

Viking CCS Pipeline

9.19 Applicant's Comments on Responses to the Examining Authority's First Written Questions

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a Harbour Energy Company
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1 Introduction

1.1 Purpose of this Document

- 1.1.1 This document has been prepared for the Viking CCS Pipeline (the 'Proposed Development') on behalf of Chrysaor Production (UK) Limited ('the Applicant'), in relation to an application ('the Application') for a Development Consent Order (DCO) that has been submitted under Section 37 of the Planning Act 2008 (PA 2008) to the Secretary of State (SoS) for Energy Security and Net Zero.
- 1.1.2 This document provides the Applicant's comments on responses to the Examining Authority's (ExA) First Written Questions by Interested Parties submitted at Deadline 1.

1.2 The DCO Proposed Development

- 1.2.1 The Proposed Development comprises a new onshore pipeline which will transport CO₂ from the Immingham industrial area to the Theddlethorpe area on the Lincolnshire coast, supporting industrial and energy decarbonisation, and contributing to the UK target of Net-Zero by 2050. The details of the Proposed Development can be found within the submitted DCO documentation. In addition to the pipeline, the Proposed Development includes a number of above ground infrastructure, including the Immingham Facility, Theddlethorpe Facility and three Block Valve Stations.
- 1.2.2 A full, detailed description of the Proposed Development is outlined in Environmental Statement (ES) Volume II Chapter 3: Description of the Proposed Development **[APP-045]**.

2 Applicant's comments on responses to the ExA's First Written Questions

Table 1: Q.1.1 General and Cross Topic Questions

| ExA-Q.1.1 | Question to | Question | Interested Party Response | Applicant's Comments |
|-----------|-----------------------|---|--|---|
| 1.1.3 | All Local Authorities | <p>New NPS</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> | <p>West Lindsey District Council:</p> <p>WLDC has set their position out in relation to the NPS's in their Local Impact Report. Copied below. The now withdrawn 2011 NPS's EN-1 – Overarching National Planning Policy Statement for Energy and EN-4 National Planning Policy Statement for Gas Infrastructure and Gas and Oil Pipelines, were replaced in January 2024. However, under the transitional arrangements the Viking CCS Pipeline is required to be considered under the 2011 NPS's. The updated EN-1 and EN-4 (dated November 2023) that came into force 17 January 2024, will however be a significant consideration to the determination of this proposal.</p> | <p>The Applicant agrees with WLDC's stance that under the transitional arrangements the Proposed Development is to be considered under the 2011 NPSs and that the updated NPS EN-1 and EN-4 (dated November 2023) that came into force 17 January 2024, will be a significant consideration to the determination of this proposal.</p> <p>The Applicant has considered WLDC's position in relation to the NPS's in the Applicant's Comments on Local Impact Reports submitted at Deadline 2 (document reference 9.20).</p> |
| | | | <p>North East Lincolnshire Council:</p> <p>NELC have no specific concerns over this matter. It is considered that the project aligns with the aspirations of the Energy NPSs specifically EN-1 and EN-4.</p> | <p>The Applicant notes the comment made NELC.</p> |
| | | | <p>Lincolnshire County Council:</p> <p>The new NPS's EN-1 to EN-5 came in to force on 17 January 2024. The transitional arrangements are set out at paragraphs 1.6.1 to 1.6.3 of the new EN-1 which states "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> <p>Therefore as a starting point, under the transitional arrangements, we would highlight that the 2011 version of the NPSs remain the relevant NPS's to be considered in respect of the Viking CCS Pipeline as it was accepted for examination prior to designation. The new EN-1 places a greater emphasis on Carbon Capture Storage (CCS) and identifies an urgent need for new CCS infrastructure to support the transition to a net zero economy. New CCS infrastructure, CCS technologies, pipelines and storage infrastructure are considered to be critical national priority (CNP) infrastructure. The Viking CCS proposal is considered to fall within the scope of the new EN-1 and as such it is likely to be a material consideration to the determination of this proposal. However, paragraph 1.6.3 of the new EN-1 affirms that the extent to which they are relevant is a matter for the Secretary of State whilst having regard to the specific circumstances of each DCO application. LCC, in its Local Impact Report (LIR) makes reference to what it considers to be relevant and important statements in both the 2011 EN-1 and EN-4 and the new 2023 versions for this proposal.</p> | <p>The Applicant is in agreement with LCC's position that under the transitional arrangements the Proposed Development is to be considered under the 2011 NPSs and that the updated NPS EN-1 and EN-4 (dated November 2023) that came into force 17 January 2024, will be a material consideration to the determination of this proposal.</p> <p>The Applicant acknowledges the urgent need for CCS infrastructure to support the transition to a net zero economy and that CCS is considered to be a Critical National Priority in NPS EN-1 that came into force in January 2024.</p> <p>The Applicant has considered LCC's position in relation to the NPSs in the Applicant's Comments on Local Impact Reports (document reference 9.20).</p> |

| ExA-Q.1.1 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | <p>North Lincolnshire Council:</p> <p>The newly adopted NPSs came into force on 17 January 2024 and only apply to applications submitted from that date. As such the previous version of the NPSs form the statutory framework for determining nationally significant infrastructure projects relating to energy where applications were made prior to 17 January 2024 (as in this case).</p> <p>However, the newly adopted NPSs may be deemed to be "important and relevant" considerations by the determining Secretary of State.</p> <p>The Governments draft revised policies focus on the desire to decarbonise and ensuring that there is security of energy supply in the UK and that the cost of energy is affordable for the end-users.</p> <p>Section 3.5 of NPS EN-1 (2024) relates specifically to the need for new nationally significant carbon capture and storage infrastructure. This states that there is an urgent need for new carbon capture and storage (CCS) infrastructure to support the transition to a net zero economy and that CCS is a necessity not an option.</p> <p>In terms of the assessment of new infrastructure, changes have been made which align with the Environment Act. New sections have also been added on marine considerations and biodiversity net gain and further detail added on environmental principles.</p> <p>Given the evolution of new technologies, priorities and considerations since the previous version of the NPSs were adopted and the direct relevance to the proposed development North Lincolnshire Council are of the view that the newly adopted NPSs (and in particular EN-1) do form an "important and relevant" consideration in the determination of this application. As such the SoS should have regard to the new NPSs in deciding the application but the previously adopted NPSs should still form the principal basis for determining the application</p> | <p>The Applicant is in agreement with NLC's position.</p> <p>The Applicant acknowledges the urgent need for CCS infrastructure to support the transition to a net zero economy and that CCS is considered to be a Critical National Priority in NPS EN-1 that came into force in January 2024.</p> <p>The Applicant has considered NLC's position in relation to the NPSs in the Applicant's Comments on Local Impact Reports (document reference 9.20).</p> |
| | | | <p>East Lindsey District Council:</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> | <p>The Applicant is in agreement with ELDC's position.</p> <p>The Applicant has considered ELDC's position in relation to the NPSs in the Applicant's Comments on Local Impact Reports (document reference 9.20).</p> |
| 1.1.5 | All Local Authorities | <p>Updated Baselines</p> <p>The local planning authorities to confirm, either in response to this question or within their Local Impact Reports (LIR):</p> <p>1) whether the Applicant's summary of the local planning policy situation is</p> | <p>West Lindsey District Council:</p> <p>1) The applicants planning policy summary in relation to WLDC is correct. WLDC has also stated their position and relevant policies within their Local Impact Report. 2) No, there are no additional applications or permission within the WLDC boundary that need to be taken into account.</p> | <p>The Applicant notes the response from WLDC and makes no further comment.</p> <p>The content of the authority's LIR is considered further in the Applicant's Comments on Local Impact Reports (document reference 9.20).</p> |

| ExA-Q.1.1 | Question to | Question | Interested Party Response | Applicant's Comments |
|-----------|-------------|--|---|---|
| | | <p>complete or if policies have been missed or require updating; and</p> <p>2) whether any additional applications or planning permissions need to be taken into account as part of the cumulative effects assessment.</p> | <p>North East Lincolnshire Council:</p> <p>NELC are content that the applicant's summary of local planning policies, contained within the North East Lincolnshire Local Plan (NELLP), are complete and cover all relevant policies when considering the project. It is considered that no further applications need to be taken into account as part of the cumulative effects assessment and all applications have been provided to the applicant and considered. Please also refer to the Local Impact Report (LIR) for relevant policies.</p> <p>Lincolnshire County Council:</p> <p>1) The Applicants policy analysis is considered to be reasonably comprehensive however LCC has referenced several policies within the Lincolnshire Minerals and Waste Local Plan (LMWLP), East Lindsey Local Plan (ELLP) and the Central Lincolnshire Local Plan (CLLP) which the Applicant has not made reference to within the Planning Design and Access Statement Appendix D Planning Policy Compliance Assessment: Local Planning Policy (APP- 129). These are listed below and are also set out in the LIR paragraphs 5.10 and 5.11.</p> <ul style="list-style-type: none"> • LMWMP – Policies DM4, DM12 and R1. • ELLP – Policies SP24 and SP28 • CLLP – Policies S5, S47, S48. <p>2) The projects listed are appropriate. The Applicant's assessment considers those projects that are existing or approved, in line with the Planning Inspectorate's Advice Note Seventeen and at this time the Council are not aware of any other applications or planning permissions that should have been taken into account as part of the assessment in line with the PINS guidance. However, the Council is aware of other NSIP proposals that are coming forward in the area. Further details on the Council's view of the potential impact of the proposals with other NSIP's that are coming forward is set out in the LIR at paragraphs 16.7 and 16.8.</p> | <p>The Applicant notes the response from NELC and makes no further comment.</p> <p>The content of the authority's LIR is considered further in the Applicant's Comments on Local Impact Reports (document reference 9.20).</p> <p>The Applicant notes the response from LCC and commentary is provided below.</p> <p>LMWMP Policy DM4 – Historic Environment.</p> <p>Chapter 8: Historic Environment [APP-050] provides the findings of an assessment of the potential impacts on heritage assets and compliance with national and local policy is assessed in section 7.22 of the Planning Design and Access Statement [APP-129]. The assessment identified the potential for significant effects the setting of a single grade II listed building which will be reversible following the decommissioning stage. It is considered that the wider benefits of the scheme in reducing greenhouse gas emissions provide the overriding reasons which outweigh the need to safeguard the setting of this single heritage asset.</p> <p>LMWMP Policy DM12 – Best and Most Versatile Agricultural Land and Policy R1 – Restoration and Aftercare.</p> <p>In accordance with these policies the proposals safeguard the long term potential use of best and most versatile (BMV) agricultural land. The majority of impacts will be temporary and during the construction phase only, as all land within the pipeline corridor, temporary compounds and temporary accesses will be reinstated immediately following construction to its original condition and land use. Loss of agricultural land through above ground-built development will be limited to the three Block Valve Stations, however this land will be reinstated to agricultural use at decommissioning. An Outline Soil Management Plan [APP-096] submitted by the applicant provides details of how soil resources will be handled and stored for use to reinstate land to its previous use.</p> <p>The Applicant notes Lincolnshire County Council's concern that the draft DCO should make express provision to extinguish or amend the conditions of the historic permissions relating to the TGT site. The Applicant will submit an amended version of the draft DCO at Deadline 3 to address this comment. The Applicant is discussing the proposed drafting with LCC.</p> |

| ExA- Q.1.1 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | | <p>ELLP Policy SP24 - Biodiversity and geodiversity. In accordance with this policy the Proposed Development would not result in any significant adverse effects for ecology and biodiversity including sites on international, national, county and local level importance.</p> <p>ELLP Policy SP28 - Infrastructure and S106 obligations. In accordance with this policy, it is considered that the Proposed Development is essential and in the national interest to reduce greenhouse emissions and help towards achieving the governments aims of Net Zero by 2050 while helping to sustain investment and employment in the region.</p> <p>CLLP Policy S5 – Development in the Countryside. Relates to the conversion of existing buildings and residential development in the countryside and so is not relevant to the Proposed Development.</p> <p>CLLP Policy S47 – Accessibility and transport. Access to the Proposed Development is considered to be adequate for the intended use during the construction and operation stages and the development is considered to be compliant with this policy.</p> <p>CLLP Policy S48 – walking and cycling infrastructure. It would be possible to access the Immingham Facility and Theddlethorpe Facility by foot and cycle. While it would also be feasible to visit the Block Valve Stations by cycle, these facilities will typically be visited by operatives undertaking inspection and maintenance tasks travelling with tools and equipment. The proposed development is considered to be compliant with this policy.</p> <p>2) LCC outline that they are aware of other NSIP proposals that are coming forwards in the area. At this stage the Applicant is not aware of any other NSIP projects in the Lincolnshire or East Coast area and information about these proposals is not available on the National Infrastructure Planning website. It is considered that these new developments are at an early stage and sufficient information is not available to undertake an assessment of the cumulative effects.</p> |

| ExA-Q.1.1 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | <p>North Lincolnshire Council:</p> <p>1) North Lincolnshire Council has set out a full list of relevant local development plan policies within section 4 of the Local Impact Report. Commentary is provided with regards to the local policy context within section 6 of the LIR.</p> <p>2) North Lincolnshire Council are not aware of any additional planning applications or permissions that need to be added to the cumulative effects assessment.</p> <p>East Lindsey District Council:</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>UPDATES</p> <p>ELDC CULM-2 N/133/01413/21 was approved 06/11/23.</p> <p>ELDC CULM-15 N/105/01055/22 was approved 30/08/23 subsequent reserved matters reference N/105/01921/23 approved 24/01/24.</p> <p>ELDC CULM-19 subsequent reserved matters reference N/092/01869/21 approved 18/02/2022.</p> <p>ELDC CULM-29 N/105/01879/22 approved 25/07/23.</p> <p>ADDITIONAL APPLICATION N/004/02039/23 Form B – To erect an 11kv overhead line. Approved SoS 07/03/24.</p> | <p>The Applicant notes the response from NLC.</p> <p>The content of the authority's LIR is considered further in the Applicant's Comments on Local Impact Reports (document reference 9.20).</p> <p>The Applicant is grateful to ELDC for the update on application status for various planning applications. Those developments that have been granted have already been considered in the inter-project cumulative effects assessment in ES Chapter 20 [APP-062] and are therefore already accounted for. The Applicant would not propose to update the documents to reflect their 'approved' status, as that would require a number of documents to be updated, with no change to the potential for cumulative effects.</p> <p>The Applicant has considered the details of the new overhead line application and consider that this can be screened out. The proposals are for a short section of new 11kV overhead line across the River Lud, consisting of two 12m high poles, one of which will be a high voltage terminal pole with a stub-leg. A new 315kVA pole mounted transformer will be mounted onto the new terminal pole. An existing low voltage line crossing the river will be removed. The small scale of these works means that cumulative effects are considered highly unlikely to occur.</p> <p>On the basis of the above it is not proposed to update the cumulative effects assessment at this point.</p> |
| 1.1.6 | North Lincolnshire Council | <p>Applications under the Town and Country Planning Act</p> <p>The Applicant reports that "proposals by Phillips 66 and Immingham VPI (Humber</p> | <p>Both PA/2023/421 and PA/2023/422 are still pending a decision. These applications are both at an advanced stage of the determination process. At the present time the LPA is working with the Applicant's and statutory consultee's to resolve outstanding concerns. It is anticipated</p> | <p>The Applicant notes this response.</p> |

