

East Lindsey District Council Response to ExA First Written Questions

Q1.1. General and Cross-topic Questions			
Planning Policy			
1.1.3	All Local Authorities	<p>New NPS 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>	<p>The designation of new NPS's applies however in terms of the transition to adoption of the NPSs the transitional arrangements in the new NPS's advises "The Secretary of State has decided that for any application accepted for examination before designation of the 2023 amendments, the 2011 suite of NPSs should have effect in accordance with the terms of those NPS."</p>
Planning Permissions			
1.1.5	All Local Authorities	<p>Updated Baselines The local planning authorities to confirm, either in response to this question or within their Local Impact Reports (LIR): 1) whether the Applicant's summary of the local planning policy situation is complete or if policies have been missed or require updating; and 2) whether any additional applications or planning permissions need to be taken into account as part of the cumulative effects assessment.</p>	<p>1) The ES chapters generally identified a thorough approach to identifying policies across national and local policy documents.</p> <p>ES Chapter 20 Cumulative Effects Assessment, states that "The relevant Local Planning Authorities (LPA) were consulted on 16 May 2023 on the production of the Long List" (of projects for consideration cumulatively), with additional comments from ELDC incorporated from 6 June 2023 in relation to two additional projects for consideration.</p> <p>Thirty-two developments are set out in the initial long list of projects for cumulative assessment within ELDC area with 8 of these developments making it through to the short list for cumulative assessment.</p>

			<p>The cut off for projects to be considered for cumulative assessment is 31 May 2023 and this is consistent with other DCO projects that have received consent.</p> <p>Below are up-dates to those projects listed in Chapter 20 and one additional project relating to an overhead electricity line which has come to light post 31 May 2023. If the ExA agrees the Applicant should update their cumulative assessment during the Examination.</p> <p><u>UPDATES</u> ELDC CULM-2 N/133/01413/21 was approved 06/11/23. ELDC CULM-15 N/105/01055/22 was approved 30/08/23 subsequent reserved matters reference N/105/01921/23 approved 24/01/24. ELDC CULM-19 subsequent reserved matters reference N/092/01869/21 approved 18/02/2022. ELDC CULM-29 N/105/01879/22 approved 25/07/23. <u>ADDITIONAL APPLICATION</u> N/004/02039/23 Form B – To erect an 11kv overhead line. Approved SoS 07/03/24.</p>
Legislative Framework			
1.1.11	Local Authorities	<p>Purposes of an Area of Outstanding Natural Beauty (AONB) 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 ...to seek to further the purpose of</p>	<p>Part of the Pipeline in Section 3 runs adjacent to the Lincolnshire Wolds AONB within the East Lindsey District boundary. Given it is only a short section of the overall pipeline and the impacts from this will be temporary during the construction phase the proposal is unlikely to affect this LPA's ability to 'further the purpose' of the Lincolnshire Wolds AONB.</p>

		conserving and enhancing the natural beauty of the AONB/National Park/Broads.” (ExA emphasis) 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?	
Design			
1.1.14	Local Authorities	<p>Design Review Can all IPs please confirm if an Independent Design Review Process should be required for this Proposed Development?</p>	<p>There have been several DCOs granted where Independent Design Reviews have been identified for onshore infrastructure for offshore wind farms, and 'good design' is an area explored in detail at recent Examinations. We bring to your attention, for example, the SoS's decision letter for Hornsea Four where he stated (para 4.110) that a design review process was required as the Applicant had not demonstrated the criteria for good design as per NPS EN-1. (See: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010098/EN010098-002326-Copy%20of%20SOS%20Decision%20Letter.pdf).</p> <p>Section 6 of the Design and Access Statement summarises the response to good design requirements in EN-1. The minimal above ground infrastructure at the Theddlethorpe Facility as well as the existing landscape character, landform, and vegetation (noting there are two options for this facility) mean that opportunities for an Independent Design Review to demonstrably (and significantly) affect the final design are limited. We would recommend that due to the limited benefit of such a review that the LPA do not, at this stage, respond that one is required. However, the above ground infrastructure is functional with a vent of up to 25m.</p>

