) If the answer to 2 is yes, are there instances where a single watercourse could be affected at the same time in separate locations, does combining the predicted minor adverse effects into a major adverse effect?</p>
1.10.28	Applicant	<p><b>Watercourse Bylaws</b></p> <p>Please provide details on the interaction between the proposed development and the Lindsey Marsh Drainage Board watercourse bylaws. Are any changes necessary to the submitted application?</p>
<b>Control of pollution and contaminants</b>		
1.10.29	Environment Agency	<p><b>Standard mitigation</b></p> <p>The Applicant has referred to normal construction practices being used within the Proposed Development and this routine, industry standard mitigation would suffice [APP-053, Paragraph 11.6.2]. Are the EA content that:</p> <p>1) this is indeed sufficient mitigation;</p> <p>2) whether the controls proposed are comprehensive and can the EA confirm if it has any confidence that the measures will be effectively implemented; and</p> <p>3) there are no other mitigation measures (including area-specific mitigations) that are required in this instance.</p>
1.10.30	Applicant	<p><b>Bentonite</b></p> <p>To provide reassurance to the ExA and IPs, please submit a bentonite breakout plan (or outline of such a plan) to the Examination demonstrating the due diligence and measures the Applicant would put in place to protect the integrity of both groundwater and surface water features.</p>

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<b>Q1.11. Geology and Land Use</b>		
<b>Farming Operations</b>		
1.11.1	Applicant	<p><b>Severance and breaches</b></p> <p>1) Confirm whether the Proposed Development would result in any severance issues for farms and, if so, how such severance issues are to be addressed/ mitigated?</p> <p>2) Explain if/ how short and long-term breaches of Agri-Environment schemes potentially caused by the Proposed Development, would be dealt with and who would take responsibility for dealing with any breaches – the Applicant or the signatory of the scheme? If it is the signatory, is the Applicant proposing to provide any support/ advice? 3) Signpost where in the application documents this information can be found if it has already been provided.</p>
1.11.2	Applicant	<p><b>Agricultural business activity</b></p> <p>A number of landowners have cited interference with agricultural business activity and other business activities with concerns to how compensation measures would be dealt with. Whilst the level of any potential compensation is not a matter for the Examination to determine, the Applicant is requested by the ExA to further clarify/ explain how it intends to deal with compensation issues for the benefit of all APs.</p>
1.11.3	Applicant	<p><b>Pipeline specifics on agricultural land</b></p> <p>A significant number of the RRs (around 46 out of 121) are in a similar format, raised on behalf of landowners who are existing farmers. To quote from one example [RR-004], there has been a <i>“Failure to agree a method statement for the pipeline construction and failure to provide clarity regarding construction depth of the pipeline and assurances that the land can be farmed going forward.”</i></p> <p>What reassurance can the Applicant give concerning future farming operations?</p>
1.11.4	Applicant Lincolnshire County Council	<p><b>Depth of burial</b></p> <p>In their scoping report (referred to in Table 10-3 of the ES Chapter 10 Agriculture and Soils document [APP-052]), Lincolnshire County Council say that <i>“any impact on agricultural land will be temporary in nature and important that there is no long-standing issues to agricultural land - thus supportive of the proposed approach.”</i></p>

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		However, if the depth of the pipe is 0.7 metres (or possibly less in view of the Limits of Deviation in Article 6 of the DCO) this will have a longer-term impact. What is the justification for this?
1.11.5	Applicant	<p><b>Access to Theddlethorpe</b></p> <p>The alternative location for the proposed TAGI (Option 2) is on agricultural land to the west of the former terminal site. This Option 2 also requires an extension to the current LOGGS 36” pipeline and a new permanent access road. Paragraph 10.4.19 of the ES Chapter 10 [APP-052] assumes that this loss will be “<i>permanent and irreversible</i>”. Can this be justified when there is an alternative available as Option 1 subject to a commercial negotiation?</p>
1.11.6	Applicant	<p><b>Farm by farm assessment</b></p> <p>In a tabular format, please list all the individual farms and smallholdings affected by the Proposed Development, the size and scale (hectares (ha)) of each of these agricultural units, then the amount of land to be taken (permanently and/ or temporarily) from these agricultural units first as an area (ha) and then as percentage (%) of the overall holding. Subsequently, indicate whether the effects on each farm are considered minor, moderate or significant.</p>
<b>Other land use matters</b>		
1.11.7	Natural England	<p><b>Soil Management Plan</b></p> <p>In their submission [RR-073], NE confirm that they are advising the Applicant on soil resources. NE also said they would be reviewing the Soil Management Plan [APP-096]. Are there any further comments on this?</p>
1.11.8	Applicant	<p><b>National Farmers Union (NFU)</b></p> <p>The ExA note that the NFU has not registered as an Interested Party to this Examination. Has the Applicant had any engagement with the NFU in the pre-application or pre-examination phase of this project and, if so, what feedback has been received to date?</p>

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<b>Q1.12. Habitats Regulation Assessment</b>		
<b>Effect of the Proposed Development on its own and In-combination with Other Plans and Projects</b>		
1.12.1	Applicant Natural England	<p><b>NE's position</b></p> <p>At Deadline 1, the Applicant is requested to provide its responses to the RR received. Notwithstanding this, the ExA request that the Applicant responds to [RR-073] with direct reference to each of the tabulated issues (NE9, NE10 for example) labelled by NE. It may be better to do this in tabular format similar to NE's presentation to ensure each point has been suitably addressed (Green marked points can be excluded).</p>
1.12.2	Applicant	<p><b>The Northern Compound</b></p> <p>The ExA notes, like NE, that Figure 3 of Appendix 6-7 [APP-083] shows no bird surveys have been undertaken at the Northern Compound site despite this being within 10km of the Humber Estuary Special Protection Area (SPA). Provide justification as to why this has not been done and provide information to demonstrate whether or not the land for the compound constitutes functionally linked land.</p>
1.12.3	Applicant	<p><b>Pathway for Likely Significant Effects (Stage 1 screening)</b></p> <p>In respect of water quality and the water environment, particularly where HDD and auger-bores are proposed, there does not appear to be any consideration of the potential for bentonite breakout. Could the Applicant explain whether or not the potential for this should be considered a pathway and, subsequently, whether there would be any likely significant effects arising?</p>
1.12.4	Applicant	<p><b>Pathway for Likely Significant Effects (Stage 1 screening)</b></p> <p>Venting, and the noise therefrom, does not appear as a potential disturbance pathway for birds/wildlife on functionally linked land [AS-026, Paragraph 6.3.1]. The venting apparatus to be used across the Proposed Development, and the visual intrusion therefrom, do not appear to have been considered in the Habitats Regulation Assessment Report (HRAR). Can it be explained why this is the case given the potential for significant noise and visual disturbance effects, alongside atmospheric pollution, to occur?</p>
1.12.5	Applicant Natural England	<p><b>Pathway for Likely Significant Effects (Stage 1 screening)</b></p> <p>The HRAR [AS-026, Paragraph 6.2.64] suggests that pollution in watercourses has to travel a long way to the Harbour Estuary and thus will be strongly diluted to a point there will not be a likely significant effect. However, this does not consider a potential pathway of effect of water</p>