| ExA-Q.1.1 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | <p><i>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> | <p>that these issues will be resolved without significant further delay and that decisions will be issued on both applications prior to the close of the examination.</p> | |
| 1.1.11 | Local Authorities | <p>Purposes of an Area of Outstanding Natural Beauty (AONB)</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 "...to seek to further the purpose of conserving and enhancing the natural beauty of the AONB/National Park/Broads." (ExA emphasis)</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> | <p>West Lindsey District Council:</p> <p>The pipeline does not cross the AONB designation within our District and therefore do not feel the duty is engaged for this LPA.</p> | The Applicant notes this response. |
| | | | <p>North East Lincolnshire Council:</p> <p>NELC do not consider that the project would affect the ability to 'further the purposes' of the Lincolnshire Wolds AONB which falls within the boundary of NELC.</p> | The Applicant notes this response. |
| | | | <p>Lincolnshire County Council:</p> <p>The section of the pipeline within the Lincolnshire Wolds NL (AONB) is within North East Lincolnshire Council's operating area. At this stage LCC are currently in a process of dialogue with Defra, Natural England and other National Landscapes (via the National Landscape Association) to work through what the new duty to seek to further the purposes of the designation actually means in practical terms, but it does raise the bar in terms of not simply having a duty of regard.</p> | Noted. The Applicant will continue to work with LCC during this transitional period. |
| | | | <p>North Lincolnshire Council:</p> <p>The Lincolnshire Wolds National Landscape (previously known as AONB) does not extend into North Lincolnshire. This question mainly applies to Lincolnshire County Council.</p> | The Applicant notes this response. |
| | | | <p>East Lindsey District Council:</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> | The Applicant notes this response. |
| 1.1.14 | Local Authorities | Design Review | West Linsey District Council: | The Applicant is in agreement with WLDC's position. |

| ExA-Q.1.1 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | Can all IPs please confirm if an Independent Design Review Process should be required for this Proposed Development? | West Lindsey does not consider this is necessary in relation to our district. | |
| | | | <p>North East Lincolnshire Council:</p> <p>NELC are content that the project would not require an Independent Design Review Process given the nature of works being underground with limited above ground works</p> | The Applicant is in agreement with NELC's position. |
| | | | <p>Lincolnshire County Council:</p> <p>The aim of an independent design review is to improve the quality of buildings and places for the benefit of the public. Given the limited extent of above ground built development this may not be necessary for this proposal. However LCC would defer to the district councils in this respect as they would be responsible for the discharge of any requirements in respect of building design.</p> | The Applicant is in agreement with LCC's position. |
| | | | <p>North Lincolnshire Council:</p> <p>The majority of the proposed works will be below ground and not visible once constructed. The above ground element relevant to North Lincolnshire is the 'Immingham Facility'. This facility will comprise functional plant and equipment within a heavily industrialised landscape. Due to the nature of the proposed development and its functional requirements it is considered that opportunities to deliver aspirational design on the site are limited. It is likely that the detailed design will largely replicate existing industrial infrastructure in the locality. As such NLC do not consider that an independent Design Review Process is essential in this instance.</p> <p>A robust landscaping scheme will help in mitigating the visual impact of the Immingham Facility in accordance with policy LC20 (South Humber Bank Landscape Initiative) of the North Lincolnshire Local Plan.</p> | The Applicant is in agreement with NLC's position. |
| | | | <p>East Lindsey District Council:</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. (EN010098-002326-Copy of SOS Decision Letter.pdf (planninginspectorate.gov.uk)).</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</p> | The Applicant confirms that there are no differences between the layout or design of infrastructure for Option 1 and 2 of the Theddlethorpe Facility. For the reasons stated in ELDC's response, there is limited potential for the design of the facility to be improved upon aesthetically, and the Applicant considers that the use of screen planting around Option 2, rather than design interventions within the facility, is the most appropriate design response. |

| ExA-Q.1.1 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | <p>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> <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.</p> | |
| 1.1.20 | Applicant UK Health Security Agency | <p>Confirmation of agreed approach</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> | <p>The UKHSA has set out guidance and provided written responses for the applicant to consider during the planning consultation process. With respect to whether the proposed ES complies with the relevant EIA regulations, we defer to the Examining Authority (ExA) to make that determination.</p> | <p>The Applicant notes this response.</p> |
| 1.1.25 | UK Health Security Agency | <p>As low as reasonably practical</p> <p>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?</p> | <p>The UKHSA cannot determine what constitutes "As Low as Reasonably Practicable" (ALARP) under major accident hazards legislation as this matter is outside the agency's remit. We defer to the relevant regulatory body, the Health and Safety Executive (HSE), to comment on this matter.</p> | <p>The Applicant acknowledges this response and has no further comment.</p> <p>The Applicant refers to its responses to WQs 1.1.19 and 1.1.22 within its Response to the Examining Authority's First Written Questions [REP1-045], which set out amongst other things that the Applicant has designed the Proposed Development in accordance with the established principle of ALARP and in accordance with HSE guidance. The Applicant's response to these questions also sets out that the Applicant has engaged with HSE pre-application, and that no concerns have been raised on the approach adopted.</p> |

Table 2: Q1.2 Air Quality and Emissions

| ExA - Q.1.2 | Question to | Question | Interested Party Response | Applicants Comments |
|-------------|-------------------|---|--|--|
| 1.2.5 | Local Authorities | Air Quality Management Areas (AQMA) 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? | West Lindsey District Council: WLDC does not have any comments on this matter. | The Applicant acknowledges this response and has no further comment. |
| | | | North East Lincolnshire Council: NELC are content that the project would not have an impact on the Cleethorpe Road AQMA due to the significant separation from this area. | The Applicant acknowledges this response and has no further comment. |
| | | | Lincolnshire County Council: LCC has no comments to make in respect of Air Quality and defers to East Lindsey District Council and West Lindsey District Council as the relevant pollution control authorities. | The Applicant acknowledges this response and has no further comment. |
| | | | North Lincolnshire Council: North Lincolnshire Council has one Air Quality Management Area (AQMA) which is located a significant distance from the proposed development (Scunthorpe Town AQMA https://uk-air.defra.gov.uk/aqma/details?aqma_ref=383#456) An adverse impact on this AQMA is not anticipated as a result of the proposed development. | The Applicant acknowledges this response and has no further comment. |
| | | | East Lindsey District Council: 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. | The Applicant is in agreement with ELDC's position. |
| 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? | West Lindsey District Council: WLDC does not have any comments on this matter. | The Applicant acknowledges this response and has no further comment. |
| | | | North East Lincolnshire Council: Regarding the residual air quality effects predicted by the Applicant, NELC anticipates that the development will implement best practice dust control mitigation measures as stated within the CEMP. Should visual inspections identify dust depositing beyond the site boundary or if dust | The Applicant is in agreement with NELC's position. |

| ExA - Q.1.2 | Question to | Question | Interested Party Response | Applicants Comments |
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| | | | complaints arise, then addition quantitative monitoring may be required. | |
| | | | <p>Lincolnshire County Council:</p> <p>LCC has no comments to make in respect of Air Quality and defers to East Lindsey District Council and West Lindsey District Council as the relevant pollution control authorities.</p> | The Applicant acknowledges this response and has no further comment. |
| | | | <p>North Lincolnshire Council:</p> <p>North Lincolnshire Council has no concerns regarding the residual air quality effects predicted by the Applicant. This position is confirmed in section 12 of the Local Impact Report.</p> | The Applicant acknowledges this response and has no further comment. |
| | | | <p>East Lindsey District Council:</p> <p>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.</p> <p>For nature conservation receptors, impacts range from low to high, with a major adverse potential significance for Section 5.</p> <p>Additional mitigation and enhancement measures are discussed in Chapter 14.8 of the Environmental Statement and detail a range of measures that will be 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.</p> <p>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> | The Applicant is in agreement with ELDC's position. The final CEMP will include all measures included within the Environmental Statement and the draft CEMP. |
| 1.2.7 | Local Authorities | <p>Dust Control</p> <p>Are there any comments on Construction Dust Emissions mitigation/CEMP/Construction Monitoring commitments?</p> | <p>West Lindsey District Council:</p> <p>WLDC does not have any comments on this matter.</p> | The Applicant acknowledges this response and has no further comment. |
| | | | <p>North East Lincolnshire Council:</p> <p>NELC expect that the mitigation measures set out in the CEMP to be implemented.</p> | The Applicant acknowledges this response and has no further comment. |
| | | | <p>Lincolnshire County Council:</p> <p>LCC has no comments to make in respect of Dust Control and defers to East Lindsey District Council and West Lindsey District Council as the</p> | The Applicant acknowledges this response and has no further comment. |

| ExA - Q.1.2 | Question to | Question | Interested Party Response | Applicants Comments |
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| | | | relevant pollution control authorities. | |
| | | | <p>North Lincolnshire Council:</p> <p>North Lincolnshire Council has no concerns regarding the residual air quality effects predicted by the Applicant. This position is confirmed in section 12 of the Local Impact Report.</p> | The Applicant acknowledges this response and has no further comment. |
| | | | <p>East Lindsey District Council:</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> | The Applicant agrees with ELDC's position. The final CEMP will include all measures included within the draft CEMP, which will include for the monitoring, review and improvement of measures where necessary. |
| 1.2.8 | Local Authorities | <p>Air Pollution/Odour Mitigation</p> <p>Are IPs satisfied with the monitoring/mitigation measures proposed by the dDCO that deal with air pollution/emissions and potential odour issues?</p> | <p>West Lindsey District Council:</p> <p>WLDC does not have any comments on this matter.</p> | The Applicant acknowledges this response and has no further comment. |
| | | | <p>North East Lincolnshire Council:</p> <p>NELC are satisfied with the monitoring/mitigation commitments that are set out in the Draft CEMP.</p> | The Applicant acknowledges this response and has no further comment. |
| | | | <p>Lincolnshire County Council:</p> <p>LCC has no comments to make in respect of Air Quality and Odour mitigation and defers to East Lindsey District Council and West Lindsey District Council as the relevant pollution control authorities.</p> | The Applicant acknowledges this response and has no further comment. |
| | | | <p>North Lincolnshire Council:</p> <p>Section J of the Draft CEMP contains measures relating to air quality which are detailed and extensive in nature. Requirement 5 of the dDCO would secure the submission and implementation of a detailed CEMP based upon the draft CEMP submitted with the application. North Lincolnshire Council agree with the approach proposed and have no further comments to make on the construction phase.</p> | The Applicant is in agreement with NLC's position. |
| | | | <p>East Lindsey District Council:</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</p> | The Applicant agrees that the mitigation and monitoring proposals are comprehensive and appropriate. The Applicant assumes that when stating "The latter can easily be dealt with by on-site contractors", ELDC meant to refer to the former point rather than the latter. The Draft CEMP (Revision B) (document reference 6.4.3.1) already includes measure J12 which states that the contractor will "Ensure all vehicles switch off engines |

| ExA - Q.1.2 | Question to | Question | Interested Party Response | Applicants Comments |
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| | | | <p>dealt with by on-site contractors. We would urge that such a requirement should be incorporated into the CEMP and will ensure that this is included during our consultation with the Developer.</p> | <p>when stationary - no idling vehicles". Regarding "odorous strata" it is assumed that this refers to the potential for odorous VOC emissions associated with contamination resulting from historical land uses. This issue would be dealt with via the proposed discovery and disposal strategy.</p> |

Table 3: Q.1.4 Climate Change

| ExA-Q.1.4 | Question to | Question | Interested Party Comment (question not addressed to interested party) | Applicant comments |
|-----------|-------------|---|--|---|
| 1.4.1 | Applicant | <p>Emissions from Operation</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 CO₂ 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> | <p>Robert Palgrave, Interested Party No. 20047054</p> <p>It is essential that this issue is fully explored. At the very least the ES for this development should put forward for examination an estimate of the likely extent of CO₂ venting, so the effect on climate change can be assessed. I note that the recently made development Consent Orders for Drax BECCS and Net Zero Teesside set an expectation that at least 90% of the CO₂ from burning gas and biomass respectively is to be captured for transference to the Transport & Storage Infrastructure elements of CCUS. It would therefore be reasonable to at least set targets for both venting and leakage from this proposed development so that there is some consistency in approach. However, it would be preferable in my view for there to be an arrangement whereby the Transport element of a CCUS chain (such as this proposed development of a pipeline) can signal to upstream sources of CO₂ when it is necessary for them to stop creating and dispatching CO₂ because the Transport (or Storage) elements of the CCUS chain are not operational. This could be when venting is scheduled for routine maintenance or when a fault condition or accident has occurred.</p> | <p>Regarding CO₂ venting, please refer to the Applicant's response to WQ 1.4.5 in the Examining Authority's First Written Questions [REP1-046].</p> <p>Regarding the questions about pipeline shutdown and its effect on CO₂ from upstream emitters, please refer to the Applicant's response to WQ 1.1.21 in the Examining Authority's First Written Questions [REP1-046].</p> |