			Option 2 (agricultural field) is less in keeping with the development than Option 1 (Theddlethorpe Gas Facility) and the LPA would like to request further information on how the design differs/or not between the two options with regard to good design.
Q1.2. Air Quality and Emissions			
Air Quality Management			
1.2.5	Local Authorities	Air Quality Management Areas (AQMAS) 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?	Whilst there are some exceedances of the DMRB and/or IAQM road traffic screening criteria on a number of road links during both the pipe delivery to pipe dumps and construction phases, none of these arises within the existing air quality management areas (AQMAS). Therefore, as these estimates of additional and cumulative road traffic flows have been made on a worst-case basis, unless there is a material change to traffic flows, there appears to be no risk of air quality being impacted in these existing AQMAS. Those road links where the screening criteria are predicted to be exceeded are either in rural areas, where air pollutant background concentrations are well within the UK air quality standards, or in other areas where local authority monitoring shows air quality levels are also well within the UK air quality standards.
1.2.6	Local Authorities	Air Quality 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?	The air quality impacts mainly arise during the construction phases of the Development, where, without mitigation, human health and dust soiling impacts range from negligible to medium magnitude, with a moderate adverse significance, for Sections 1, 2 & 3. For nature conservation receptors, impacts range from low to high, with a major adverse potential significance for Section 5. Additional mitigation and enhancement measures are discussed in Chapter 14.8 of the Environmental Statement and detail a range of measures that will be

			<p>deployed to mitigate and control construction dust and site plant (NRMM) emissions. These are also included in the Draft CEMP (ES Volume IV: Appendix 3.1 (Application Document 6.4.3.1)). This LPA will be consulted on the content and deployment of the measures contained in this final document and will have to approve it. There will also be the opportunity for the LPA to monitor the effectiveness of the ongoing mitigation and control measures during construction and to require improvements, if necessary. There are, therefore, no major concerns over residual impacts, as long as the CEMP contains all the required measures detailed in the ES and it is properly implemented during the construction process.</p>
1.2.7	Local Authorities	<p>Dust Control Are there any comments on Construction Dust Emissions mitigation/CEMP/Construction Monitoring commitments?</p>	<p>Please see response to 1.2.6 above. Our additional comments are as follows: the mitigation and control measures in paragraph 14.8.3 of the ES are comprehensive and, if properly and assiduously applied, should prevent any significant dust impacts. In our experience, the key factors include effective communication of these requirements to ground-level operators and contractors and constant monitoring, review, and improvement of measures, where necessary, particularly during dry periods of weather.</p>
1.2.8	Local Authorities	<p>Air Pollution/Odour Mitigation Are IPs satisfied with the monitoring/mitigation measures proposed by the dDCO that deal with air pollution/emissions and potential odour issues?</p>	<p>The mitigation and monitoring proposals to control dust and air pollutant emissions during the development construction processes are comprehensive and appropriate. Odour issues are unlikely to arise, other than from excessive site plant diesel emissions, which are to be appropriately controlled and monitored, or from exposure, during excavation, of odorous strata in the ground. The latter can easily be dealt with by on-site contractors. We would urge that such a requirement should be</p>

			incorporated into the CEMP and will ensure that this is included during our consultation with the Developer.
Q1.5. Compulsory Acquisition			
Overarching Case			
1.5.5	All Local Authorities	Alternatives to Acquisition 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?	We would adopt the position of the Lincolnshire County Council Highway Authority in this matter.
Q1.6. Cultural Heritage			
Archaeology			
1.6.14	Historic England Lincolnshire County Council All Local Authorities	Written Scheme of Investigation (WSI) 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.	We would adopt the position of the Lincolnshire County Council in this matter.
Q1.7. Draft Development Consent Order			
Interpretation and Articles			
1.7.1	All Local Authorities	Definition of commence Are the local authority's content with the definition of 'commence' as set out in the dDCO [AS008] and the scope of works included/ excluded within it?	This authority is content with the definition of commence.