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		pollutants on functionally linked land or upon inland pools/ ponds used by SPA-component bird species. For example, if a pollutant entered the water and travelled downstream to functionally linked land its concentration would be higher. Can it be explained whether or not this is a pathway of concern and why this has not featured in the HRAR?
1.12.6	Applicant	<b>Viking Fields Working Restrictions</b> The Applicant has set out restrictions on when certain works would or could be undertaken [AS-026, Paragraph 7.3.13]. Can the Applicant set out where this mitigation is secured?
1.12.7	Natural England	<b>Natterjack Toads</b> The Applicant has assessed the only pathway for a likely significant effect on natterjack toads is for encroachment of machinery into the living habitat, proposing mitigations to avoid such an occurrence happening [AS-026, Paragraphs 6.2.93, 7.3.39]. Are NE content that the works to the Dune Valve Station (and access thereto, including use of a crane [AS-026, Paragraph 6.2.130]) would not cause other pathways of effect to occur (for example from noise and visual disturbance, vibration or dust)?
1.12.8	Applicant Natural England	<b>Grey seals</b> No Adverse Effects on Integrity (AEoI) is predicted in respect of the grey seal feature of the Humber Estuary Special Area of Conservation (SAC) [AS-026, Paragraph 6.2.91]. This is due to the breeding site being 13.25km north of the Proposed Development. For the purposes of clarity, are there no recorded seal haul-out sites (or other records of seal foraging activity) in proximity to the Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC?
1.12.9	Natural England	<b>Noise and disturbance mitigation</b> Does NE consider that the simple erection of close-boarded fencing would sufficiently reduce noise and disturbance to a level whereby an AEoI can be ruled out [AS-026, Paragraphs 7.3.12, 7.3.19 et al]?
1.12.10	Natural England	<b>Pink-footed geese mitigation</b> Given the abundance of pink-footed geese in the locality [AS-026], are the mitigations proposed by the Applicant sufficient to rule out an AEoI? If not, what measures should be adopted?



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1.12.11	Applicant Natural England	<p><b>Red-throated diver assessment and mitigation</b></p> <p>The ExA notes from NE’s relevant representation [RR-073] that there are no concerns regarding the Greater Wash SPA. Nonetheless, the ExA notes that the Applicant states red-throated diver from the Greater Wash SPA, whilst not present in the Order Limits, may fly over the Proposed Development [AS-026, Paragraph 6.2.147]. The species is known to demonstrate high levels of avoidance and subsequent displacement effects may occur.</p> <p>1) Why has displacement not been considered as a potential pathway of effect, particularly given the 25m stack at Theddlethorpe?</p> <p>2) How much more of a likely significant effect would occur if the ‘emergency’ 50m stack were to be erected?</p>
1.12.12	Applicant	<p><b>Drainage and water management</b></p> <p>Having reviewed the conclusions [AS-026, Paragraph 7.3.35], the ExA request, in order to ensure an AEoI can indeed be ruled out, outline versions of the drainage strategy and water management plan be prepared and submitted to the Examination. Confirm when this will be done.</p>
1.12.13	Natural England	<p><b>Position Statement</b></p> <p>The content of [RR-073] is fully acknowledged and clear. However, for the purposes of full disclosure, please can the following questions be briefly responded to:</p> <p>1) Can NE confirm whether or not the HRA screening matrices [AS-026, Appendices G and H] are complete and acceptable? If not, why not?</p> <p>2) Are NE satisfied that the amount of survey data used to inform the HRA and Appropriate Assessment is both sufficient and robust to reach reasoned scientific judgements? If there are perceived deficiencies, explain what these are and the concerns that emerge from this.</p> <p>3) Can NE confirm whether or not it agrees with the Applicant's conclusions regarding potential for likely significant effects? It may be beneficial to use the table [AS-026, Table 7-1] and add a column to confirm NE's agreement or disagreement. If there is disagreement, please set out the reasons.</p> <p>4) Can NE confirm its position, in tabular format, at this stage whether an AEoI can be ruled out in respect of each designated European site. This table may be updated during the Examination as, when and if NE’s position changes. If the Applicant’s AEoI conclusions are disputed, please explain why in separate free-flowing text.</p>

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1.12.14	Applicant	<p><b>Confirmation of wording</b></p> <p>To aid understanding, please explain the use of the word 'within' [AS-026, Paragraph 6.2.11]. Does that mean that land adjacent and contiguous with the Order Limits has not been considered?</p>
1.12.15	Applicant Natural England	<p><b>Marine Environment</b></p> <p>NE recommends the terrestrial and marine aspects are considered at a holistic level because the Proposed Development is intrinsically linked to an offshore project [RR-073].</p> <p>1) What implications does / would this have on the HRA carried out to date?</p> <p>2) How should the competent authority approach or consider such matters when undertaking the Appropriate Assessment?</p>
1.12.16	Applicant	<p><b>Humber Estuary RAMSAR</b></p> <p>The HRAR [AS-026, paragraph 4.2.25] has a heading of RAMSAR criterion 8, however the criterion is not listed, as this instead refers to a population listed under Criterion 6. Can the Applicant provide a corrected version of the HRA with the information related to criterion 6 and 8.</p>
1.12.17	Applicant	<p><b>Stage 1 Screening</b></p> <p>The HRA report [AS-026] is supported by Appendix 13.4 'HRA Noise Assessment' of the Environmental Statement (ES) which presents the methodology used to assess noise to support the HRA, although this is not referenced in the HRAR. The Applicant is requested to provide confirmation as to how the information provided within the noise assessment has been utilised within the HRAR.</p>
1.12.18	Applicant	<p><b>Screening for LSE</b></p> <p>With reference to the Matrices in Appendix G [AS-026], they do not include the pathway of changes to water quality during operation, and with the exception of the Humber Estuary SPA, do not include the pathway of noise and visual disturbance during operation which are assessed within section 6.3. For completeness, Appendix G should be updated to include this information.</p>
1.12.19	Applicant	<p><b>Screening for LSE</b></p> <p>With reference to the matrices in Appendix G [AS-026] and assessment within section 6.3, interested parties are invited to comment on the conclusions that operational impacts from dust</p>