Table 4: Q.1.5 Compulsory Acquisition

| ExA-Q.1.5 | Question to | Question | Interested Party Response | Applicant's Comments |
|-----------|---------------------------|--|---|---|
| 1.5.5 | All Local Authorities | <p>Alternatives to Acquisition</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> | <p>West Lindsey District Council:</p> <p>WLDC does not have a view on this matter.</p> <p>North East Lincolnshire Council:</p> <p>NELC have confirmed that there are some issues regarding ownership however these do not relate to land that would not be needed. We look forward to working with the applicant's in relation to this.</p> <p>Given that the CA powers seem to be drafted very widely in article 22(1) with only limitations in 24(2) and 32 (8) it is considered that it is not possible to answer this question at this time.</p> <p>It is difficult to see how such wide powers can be justified without further clarification. NELC is concerned given that much of the land that it owns or occupies within the Order land is highway maintainable at public expense we look forward to working with the applicant on this issue.</p> <p>Lincolnshire County Council</p> <p>LCC notes the CA and TP powers sought in respect of LCC land, as set out in the Schedule of Negotiations and Powers Sought (APP-012), and the updates in the Compulsory Acquisitions Tracker (AS-030). The Planning Authority and the Highway Authority are not aware of any alternatives to CA or TP at this stage and has no comments on the extent of land or rights being sought.</p> <p>North Lincolnshire Council:</p> <p>North Lincolnshire Council is not aware of any reasonable alternatives to the proposed Compulsory Acquisition; nor are any areas of the land or rights considered not to be needed.</p> <p>East Linsey District Council:</p> <p>We would adopt the position of the Lincolnshire County Council Highway Authority in this matter.</p> | <p>The Applicant acknowledges the response and has no further comments.</p> <p>The Applicant acknowledges the response and has no further comments.</p> <p>The Applicant will continue to engage with NELC on land owned by them, or where they exercise a statutory function as highway authority.</p> <p>The Applicant acknowledges the response and has no further comments.</p> <p>The Applicant acknowledges the response and has no further comments.</p> <p>The Applicant acknowledges the response and has no further comments.</p> |
| 1.5.8 | Phillips 66 VPI Immingham | <p>Proposed Change Request and the IAGI</p> <p>The Applicant has just submitted a Change Request which relates to:</p> <p>a) the reduction of the Order Limits for works related to the IAGI and associated accesses; and</p> | <p>VPI Immingham LLP:</p> <p>VPI Immingham LLP (VPI) welcomes the Change Request and notes that it has been accepted by the Examining Authority. VPI engaged with the Applicant on the changes prior to the Applicant submitting them, and the Change Request has significantly reduced the overlap between the Applicant's proposed development and VPI's proposed carbon capture plant. VPI continues to strongly support the Applicant's proposed development, which must come forward simultaneously with its own project and both of which are key elements of decarbonising the Humber region and national energy supplies. VPI maintains its</p> | <p>The Applicant acknowledges the response and has no further comments.</p> <p>The Applicant will continue to engage with VPI Immingham LLP with a view to addressing their remaining concerns.</p> |

| ExA-Q.1.5 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | <p>b) the removal of Option 2 for the pipeline route in the vicinity of the IAGI.</p> <p>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?</p> | <p>representation, but following the Change Request this now only relates to certain areas of land over which the Applicant seeks powers of compulsory acquisition or temporary possession. Areas of overlap between the two projects remain and need to be regulated to ensure that both can come forward in an appropriate and co-ordinated way. Both projects require access to and use of these areas of land during their respective and overlapping construction periods. The land over which the Applicant seeks powers of compulsory acquisition and temporary possession and which VPI also requires use of are plots 1/32, 1/57 and 1/59, as shown on the Land Plans (Revision D3, 15 March 2024, EL Ref. AS-049). Additionally, while there is no temporary or permanent possession sought by the Applicant for the land adjacent to plot 1/57 (depicted as a white triangular wedge) on the Land Plans, the red line boundary could result in this land being inaccessible by VPI. VPI requires access to this land and will continue to collaborate with the Applicant to enable this. Plot 1/32 also has a small 'arm' extending north-west into the site of VPI's proposed capture plant – this is shown on the Works Plans (Revision 8, 15 March 2024, EL Ref. AS-046) as required for Work Nos. 01 (Permanent AGI Construction Works), 01c (Electrical Connection) and 02 (Carbon Dioxide Pipeline Works). However, notwithstanding that, VPI understands that this is required solely for an egress from the Applicant's AGI site in the event of an emergency, and there would not be any structures or buildings erected in this area. On that basis, the Applicant's and VPI's respective developments are not physically inconsistent in this area. VPI anticipates that regulation of the remaining overlaps and the powers sought in the DCO will be via an agreement between it and the Applicant, along with protective provisions in the DCO. VPI looks forward to progressing the agreement or protective provisions with the Applicant.</p> <p>Phillips 66:</p> <p>As to question 1.5.8, for the reasons set out in paragraphs 3.5 to 3.9 of these WRs, P66 maintains (at the current time and in the absence of completion of the Voluntary Agreement and agreed PPs) its objections to the proposed CA and TP powers sought in the Proposed Order.</p> | <p>The Applicant acknowledges the response and has no further comments.</p> <p>The Applicant will continue to engage with Phillips 66 with a view to addressing their remaining concerns.</p> |
| 1.5.16 | Applicant Anglian Water | <p>Anglian Water</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</p> | <p>Anglian Water's plans to expand the Louth Water Recycling Centre are required to support existing growth set out in the Local Plan. The timing of that investment is dependent on several factors including the approval of planning permission & construction build out, discussions and agreement with the Environment Agency on permit changes and the approval of funding by regulators for Anglian Water's Plans for 2025 to 2030 and on to 2050. Three current projects totalling some £23m have been designed and costed, and further projects have been identified to increase capacity and improved environmental performance. Anglian Water's overall investment plans are likely to be agreed at final determination in December 2024. The design, area</p> | <p>The Applicant acknowledges the response and has no further comments. The Applicant refers to its own response to this question within [REP1-045].</p> |

| ExA-Q.1.5 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | location when rather more certainty might be expected at this stage? | required and timing of expansion are therefore uncertain and consequently Anglian Water in discussion with the applicant has sought to ensure as little of that land as possible is sterilised by the Viking pipeline route. | |
| 1.5.17 | Applicant National Gas Transmission PLC National Grid Electricity Transmission Mablethorpe Flexible Energy Generation | Theddlethorpe 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> "? | National Gas Transmission PLC, National Grid Electricity Transmission, Mablethorpe Flexible Energy Generation: No response provided at Deadline 1. | N/A |
| 1.5.18 | Applicant National Gas Transmissions PLC | Theddlethorpe 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? | No response provided at Deadline 1. | N/A |
| 1.5.19 | Applicant National Gas Transmissions PLC | Theddlethorpe 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? | No response provided at Deadline 1. | N/A |

| ExA-Q.1.5 | Question to | Question | Interested Party Response | Applicant's Comments |
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| 1.5.20 | Applicant National Gas Transmissions PLC Phillips 66 Ltd | Immingham and Theddlethorpe 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 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? | Phillips 66: As to question 1.5.20, the proposed terms of the restrictive covenants at page 35 of the Statement of Reasons ("SoR") refer to refers to Order Plots 36/12, 36/13, 36/14, 36/15, 36/16 which do not relate to P66s landholdings. As such, P66 does not consider that this question is relevant to or concerns them. | The Applicant acknowledges the response and has no further comments. The Applicant refers to its own response to this question within [REP1-045] . |
| | | | National Gas Transmission PLC: No response provided at Deadline 1. | N/A |
| 1.5.22 | Applicant Anglian Water [RR-009] Louth Navigation Trust [RR-053] Environment Agency [RR-034] | Louth canal 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? | Environment Agency: 3.12.202 states that 'Typically crossings of main rivers / ditches, canals are installed by trenchless methods...' Further to this, 3.12.182 confirms that Horizontal Directional Drilling (HDD) is 'anticipated' at the River Ludd / Louth Canal crossing. We are satisfied with this proposed trenchless approach to Main River crossings and will be happy to provide further comment and guidance as per 3.12.201 which states that 'Any works within Main Rivers.....will be conducted in accordance with a method approved by the Environment Agency'. | The Applicant is in agreement with the Environment Agency's position. |
| | | | Anglian Water: Anglian Water thanks the Examining Authority for visiting the canal and Louth Water Recycling Centre (WRC) location on the USI. Anglian Water has no concerns on the practicality and safety of the applicant's proposed pipeline construction method under the canal and river. The potential interaction between Anglian Water assets including the water supply pipeline in the land to the east of the WRC is being addressed through Protective Provisions including stand- off distances as well as the difference in depths of Anglian Water's existing pipelines and the proposed Viking pipeline which will be at depth. Anglian Water understands that part of the reason for the wider area of land in the earlier stage of the projects is to ensure that the selected route of the pipeline as well as its depth minimised risks in construction. | The Applicant is in agreement with Anglian Water's position. |
| | | | Louth Navigation Trust: No response provided at Deadline 1. | N/A |
| 1.5.23 | Affected Persons | Factual data Are any APs or Interested Parties (IPs) aware of any inaccuracies in the BoR | DVSA: DVSA has reviewed these documents and is not aware of any inaccuracies. | Noted. |

| ExA-Q.1.5 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | <p>[AS-015] SoR [AS-013] or Land Plans [AS-016]? If so, please set out what these are and provide the correct details.</p> | <p>Air Products (BR) Limited:</p> <p>Air Products notes the ExA's Procedural Decision set out in Annex C of its Rule 8 letter [PD-009] accepting the Applicant's proposed changes into the Examination. Accordingly, in respect of this question, Air Products has reviewed the Book of Reference Revision B [AS-045], Statement of Reasons Revision B [AS-043] and Land Plans Revision B [AS-049] as submitted with the Applicant's formal change request. There appears to be a discrepancy in respect of Plot 1/57. This plot is shaded green (temporary possession and use) on the Land Plans and is included in Table 5 (Temporary Possession Land) of the Statement of Reasons, however, is described in the Book of Reference as "permanent acquisition". Air Products respectfully seeks that the Applicant clarify the powers sought in respect of Plot 1/57 at Deadline 2. Air Products confirms it has not identified any other inaccuracies in the documents as they relate to its land interests.</p> | <p>The Applicant can confirm that the powers sought for plot 1/57 are Temporary Possession of the Land. The Book of Reference (Revision C) (document reference 3.3) has been updated and submitted at Deadline 2 to reflect this.</p> |
| 1.5.26 | Applicant Phillips 66 Ltd | <p>Routeing from the IAGI</p> <p>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 <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> | <p>As to question 1.5.26, P66 considers that this question is primarily addressed to the Applicant. For the reasons set out in the RRs and these WRs, P66 maintains its objection to the CA and TP powers sought at the present time and in the absence of the Voluntary Agreements having been entered into albeit (as stated above) negotiations in respect of the Lease, PPs and Overarching Agreement are all at an advanced stage and it is hoped and anticipated that the terms of these agreements will be settled shortly and during the currency of the Examination.</p> | <p>The Applicant acknowledges the response and has no further comments.</p> <p>The Applicant will continue to engage with Phillips 66 with a view to addressing their remaining concerns.</p> |
| 1.5.28 | Applicant Air Products (BR) | <p>Other Pipelines</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> | <p>Air Products welcomes the proposed changes to the Application recently accepted into the Examination by the ExA. The removal of an option for the pipeline route in section 1 has resulted in the substantial reduction of land from the Order Limits in which Air Products has an interest. Following the CAH1 on 27 March 2024, solicitors for the Applicant have been in contact with solicitors for Air Products and a set of draft protective provisions have been provided for review. Air Products welcomes this engagement and further opportunity to discuss with the Applicant with a view to reaching agreement on these matters.</p> | <p>The Applicant is in agreement with Air Products' position and will continue to engage with them throughout the Examination.</p> |

| ExA-Q.1.5 | Question to | Question | Interested Party Response | Applicant's Comments |
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| 1.5.29 | Applicant The Spilman Family Aylesby Manor Farms Limited | <p>Blight</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> | <p>The Spilman Family, Aylesby Manor Farms Limited:</p> <p>No response provided at Deadline 1.</p> | N/A |

Table 5: Q1.6 Cultural Heritage

| ExA-Q1.6 | Question to | Question | Interested Party Response | Applicant's Comments |
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| 1.6.1 | Historic England Lincolnshire County Council | <p>Designated Heritage Assets</p> <p>Relevant Representations [RR-050] [RR-041] mainly focus on archaeology. In respect of above ground designated heritage assets, please confirm:</p> <p>1) Whether the methodology to identify heritage assets and assess the construction/ operation impacts upon them is appropriate and complete?</p> <p>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]?</p> <p>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.</p> <p>4) If there are any areas where there is disagreement with the Applicant, specify which assets are involved and the reasons for disagreement.</p> | <p>North East Lincolnshire Council:</p> <p>NELC notes that this question was not directed towards the LA however, as the relevant authority for heritage, please confirm if any clarification is required in this regard.</p> <p>Lincolnshire County Council:</p> <p>1) The assessment has identified all built heritage assets within the study area. In most cases, the impact assessment on these assets is appropriate.</p> <p>2) The residual effects of some receptors currently listed (APP-050, Table 8-10) require further discussion. These are: Manor House is Grade II (listing entry 1103485) and surviving parkland. The current assessment has no mitigation in place and warrants further consideration due to the change to this site's topography and physical surroundings. Any cumulative impacts also need to be considered. Ashleigh Farm Grade II (listing entry number 1062992). The current assessment has no mitigation in place and warrants further consideration. Similarly, a number of non-designated heritage assets in close proximity to the site have no mitigation: Dicote House (MLI118160) The Poplars (MLI118163) Lordship Farm (MLI118185) Grange Farm (MLI41416) Little Dams (MLI118151)</p> <p>3) Less than substantial harm anticipated for each heritage asset does not outweigh the public benefits of the proposed development.</p> <p>4) There have been no previous disagreements concerning built heritage. However, we wish to raise concerns regarding the heritage assets specified in Questions 1.6.1 and 1.6.2. These assets warrant further consideration for the reasons previously mentioned. The applicant should also confirm that factors such as noise, dust, vibrations, and possible alterations to the ground settlement or water table levels will not compromise the structural integrity of nearby heritage assets during and after the pipeline's construction. Additionally, where the pipeline bisects former railway lines, the reinstatement of any extant earthworks</p> | <p>The Applicant notes NELC's response and has no further comments.</p> <p>1) The Applicant has no comments to make on LCC's response at point 1.</p> <p>2) Mitigation has been embedded into the design of the Proposed Development wherever feasible including the use of soil storage as screening [APP-045]. The topic of additional mitigation has previously been covered in the Applicant's response to WQ 1.6.11 [REP1-045]. An assessment of cumulative impacts is included in ES Chapter 20: Cumulative Effects Assessment [APP-062].</p> <p>3) The Applicant has no comments to make on LCC's response at point 3.</p> <p>4) The assessment presented within both the DBA and the ES chapter considers all aspects of the setting of heritage assets following guidance from Historic England's Good Practice Advice in Planning 3 (GPA 3). Assessment of the potential impacts on setting include changes arising from noise, dust, vibrations associated with the construction and/or operation of the Proposed Development as well as visual changes. For more information see the ES Chapters on Traffic and Transport (Revision A) (document reference 6.2.12), Noise and Vibration [APP-055] and Air Quality [APP-056].</p> <p>With regards to ground settlement and dewatering (changes to the water table), in all instances built heritage assets are more than 60m distant from any auger boring or micro-tunnelling operations. There is therefore unlikely to be any impact on built heritage assets from ground settlement or dewatering (water table changes) from these construction activities.</p> <p>ES Chapter 11: Water Environment (Revision A) (document reference 6.2.11) states that a more detailed hydrogeological assessment will be undertaken at FEED stage, where trenchless techniques or dewatering is required in high sensitivity groundwater environments. Where dewatering is required, a dewatering scheme will be developed prior to construction (in consultation with the Environment Agency and appropriate public water abstraction</p> |