1.7.4	Applicant Local Authorities	Definition of maintain The definition of 'maintain' includes the ability to divert or alter. 1) Are Local Authorities' content with this? 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? 3) Please provide further justification in relation to the need for 'improve'. 4) Please explain how and why these would be necessary in relation to maintenance of the proposed development	1) It is this authority understanding that it is a legal requirement that the development does not go beyond that which has been assessed in the ES, and so the inclusion of "divert or alter" can only be within the remit of the ES. If this is not the case the authority would like a further opportunity to comment. 2) Please see above comments. 3) For the applicant to answer. 4) For the applicant to answer.
1.7.12	Applicant Local Authorities	Article 9 - Power to alter layout etc, of streets. 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?	We would adopt the position of the Lincolnshire County Council Highway Authority in this matter.
1.7.13	Local Authorities	Article 10 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 [AS008]?	We would adopt the position of the Lincolnshire County Council in this matter.
1.7.14	Applicant Local Authorities	Articles 11 and 12 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. 1) Does the Applicant consider 'temporary stopping up' to be the correct terminology and,	We would adopt the position of the Lincolnshire County Council in this matter.

		if so, why? 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. 3) Again, please reconsider the notice period at Article 11(5) and 12 (6)?	
Q1.8. Ecology and Biodiversity			
Ecology			
1.8.9	Natural England All Local Authorities	Cumulative Effects 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]?	The methodology employed in the ES Chapter 6 is comprehensive and assumed correct. Receptors where residual effects are assessed as negligible cannot be accounted for the estimation of cumulative effects because these are immeasurable (negligible) but those that are assessed as minor adverse or greater should be included in the assessment of potential cumulative effects.
Q.1.9 Environmental Impact Assessment			
Matters of Clarification			
1.9.11	Natural England All Local Authorities	Cumulative effects 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?	The ES Chapter 6 assessment identified minor adverse residual effects on receptors during the construction phase (e.g. national and international statutory designated sites, some habitats and species) and operational phase have been identified. The impacts from a single development or a single environmental impact may not be significant on their own but when combined with other developments or impacts these effects could become significant. The LPA would therefore recommend reviewing other developments likely to affect those same receptors where residual effects are assessed as minor in the ES Chapter 6 (e.g. Humber Estuary SPA). This should be done by assuming a worst-case scenario and/ or detailing any cumulative effect arising from different residual effects of the developments where no details are given or available.

Q1.13. Landscape and Visual Amenity			
Landscape Methodology			
1.13.2	Applicant Local Authorities	Assignment of value The Area of Great Landscape Value is only assigned 'medium' value by the Applicant [APP049, Table 7-11]. Is this a view shared and agreed upon with/ by the Local Authorities?	Not applicable to the East Lindsey District..
1.13.3	Applicant Local Authorities	Zone of Theoretical Visibility (ZTV) 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?	Not applicable to the East Lindsey District.
Lincolnshire Wolds National Landscape			
1.13.9	Natural England Local Authorities	Protected Landscapes 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? Have the impacts and mitigation been satisfactorily dealt with for potential impacts on Lincolnshire Heritage Coast?	Not applicable to the East Lindsey District.
Character and appearance of the countryside			
1.13.10	Local Authorities	Study Areas Is a 1km study area appropriate for each of the BVS? Explain with reasons.	The EIA Scoping Report (Document Reference: 60668955_Doc_005a / PINS File Reference: EN070008) (App-074) at paragraph 7.2.7 states: 'The extent of the Study Area has been informed by a review of the maximum parameters of the Project, desk-based research, the appraisal work undertaken to date to inform the routeing and siting work undertaken to date, knowledge of the area and professional judgement. The Study Area will be further refined at the detailed assessment stage to ensure a proportional approach, focussed on potential significant effects and take into account the location of