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		and particulates and atmospheric emissions from vehicles and plant are considered acceptable to screen out and therefore not taken forwards to stage 2.
1.12.20	Applicant	<p><b>Screening for LSE</b></p> <p>Throughout the matrices in Appendix G [AS-026], the terms ‘noise and visual’ and ‘noise and vibration’ are presented inconsistently. Table 1, 2 and 3 (referring to SPA / RAMSAR sites) use the terms noise and visual, Table 3 (SAC) uses noise and vibration, and Table 4 (SAC) does not refer to noise, vibration or visual at all. Whilst it is noted that the sites have differing qualifying features, the Applicant is requested to provide clarity on how each site has been assessed for all LSE related to noise, vibration and visual disturbance.</p>
1.12.21	Applicant	<p><b>Humber Estuary RAMSAR</b></p> <p>Table 2 of Appendix G [AS-026] notes that dust and particulate impacts to Lamprey are carried forwards, however neither the accompanying footnote or paragraphs 6.2.110 – 6.2.113 refer to dust and particulates, and therefore it is not clear whether this was intended to be carried forwards to stage 2. The Applicant is requested to provide clarity on this matter.</p>
1.12.22	Applicant	<p><b>Humber Estuary RAMSAR</b></p> <p>Table 7-1 and report section 7 [AS-026] indicates no LSE are predicted for Lamprey impacts during the decommissioning phase, however this is ticked as yes in Table 2 of Appendix G for the pathways of dust and particulates, water quality, noise and visual disturbance and direct injury, and taken forwards to stage 2 in Appendix H Table 7. The Applicant is requested to provide clarity on this matter.</p>
1.12.23	Applicant	<p><b>Humber Estuary RAMSAR</b></p> <p>Table 7-1 [AS-026] and paragraphs 6.2.93 – 6.2.95 considers that LSE may be present for Natterjack Toad (killing or injury) during construction and decommissioning but this is not ticked in Table 2 of Appendix G and is also not taken forwards to stage 2 in Appendix H Table 7. The Applicant is requested to provide clarity on this matter.</p>
1.12.24	Applicant	<p><b>Humber Estuary RAMSAR</b></p> <p>Table 2 of Appendix G [AS-026] and subsequently Table 7 of Appendix H, does not include an assessment of Black Tailed Godwit which is listed in the qualifying features (criteria 6 as</p>

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		detailed at paragraph 4.2.7) of the RAMSAR citation. The Applicant is requested to provide clarity on this matter.
1.12.25	Applicant	<p><b>Humber Estuary SAC</b></p> <p>Table 3 [AS-026] refers to “air quality” whereas the other tables differentiate between dust and particulates, and vehicle / plant emissions. Interested Parties are invited to comment on the suitability of grouping these topics together for the Humber Estuary SAC only.</p>
1.12.26	Applicant	<p><b>Humber Estuary SAC</b></p> <p>Table 7-1 and section 7 [AS-026] indicates no LSE are predicted for Lamprey impacts during the decommissioning phase, however this is ticked as yes in Table 3 of Appendix G for the pathways of water quality, noise and vibration disturbance and direct injury, and taken forwards to stage 2 in Appendix H Table 8. The Applicant is requested to provide clarity on this matter.</p>
1.12.27	Applicant	<p><b>Humber Estuary SAC</b></p> <p>For the Humber Estuary SAC, Appendix H (Table 8) [AS-026] does not include an assessment of noise and vibration during decommissioning in the matrix. The Applicant is requested to provide an updated matrix with this pathway included.</p>
1.12.28	Applicant	<p><b>Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC</b></p> <p>Table 7-1 and section 7 [AS-026] have habitat loss during decommissioning as a potential LSE, but this is not taken forwards to the matrix in Appendix G Table 4 or Appendix H Table 9 as this only has construction noted. The Applicant is requested to provide an updated matrix with this pathway included.</p>
1.12.29	Applicant	<p><b>Overlapping designations</b></p> <p>It is noted that the Humber Estuary SPA, RAMSAR and Saltfleetby to Theddlethorpe Dunes and Gibraltar Point SAC are overlapping designations. However, the ExA have noted that there are inconsistencies in relation to potential LSE and therefore AEOI between these sites [AS-026]. The Applicant and Interested Parties are invited to provide additional information on the following:</p> <ul style="list-style-type: none"> <li>• <u>Overlapping SPA and RAMSAR comparison</u> - Golden Plover and Redshank in the Humber Estuary SPA has an identified potential LSE for noise and visual disturbance during construction and decommissioning, whereas Golden Plover and Redshank in the RAMSAR do not. The justification for this (paragraphs 6.2.97 - 6.2.105) is that this species were recorded in numbers below the 1% threshold and LSE can be screened</li> </ul>