| ExA-Q1.6 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | <p>should be undertaken to preserve the integrity of the historic landscape.</p> <p>Regarding the proposed Theddlethorpe Facilities, Option 1 is favoured due to its less intrusive impact on the setting of Grade II listed Ashleigh Farm. Option 2, by contrast, would result in a noticeable and permanent alteration to the setting of this heritage asset.</p> | <p>companies) to demonstrate that there is an effective strategy in place. The Draft CEMP (Revision B) (document reference 6.4.3.1) provides for mitigation measures for ground instability (Table 3: Draft Mitigation Register (Construction Phase), Reference Number E33) and for the more detailed hydrogeological risk assessment to manage ground water impacts and dewatering (Reference Number E3) during construction.</p> <p>Where the construction of the pipeline bisects former railway lines, no extant earthworks have been identified which would experience a direct physical impact. The demolished Great North Railway, Mablethorpe Branch line at Grimoldby and Theddlethorpe has no earthwork embankment within the sections that would be impacted by the pipeline. Near Grimoldby, the route of the railway is marked by a track bounded by hedgerows. As identified in paragraph 8.12.16 of ES Chapter 8: Historic Environment [APP-050] a topographic survey of earthworks would be proposed if any earthworks were identified along the route so that they could be reinstated post-construction. No other former railway lines are directly impacted by the Proposed Development along the pipeline route.</p> <p>The Applicant notes LCC's response regarding the preference of Option 1 for the proposed Theddlethorpe Facility.</p> |
| | | | <p>Historic England</p> <p>Historic England has not identified points of difference with the applicant in respect of setting effects upon the significance of Scheduled Monuments, Grade I and II* listed buildings and GI and GII* Registered Parks and Gardens but responsibility for certifying the sufficiency, completeness or quality of the submission rests with the applicant. Historic England refers the ExA to the advice of the County/Unitary Historic Buildings specialists / District Conservation Officers / Archaeological Advisors, who are best placed to respond on Grade ii Listed Buildings and their settings.</p> | <p>The Applicant notes Historic England's response and has no further comments.</p> |
| 1.6.2 | Historic England | <p>Desk-Based Assessment (DBA)</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</p> | <p>Lincolnshire County Council:</p> <p>The DBA has identified all built heritage assets that would be affected, and its conclusions are typically robust and appropriate with some amendments.</p> | <p>This topic has been previously addressed in the Applicant's Response to WQ 1.6.3 in the Examining Authority's First Written Questions [REP1-045].</p> |

| ExA-Q1.6 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | Lincolnshire County Council | 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>The following designated heritage assets are in close proximity to the pipeline (less than 500m) and should be considered beyond the DBA:</p> <p>Section 2: The Royal Observer Corps Monitory Post Grade II (listed entry number 1403218) and the Former Heavy Anti-Aircraft gun site Grade II* (listed entry number 1403222).</p> <p>Section 3: Mickling Barf with detached garage Grade II (listed entry number 1484266), Hatcliffe Mill Grade II (listed entry number 1346951), and Hall Farmhouse Grade II (listed entry number 1103526).</p> <p>Section 4: Willows Lock Grade II (listed entry number 1063049) and Salter Fen Lock Grade II (listed entry number 1063081).</p> <p>Section 5: The Grove Grade II (listed entry number 1147127) and Neves Farm Grade II (listed entry number 1062990).</p> <p>These assets are in addition to those already listed in each pipeline section (i.e. APP-050, 8.5.31; APP-050, 8.5.38; AP-050 8.5.46; APP-050, 8.5.51, and 8.5.53).</p> <p>The following non-designated heritage assets have been identified in the DBA and require additional consideration due to their proximity to the pipeline.</p> <p>Corner Farm (MLI117827) Pick Hill Farm (MLI11786) Former White Hart Inn and post office (MLI126849) Yew Tree Cottage (MLI117580)</p> <p>Historic England: Historic England has not identified points of difference with the applicant in respect of Scheduled Monuments, Grade I and II* listed buildings and GI and GII* Registered Parks and Gardens but responsibility for certifying the sufficiency, completeness or quality of the submission rests with the applicant. Historic England refers the ExA to the advice of the County/Unitary Historic Buildings specialists / District Conservation Officers / Archaeological Advisors, who are best placed to respond on Grade II Listed Buildings and their settings.</p> | <p>The Applicant notes Historic England's response and has no further comments.</p> |

| ExA-Q1.6 | Question to | Question | Interested Party Response | Applicant's Comments |
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| 1.6.6 | Historic England Lincolnshire County Council | <p>Relevance of physical screening to sifting judgements</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> | <p>Lincolnshire County Council:</p> <p>The current list of heritage assets taken forward and noted in Tables 12, 13, and 14 in the DBA should be expanded to include those listed above.</p> <p>A better understanding of the risks to these heritage assets during and after the construction phase and the opportunities to reduce harm is needed. While it is accepted that changes to the settings mainly occur during the construction phase, there is insufficient detail on the materiality of the works proposed in relation to these assets.</p> <p>Historic England:</p> <p>Historic England has not identified points of difference with the applicant in respect of Scheduled Monuments, Grade I and II* listed buildings and GI and GII* Registered Parks and Gardens but responsibility for certifying the sufficiency, completeness or quality of the submission rests with the applicant. Historic England refers the ExA to the advice of the County/Unitary Historic Buildings specialists / District Conservation Officers / Archaeological Advisors, who are best placed to respond on Grade II Listed Buildings and their settings.</p> | <p>Please see the Applicant's Response at WQ 1.6.2 above regarding the assets taken forward for assessment in the ES Chapter.</p> <p>The Applicant considers that all heritage assets have been adequately assessed and that those heritage assets, where there was the potential for significant effects to arise, have been identified and taken through to the impact assessment in the ES Chapter [APP-050].</p> <p>Additional details of the Proposed Development, including the construction methodology, are provided in ES Chapter 3: Description of the Proposed Development [APP-045].</p> <p>The Applicant notes Historic England's response and has no further comments.</p> |
| 1.6.9 | Historic England Lincolnshire County Council | <p>Historic Landscape Character</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> | <p>Lincolnshire County Council:</p> <p>It is agreed with the DBA that further assessment of the HLC is not required, as no landscape features above ground will be entirely removed, according to section 5.4.30 of the DBA. Any affected features, such as historic hedgerows, will be reinstated following the pipeline installation, as stated in 5.4.30 of the DBA. Although the intention is to preserve the unique character of each HLC zone in terms of its features, value, and legibility, it is accepted that some minor impacts will occur but that the magnitude of change is negligible. However, it is agreed that the development's limited above-ground aspects mean that, beyond the initial construction phase, the impact on HLC is minimal.</p> <p>Historic England:</p> <p>Historic England has not identified points of difference with the applicant in respect of impacts upon Historic Landscape Character, we refer the ExA to the advice of the</p> | <p>The Applicant notes LCC's response and has no further comments.</p> <p>The Applicant notes Historic England's response and has no further comments.</p> |

| ExA-Q1.6 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | County/Unitary Historic Buildings specialists / District Conservation Officers / Archaeological Advisors. | |
| 1.6.14 | Historic England Lincolnshire County Council All Local Authorities | <p>Written Scheme of Investigation (WSI)</p> <p>The DCO application is accompanied by a WSI [APP-091] [AS-001]. For the purposes of the Examination:</p> <p>1) Is the WSI a comprehensive and robust approach to investigating the potential for archaeological deposits?</p> <p>2) Does the WSI contain sufficient strategies and mitigation measures to sensitively explore, retain or remove archaeological deposits?</p> <p>3) Explain whether amendments are required to the document and how those amendments would be of a benefit to the scheme</p> | <p>Historic England:</p> <p>Historic England refers the ExA to the advice of the Local Government Archaeological Advisors, who are best placed to respond on these matters in this instance.</p> <p>Lincolnshire County Council:</p> <p>The WSI does not include the detailed approach to investigating the potential for archaeological deposits, however Wessex Archaeology have been appointed to undertake the work and during the tender process have worked out details of their approach as laid out below. The approach and their proposal are satisfactory and well thought out.</p> <p>Wessex Archaeology have been commissioned to carry out a program of targeted geoarchaeological works along key sections of the Viking CCS pipeline, which will include fieldwork attendance, deposit modelling, reporting and archiving.</p> <p>Our proposals have been designed to meet the aims and objectives outlined in the overarching WSI for Archaeological Evaluation (AECOM 2023). The proposals are based on an assessment of the Quaternary superficial deposits present along the route, as mapped by the British Geological Survey, together with the proposed programme of Ground Investigation (GI) works and existing available GI data, and an assessment of the available lidar data.</p> <p>There is a significant degree of overlap between the proposed GI works and locations where purposive geoarchaeological boreholes would be required. Consequently, to avoid repetition of effort and manage costs, we would recommend a program of targeted geoarchaeological monitoring of selected GI boreholes.</p> <p>Criteria and scope for GI monitoring</p> <p>We have focused specifically on road and river crossings (where a deeper construction impact is expected) in areas that have the possibility for recovery of deposits with a high geoarchaeological potential. This largely includes areas of alluvium with potential for preservation of peat and other organic rich deposits, but in a limited number of cases covers Pleistocene deposits where monitoring of GI will provide an opportunity to investigate the provenance and associated archaeological potential of these deposits.</p> | <p>The Applicant notes Historic England's response and has no further comments.</p> <p>The Applicant has submitted Wessex Archaeology's WSIs for both trial trenching and metal detecting at Deadline 2, as new appendices to ES Appendix 8-3: Written Scheme of Investigation (WSI) for Archaeological Evaluation (revision A) (document reference 6.4.8.3).</p> <p>The Applicant notes LCC's response and has no further comments.</p> |

| ExA-Q1.6 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | <p>Large sections of the route are covered by glacial Till. Till has a low direct geoarchaeological potential except where it seals underlying deposits of a higher geoarchaeological potential. No fieldwork is recommended in areas of mapped till deposits.</p> <p>A total of 62 GI boreholes have provisionally been identified as requiring geoarchaeological monitoring, though it may be possible to reduce this number. The scope of the GI monitoring considers that there are limited pre-existing GI logs available for the route, with many of those available dating to before the 1970s and</p> <p>in cases as old as 1912. These logs are of limited value and reliability for identifying deposits such as peat which can be localised in distribution and laterally and vertically variable, and which were not always accurately recorded in older GI logs, if at all.</p> <p>In the event deposits of potential are revealed during the GI works, we would recommend there is the option to retain samples (e.g. sleeved cores such as U100) for geoarchaeological purposes (e.g. palaeoenvironmental assessment and scientific dating), or there is a contingency for purposive geoarchaeological boreholes as part of the GI program, recovered using a window sampling rig (e.g. terrier type). This would avoid the need for a further deployment to recover samples for geoarchaeological purposes.</p> <p>GI Review, deposit modelling and reporting</p> <p>All GI data will be reviewed, with the results used to develop a series of deposit models for key locations along the scheme. The deposit modelling will include data input, interpretation, and model production. Due to the linear nature of the scheme the deposit modelling outputs will be in the form of lateral transects. The results will be detailed in a standalone geoarchaeology report, including recommendations for further work, submitted approximately 6 weeks following completion of fieldwork and receipt of GI elevation and location data. At this stage it is not possible to determine the requirement for assessment of retained samples, which may include radiocarbon dating and assessment of biological remains (e.g. pollen, plant macrofossils, microfauna). The scope of any further assessment and dating would depend on the deposits and quality of retained samples.</p> | |

| ExA-Q1.6 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | <p>It is understood that there will be a stand-alone WSI for geo-archaeology and once it's approved it will be submitted in support of the DCO submission.</p> | |
| | | | <p>West Lindsey District Council: WLDC would refer to the comments of our specialists at Lincolnshire County Council in this regard.</p> | <p>The Applicant notes WLDC's response and has no further comments.</p> |
| | | | <p>North East Lincolnshire Council: The WSI is a comprehensive and robust approach for investigating archaeological remains. The WSI should provide the information to enable a mitigation strategy to be designed – if there are areas where, for whatever reason, not enough information was gained for mitigation then further evaluation would be expected to be undertaken at that point – it is not possible to identify areas in the WSI where not enough information will not be gathered until we still have unanswered questions when the trial trenching is complete. The WSI is fit for purpose for the trial trenching part of the scheme – addendums or further work may be required – some of this may be encompassed in the contingency or different evaluation techniques may be required – we cannot know this until we are faced with a void in information that may be required to form a mitigation strategy. The evaluation part of any scheme is undertaken in stages</p> <p>1. Desk-based information Gathering, 2. non-intrusive survey, such as geophysics or fieldwalking, 3. Intrusive evaluation, such as trial trenching. Occasionally extra information is required in order to form a mitigation strategy (which will be one of a mix of three options, excavation/recording of archaeological deposits – preservation in situ, by removing the development or by designing a scheme so that the archaeology is not damaged and no further archaeological work) occasionally further archaeological work – additional surveys, carbon dating, or other scientific work may be required to further understand the impacts of development – this work is sometimes unforeseen but is part of the usual work streams of any complex development. No document can be so comprehensive to deal with every possible eventuality, I am satisfied that the WSI adequately covers any possible foreseen eventualities, but none can cover the very occasional times when something is discovered that was never considered.</p> | <p>The Applicant notes NELC's response and has no further comments.</p> |

| ExA-Q1.6 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | <p>North Lincolnshire Council:</p> <p>1) This is a WSI for archaeological evaluation. It is sufficiently comprehensive to identify archaeological remains (known and unknown) and provide sufficient information to assess the archaeological significance. The results of the evaluation will then inform appropriate mitigation measures to be set out in subsequent separate WSIs. Because of the changes to the DCO limits at the northern end of the Project, the locations of the indicative trial trenches in this WSI have been revised and agreed with North Lincolnshire in the subsequent archaeological contractor's Written Scheme of Investigation for Archaeological Evaluation (Wessex Archaeology, March 2024).</p> <p>2) This is a WSI for archaeological evaluation only, it does not include mitigation measures. Within the North Lincolnshire section we are satisfied that the extent and methodology for archaeological evaluation set out in the WSI is satisfactory given that evaluation had already taken place on the site of the Immingham Facility for the VPI Carbon Capture plant proposal (Planning ref: PA/2023/421); with the contraction of the DCO limits for the Viking CCS pipeline only a small section of the Project within North Lincolnshire remains to be evaluated.</p> <p>3) No amendments are required to the WSI for archaeological evaluation in North Lincolnshire that have not already been made within the archaeological contractor's WSI referred to above (Wessex Archaeology, March 2024).</p> | <p>The Applicant has submitted Wessex Archaeology's WSIs for both trial trenching and metal detecting at Deadline 2, as new appendices to Written Scheme of Investigation for Archaeological Evaluation (Revision A) (document reference 6.4.8.3).</p> |
| | | | <p>East Lindsey District Council:</p> <p>We would adopt the position of the Lincolnshire County Council in this matter.</p> | <p>The Applicant notes ELDC's response and has no further comments.</p> |