			<p>other design elements such as shutdown valves whose positioning is subject to further design work'. Following detailed site assessment the LVIA chapter (APP-049, Paragraph 7.4.30) reiterates the appropriateness of a 1km study area, stating: 'Beyond 1 km either side of the pipeline route it is unlikely that construction or operational elements, taking their scale/ height into account will result in significant landscape or visual effects'. This is further borne out by the LVIA findings. Given the modest height and extent of the Louth Road BVS, ELDC concur with the rationale in establishing the extent of the LVIA study area and consider it appropriate for the study.</p>
1.13.11	Local Authorities	<p>Study Timing 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>	<p>APP-049, Paragraph 7.4.32 states: 'The March site visit was conducted when broadleaf vegetation was not in leaf and represents the most open views'. Whilst not a defined 'winter month' the LVIA has being undertaken in 'worst case' conditions and is not a limitation of the study.</p>
Q1.14. Noise and Vibration			
Noise Effects			
1.14.1	Local Authorities	<p>Unattended measurements 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>	<p>We have concerns regarding the methodology of the assessments of the following impacts on residential receptors: construction noise, construction traffic noise, operational noise. We also have concerns regarding the methodology for the assessment of impacts on non-residential receptors. The justification for our concerns is provided below.</p> <p>Residential receptors - Construction noise The assessment does not provide sufficient justification for the adopted LOAEL (65 dB(A)) and SOAEL (75 dB(A)) values. Alternative and lower (i.e. more onerous) criteria are included in the DMRB</p>