		<p>out. Interested Parties are invited to comment on whether the application of a threshold of 1% is appropriate for this impact pathway.</p> <ul style="list-style-type: none"><li>• <u>Overlapping SPA and RAMSAR comparison</u> - Redshank in the Humber Estuary SPA has an identified potential LSE due to permanent loss of FLL, whereas Redshank in the Humber Estuary RAMSAR does not. The justification for this (paragraph 6.2.95) indicates that no species other than Avocet were recorded in numbers above the 1% threshold. Interested Parties are invited to comment on whether the application of a threshold of 1% is appropriate for this impact pathway.</li><li>• <u>Overlapping SAC and SPA/ RAMSAR comparison</u> - The Saltfleetby SAC has potential LSE from habitat loss during construction (and decommissioning), as paragraph 6.2.126 states that in the absence of mitigation, there is the potential for machinery to encroach onto adjacent habitats, which could have an effect on the qualifying habitats. This is inconsistent with the assessment in the Humber Estuary RAMSAR (paragraph 6.2.79) and Humber Estuary SPA (paragraph 6.2.3) states that that no direct habitat loss will occur as the onshore pipeline will connect to the existing (below ground) LOGGS pipeline west of the sand dunes at Theddlethorpe. The ExA requests the Applicant to provide additional information on how direct habitat loss would occur in one overlapping designation but not the others.</li><li>• <u>Overlapping SAC and SPA / RAMSAR comparison</u> - The Saltfleetby SAC has a potential LSE from water quality impacts to habitats during construction and decommissioning, as Paragraph 6.2.127 states that “<i>the construction of the Theddlethorpe facility has the potential to cause a reduction in water quality through sediment disturbances if washed down into watercourses or onto adjacent habitats. If a pollution event were to occur, it could affect adjacent habitats. The main watercourses and water features flow from east to west towards Saltfleetby-Theddlethorpe Dunes &amp; Gibraltar Point SAC. All construction works associated with these watercourses have the potential to propagate sediments and spillages downstream</i>”. However, the Humber Estuary RAMSAR (to habitats) and Humber Estuary SPA (to species) do not identify LSE. The justification for this (footnote e of table 2 and footnote l of table 1 of Appendix G) states that “<i>The Environmental Damage (Prevention and Remediation) (England) Regulations 2015 (Ref 42) and the Environmental Permitting (England and Wales) Regulations 2016 (Ref 43) make it an</i></li></ul>
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		<p><i>offence to pollute watercourses, irrespective of whether they are designated as European designated sites or connect to designated sites. With embedded mitigation, impacts from run-off are predicted to be short term, intermittent and spatially local". The ExA requests the Applicant to provide additional information on how water quality impacts would occur in one overlapping designation but not the others.</i></p>
1.12.30	Applicant	<p><b>In-combination assessment</b> The HRAR [AS-026] presents an assessment of in combination effects within section 7.4 and Appendix A, however the HRA does not refer to specific impact pathways as are presented for the project alone assessment. The Applicant is requested to update the HRA to provide a list of the potential in-combination effect pathways.</p>
1.12.31	Applicant	<p><b>AEol on Greater Wash SPA</b> Table 7-1 [AS-026] does not include a summary of operational impacts for the Greater Wash SPA. The Applicant is requested to provide an updated HRAR.</p>
1.12.32	Applicant	<p><b>Conclusions on AEol</b> The conclusion is of no AEol as stated in paragraphs 7.4.1-7.4.5 [AS-026] in the HRA report, however there is a potentially contradictory sentence at paragraph 7.4.6 which reads "<i>there will be adverse effects</i>". Given the multiple references to no AEol this is assumed that the intended conclusion is no AEol, however can the Applicant confirm the intended result of the assessment, as if the sentence is in fact correct and there are adverse effects on integrity, the HRAR will require a stage 3 assessment to be undertaken.</p>
1.12.33	Applicant	<p><b>Assessment of AEol</b> Appendix H Table 6 [AS-026] includes operational in combination effects in the table, despite this being indicated as no LSE is stage 1. No other table in Appendix H appears to take forwards pathways that have been completely ruled out. The Applicant is requested to provide details on whether operational in-combination effects to the Humber Estuary SPA were intended to be taken forwards to stage 2, and should therefore be ticked as yes in Appendix G.</p>
1.12.34	Applicant	<p><b>Mitigation for HRA</b> Throughout the HRAR [AS-026], where reference is made to embedded mitigation, it is predominately in relation to water quality. The Applicant is requested to provide detail on any other form of embedded mitigation which is relied upon to conclude no LSE during the stage 2</p>

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		assessment, and confirmation that no additional mitigation was considered within the stage 1 screening assessment (as per paragraph 3.2.5).
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<b>Q1.13. Landscape and Visual Amenity</b>		
<b>Landscape Methodology</b>		
1.13.1	Historic England	<p><b>Historical Landscapes</b></p> <p>Can Historic England confirm whether or not there are any concerns in regard to construction or operation phase development in historical landscape areas.</p>
1.13.2	Applicant Local Authorities	<p><b>Assignment of value</b></p> <p>The Area of Great Landscape Value is only assigned 'medium' value by the Applicant [APP-049, Table 7-11]. Is this a view shared and agreed upon with/ by the Local Authorities?</p>
1.13.3	Applicant Local Authorities	<p><b>Zone of Theoretical Visibility (ZTV)</b></p> <p>Figure 7-5 [APP-049] sets out the ZTV for Immingham. It is noted that from this, there are no viewpoints provided to the Examination of the IAGI from the northern side of the Humber (such as Spurn Head). Could it be explained why this is the case?</p>
1.13.4	Applicant	<p><b>Duration</b></p> <p>It is stated the typical duration for a 1km stretch of open cut pipeline works are not anticipated to be more than seven months [APP-049, Paragraph 7.8.3]. Could the effect on a particular landscape or viewpoint (say from the Lincolnshire Wolds AONB) be longer due to consecutive 1km stretches being worked upon?</p>
1.13.5	Applicant	<p><b>Visualisation</b></p> <p>The ExA require further information to understand the visual impact of the TAGI Option 2 upon the local countryside. Could a 3D (or equivalent) diagram be produced to show the TAGI Option 2 scenario at both Year 1 and Year 15, to demonstrate the level of screening and mitigation that could be expected [APP-049, Paragraph 7.8.156].</p>
1.13.6	Applicant	<p><b>CA vs Landscaping</b></p> <p>The Applicant to explain how the landscaping at the block valve stations and the Theddlethorpe Gas Terminal (options 1 and 2) has been designed having regard to the principles of compulsory acquisition, requiring only land necessary for the project to be taken.</p>