Table 6: Q.1.7 Draft Development Consent Order

| ExA-Q1.7 | Question to | Question | Interested Party Response | Applicant's Comments |
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| 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 [AS-008] and the scope of works included/ excluded within it? | West Lindsey District Council: WLDC are content with the definition of commence. | The Applicant acknowledges the response and has no further comments. |
| | | | North East Lincolnshire Council: NELC are content with the definition of 'commence' and agrees with the exemptions included in the other than part of the draft DCO. | The Applicant acknowledges the response and has no further comments. |
| | | | Lincolnshire County Council: Yes, insofar as the works excluded would not require the laying out or constructing of a road or a access point. The erection of fencing could also be considered to be a material operation, should it be of a permanent nature and this should be clarified. | The Applicant is intending to update the Draft DCO (to be submitted at Deadline 3) to make it clear that the reference to fencing within the definition of "commence" is to temporary fencing only. |
| | | | North Lincolnshire Council: North Lincolnshire Council have no concerns with the definition of 'commence' set out in the dDCO or the scope of works included/excluded. | The Applicant acknowledges the response and has no further comments. |
| | | | East Lindsey District Council: This authority is content with the definition of commence. | The Applicant acknowledges the response and has no further comments. |
| 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. | West Lindsey District Council: WLDC is concerned with the ability to divert or alter being included within the definition of 'maintain'. These matters are not within the scope of the Environmental Statement. WLDC would want to see any possible diversions post construction to give a view on if we consider the impacts to be acceptable within the WLDC district boundary. North East Lincolnshire Council: NELC are content with the definition of 'maintain' however clarification on the following terms should be provided, 'adjust', 'divert', 'alter', 'reconstruct', 're-new', 're-lay', 'replace', 'abandon' to ensure these do not justify works that have not been considered within the DCO process. Furthermore, it is stated 'must not include renewal, relaying, reconstruction or replacement of the | As set out in the Applicant's response to this question within [REP1-045] , the ability to "divert or alter" the Proposed Development in case a circumstance arises where a repair or maintenance is needed, but it is not possible to re-lay a section of the pipeline in precisely the same location. This would be a localised diversion in very close proximity or adjacent to the original location. The Applicant notes the concern of the Local Authorities that this could give rise to environmental impacts that have not been assessed. The Applicant is intending to update the next draft of the DCO (to be submitted at Deadline 3) to amend the definition of "maintain" to make clear that any activities within this definition are only authorised where they do not give rise to any materially new or materially different environmental effects to those identified in the ES. |

| ExA-Q1.7 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | <p>entirety of the pipeline', this appears to slightly contradict the previous statement.</p> <p>Lincolnshire County Council:</p> <p>Parts 1 and 2) LCC do have concerns about the definition of 'maintain' including the ability to divert or alter, but notes that the definition also states that this must not include the renewal, relaying or replacement of the entirety of the new pipeline (LCC emphasis). As the extent of diversion and alteration is not quantified in the definition this could in theory permit the diversion or alteration of a significant amount of the pipeline provided that the 'entirety' threshold is not reached. However, any diversion and alteration would need to be contained within the limits of deviation (article 6 of the draft DCO (AS-008)) and the works shown on the works plan and not result in a development varying from the description in Schedule 1 of the draft DCO. Nonetheless, diversion and alteration of significant amounts of pipeline could give rise to further environmental impacts that may not have not been assessed.</p> <p>Parts 3 and 4) are considered for the applicant to respond to.</p> <p>North Lincolnshire Council:</p> <p>NLC believe that the extent of works included within the definition of 'maintain' is too wide and that this has not be reasonably justified. Allowing for the diversion or alteration of the pipeline and/or the removal and rebuilding of any/all buildings and structures within the Order Limits would seem to go some way beyond what could reasonably be considered maintenance works. The council are not sure that the definition in its current form is accurate or would comply with Planning Inspectorate Advice Note 15. North Lincolnshire council have concerns that the current definition would allow for the demolition and rebuilding of any and all elements of the consented development; including the above ground installation at the Immingham Facility. We would have concerns that this could be undertaken without any requirement for further consent and/or review by the LPA and that structures that are replaced/rebuilt may not be subject to the same design considerations as the original development. The definition is considered to be</p> | |

| ExA-Q1.7 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | <p>too wide and would allow for uncontrolled development of the site in the future. A more narrow definition limiting works to those that would normally be associated with maintenance should be considered.</p> <p>East Lindsey District Council:</p> <p>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.</p> <p>2) Please see above comments.</p> <p>3) For the applicant to answer.</p> <p>4) For the applicant to answer.</p> | |
| 1.7.6 | Applicant Local Highway Authorities National Highways | <p>Definition of highway authority</p> <p>Does the definition of highway authority [AS-008] need to separate National Highways (NH) from the local highways' authority?</p> | <p>National Highways:</p> <p>It is National Highways' view that the existing definition is sufficient. The reference to "highway authority for the highway" is considered sufficient to determine when it relates to National Highways and when it relates to the local highway authority.</p> <p>North East Lincolnshire Council:</p> <p>NELC confirm that these should be considered separately.</p> <p>Lincolnshire County Council:</p> <p>No. The draft DCO (AS-008) definition of "highway authority" means in any given provision of this Order (including the requirements), the highway authority for the highway to which the provision relates;</p> <p>This seems to cover the split between Local Highway Authority and NH.</p> <p>North Lincolnshire Council:</p> <p>North Lincolnshire Council don't think that this separation is necessarily required. The definition in it's current format is considered to be clear.</p> | <p>The Applicant acknowledges the response and has no further comments. The Applicant notes that the definition was updated within the Draft DCO (Revision C) [REP1-002] to provide clarity.</p> |
| 1.7.11 | Applicant | <p>Articles 8 and 9</p> | <p>National Highways would be concerned with a power that enabled the Applicant to carry out street works on the SRN without National Highways approval. Articles 8</p> | <p>The Applicant acknowledges the response and has no further comments. The Applicant refers to its own response to this question within [REP1-045].</p> |

| ExA-Q1.7 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | National Highways | <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> | <p>and 9 would enable such however National Highways is grateful that the Applicant has included provision, at paragraph 115(2) of Part 9 to the draft DCO, that would prevent them exercising such powers in respect of the SRN (unless National Highways has otherwise given approval).</p> <p>It is National Highways' understanding that all known street works should have been included in Schedule 3. It is however noted that the works proposed to be carried out beneath the SRN are not included.</p> <p>Any works taking place under the SRN (such as tunnelling for a pipeline) are street works pursuant to the New Roads and Street Works Act 1991 (NRSWA). Such works cannot take place without the street authority's approval. Section 51 of NRSWA provides:</p> <p>51.— Prohibition of unauthorised street works.</p> <p>(1) It is an offence for a person other than the street authority—</p> <p>(a) to place apparatus in a street, or</p> <p>(b) to break up or open a street, or a sewer, drain or tunnel under it, or to tunnel or bore under a street, for the purpose of placing, inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, or of changing the position of apparatus or removing it, otherwise than in pursuance of a statutory right or a street works licence.</p> <p>Article 8(2) of the draft DCO makes clear that the authority given by Article 8(1) is a statutory right for the purposes of NRSWA however the works beneath the SRN are not authorised by Article 8(1) as they are not listed in Schedule 3. It is however noted that Article 8(3) provides a 'catch all' provision authorising street works not included in Schedule 3.</p> <p>Given the provision at 115(2) of Part 9 (i.e. the protective provisions for National Highways' benefit) National Highways has no objection in this regard but sets out the above for completeness only.</p> | |
| 1.7.12 | Applicant Local Authorities | <p>Article 9 - Power to alter layout etc, of streets.</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</p> | <p>West Lindsey District Council:</p> <p>WLDC does not have a view on this matter.</p> | <p>The Applicant acknowledges the response and has no further comments.</p> |

| ExA-Q1.7 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | <p>given to whether or not it should be limited to identified streets?</p> | <p>North East Lincolnshire Council: NELC Highway Authority would like the applicant to justify further why such extent of provisions is requested. At this time, it is not clear why such powers are required and we are not in a position to answer the question raised. We have suggested meetings with the applicant and look forward to these taking place.</p> <p>Lincolnshire County Council: LCC does not think this power is necessary, LCC considers the draft DCO (AS-008) is too wide ranging and should be redrafted to include prior approvals of works by the Highway Authority. LCC raised this issue at ISH1, please refer to our written summary submission for further details.</p> <p>North Lincolnshire Council: Parts 1 & 2 of Schedule 3 lists the streets subjects to street works and also provides a description of the proposed street works, which is acceptable subject to these amendments being agreed with the local authority. The proposal to extend the powers to any street, would appear to be excessive and it is unclear why this is required.</p> <p>East Lindsey District Council: We would adopt the position of the Lincolnshire County Council Highway Authority in this matter.</p> | <p>The Applicant refers to its own response to this question within [REP1-045].</p> <p>The Applicant notes that this power is well preceded in other recently made DCOs. The Applicant will continue to engage with the Local Authorities on this matter.</p> |
| 1.7.13 | Local Authorities | <p>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 [AS-008]?</p> | <p>West Lindsey District Council: WLDC would refer to the specialist views of Lincolnshire County Council as the Highways Authority in this regard.</p> <p>North East Lincolnshire Council: NELC Highway Authority have concerns in terms of the proposed disapplication of the legislative provisions. We have suggested meetings with the applicant and look forward to these discussions taking place.</p> <p>Lincolnshire County Council: Yes, works in the Highway need to be approved by the Highway Authority and their implementation requires Permitting under the Streetworks and Permitting regime. LCC raised this issue at ISH1, please refer to our written summary submission for further details.</p> | <p>The Applicant would clarify that Article 10 of the Draft DCO applies certain provisions of the New Roads and Streetworks Act 1991 (the "1991 Act") that would not otherwise apply to the Proposed Development, being those provisions listed in sub-paragraph (2). Sub-paragraph (4) of article 10 then makes clear that certain provisions of the 1991 Act do not apply to the Proposed Development. The Exercise of the disappplied powers is considered to be inappropriate to a project authorised by a DCO. For example, one of the powers is to direct undertakers to locate their works in a different street than that proposed (s56A). Where works are being carried out under permitted development rights that is not commonly problematic, however works under the Order are constrained by the Order Limits and</p> |

| ExA-Q1.7 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | <p>North Lincolnshire Council: It is unclear as to why this is proposed and as the Highway Authority, North Lincolnshire Council would have serious concerns about this.</p> <p>East Lindsey District Council: We would adopt the position of the Lincolnshire County Council in this matter.</p> | <p>what has been assessed in the Environmental Statement, and no consent would be in place to move the works outside of that envelope. It is therefore appropriate to be clear within the Order that this power cannot be applied in this case.</p> <p>The disapplication of these provisions (which are designed primarily to regulate the carrying out of street works by utility companies in respect of their apparatus) is appropriate given the scale of works proposed under the Order, the specific authorisation given for those works by the Order and the specific provisions in the Order which regulate the carrying out of the Order works.</p> <p>As set out in Paragraph 1.6.52 of the Explanatory Memorandum [REP1-004], this provision is well-precedented for linear developments authorised by DCO.</p> |
| 1.7.14 | Applicant Local Authorities | <p>Articles 11 and 12</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> | <p>West Lindsey District Council: WLDC would refer to the specialist views of Lincolnshire County Council as the Highways Authority in this regard.</p> <p>North East Lincolnshire Council: NELC Highway Authority would suggest that in place of 'temporarily stopping up' that the wording state 'prohibit temporarily' the use of that road. We have suggested meetings with the applicant and look forward to these discussions taking place.</p> <p>Lincolnshire County Council: This question appears to be aimed for Applicant. LCC considers that any temporary stopping up of streets should require approval through our Streetwork Permitting Scheme. Please also refer to our written summary submission for ISH1 for further details.</p> <p>North Lincolnshire Council: Article 12 - 'temporary stopping up' is a phrase that has been used in other DCOs. North Lincolnshire Council would welcome the reconsideration of the notice period at Article 11(5) and 12 (6). Discussions have already taken place with the Applicant regarding a longer notice period being agreed.</p> | <p>The Applicant notes the response of the Local Authorities and has no further substantive comments at this time.</p> <p>As noted in the Applicant's own response to this question within [REP1-045], the Draft DCO has been updated to amend the terminology and the notice periods have been increased.</p> |

| ExA-Q1.7 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | <p>East Lincolnshire District Council:</p> <p>We would adopt the position of the Lincolnshire County Council in this matter.</p> | |
| 1.7.24 | Applicant Anglian Water | <p>Discrepancy in the dDCO</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 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> | <p>Anglian Water considers that the applicant has selected the most sustainable method of managing foul drainage during construction, for welfare facilities at compound sites, for example. In not seeking connections to the public sewer network during construction the applicant has minimised the need for works which would entail construction, and potentially some disruption and temporary environmental disturbance as well as generating capital (embedded) carbon from those works, including excavation. For operational facilities at either end of the pipeline, for example, foul sewer connections and any necessary upgrades to capacity can be agreed with Anglian Water. It is anticipated that those foul water flows will be permanent, domestic in nature and so both low in volume and not requiring specialist treatment. As a consequence there is no foreseeable reason why those permanent and domestic type connections could not be designed and agreed and then installed to connect into the existing public sewer network.</p> | <p>The Applicant acknowledges the response from Anglian Water and has no further comments.</p> <p>The Applicant refers to its own response to this question within [REP1-045].</p> |
| 1.7.27 | Applicant Natural England (NE) Environment Agency (EA) Historic England (HE) | <p>Requirement 5</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> | <p>Natural England:</p> <p>Natural England does not need to be consulted on the final CEMP for this project. However, we highlight that any mitigation measures relied upon in the conclusions of the shadow HRA should be included in the draft and final CEMP. We also refer to our outstanding comments regarding the assessment of impacts and required mitigation measures. Therefore, we may have additional comments on the draft CEMP, as discussions on proposed mitigation measures progress.</p> <p>Environment Agency:</p> <p>The EA requests that it is added as a specific consultee to the discharge of this requirement so that it can advise on matters within its remit (this request was also included in paragraph 3.9 of the EA's relevant representation [RR-034]).</p> <p>Historic England:</p> <p>No response received at Deadline 1.</p> | <p>The Applicant acknowledges the comments from Natural England and has nothing further to add at this time. The Applicant will continue to engage with Natural England on proposed mitigation measures.</p> <p>The Applicant updated the Draft DCO at Deadline 1 [REP1-002] to include the Environment Agency as a named consultee.</p> <p>N/A</p> |