			<p>(daytime SOAEL of 65 dB(A)), BS 5228-1 (e.g. ABC method - threshold for potentially significant effect at dwellings is 65 dB(A) where baseline sound levels are low) and the Department of Environment advisory leaflet AL72 'Noise control on building sites' (quoted in BS5228-1 - 70 dB(A) in rural, suburban and urban areas), justification for not adopting these values should be provided.</p> <p>Most of the area proposed for the construction works is rural and baseline sound levels are therefore low. At the receptors represented by NM10, measured daytime baseline sound levels are very low (40 dB(A)). A LOAEL of 65 dB(A) at these locations implies that a construction noise level resulting in a change in daytime noise level of up to 25 dB would not constitute an "observed adverse effect". Similarly, at these receptors, a SOAEL of 75 dB(A) implies a construction noise level resulting in a change in daytime noise level of up to 35 dB would not constitute a significant observed adverse effect. In accordance with other guidance, such large noise level changes could be considered to meet the description for a significant observed adverse effect identified in the Planning Practice Guidance on Noise, depending on other factors such as the duration of the periods of high noise levels, which are not identified in the assessment.</p> <p>The assessment methodology also does not state whether the identified LOAEL and SOAEL values are in the free-field or include a facade reflection. Where calculating construction noise levels to assess impacts on indoor receptors (such as residential dwellings), BS 5228-1 requires that a facade correction is included. Appendix 13.2 does not state whether a facade correction has been included in the calculations. The</p>
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			<p>calculations have been reviewed and this appears to show that the distances from the works described in Table 12, App 13.2, are to the free-field level, which is considered to be incorrect. If this is indeed an error, the results of the construction noise assessment will require revision.</p> <p>Appendix 13.2 describes the construction noise level calculations and states that the ground was assumed to be acoustically "soft" i.e. absorptive. This is likely to be true for the majority of the study area, but there may be locations where the ground is acoustically hard and noise levels will be higher than calculated. Best practice would be to use the actual ground absorption characteristics at the location, or a reasonable worst-case. It is considered that the construction noise level calculations should be revised accordingly.</p> <p>Para 13.4.27 states "In terms of sound insulation or temporary rehousing due to construction noise, BS 5228-1 states that a property would be eligible if exposed to significant levels of noise "for a period of 10 or more days of working in any 15 consecutive days or for a total number of days exceeding 40 in any 6 consecutive months". Consequently, these durations will be considered should a significant effect be identified." The construction noise assessment identifies significant effects, due to high construction noise levels at receptors; however, it does not provide an indication of the likely duration of these noise impacts, other than by making cross-reference to the indicative programme in ES Volume II Chapter 3: Description of the Proposed Development, which identifies the total duration of activities but these are not directly linked to the likely duration of high noise levels, which will depend on the activity location. It is</p>
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			<p>considered that further information on the likely duration of the predicted effects is necessary to make an appropriate judgement of their potential significance. Based on our understanding of the calculations undertaken, it is expected that consideration of impact duration may lessen the identified effect significance.</p> <p>The assessment methodology does not provide predicted construction noise levels at receptors, rather, it identifies the distance at which the adopted LOAEL and SOAEL are predicted to occur. Whilst this is an acceptable approach in the scenario that there are no receptors identified to experience significant effects, this is not the case for this assessment, and so the absence of predictions means that the required attenuation by mitigation is not known. This is considered a significant flaw in the assessment methodology, as discussed in the review of the mitigation proposals, it cannot be known whether these are sufficient to mitigate residual effects to not significant.</p> <p>The assessment of construction compound noise focusses solely on the compound setup, as noise emissions will be the highest during this phase. Where heavy plant are required (e.g. earth moving equipment, chainsaws, rollers etc) to setup the compound, it is accepted that setup noise emissions will be higher than during compound usage. Para 13.7.54 identifies the Southern compound as 45m from R3, and concludes that "As the site is already located on hardstanding ground, there would be minimal use of heavy vehicles... noise emissions would be from vehicle movements and minor site set-up activities, which are not expected to generate high levels of noise. As such, no significant effects are</p>
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			<p>anticipated." It is accepted that compound setup noise will be minimal; however, this does not assess potential noise effects from the use of the construction compound. Depending on the activities which will be undertaken when the compound is used, the timings of those activities and the overall length of time it will be used for, noise effects at nearby receptors could be significant. The assessment should be revised to include noise from the use of the Southern construction compound, or else provide further evidence as to why an assessment is not required. Clarification is also required on whether the compounds will be used at night.</p> <p>Para 13.4.7 of the assessment (which is in the construction assessment section) presents an assessment of maintenance venting impacts; this is understood to refer to maintenance of the operational pipeline and this section should therefore be moved to the operational assessment section. This paragraph states that "The venting of CO2 will be undertaken at a rate whereby the noise at the nearest Noise Sensitive Receptor will be no greater than 10 db above daytime background levels, which are 38 dB at Theddlethorpe. These levels will be back calculated to the perimeter of the facility and monitored as such. It is therefore confirmed that venting noise would be Not Significant." The operational noise assessment methodology should be updated to describe the method used for assessment of effects during maintenance. It should be clarified what noise level parameter the "noise at the nearest Noise Sensitive Receptor" is referring to. Further details should also be provided on the monitoring and calculation procedures that will be used to demonstrate compliance with the proposed limit and a demonstration that the proposed limit can be met, including any mitigation that may be required.</p>
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			<p>Table 13-20 identifies the distance to the night-time SOAEL from HDD works as 280m, this appears to contradict the distance of 200m stated in I20, correction or justification is required.</p> <p>Residential receptors - Construction traffic noise Para.13.7.84 explains that, on those road links where traffic flows are outside the validated range of the Calculation of Road Traffic Noise (CRTN), impacts have been assessed qualitatively. Para 13.7.85 states "The maximum number of average hourly vehicle movements along a low traffic flow road is six movements per hour... Consequently, construction traffic noise effects on low flow roads are considered to be, at worst, Minor Adverse and not significant." An example of a link with low baseline traffic flows is "Thoroughfare", the total traffic introduced by construction (Table 2 in Appendix 15.3) is 148 per day (an increase of more than 50% on the baseline), with 57 HGVs (number per day almost tripling from the baseline). Over the 12-hour construction period, this equates to an additional 12 vehicles per hour, of which five are HGVs, this contradicts the value of 6 stated in the chapter. This discrepancy should be rectified or justified. It is considered that the qualitative assessment presented does not provide sufficient evidence that these effects will be not significant and further quantitative evidence is required to assess these effects.</p> <p>Residential receptors - Operational noise Para 13.4.36 identifies the LOAEL for the operational noise assessment as 35 dB LAeq,T during the daytime, and 13.4.37 identifies a LOAEL of 30 dB LAeq,T and SOAEL of 40 dB LAr,Tr at night. The quoted LOAELs contradict the values in Table 13-15,</p>
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			<p>which uses the rating level (LAr,Tr) parameter. This inconsistency should be rectified and any amendments required must be made to the operational noise assessment.</p> <p>Non-residential receptors Para 13.4.39 states "The only identified non-residential receptors that are sensitive to noise is a hotel and a caravan site that contains mobile homes." Table 13-16 identifies sensitive receptors included in the assessment, this includes the following non-residential receptors which are omitted from 13.4.39: an equestrian centre (R15), night-fishing (R29a) and a caravan site (R46). It is therefore apparent that the statement in para 13.4.39 is incorrect and the assessment requires updating to include these omitted non-residential receptors, including the methodology section.</p>
1.14.6	All Local Authorities	<p>Duration of effects 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>	<p>We disagree with the conclusions, for the reasons outlined below: The assessment of construction noise identifies exceedances of the LOAEL and potentially significant effects at receptors (exceedances of the SOAEL) due to pipeline construction and pipeline crossing noise impacts along the majority of the route. As the assessment does not identify predicted construction noise levels at receptors, and the effect of mitigation measures has not been predicted, it is not apparent that the proposed mitigation measures will avoid significant residual effects.</p> <p>Types of mitigation measures I6, I22 and I25 provide for screening around the construction compounds, HDD and hydrostatic pump test site; however, none of the proposed mitigation measures include screening from other construction activities. In the discussion on residual effects, para 13.9.3 states "Wherever</p>