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<b>Lincolnshire Wolds National Landscape</b>		
1.13.7	Applicant	<p><b>Stockpiles</b></p> <p>Although not specifically limited to the Lincolnshire Wolds AONB, it is noted that the Landscape and Visual Impact Assessment (LVIA) does not take account of stockpile heights or earth bunds [APP-049, Paragraphs 7.6.1 to 7.6.4]. Explain the rationale behind this omission and set out what effects, if any, such created features would have on the landscape, particularly around the central construction compound.</p>
1.13.8	Applicant	<p><b>Compound choice</b></p> <p>The ExA noted on the USI that, at the central construction compound location, the land rises to the west within the Lincolnshire Wolds AONB. From within the AONB, there are views past the compound location out towards the coast to the east. Of all the locations along the 55km route, why was the location for the central construction compound chosen immediately abutting the edge of the Lincolnshire Wolds AONB in, what would appear to, quite prominent vistas?</p>
1.13.9	Natural England Local Authorities	<p><b>Protected Landscapes</b></p> <p>Are NE and the Local Authorities satisfied with scope of mitigation measures (including how it is secured) for the section of AONB within the Order Limits?</p> <p>Have the impacts and mitigation been satisfactorily dealt with for potential impacts on Lincolnshire Heritage Coast?</p>
<b>Character and appearance of the countryside</b>		
1.13.10	Local Authorities	<p><b>Study Areas</b></p> <p>Is a 1km study area appropriate for each of the BVS? Explain with reasons.</p>
1.13.11	Local Authorities	<p><b>Study Timing</b></p> <p>The surveys to inform the LVIA were undertaken in March and June [APP-049, Paragraph 7.4.31]. It would appear none have been done in the winter months. Explain what, if any, significance this has the findings of the LVIA and whether there are concerns about the limitations in the study.</p>

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<b>Q1.14. Noise and Vibration</b>		
<b>Noise effects</b>		
1.14.1	Local Authorities	<p><b>Unattended measurements</b></p> <p>The Applicant has stated that six locations were used in making unattended measurements that are deemed to be representative of all sensitive receptors [APP-055, Paragraph 13.4.10]. The measurements were then said to have been undertaken in January and in late February. Explain, with reasons, whether there are any concerns regarding the scope or methodology of the assessment.</p>
1.14.2	Applicant	<p><b>Noise measurements</b></p> <p>Why were unattended noise measurements not undertaken during Summer or Autumn months?</p>
1.14.3	Applicant	<p><b>Potential discrepancies</b></p> <p>The ExA have reviewed the information [APP-055, Figure 13-1] and have some queries:</p> <ol style="list-style-type: none"> <li>1) Point NM6 is further from the Order Limits than receptors R52 and R8. Explain why then that NM6 is considered representative when properties would actually be closer to the noise source than the monitoring location.</li> <li>2) Point NM5 and receptors R45 and R51 are in different geographical situations, so are likely to have different noise environments. Explain why point NM5 is representative?</li> <li>3) Point NM7 is further away from construction works than all the nearby receptors, with R11 and R12 in much closer proximity. Given the working corridor (said to be 30m in ES Chapter 3 [APP-045] could be anywhere inside the Order limits, receptor R11 may be exposed to much higher levels of noise than NM7. Explain why point NM7 is representative.</li> <li>4) Explain why Point NM14 is an appropriate monitoring location to represent the noise conditions at receptor R41, R42 and R48 when these receptors are clearly closer to the Proposed Development.</li> </ol>
1.14.4	Applicant	<p><b>Noise measurements</b></p> <p>Why have ambient noise measurements not been taken at individual identified receptor properties? Would that not give a more accurate appreciation of their noise environments compared to a generalised representative point?</p>

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1.14.5	Applicant	<p><b>Peak times</b></p> <p>Table 13-18 [APP-055] shows data for time periods other than the morning and afternoon peaks, and only for 2 dates in January 2023.</p> <p>1) Should more noise monitoring be done to verify the results being relied upon?</p> <p>2) Why are peak times in the a.m. and p.m. not included in the surveys?</p>
1.14.6	All Local Authorities	<p><b>Duration of effects</b></p> <p>From the ES [APP-055, Paragraph 13.7.10ff] there are many instances of predicted significant noise effects. These are all reduced to 'not significant' following the application of mitigation measures listed in section 13.8 [APP-055]. Do the relevant Local Authorities agree with these conclusions?</p>
1.14.7	Applicant	<p><b>Tunnelling techniques</b></p> <p>Can it be explained why HDD and Auger Boring do not feature [APP-055, Table 13-19]?</p>
1.14.8	Applicant	<p><b>Auger Boring and Yew Tree Cottage</b></p> <p>It is reported that auger boring could take place between 15m and 120m from Yew Tree Cottage [APP-055, Paragraph 13.7.72]. The ExA notes that the receptor, known as R26, is said to be just 15m off of the DCO boundary.</p> <p>1) Logically, does that mean that the Auger boring could take place hard to the edge of the Order Limits?</p> <p>2) How, if such activity were to take place within 15m of R26, can it be concluded that the effects would not be significant [APP-055, Table 13-35] when it would appear to the ExA that no mitigation could be initiated for that property?</p>
1.14.9	Applicant	<p><b>Hydrostatic Testing</b></p> <p>The ES [APP-055, Paragraph 13.7.50] suggests additional mitigation would be required if hydrostatic testing was to be undertaken within 200m of a residence.</p> <p>1) Where would that testing be likely to occur?</p> <p>2) What additional mitigation would be required?</p> <p>3) Who would be involved in agreeing that mitigation and when?</p> <p>4) Where is the additional mitigation accounted for or secured within the dDCO or its suite of management plans?</p>

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1.14.10	Applicant	<b>Contractor Obligations</b> Looking at measure I2 [APP-055, Paragraph 13.8.1], what if there would be additional or increased negative effects? What would the contractor do?
1.14.11	All Local Authorities	<b>Working out of hours</b> The Applicant states that a Section 61 Consent would be required from the local authority in the event that HDD processes needed to be undertaken outside of core hours [APP-055, Paragraph 13.9.6]. Explain what process would need to be followed and what safeguards are there for the general public and noise sensitive receptors?
1.14.12	Applicant	<b>Noise and Vibration effects of tunnelling</b> Please provide evidence of why the techniques that will be used for tunnelling (Auger Boring and HDD) have not been assessed for noise and vibration? Will any difficult ground conditions that are met affect this?
<b>Vibration effects</b>		
1.14.13		<b>There are no questions on this topic at this time. Questions may be asked in future Hearings or in further written questions.</b>