| ExA-Q1.7 | Question to | Question | Interested Party Response | Applicant's Comments |
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| 1.7.38 | Statutory Undertakers | <p>Schedule 9 Protective Provisions</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. Set out your reasons for any changes, including what the consequences would be without your changes being incorporated.</p> | <p>Environment Agency:</p> <p>The EA is not yet in a position to be able to provide the mark-up revisions requested as it is currently reviewing its standard Protective Provisions which all applicants are expected to enter into before the EA will agree to disapplication. The EA expects to complete this exercise by the end of May and will then update the applicant and the Examining Authority on its position regarding the acceptability of the form of Protective Provisions put forward by the applicant.</p> <p>Uniper UK Limited:</p> <p>Background</p> <p>Uniper UK Limited ("UUKL")'s relevant representation [RR-114] was made on the basis that, in a number of locations, the proposed CO2 pipeline route runs very close to, or overlaps with, UUKL's high pressure natural gas pipeline that runs northwards from Theddlethorpe to Killingholme, North Lincolnshire (the "Uniper Pipeline"). Construction and operation of the Viking CCS pipeline therefore poses potential health, safety, security and environmental risks to the operation and maintenance of UUKL's existing infrastructure and affects a number of land plots that UUKL has an interest in.</p> <p>UUKL is an indirect subsidiary of Uniper SE, an international energy company with activities in more than 40 countries that aims for its installed power generating capacity to be more than 80% zerocarbon by 2030 and completely carbon-neutral by 2040. Hydrogen projects in the UK are an essential part of implementing Uniper SE's new strategy and the Killingholme site has huge potential as an energy transformation hub, powering the Humber region and beyond, with the right combination of expertise and location to deliver low-carbon energy solutions, including hydrogen production and supply. The Humber H2ub® (Blue) project, in particular, is a proposed large scale, low carbon hydrogen production facility on the site that will see up to 720 megawatts of blue hydrogen production, using gas reformation technology with carbon capture and storage ("CCS"). As the Viking CCS Pipeline could facilitate the transport of the captured CO2 to suitable storage locations, UUKL is strongly supportive of the Applicant's project.</p> <p>Protective Provisions</p> | <p>The Applicant welcomes the update from the Environment Agency and will review the updated form or Protective Provisions once received.</p> <p>The Applicant is engaging with Uniper UK Limited ("UUKL") in respect of the interaction between the Proposed Development and UUKL's apparatus. The Applicant will continue to work with UUKL with a view to reaching an agreed position in respect of the Protective Provisions and/or crossing agreements necessary to provide comfort to UUKL that the interaction will be suitably managed.</p> <p>The Applicant notes UUKL's comments on land referencing and would welcome further discussion with UUKL on its land ownership and interests.</p> |

| ExA-Q1.7 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | <p>It is essential from UUKL's perspective to agree an appropriate form of Protective Provisions ("PPs") with the Applicant. As noted in our comments on a draft Statement of Common Ground received from the Applicant, there has not yet been sufficient consultation over the wording of the PPs. It is UUKL's position that the standard PPs included in the Part 1 of Schedule 9 to the draft DCO [AS-039] would cause serious detriment to UUKL's undertaking. As owner and operator of an operational power station and high pressure gas pipeline, it is essential for UUKL to have oversight and control over any works occurring in close proximity to its assets to ensure the continued safe operation of its power station and pipeline. UUKL's assets are critical national infrastructure and include the Uniper Pipeline, the Theddlethorpe Distribution Centre Above Ground Installation (AGI) and Block Valve Stations near the Lincolnshire villages of Fulstow and Riby.</p> <p>UUKL will provide the Applicant with a draft of its preferred PPs in due course and is committed to working with the Applicant to secure mutually acceptable PPs for inclusion in Schedule 9 to the draft DCO.</p> <p>Other concerns</p> <p>In addition, there are a number of land issues arising from the Applicant's DCO application that must be resolved so that the construction and operation of the Viking CCS pipeline does not pose an adverse safety risk to UUKL's existing gas pipeline and infrastructure. Whilst we have been working with the Applicant over land referencing, and this is reflected in entries in both the latest Book of Reference [AS-045] and Compulsory Acquisition Tracker [AS-030], this work needs to be progressed to give a much clearer common understanding of the land ownership and lease arrangements that exist for each of the identified land plots. For instance, the Book of Reference lists Uniper UK Gas Limited in Parts 1, 2 and 3 in respect of several dozen plots; it is not clear presently that Uniper UK Gas Limited should be identified in respect of each plot.</p> | |
| 1.7.39 | Applicant Statutory Undertakers | <p>Schedule 9 Wording of Standard provisions</p> <p>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</p> | <p>Anglian Water:</p> <p>The Protective Provisions have been an ongoing matter of discussion between Anglian Water and the applicant. Anglian Water has agreed a form of Protective Provisions with the applicant and anticipates that this</p> | <p>The Applicant acknowledges the response from Anglian Water and has no further comments.</p> |

| ExA-Q1.7 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | consultation concerning the detailed provisions with the appropriate SU? | will be recorded as resolved with all other matters between the parties at Deadline 3 on 11 June 2024 with the submission of a signed final Statement of Common Ground. | |
| 1.7.40 | Applicant Environment Agency | <p>Schedule 9 format</p> <p>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.</p> | <p>Environment Agency:</p> <p>Please see answer to 1.7.38 above.</p> <p>The EA is not yet in a position to be able to provide the mark-up revisions requested as it is currently reviewing its standard Protective Provisions which all applicants are expected to enter into before the EA will agree to disapplication. The EA expects to complete this exercise by the end of May and will then update the applicant and the Examining Authority on its position regarding the acceptability of the form of Protective Provisions put forward by the applicant.)</p> | The Applicant welcomes the update from the Environment Agency and will review the updated form or Protective Provisions once received. |
| 1.7.41 | Applicant Marine Management Organisation | <p>Schedule 9 Scope of Provisions</p> <p>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?</p> | It is the applicant's responsibility to identify the marine licensable activities that will be undertaken and to apply for a deemed Marine Licence as part of this DCO application. Alternatively, the applicant can apply for a separate marine licence consent directly from the MMO. The MMO advised the applicant during a call on 19 April 2024 and provided further guidance on identifying the marine licensable activities in the application. The applicant confirmed to the MMO on 23 April 2024, that whilst the order limits stretch to the mean low water springs mark, no marine licensable activities will be taking place below mean high water springs. The applicant also confirmed to the MMO that the offshore works are under a separate consent process, and that they have applied to the North Sea Transition Authority (NSTA) for a carbon dioxide storage licence. The applicant has confirmed that they consider the projects to be separate due to distance between the two proposed works. The applicant therefore considers this as two separate Environmental Impact Assessment (EIA) projects. The applicant is submitting an Environmental Statement for the Offshore works to OPRED as part of the consent process for the carbon dioxide storage licence. Given the above, the MMO have no further comments at this stage. However, the MMO would like to remind the applicant that it is their responsibility to identify any marine licensable activities to be carried out and apply for a marine licence if required. | The Applicant acknowledges the response from the Marine Management Organisation and has no further comments. |

Table 7: Q.1.8 Ecology and Biodiversity

| ExA-Q.1.8 | Question to | Question | Interested Party Response | Applicant's Comments |
|-----------|--|--|---|--|
| 1.8.4 | Environment Agency | Fish 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? | As all Main River crossings within the DCO boundary will be undertaken using trenchless methods, the EA does not have any concerns that no field surveys for fish have been carried out. | The Applicant notes this response. |
| 1.8.6 | Environment Agency Natural England | Invasive Non-Native Species (INNS) 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. 1) Is it considered, given the species identified, that any specific measures need to be taken and/or committed to now? 2) Should the project adopt a more proactive policy of seeking to remove such species where encountered along the pipeline-laying route? 3) Would micro-siting around such INNS be an appropriate technique with assured biosecurity? | Environment Agency: The EA defers to the views of Natural England on this matter. | N/A |
| | | | Natural England: Natural England consider the INNS identified at the site are unlikely to cause a significant effect to any designated sites; as such, have no detailed comments to make in this regard. Nonetheless, we welcome the intent to develop an INNS Management Plan as part of the CEMP to prevent the spread of INNS; would always encourage a proactive approach to removal of INNS wherever possible and/or feasible. | The Applicant is in agreement with Natural England's position. |
| 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]? | West Lindsey District Council: WLDC does not have any comments on this matter and would defer to Natural England. | The Applicant notes this response and has no further comment. |
| | | | North East Lincolnshire Council: NELC consider that this aspect is currently ongoing and in discussion with the Ecology Officer. | The Applicant notes this response and has no further comment. |
| | | | Lincolnshire County Council: LCC is of the opinion that the Applicant's approach to scoping and identifying likely cumulative effects in respect of ecology and biodiversity is appropriate, and that relevant developments that could have cumulative effects have been correctly identified and that conclusions drawn are correct. | The Applicant notes this response and has no further comment. |
| | | | North Lincolnshire Council: For North Lincolnshire, the Applicant appears to have identified the most appropriate projects which might have cumulative effects with the pipeline- including in-combination effects in terms of the Habitats Regulations. In terms of the in-combination noise and visual | The Report to Inform the Habitats Regulations Assessment (HRA) has been updated and Revision B has been submitted at Deadline 2 (document reference 6.5). |

| ExA-Q.1.8 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | <p>disturbance effects in relation to birds using Rosper Road Pools, the Able UK, Gigastack and ABP applications are likely to require further assessment before in-combination effects can be ruled out.</p> | <p>The HRA considers all projects that have potential in-combination effects and provides further detail on mitigation.</p> |
| | | | <p>East Lindsey District Council:</p> <p>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.</p> | <p>The Applicant is in agreement with ELDC's position.</p> |
| | | | <p>Natural England:</p> <p>Natural England has no comments to make on the approach to scoping and identifying likely cumulative effects. We have no specific additional comments to make on the conclusions drawn within ES Chapter 6; however, we highlight that discussions are ongoing regarding potential intra-project effects from disturbance to functionally linked land during construction (NE3, NE12).</p> | <p>The Applicant notes this response. Discussions with Natural England are ongoing.</p> |

Table 8: Q.1.9 Environmental Impact Assessment

| ExA-Q.1.9 | Question to | Question | Interested Party Response | Applicant's Comments |
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| 1.9.3 | Natural England All Interested Parties | Methodology 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]? | DVSA: DVSA has no comment. | Noted. |
| | | | Lincolnshire County Council: LCC is of the opinion that the methodology used to assess significance of effects in respect of ecology is appropriate. | The Applicant notes LCC's position. |
| | | | Natural England: Natural England has no comments to make on the methodology and guidance to inform the assessments and calculation of effects' significance in ES Chapter 6. | The Applicant notes Natural England's position. |
| 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? | West Lindsey District Council: WLDC does not have any comments on this matter and would defer to Natural England. | Noted. |
| | | | North East Lincolnshire Council: NELC do not wish to raise any concerns on this matter. | Noted. |
| | | | Lincolnshire County Council: The identification of developments which potentially have a cumulative (and/or in combination) effects is a complex and time-consuming exercise for applicants and consultees alike. LCC is aware that efforts are being made by Humber Nature Partnership to ease this process by developing a database to aid the identification of developments that may act in combination with each other. However, this database is not currently ready for use. LCC therefore believes that the Applicant has made reasonable effort to identify other developments which could have cumulative effects and that the Applicant's approach to assessing cumulative ecological effects is appropriate and consistent with other developments. | The Applicant is in agreement with LCC's position. |
| | | | North Lincolnshire Council: It is hard to comment without knowing which projects were excluded on this basis. In the South Humber Bank area of North Lincolnshire, major planning applications are generally accompanied by multiple ecological reports and further information is often secured before each application is determined. | In all cases where ecological information was available, which includes the majority of the major planning applications in the South Humber Bank area, it was considered within the cumulative assessment. |

| ExA-Q.1.9 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | <p>East Lindsey District Council:</p> <p>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.</p> | <p>In all cases where ecological information was available, it was considered within the cumulative assessment. If baseline and assessment information is not available for another development, it is not possible for the Applicant to make an informed assessment of potential cumulative effects.</p> |
| | | | <p>Natural England:</p> <p>Natural England accepts that because ecological reports had not been submitted for other developments, it has not been possible to assess potential cumulative effects in detail for this project. We consider that the potential for cumulative effects between these projects should be assessed in detail in the assessments for the subsequent projects.</p> | <p>The Applicant is in agreement with Natural England's position</p> |

Table 9: Q.1.10 Flood Risk, Hydrology and Water Resources

| ExA-Q.1.10 | Question to | Question | Interested Party Response | Applicant's Comments |
|------------|---------------------------------|--|---|--|
| 1.10.6 | Environment Agency | <p>Receptors</p> <p>Is the EA satisfied that all potential downstream water environment receptors have been considered in the assessment?</p> | <p>We have noted in our previous comments that some sections of the proposed development are close to higher vulnerability (i.e. 'more vulnerable' as classified in Annex 3 of the National Planning Policy Framework) residential properties. We are satisfied with the assessment included within Chapter 11 of the Environmental Statement; however the applicant should have considered these in the flood risk assessment (FRA), and provide assurance that the development will not increase flood risk to these properties.</p> | <p>ES Appendix 11-5: Flood Risk Assessment (Revision A) (document reference 6.4.11.5), Section 6 has been updated to include an assessment of flood risk to land/ development in close proximity to the Immingham and Theddlethorpe Facility sites. This document has been provided at Deadline 2.</p> |
| 1.10.7 | Environment Agency | <p>Climate Change Allowances</p> <p>Are the EA content that appropriate climate change allowances have been applied in the FRA [APP-101]?</p> | <p>We have noted that the proposed lifetime of the development is 25 years, but the FRA assesses a lifetime of 75 years. We support this approach as it is in line with flood risk policy. Environment Agency mapping and modelling to 2115 has been used. We do however require comments and updates on:</p> <p>1) The use of average breach and overtopping depths throughout the ES and FRA, as opposed to maximum breach depths. We have discussed this with the applicant and understand the difficulty in using maximum depth as it includes low spots (such as ditches) which give misleading maximum values. The applicant should therefore use some appropriately selected maximum depths at relevant sites within the FRA.</p> <p>2) The use of 50% confidence values within sensitivity testing, rather than 97.5% values - we would expect sensitivity testing to be based on the 97.5% confidence values, and we therefore require some explanation as to why this approach has been taken, and assurance that mitigation measures proposed for the site will be suitable.</p> | <p>1) The Applicant has submitted a Technical Note (as an appendix to the ES Appendix 11-5: Flood Risk Assessment (Revision A) (document reference 6.4.11.5) that provides further analysis and explanation for the use of average flood depths for the Immingham and Theddlethorpe Facility sites.</p> <p>2) ES Appendix 11-5: Flood Risk Assessment has been updated and the assessment is now based on the 97.5% confidence values as required by the Environment Agency. Please refer to the updated ES Appendix 11-5: Flood Risk Assessment (Revision A) (document reference 6.4.11.5) submitted at Deadline 2.</p> |
| 1.10.12 | Applicant Environment Agency | <p>Hold the line</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</p> | <p>A Shoreline Management Plan (SMP) policy of 'Hold the Line' applies in the short-medium term along this tidal frontage. A policy of Hold the Line / Managed Re-alignment applies for the 2055 – 2105 period. The detail of how this policy would be applied in the future has not been set in detail at this point, however beyond 2055 it will likely include some areas where flood defences would be raised, and some areas, where the consequences of flooding are assessed to be lower, being re-aligned or not raised any further. However, SMP policies are aspirational and there can be no guarantee that this is going to happen. Future decisions on investment in flood defence raising will be based on relevant policy at the time, as well</p> | <p>Paragraph 5.13.15 of the FRA (document reference 6.4.11.5) states that "<i>Embankments may be raised and improved to counter sea level rise as required, to maintain the standard of protection</i>" and therefore the raising of embankments is considered as a potential mitigation measure. However, assessment of flood risk from both the overtopping and breach scenarios is based on data provided by the Environment Agency from the 2010 Northern Area Tidal Modelling study to the year 2115. The 2115 scenarios taken from the model do not include the effects of the 'hold the line policy' and the tidal flood defences remain as the current scenario. This provides a worst-case</p> |