			<p>practicable, during construction acoustic fencing will be used to minimise the effect of noise on residents of sensitive receptors. However, there may still be periods of high noise generating activities that cannot be screened effectively." This is considered to contradict the mitigation described in Section 13.8 which only includes screening to the HDD hydrostatic testing. Clarification should be provided on whether screening is proposed for the other works.</p> <p>Para 13.9.7 states "The additional mitigation measures listed in Section 13.9 above are considered to represent all reasonable measures to reduce noise as far as reasonably practicable. Consequently, giving appropriate implementation of mitigation measures, there are anticipated to be no significant residual effects due to construction activities." It is not agreed that all reasonable measures have been implemented. For example, currently, it is understood that screening is only proposed around the construction compounds, HDD and hydrostatic pump test site, alternative construction programmes could be adopted which reduce the items of plant required, and a scheme of noise insulation/temporary rehousing could be offered in case required. In addition, whilst implementation of all reasonable measures (i.e. Best Practicable Means) demonstrates compliance with the requirements of the Control of Pollution Act 1974, it is not agreed that demonstrating compliance with this piece of legislation shows that residual effects are not significant. To analyse the significance of residual effects, the applicant must use the assessment methodology set out in the ES Chapter.</p>
1.14.11	All Local Authorities	<p>Working out of hours The Applicant states that a Section 61 Consent would be required from the local authority in the event that HDD processes needed to be</p>	<p>The Control of Pollution Act 1974 (CoPA) gives local authorities powers to control noise from construction sites and other similar worksites either before works start, or after they have commenced. Under Section</p>