<b>Q1.15. Socio-Economic Effects</b>		
<b>Tourism and Recreation</b>		
1.15.1	Applicant	<p><b>Tourist Operators</b></p> <p>There is reference to the existing benefits of tourism to the area, but the construction may, as an example, impact upon camping sites with safety aspects being an issue [RR-044]. An example is the case of glamping pods [RR-014]. What discussions have taken place with such operators and with what outcome?</p>
1.15.2	Local Authorities	<p><b>Quality of Information</b></p> <p>A range of tourism and recreational destinations and activities in the area are set out at in the ES Chapter 16 [APP-058]. In particular, there is the route of the English coastal path as mentioned at paragraph 16.5.35.</p> <p>1) Does this Chapter of the ES adequately describe the baseline so that effects on tourism and recreational users can be fully assessed? Are there other destinations which have been omitted that might be affected?</p> <p>2) If any additional tourism and recreational destinations are identified, please provide a plan to show their locations?</p> <p>3) Is the Applicants' assessment that potential impacts on tourism would be negligible adverse during the construction phase only reasonable? Should any effects during operation be considered?</p> <p>4) East Lindsey District Council [RR-031] mention the possible impact on tourism and they will comment further in their LIR. Can they be more specific at this stage?</p>
1.15.3	Applicant	<p><b>Shoots</b></p> <p>Another local recreation is organised shoots [RR-066] which may well be affected by construction works. What reassurance can be provided to such organisers?</p>
1.15.4	Applicant Local Authorities	<p><b>Liaison Group</b></p> <p>The dDCO [AS-008] relates to the establishment of a local liaison group. Could the Local Authorities:</p> <p>1) Provide comment on this requirement in terms of whether it would meet the aims of keeping the community informed of the construction;</p>

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		<p>2) Confirm whether they would take an active role in such a group; and</p> <p>3) Provide examples of where such groups have been established successfully for other major developments in the locality.</p>
<b>Commercial Enterprises</b>		
1.15.5	<p>Applicant R Caudwell (Produce) Limited Imai Solar Limited</p>	<p><b>Solar Farm</b></p> <p>There appear to be plans for a large solar park in the area [RR-086] with an option agreement already in place. What further discussions and negotiations have taken place?</p>
1.15.6	<p>Applicant</p>	<p><b>Employment Opportunities</b></p> <p>Section 16.7 of Chapter 16 of the ES [APP-058] refers to the construction of the CO<sub>2</sub> pipeline as having the potential to generate regional and national demand for construction, engineering and manufacturing skills which will contribute to the economic benefits of ‘The Project’ of which the DCO Proposed Development applied for and subject to this Examination is part of. Can the Applicant:</p> <ol style="list-style-type: none"> <li>1) Further clarify (or through reference to the specific application information submitted) the specific nature and level of any job creation as part of the related economic benefits it is broadly referring to?</li> <li>2) Confirm whether any of the associated anticipated economic benefits attributable to the DCO scheme able to be directed locally? For example, benefits which could potentially facilitate local employment opportunity/ social mobility from nearby settlement areas?</li> <li>3) Advise of any discussions been undertaken to provide potential work pathway links/ opportunities with local education providers?</li> <li>4) Confirm if there is scope within the expected procurement mechanisms available to the Applicant to enable local employment provision/ opportunities?</li> <li>5) Commit to engagement with relevant Council’s/ stakeholders to further explore maximising local socio-economic benefits wherever possible?</li> </ol>
1.15.7	<p>Applicant Local Authorities</p>	<p><b>Socio-Economic Benefits</b></p> <p>The benefits of the scheme for the local economy appear very limited – these are set out at paragraph 16.11.2 of the Socio-Economic Report [APP-058] and assessed at employment during the construction phase of 222 with an income generation for the local economy (within a</p>

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		60-minute drive) of £4.2 million. It is noted that East Lindsey District Council were broadly positive concerning the socio-economic impacts [RR-031] but to what extent is this consistent with the Local Plans of the host authorities?
1.15.8	Applicant	<p><b>Haul Road mitigation</b></p> <p>Concerns have been raised over the possible impacts arising from a haul road for the construction works on a garden centre business north of Alford and near the village of Maltby le Marsh [RR-119]. There seems to have been very limited discussion as yet – what proposals are being suggested to minimise any disruption?</p>
1.15.9	Applicant Driver and Vehicle Standards Agency (DVSA)	<p><b>Relocation Negotiations</b></p> <p>It appears that the DVSA will need to relocate [RR-030]. What is the latest position concerning an alternative site?</p>
1.15.10	Applicant	<p><b>Retained agricultural viability</b></p> <p>A number of local farmers raise concerns as to the return to agricultural use following the completion of construction works. There is a concern that the works should be time limited. This will be covered in discussions over the dDCO but clearly the local farmers are expecting some certainty concerning the timelines. Can the Applicant provide any reassurance?</p>
1.15.11	Applicant Mablethorpe Flexible Generation Limited	<p><b>Theddlethorpe AGI</b></p> <p>Particular concerns have been raised in relation to the future use of the TGT and it seems that negotiations are already advanced for a lease of the site to Mablethorpe Flexible Generation Limited [RR-056]. They suggest that the projects can co-exist. To what extent is this achievable?</p>
<b>Effects on social infrastructure</b>		
1.15.12	Applicant	<p><b>Schools</b></p> <p>The two primary schools at South Killingholme and Immingham are within 1km of the DCO Order Land. As acknowledged at paragraph 16.5.36 of the Socio Economic Report [APP-058] these could lead to some impact on residents where access to the schools may be more difficult. How is it proposed to alleviate such problems?</p>

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1.15.13	Local Authorities	<b>Blue light services</b> Certain emergency services (such as the Police and Ambulance) may experience some disruption during construction works. This in particular applies to the Immingham West Fire Station. How is it proposed that any impacts are minimised?
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<b>Q1.16. Traffic and Transport</b>		
<b>Local Road Network</b>		
1.16.1	Applicant	<p><b>Implications of updated guidance</b></p> <p>The ES [APP-054, Paragraph 12.2.17] states it was prepared on the basis of 1993 guidance and not that published in July 2023. It is stated because the assessment commenced prior to July 2023, the assessment was not done with the updated guidance applied.</p> <p>1) Are there written transitional arrangements that state a project commenced prior to July 2023 could be based on the 1993 guidance? Provide evidence.</p> <p>2) What implications would there be if the 2023 guidance was followed and what parts of the assessment would be impacted/ affected the most?</p> <p>3) Provide a highways technical note be produced to clarify what the significance of the July 2023 guidance is and how it would impact on the outcomes of the ES.</p>
1.16.2	Applicant	<p><b>Road surfaces</b></p> <p>It is noted that East Lindsey District Council asked for the ES to look at impacts on road surfaces, but the Applicant declined as: <i>“The assessment does not cover impacts on highways surfaces, as this is not an environmental impact per se.”</i></p> <p>1) In determining which links were suitable for construction traffic, including Heavy Goods Vehicles (HGVs), did the Applicant take road surface conditions into account at all?</p> <p>2) The ExA observed numerous single-track rural roads on the USI where the verges were churned, muddy or crumbling as a result of vehicles trying to pass each other. Is the Applicant suggesting that further degradation of these road verges, affecting the condition of the highway as a whole, by their use during construction would not amount to an environmental impact?</p> <p>3) IPs have also raised concerns relating to construction traffic issues. Please provide the assessment that demonstrates the suitability or otherwise (plus any required mitigation) of local roads to accommodate construction traffic, particularly on narrow lanes such as Red Leas Lane, Thoroughfare and Pick Hill Lane.</p> <p>4) Will a road condition survey be carried out alongside and in consultation with the local highways authority?</p>