| ExA-Q.1.10 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | as mitigation to maintain the necessary standard of protection? | as funding availability. All flood defence schemes now and in the future, need to be supported by suitable business cases in order to justify investment of public funding. If flood defences are raised in line with the SMP aspiration, then this will continue to provide protection to the proposed scheme. There will remain relatively high residual risks to the development in the event of breach or overtopping flood events. | assessment of tidal flood risk which has been used to inform the mitigation measures for the Immingham and Theddlethorpe Facilities. The assessment does therefore not rely solely on the raising of defences/embankments as a mitigation measure. |
| 1.10.13 | Applicant Environment Agency | Sustainable urban drainage (SuDs) 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? | The EA's remit does not include surface water drainage matters and we would therefore recommend obtaining advice from the Lead Local Flood Authority (Lincolnshire County Council) on this matter. | Noted. |
| 1.10.17 | Environment Agency | Assessment methodology 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? | Insofar as the stages of assessment are concerned, this is an acceptable starting point; to begin with a desk study within the specified study area to identify features and existing information, with the baseline scenario supported by site walkover where required, followed by site investigation or monitoring data where appropriate. The EA questioned the significance criteria applied initially, but our concerns were addressed and accommodated, and we are now in agreement with the criteria outlined in Table 9-6. | The Applicant is in agreement with the Environment Agency's position. |
| 1.10.18 | Applicant Environment Agency | Sample size 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? | The surveys were intended to identify or confirm the presence of features, to discount/include them in later considerations. The purpose of the survey was not to assess effects, so it is considered appropriate. | The Applicant is in agreement with the Environment Agency's position. |
| 1.10.24 | Applicant Environment Agency | Chalk streams and mitigation 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? | The proposal includes the temporary removal of the bed substrate and includes scour protection to mitigate the risk of erosion at the flume outflows, and the bed substrate and in-stream vegetation will be replaced upon completion of the works. As there will be no permanent impact, and the works will not prevent us from achieving our objectives in respect of chalk stream restoration, the EA is satisfied that these measures are suitable. | The Applicant is in agreement with the Environment Agency's position. |

| ExA- Q.1.10 | Question to | Question | Interested Party Response | Applicant's Comments |
|----------------|-------------------------------------|---|--|--|
| 1.10.27 | Applicant Environment Agency | <p>Cumulative construction impacts</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.</p> <p>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> <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> | <p>1) During construction any project has the potential to adversely impact the water environment via deposition or spillage of soils, sediments, oils, fuels, or other construction chemicals spilt on site. These impacts can be mitigated by adhering to pollution prevention guidelines and industry best practice to prevent degradation of the water bodies.</p> <p>2) Yes</p> <p>3) Although the EA is not aware of whether there will be instances where works, which could negatively impact a single watercourse from separate locations will take place, we are satisfied that the implementation of measures secured via the CEMP should address this, in conjunction with the non-intrusive techniques mentioned for use in construction the pipeline.</p> | <p>The Applicant is in agreement with the Environment Agency's position.</p> |
| 1.10.29 | Environment Agency | <p>Standard mitigation</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> | <p>Environment Agency</p> <p>1) The EA is content that the proposed industry standard mitigation practices to be used during the proposed development will be sufficient to meet with our Pollution Prevention Guidelines.</p> <p>2) Due to the scale of the development, we are confident that the measures will be effectively implemented as using these practices will reduce the likelihood of an incident. If the applicant does cause a pollution, it will be their responsibility for the cost of any clean up and they could face prosecution if there is serious pollution or impact on the beds and banks of a watercourse and on the quality and quantity of the water. Some activities, with the potential for affecting watercourses or groundwater, may require additional consent under the Water Resources Act 1991.</p> <p>3) There are no other mitigation measures required that are not covered by the Pollution Prevention Guidelines and/or best practice standards.</p> | <p>The Applicant is in agreement with the Environment Agency's position.</p> |

Table 10: Q.1.11 Geology and Land Use

| ExA-Q.1.11 | Question to | Question | Interested Party Response | Applicant's Comment |
|------------|--|--|--|--|
| 1.11.4 | Applicant Lincolnshire County Council | <p>Depth of burial</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> <p>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?</p> | <p>LCC notes that this question is posed to both the applicant and LCC. LCC is not entirely clear whether the intent of the question was to seek the views of LCC on the justification for the pipe being 0.7 m or less or what is the justification of our comments on the basis of the depth of burial of the pipe and this having a longer term impact. LCC consider that the justification for the pipe being buried at 0.7.m or less would be for the applicant to respond.</p> <p>LCC's comments were around the impact of the temporary construction works phase on agricultural land and the need for good working practices to ensure that that there is not a longer-term impact on the quality of the soil resource and its agricultural use. LCC has made further comments regarding the potential for impact on agricultural land in the LIR and is supportive of the approach set out in the Outline Soil Management Plan (APP-096).</p> | <p>For a justification regarding the vertical Limits of Deviation, and its potential impact on agricultural use, please see the Applicant's WQ 1.11.4 [REP1-045].</p> |
| 1.11.7 | Natural England | <p>Soil Management Plan</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> | <p>Natural England's detailed advice in relation to soils and the oSMP is contained within our written representations (NE26a-g).</p> | <p>The Applicant has responded to Natural England's Written Representation at Deadline 2 (document reference 9.18).</p> |

Table 11: Q.1.12 Habitats Regulation Assessment

| ExA-Q.1.12 | Question to | Question | Interested Party Response | Applicant's Comments |
|------------|---------------------------------|---|---|--|
| 1.12.1 | Applicant Natural England | NE's position 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). | No response received at Deadline 1. | The approach proposed by the ExA is the approach that was adopted when responding to [RR-073] . |
| 1.12.5 | Applicant Natural England | Pathway for Likely Significant Effects (Stage 1 screening) 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 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? | Natural England considers that the existing assessment of potential water quality impacts in the Report to Inform the HRA also applies to potential impacts on functionally linked land associated with the Humber Estuary SPA. Natural England agrees that, with the embedded mitigation and a Construction Environmental Management Plan described in paragraph 6.2.63 of the Report to Inform the HRA, impacts from run-off are predicted to be short term, intermittent and spatially local. We agree with the conclusions in paragraph 6.2.66 that there will be no likely significant effects from changes in water quality and this pathway of effect can be screened out. | The Applicant is in agreement with Natural England's position. |
| 1.12.7 | Natural England | Natterjack Toads 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)? | Natterjack toads are not known to be present in the location of the Dune Valve Station or access route. NE consider the key sensitivities of the species to be loss and damage to suitable habitat. As a result, other possible disturbance effects of the works at the Dune Valve station are considered minor, and unlikely to cause a significant effect on Natterjack toads associated with the nearby designation. In addition, Tables 2 and 7, at Appendix G and H of the Report to inform the HRA (AS-026), respectively, indicate that the impact of dust and particulates have been assessed regarding Natterjack toad; it is considered that with the implementation of the CEMP, no adverse effect on the species is considered likely. NE concurs with this conclusion. Nonetheless, it is a protected species; therefore, if Natterjack toads are identified during works, a Mitigation Licence would be required to continue. | The Applicant is in agreement with Natural England's position. If a Natterjack Toad were found during construction, a Mitigation Licence would be applied for. |
| 1.12.8 | Applicant Natural England | Grey seals 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 | No seal haul out sites are known to be present within proximity to the proposed development. Natural England does not consider that there are any potential impacts on seal haul-out sites from the proposed development. | The Applicant is in agreement with Natural England's position. |

| ExA- Q.1.12 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | 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 | <p>Noise and disturbance mitigation</p> <p>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]?</p> | <p>As per the key issues NE3 and NE12 above, further assessment is required on the sequence / timing of works and the availability of roost and feeding sites within the study area to provide context on the proportion of suitable habitat that would be affected at any one time and determine whether additional mitigation measures, such as restrictions on the timing/extent of works at sensitive times of the year, may be required. Therefore, there is currently not enough information to agree that the erection of close-boarded fencing is sufficient mitigation. However, we will continue discussions with the applicant on this topic.</p> | <p>Further detail has been added to the Report to inform the Habitats Regulation Assessment (Revision B) (document reference 6.5) to provide further clarity on potential impacts.</p> |
| 1.12.10 | Natural England | <p>Pink-footed geese mitigation</p> <p>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?</p> | <p>As per the key issues NE3 and NE12 above, further assessment is required on the sequence / timing of works and the availability of roost and feeding sites within the study area to provide context on the proportion of suitable habitat that would be affected at any one time and determine whether additional mitigation measures, such as restrictions on the timing/extent of works at sensitive times of the year, may be required. There is currently not enough information to agree that the proposed mitigation is sufficient. However, we will continue discussions with the applicant on this topic.</p> | <p>Further detail has been added to the Report to Inform Habitats Regulation Assessment (Revision B) (document reference 6.5) to provide further clarity on potential impacts</p> |
| 1.12.11 | Applicant Natural England | <p>Red-throated diver assessment and mitigation</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> | <p>Red Throated-Diver are a seabird; Conservation advice for the species states that: 'Red-throated diver do not return to land during the non-breeding season, spending time rafting and fishing in shallow coastal waters'. As a result, significant effects upon this species from onshore development may be unlikely. Nonetheless, Natural England would be pleased to review the information/assessment provided when the Applicant has responded to this question.</p> | <p>The Applicant is in agreement with Natural England's position. Note that no further information/assessment is provided, beyond the Applicant's own response to WQ 1.12.11.</p> |
| 1.12.13 | Natural England | <p>Position Statement</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>Further detail has been added to the Report to inform the Habitats Regulation Assessment (Revision B)</p> |

| ExA- Q.1.12 | Question to | Question | Interested Party Response | Applicant's Comments |
|----------------|-------------|---|--|---|
| | | <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 AEol 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 AEol conclusions are disputed, please explain why in separate free-flowing text.</p> | <p><u>Appendix G</u></p> <p>Natural England considers that, with the above agreed updates, the information in the screening matrices in Appendix G to be complete and acceptable. As per key issue NE8, we advise that impacts from lighting should be considered at the screening stage. As per key issue NE7, we advise black-tailed godwit should be screened in for further assessment on noise and visual disturbance at Rosper Road Pools.</p> <p><u>Appendix H</u></p> <p>Natural England's position is that the matrices in Appendix H cannot be considered complete until the outstanding amber' issues are resolved. Please refer to our advice on NE3, NE6, NE8, NE9, NE12, NE15, NE16, NE18, NE24 for further detailed advice on these issues.</p> <p>Table 9 of appendix H contains tick marks against an Adverse Effect on the Integrity of SaltfleetbyTheddlethorpe Dunes and Gibraltar Point SAC from Dust and Particulates during construction and decommissioning. This is assumed to be a mistake, as the rationale at footnote 'c' (and at para 7.3.25 of AS-026) explains how effects have been ruled out when considering implementation of the CEMP. This should be updated for clarity.</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?</p> <p>Natural England are satisfied with the amount of survey data used to inform the HRA and Appropriate Assessment. We consider that our previous advice regarding NE4 and NE5 has been adequately addressed, as detailed above</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>Natural England agrees with the applicants' overall conclusions regarding potential for likely significant effects in Table 7-1. As per key issues NE6 and NE7, we have advised that additional SPA bird species are screened in for further assessment.</p> <p>4) Can NE confirm its position, in tabular format, at this stage whether an AEol can be ruled out in respect of each designated European site. This table may be</p> | <p>(document reference 6.5) to provide further clarity on potential impacts.</p> |

| ExA- Q.1.12 | Question to | Question | Interested Party Response | Applicant's Comments |
|----------------|---------------------------------|--|---|--|
| | | | <p>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> <p>As per the key issues noted above, Natural England considers there is not currently enough information for adverse effects on integrity to be ruled out for the following pathways:</p> <p><u>Humber Estuary SPA/Ramsar</u></p> <ul style="list-style-type: none"> • Temporary loss of functionally linked land on the pipeline route (construction) • Noise and visual disturbance to birds using functionally linked land on the pipeline route (construction) • Disturbance to breeding birds at Viking Fields during dune valve maintenance (operation) • Disturbance to breeding and non-breeding birds at Viking Fields from works at the southern compound and Theddlethorpe facility (construction and decommissioning) • Lighting disturbance to birds across the development area (construction, operation, decommissioning) <p>We welcome the Applicant's commitment to provide updated assessments for these key issues, and we will review these once submitted. Natural England considers adverse effects on integrity can be ruled out for all other pathways and European sites.</p> | |
| 1.12.15 | Applicant Natural England | <p>Marine Environment</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> | <p>Natural England are unable to provide a detailed answer to this question at this stage. The matter is the subject of wider internal discussions which are as yet unresolved. We would request that an answer to this question could be submitted at the next deadline (D2 – 17th May 2024).</p> | <p>The Applicant notes Natural England's response. Please also refer to the Applicant's response to WQ 1.9.6 in [REP1-045].</p> |