		<p>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?</p>	<p>60 of CoPA, a local authority can serve a notice on those responsible for the works and impose requirements as to the way in which the works are to be carried out. CoPA under Section 61, has provision for Contractors to apply for a prior consent for the works. The local authority shall give consent if it considers that it would not serve a notice under Section 60 in respect of works carried out in accordance with the application. The consent includes conditions specifying aspects such as working hours, plant and equipment to be used, best practicable means to be implemented and monitoring procedures. It is considered that the ES does not currently provide sufficient information to show that mitigation measures are available, that could be included in consent conditions, which would allow the local authority to be satisfied that a Section 60 notice would not be served.</p> <p>The Section 61 prior consent process reduces project risk in that, providing the Contractor undertakes the works in accordance with the Section 61 consent and any attached conditions, it is a defence to any enforcement action under Section 60 of CoPA. It also allows for the local authority to review the potential construction noise and vibration impacts of the project outside of the EIA/planning permission process, once a Contractor has been appointed.</p> <p>A commitment to apply for a Section 61 prior consent is not considered a mitigation measure in itself, as it does not reduce the identified effects, nor does it demonstrate that there are other actual measures available which would avoid significant effects. To conclude that residual effects are not significant, the ES needs to demonstrate that there are mitigation measures available to avoid them, whilst it can be</p>
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			<p>acknowledged that the final package of mitigation measures may be different and will be specified in the Section 61 prior-consent application. Compliance with the consent conditions would imply that all reasonable measures (i.e. Best Practicable Means) are being implemented, in accordance with the CoPA. However, compliance with this piece of legislation does not show that residual effects are not significant.</p> <p>Note that we consider the reference to "noisy work" in measure I19 insufficiently specific. Clarification is required as to which of the construction works will be included in a Section 61 consent application.</p>
Q1.15. Socio-Economic Effects			
Tourism and Recreation			
1.15.2	Local Authorities	<p>Quality of Information 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>1) The ES identifies recreation assets but states that there are no significant visitor attractions within the DCO Site Boundary.</p> <p>2) No additional tourism or recreational destinations have been identified.</p> <p>3) It is reasonable to only consider effects during operations as the ongoing environmental effects during operation will be minimal. However, as noted in the review of the Chapter, no justification has been given as to why private assets will only have an amenity effect if it experiences two or more significant effects at the same time. This will also include any tourism receptors identified. We would request that a justification is provided, prior to any additional assessment of tourism receptors being undertaken.</p> <p>4) BiGGAR Economcis previous experience would suggest that there is no general impact on tourism as a result of the construction of energy infrastructure. However, there may be impacts specific to individual assets/tourism receptors as a result of other environmental effects.</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?	
1.15.4	Applicant Local Authorities	Liaison Group The dDCO [AS-008] relates to the establishment of a local liaison group. Could the Local Authorities: 1) Provide comment on this requirement in terms of whether it would meet the aims of keeping the community informed of the construction; 2) Confirm whether they would take an active role in such a group; and 3) Provide examples of where such groups have been established successfully for other major developments in the locality.	1)We agree they can be a useful vehicle in keeping the local community informed. 2)As a Local Authority we would take an active role if practicable. 3) The Viking Link in this district was an example where different liaison groups/parish councils were involved for the various sections relevant to them.
Commercial Enterprises			
1.15.7	Applicant Local Authorities	Socio-Economic Benefits 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 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?	Yes. The East Lindsey Local Plan is supportive of policies that drive economic activity, and of diversification away from the two dominant industries of agriculture and tourism which are seasonal and relatively low paid as set in the Council’s LIR.
Effects on social infrastructure			
1.15.13	Local Authorities	Blue light services 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	Not applicable to East Lindsey District.

		Station. How is it proposed that any impacts are minimised?	
Q1.16. Traffic and Transport			
Public Rights of Way			
1.16.24	Local Authorities	Impacts and diversions 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?	We would adopt the position of the Lincolnshire County Council Highways Authority in this matter.
1.16.25	Applicant Local Authorities	Length of diversion 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.	We would adopt the position of the Lincolnshire County Council Highways Authority in this matter.
Q1.17. Waste and Minerals			
Waste			
1.17.1	Applicant Environment Agency Local Authorities JA Young Plastics	JA Young Plastics The Applicant proposes business-specific mitigation in respect of the operations for JA Young Plastics [APP-060, Table 18-4]. 1) To the EA and Local Authorities: are the mitigations proposed appropriate and robust, or are further measures required? 2) To the Applicant: these mitigations are not readily apparent within the register under the CEMP [APP-068]. Where is this mitigation secured? 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	Not applicable to East Lindsey District.

		Applicant's mitigation would alleviate the concerns you have	
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