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		<p>5) What recourse is there in the dDCO or other controlling documents, for the local highways authority or the local public, to seek reinstatement and repair of roads, carriageways and verges to a safe condition during or post construction?</p> <p>6) Would not highway surface conditions count into a highway safety consideration in a Road Safety Audit?</p> <p>7) The Outline Construction Traffic Management Plan (OCTMP) [APP-107] states, on page 24 of 41, that it would be essential to take precautionary measures to protect roads from surface damage. Please identify what those measures would be and where the dDCO or its controlling documents would ensure such measures would be implemented.</p>
1.16.3	Applicant	<p><b>Updates to Transport Assessment</b></p> <p>The ES [APP-054, Paragraph 12.4.32] suggested that an updated Transport Assessment would be submitted to the Examination (prior to its commencement) following greater clarity on the programming of works. Provide updates with the relevant technical explanation.</p>
1.16.4	Applicant	<p><b>Construction programming</b></p> <p>The ES [APP-054, Paragraph 12.3.6] assumes that all construction activities would be onsite concurrently. What is the likelihood of this scenario occurring?</p>
1.16.5	Applicant	<p><b>Abnormal Indivisible Loads (AILs)</b></p> <p>The ExA understands that construction traffic would be restricted to routes identified in the assessment except for AILs [APP-055, Paragraph 12.4.32]. The OCTMP [APP-107] provides no clarity on the movement or management of AILs on the network. Provide a highways technical note detailing the movement and management of AILs, including any necessary road closures or laydown areas adjacent to construction works that may require closure or blockage of a particular street or lane of a highway.</p>
1.16.6	Applicant	<p><b>Traffic counts</b></p> <p>The ExA observe [APP-055, Figure 12-2] that there are very few traffic counts on the west side of the Order Limits compared to those undertaken on the east. Is this just a reasoning behind this?</p>
1.16.7	Applicant	<p><b>Explanation of Table</b></p> <p>In Table 12-36 [APP-055], the ExA observe several records of “0%” in the columns. Can it be explained how that is achieved and what it means?</p>

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1.16.8	Applicant	<p><b>Traffic Management</b></p> <p>There does not appear to be a strategy, with the ES [APP-054] or the OCTMP [APP-107] for the general management of public traffic on the highway at times when the highway is required during construction (i.e.; no details of road closures, roadworks, diversions, length or duration of diversions etc). Provide the necessary information to demonstrate how traffic would be handled in such situations.</p>
1.16.9	Applicant	<p><b>Shared transport</b></p> <p>The ES [APP-054, Paragraph 12.14.5] states the assessment of effects does not take into account potential car sharing or minibus transportation for construction crew worker movements, so the level of trips is likely to be less than predicted. Given that this may be the case, provide justification as to why the car parks at each of the construction compounds are sized the way they are. Would the implementation, at the onset, of a mandatory shared transport scheme for workers result in smaller car parks/ land take?</p>
1.16.10	Applicant Local Highways Authority	<p><b>Conclusions</b></p> <p>The ExA observes that the ES [APP-054, Table 12-76] records residual moderate adverse effects on a number of routes. Are there any further mitigations that can be explored to reduce the effects?</p>
1.16.11	Applicant	<p><b>OCTMP and OCEMP</b></p> <p>The OCTMP [APP-107] does not appear, in itself, to contain mitigation measures. There appears to be a reliance on the OCEMP [APP-068] for these. Explain the interaction between the OCTMP and the OCEMP.</p>
1.16.12	Local Highways Authority	<p><b>Methodology</b></p> <p>Models are referred to in the ES [APP-055, Paragraph 12.4.13] and the Transport Assessment [APP-106] including the TEMPRO v7.2 and a gravity model for construction worker distribution. Are these accepted input sources for the assessments?</p>
1.16.13	Local Highways Authority	<p><b>Road Safety Audit</b></p> <p>The application does not appear to be accompanied by a road safety audit to verify the conclusions of 'no severe impact' within the Transport Assessment. Is this a concern?</p>

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1.16.14	Applicant	<p><b>Construction traffic impacts</b></p> <p>The assessment for construction traffic impacts focuses primarily on the number of vehicles potentially to be generated by the construction phase of the Proposed Development. Please signpost where in the Application documents other assessment factors have been considered, including road safety, suitability of roads to accommodate construction traffic.</p>
1.16.15	Applicant	<p><b>Construction Programme</b></p> <p>Please confirm the duration of the proposed construction works applied for, including stating the proposed start date.</p>
1.16.16	Applicant	<p><b>Cumulative Construction Traffic</b></p> <p>Will there be a situation where construction traffic from this proposed development would be using the local highway network or SRN at the same time as construction traffic from other consented (or currently active but not yet consented) NSIPs? If yes, please provide details on the likely impacts of this.</p>
1.16.17	Applicant	<p><b>Impact of construction traffic on level crossing</b></p> <p>Please confirm the potential impact of construction traffic on the operation of railway level crossings in and near the Order Limits.</p>
<b>Strategic Road Network</b>		
1.16.18	National Highways	<p><b>Highway Capacity</b></p> <p>As a result of the Proposed Development, either alone or cumulatively with other plans or projects, are there any concerns about highway or junction capacity at any point on the strategic road network?</p>
1.16.19	National Highways	<p><b>Fitness of the Transport Assessment</b></p> <p>In the relevant representation [RR-072, Paragraph 2], it appears there are concerns regarding the transport assessment. Please outline what deficiencies are considered to exist in the Transport Assessment and if, as a result of these, its conclusions cannot be considered robust.</p>

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1.16.20	National Highways	<p><b>Street works beneath the Strategic Road Network (SRN)</b></p> <p>Insufficient detail has been provided for the underground crossings under the SRN. Please provide relevant detail in the form of a technical note. Would the Applicant be relying on the right powers in order to be able to undertake the works they intend in the vicinity of the SRN?</p>
1.16.21	Applicant	<p><b>Scope of transport assessment</b></p> <p>National Highways has stated in their Relevant Representation that there has been a lack of consultation with them on the scope of the ES. There is a lack of precision on any potential traffic impact caused by construction vehicles. It is also noted that relevant national planning policies have not been used. Please provide comments on these issues and what the implications are for the submitted ES.</p>
1.16.22	Applicant	<p><b>Approval of CTMP and Construction Workers Travel Plan</b></p> <p>Should NH have an approval role rather than a consultee role for the CTMP and Construction Worker TP? Please provide evidence for your response.</p>
1.16.23	Applicant	<p><b>dDCO Schedule 3</b></p> <p>National Highways has stated that Schedule 3 of the dDCO is incomplete. Please provide commentary on this and updated Schedule 3 of the dDCO.</p>
<b>Public Rights of Way</b>		
1.16.24	Local Authorities	<p><b>Impacts and diversions</b></p> <p>Are the Local Authorities content that sufficient information exists in the Examination to understand and assess the impacts upon public rights of way? If not, what more is required?</p>
1.16.25	Applicant Local Authorities	<p><b>Length of diversion</b></p> <p>The Public Access and Rights of Way Plan [APP-033] details several footpath diversions that seem, in general, to direct walkers around fields and field boundaries (for example 3-PC to 3-PD). The ExA would like to know what qualitative analysis has gone into programming these diversions and whether the footpaths are equally as convenient and accessible to footpath users in comparison to the original right of way being diverted.</p>
1.16.26	Applicant	<p><b>Thoroughfare</b></p> <p>The ExA observe an instance on The Public Access and Rights of Way Plan [APP-033] where the diversion does not full extend beyond the temporarily restricted access (when travelling</p>

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		south from 16-PA to 16-PB). Beyond the diverted path, there appears another stretch of temporarily restricted right of way for which no diversion is proposed. Explain.
1.16.27	Applicant	<b>Theddlethorpe Option 1</b> On sheet 35 of 36 of The Public Access and Rights of Way Plan [APP-033], there appears to be a public right of way within the Order Limits that is not proposed to be temporarily restricted despite appearing to be on a construction route. Is this correct and, if so, would there be a banksman or other form of control mechanism to keep walkers on the path safe when interacting with construction traffic?
1.16.28	Applicant	<b>Presentation of plan</b> The Public Access and Rights of Way Plan [APP-033] uses very similar colours to denote the public rights of way with access to be temporarily restricted and the Proposed Route from Immingham Docks to Construction Compounds. Please provide the plan with a clearer colour scheme.

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<b>Q1.17. Waste and Minerals</b>		
<b>Waste</b>		
1.17.1	Applicant Environment Agency Local Authorities JA Young Plastics	<p><b>JA Young Plastics</b></p> <p>The Applicant proposes business-specific mitigation in respect of the operations for JA Young Plastics [APP-060, Table 18-4].</p> <p>1) To the EA and Local Authorities: are the mitigations proposed appropriate and robust, or are further measures required?</p> <p>2) To the Applicant: these mitigations are not readily apparent within the register under the CEMP [APP-068]. Where is this mitigation secured?</p> <p>3) To JA Young Plastics: provide any comments regarding the impacts upon your specific business operations as a result of the Proposed Development and whether or not the Applicant's mitigation would alleviate the concerns you have.</p>
1.17.2	Applicant	<p><b>Avoidance as embedded or additional mitigation</b></p> <p>The ES [APP-060] mentions the Conoco landfill and proximity of the Proposed Development to a Mineral Safeguarding Area. However, there are no commitments in the register of mitigation [APP-068] to avoid or micro-site around such features. Why is this not considered necessary?</p>
1.17.3	Applicant	<p><b>Material Required</b></p> <p>The ES [APP-060] gives information on some material use such as the required construction for the IAGI and TAGI, and temporary haul roads etc, but does not appear to provide a similar breakdown for any of the block valve stations, or the pipeline itself. The Applicant is requested to provide this information and consider whether it has any implications for the assessments undertaken.</p>
<b>Minerals</b>		
1.17.4	Applicant Lincolnshire County Council	<p><b>Extant minerals permissions</b></p> <p>In its relevant representation [RR-050], Lincolnshire County Council has stated the Proposed Development would conflict with restoration conditions on extant permissions at the Theddlethorpe end of the Order Limits.</p>

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		<p>To Lincolnshire County Council: please set out fully the context and content of the conditions and the nature of the conflict identified. Then clarify to the ExA what bearing, if any, such matters should have on the ExA's recommendation.</p> <p>To Applicant: what information is known about the restoration conditions and is it considered that the Proposed Development would prohibit or otherwise prevent the objectives of restoration being realised?</p>
1.17.5	Lincolnshire County Council	<p><b>Minerals Plan</b></p> <p>The Applicant reports that the Lincolnshire Minerals and Waste Local Plan was not adopted at the time of preparing the ES. Are there any updates in this regard?</p>
1.17.6	Applicant Lincolnshire County Council	<p><b>Mineral Safeguarding Area (MSA)</b></p> <p>The Planning Design and Access Statement [APP-129] suggests there is an unavoidable conflict with an MSA, but because the land would become available for mineral working post-decommissioning, this counts as a temporary effect that is acceptable under policy.</p> <p>1) Applicant – provide a map showing the extent of the MSA, overlaid by the Order limits.</p> <p>2) Applicant – explain the likely pipeline routeing through the MSA and how it will be arranged to minimise the amount of mineral land sterilised for the duration and operation of the Proposed Development.</p> <p>3) Lincolnshire County Council – is the Council content with the level of assessment undertaken with regards to the MSA?</p> <p>4) Lincolnshire County Council – for the purposes of planning policy, does the Council consider that the lifetime of the Proposed Development represents a ‘temporary’ sterilisation of the MSA?</p>
1.17.7	Applicant	<p><b>Disturbance to the MSA</b></p> <p>Can it be explicitly stated whether the owners of the MSA land have been consulted and are content with the level of interference with the MSA?</p>