Table 12: Q.1.13 Landscape and Visual Amenity

| ExA-Q.1.13 | Question to | Question | Interested Party Response | Applicant's Comments |
|------------|-----------------------------|--|---|---|
| 1.13.1 | Historic England | Historical Landscapes Can Historic England confirm whether there are any concerns in regard to construction or operation phase development in historical landscape areas. | Historic England No response submitted at Deadline 1. | N/A |
| 1.13.2 | Applicant Local Authorities | Assignment of value 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? | West Lindsey District Council: WLDC agrees with this statement. | The Applicant notes this response and has no further comment. |
| | | | North East Lincolnshire Council: Please note that NELC do not have any areas designated as 'Great Landscape Value'. We believe this is reference to a specific designation in ELDC. | Noted. |
| | | | Lincolnshire County Council The explanatory text to Policy S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value (AGVL) of Central Lincolnshire Plan (CLLP) (paragraph 11.3.2) considers AGLV to be of 'high' landscape value to the local areas with strong distinctive characteristics which make them sensitive to development and these areas have been identified through previous landscape character assessments. The primary objective is the conservation and enhancement of their landscape quality and individual character. It is noted that only a small part of the AGVL falls within the study area and it is not within the DCO boundary, therefore any effects would be indirect. Whilst the CLLP is clear that AGVL are considered to be of 'high' landscape value, LCC does not dispute the impacting factors that the applicant has taken into account to reach its conclusion of 'medium landscape value'. | The Applicant notes this response and has no further comment. |
| | | | North Lincolnshire Council: Currently the Lincolnshire Wolds National Landscape does not extend into North Lincolnshire. There is an aspiration to extend the Lincolnshire Wolds National Landscape into this area, which NLC would consider to have high landscape value. | Noted. |
| 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? | East Lindsey District Council: Not applicable to the East Lindsey District. | Noted. |
| | | | West Lindsey District Council: WLDC does not wish to comment on this matter. | Noted. |
| | | | North East Lincolnshire Council: As this is north of the Humber and outside of our area, NELC do not feel that this is appropriate for us to comment. | Noted. |

| ExA- Q.1.13 | Question to | Question | Interested Party Response | Applicant's Comments |
|----------------|--------------------------------------|---|---|----------------------|
| | | | <p>Lincolnshire County Council: This area falls outside of LCC administrative boundary and as such we have not had any previous discussion with the applicant on viewpoints for the Humber area. We therefore have no comments to make and would defer this to North Lincolnshire and North East Lincolnshire Council's.</p> | Noted. |
| | | | <p>North Lincolnshire Council: NLC have only provided advice on viewpoints and receptors located within it's administrative area.</p> | Noted. |
| | | | <p>East Lindsey District Council: Not applicable to the East Lindsey District.</p> | Noted. |
| 1.13.9 | Natural England Local Authorities | <p>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?</p> | <p>North East Lincolnshire Council: In terms of how the AONB relates to NEL, NELC are happy with the mitigation measures proposed subject to the details as required by the DCO.</p> | Noted. |
| | | | <p>West Lindsey District Council: No Response submitted.</p> | N/A |
| | | | <p>Lincolnshire County Council: The draft Construction and Environmental Management Plan (dCEMP) sets out the environmental control plans that are expected to be developed prior to construction and these include a Soil Management Plan, a Landscape and Ecology Management Plan, a Landscape Mitigation Plan and a Tree and Hedgerow Protection strategy. The submission and approval of a CEMP is set out under requirement 5 of the draft Development consent order (DCO), and lists management plans to be submitted, however this does not include all of the environmental control plans listed in section 5 of the draft CEMP and the requirement should be amended accordingly to ensure that all of the plans are submitted for prior approval. LCC has reviewed these documents and specific mitigation measures in relation to the impacts on these designations is limited but is satisfied that any detailed mitigation in respect of the AONB and the heritage coast can be agreed through the submission under requirements 5 and 11 of the draft DCO.</p> | Noted. |
| | | | <p>North Lincolnshire Council: The Lincolnshire Wolds National Landscape (previously known as AONB) does not extend into North Lincolnshire. This question mainly applies to Lincolnshire County Council.</p> | Noted. |
| | | | <p>East Lindsey District Council:</p> | Noted. |

| ExA- Q.1.13 | Question to | Question | Interested Party Response | Applicant's Comments |
|----------------|-------------------|--|--|--|
| | | | <p>Not applicable to the East Lindsey District.</p> <p>Natural England: Natural England's detailed advice relating to protected landscapes is contained within our written representations (NE29a-i). We are not yet satisfied with the assessment of the impact of the development on the Lincolnshire Wolds National Landscape. We will continue to work with the applicant to overcome our concerns on these matters.</p> | <p>The Applicant is in discussion with Natural England regarding the assessment of the impact on the Lincolnshire Wolds National Landscape. The outcome of the discussions will be reflected in the Statement of Common Ground with Natural England.</p> |
| 1.13.10 | Local Authorities | <p>Study Areas Is a 1km study area appropriate for each of the BVS? Explain with reasons.</p> | <p>West Lindsey District Council: WLDC does not object to the 1km study area.</p> | <p>The Applicant is in agreement with WLDC's position.</p> |
| | | | <p>North East Lincolnshire Council: NELC are happy with the 1km study area for each BVS. The BVS are relatively small structures with only 3 in NEL which are not in such sensitive locations that the principle of landscaping around x3 side would be insufficient, however the detail of that landscaping is still to be agreed, however it is not envisaged that this would be a difficulty in settling these structures into the landscape.</p> | <p>The Applicant is in agreement with NELC's position.</p> |
| | | | <p>Lincolnshire County Council: Yes. LCC are satisfied that a 1km study area from the DCO boundary is acceptable in view of the small scale of the BVS and a stack height of 4m. Whilst the ZTV (APP-049) Figure 7-9 suggest theoretical visibility beyond the 1km study area, particularly at Louth Road BVS, due to the scale of the buildings views of the BVS site at a greater distance are likely to limited.</p> | <p>The Applicant is in agreement with LCC's position.</p> |
| | | | <p>North Lincolnshire Council: None of the Block Valve Stations are located within or close to the North Lincolnshire boundary and as such North Lincolnshire Council has not advised on the study area in respect of the BVS.</p> | <p>The Applicant is in agreement with NLC's position.</p> |
| | | | <p>East Lindsey District Council: 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 routing 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 other design elements such as shutdown valves whose positioning is subject to further</p> | <p>The Applicant is in agreement with ELDC's position.</p> |

| ExA- Q.1.13 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | <p>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>West Lindsey District Council: WLDC would expect winter surveys to have been undertaken on the basis that vegetation would be limited and visibility more prominent.</p> | <p>The winter survey was undertaken in March when there was very limited leaf cover and was reflective of the winter months.</p> |
| | | | <p>North East Lincolnshire Council: NELC have no issues with the study timings as March can be reflective winter months.</p> | <p>The Applicant is in agreement with NELC's position.</p> |
| | | | <p>Lincolnshire County Council: Whilst LCC would agree it would have been preferable for the survey undertaken in March 2023 to have been carried out earlier in the year so as to be representative of the winter baseline conditions with no leaf cover, LCC do not have any significant concerns that this would have unduly limited the study. It is noted that in APP-049 paragraph 7.4.32 that the March site visit was conducted when broadleaf vegetation was not in leaf and represents the most open views.</p> | <p>The Applicant is in agreement with LCC's position.</p> |
| | | | <p>North Lincolnshire Council: It is normally advised that LVIA's include a survey during winter months to provide a worst-case scenario. In this instance North Lincolnshire Council do not have any significant concerns regarding the limitations of the study as those elements of the proposed development within North Lincolnshire are located within a heavily industrialised landscape where landscaping tends to only screen low-level clutter and large-scale buildings and infrastructure is prevalent. No adverse landscape of visual impacts are anticipated. This is confirmed in section 7 of the Local Impact Report.</p> | <p>The Applicant notes this response and has no further comment.</p> |
| | | | <p>East Lindsey District Council: 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</p> | <p>The Applicant notes this response and has no further comment.</p> |

| ExA- Q.1.13 | Question to | Question | Interested Party Response | Applicant's Comments |
|----------------|-------------|----------|---|----------------------|
| | | | 'winter month' the LVIA has being undertaken in 'worst case' conditions and is not a limitation of the study. | |

Table 13: Q.1.14 Noise and Vibration

| ExA- Q.1.14 | Question to | Question | Interested Party Response | Applicant's Comments |
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| 1.14.1 | Local Authorities | <p>Unattended measurements</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> | <p>West Lindsey District Council: WLDC does not wish to comment on this matter.</p> <p>North East Lincolnshire Council: NELC have no concerns regarding the scope or methodology of the assessment.</p> <p>Lincolnshire County Council: LCC has no comments to make in respect of Noise and Vibration assessment and defers to East Lindsey District Council and West Lindsey District Council as the relevant pollution control authorities.</p> <p>North Lincolnshire Council: Relevant to North Lincolnshire, attended monitoring was undertaken at NM1 (R1) – Properties on School Road, South Killingholme and NM17 (R50) – Hazel Dene, Marsh Lane, South Killingholme. No concerns in relation to the noise monitoring methodology are to be raised.</p> <p>East Lindsey District Council: 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. 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 (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. 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</p> | <p>The Applicant notes this response and has no further comment.</p> <p>The Applicant notes this response and has no further comment.</p> <p>The Applicant notes this response and has no further comment.</p> <p>The Applicant notes this response and has no further comment.</p> <p>Residential receptors - Construction noise BS 5228-1 provides examples of how construction noise could be assessed. One of these examples is the ABC method, which has been used as a basis for defining the Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) for temporary construction noise effects. The LOAEL and SOAEL for construction noise have been tested at DCO examination and accepted as appropriate in other consented major DCO schemes such as High Speed 2, A14 Cambridge to Huntingdon, Thames Tideway, Luton Airport, Gatwick Airport and Manston Airport. As such, the construction noise criteria used are considered suitable for the Proposed Development. The construction noise assessment accounts for temporary noise effects and applies appropriate criteria that have been tested and accepted at DCO examinations for numerous high-profile nationally significant infrastructure projects. A detailed, day by day construction methodology is not currently available and would not be prepared until after the scheme was consented and a Principal Contractor appointed. The approach for identifying likely significant effects was considered conservative by identifying likely significant effects regardless of whether the duration of the activity may last for less than a period of 10 or more days of working in any 15</p> |

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| | | | <p>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. 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 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. 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. 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 considered that further information on the likely duration of the predicted effects is necessary</p> | <p>consecutive days or for a total number of days exceeding 40 in any 6 consecutive months. Please refer to the Applicant's response to the key issues raised in Royal Haskoning's ES review (document reference 9.25), and the Supplementary Technical Noise Note presented within Appendix A for more detail.</p> <p>Residential receptors - Construction traffic noise. The assessment of construction traffic was undertaken based on calculation methods set out in the Calculation of Road Traffic Noise, which is an industry standard method. As discussed in paragraph 13.7.84 [APP-055], this method is unreliable for low-traffic flows so a quantitative assessment is not possible and a qualitative assessment is considered appropriate. In the case in question, an average of six temporary HGV movements per hour is not considered sufficient to warrant a significant effect. Construction traffic movements were calculated over a 10-hour working day from 08:00 to 18:00 so equate to an average of 6 HGV movements per hour.</p> <p>Residential receptors - Operational noise It is acknowledged that the paragraph 13.4.36 and 13.4.37 [APP-055] makes reference to the LAeq,T metric incorrectly and should reference the LAr,Tr metric. However, this was a typographical error only and the correct values were used in the assessment and as such there is no effect on the operational noise assessment.</p> <p>Non-residential receptors Whilst R46 is named as a caravan site, it is predominantly a mobile home site and all receptors within the study area are mobile homes. The other receptor queried is R29a, where night fishing takes place. There is no guidance on suitable construction noise levels for night fishing. As such, R29a was assessed as a residential receptor, which is considered to provide a conservative method of assessment as there is no evidence to suggest that night fishing activities are any more sensitive to noise than occupants of residential properties who may experience sleep disturbance due to noise. No likely significant effects at R29a were identified due to</p> |

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| | | | <p>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. 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. 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 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. 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</p> | <p>potential night-time works. As such, the assessment of non-residential receptors is considered robust.</p> |

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| | | | <p>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. 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, which uses the rating level (LAr,Tr) parameter. This inconsistency should</p> | |

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| | | | <p>be rectified and any amendments required must be made to the operational noise assessment.</p> <p>Non-residential receptors</p> <p>Para 13.4.39 states "The only identified nonresidential 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 nonresidential 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</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> | <p>West Lindsey District Council: WLDC does not wish to comment on this matter.</p> <p>North East Lincolnshire Council: NELC are satisfied that following the application of mitigation measures that the identified risks should reduce to 'not significant'.</p> <p>Lincolnshire County Council: LCC has no comments to make in respect of Noise and Vibration assessment and defers to East Lindsey District Council and West Lindsey District Council as the relevant pollution control authorities.</p> <p>North Lincolnshire Council: Receptors R1 and R50 (those within North Lincolnshire) are not identified as being subject to a SOAEL impact. Regardless of this, activities in the construction phase would be controlled through mitigation measures secured in the CEMP. Section I of the Draft CEMP contains measures relating to noise which are detailed and extensive in nature.</p> <p>East Lindsey District Council: 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>The Applicant notes this response and has no further comment.</p> <p>The Applicant is in agreement with NELC's position.</p> <p>The Applicant notes this response and has no further comment.</p> <p>The Applicant is in agreement with NLC's position.</p> <p>The Draft CEMP (Revision B) (document reference 6.4.3.1) has been updated to add as additional measure to secure barriers where any exceedances of the construction noise SOAEL are predicted. This updated version has been submitted at Deadline 2.</p> <p>The Applicant has prepared a Supplementary Technical Noise Note presented within Appendix A of the Applicant's response to the key issues raised by Royal Haskoning's ES review (document reference 9.25), which has been submitted at Deadline 2.</p> |

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| | | | <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 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. 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 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>West Lindsey District Council: WLDC does not wish to comment on this matter.</p> <p>North East Lincolnshire Council: NELC Environmental Health Officers confirms that a Control of Pollution - Section 61 Consent Application requires prior approval before implementation. The level of detail contained within applications for prior consent will include:</p> <ul style="list-style-type: none"> • description of the proposed works; • assumptions on the source noise levels of plant and equipment; | <p>The Applicant notes this response and has no further comment.</p> <p>The Applicant is in agreement with NELC's position.</p> |

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| | | | <ul style="list-style-type: none"> • approach to the noise level calculations; • consideration of ambient noise levels; • approach to addressing vibration; • description and interpretation of Best Practicable Means (BPM) and proposed mitigation measures; and • consideration of site-specific conditions and circumstances. <p>To ensure the identified sensitive receptors are adequately protected during day and nighttime hours. Applications are subject to approval/not approve or approved with conditions.</p> | |
| | | | <p>Lincolnshire County Council: The Applicant has noted that a Section 61 consent will need to be obtained in relation to potential 24-hour working where Horizontal Directional Drilling (HDD) is required at major crossings. A Section 61 application would be determined by the relevant Environmental Health team and as such, LCC defers any comments on this matter to East Lindsey District Council and West Lindsey District Council.</p> | <p>The Applicant notes this response and has no further comment.</p> |
| | | | <p>North Lincolnshire Council: The information required for a Section 61 consent within North Lincolnshire is extensive to ensure appropriate mitigation is provided to protect residential amenity.</p> | <p>The Applicant is in agreement with NLC's position.</p> |
| | | | <p>East Lindsey District Council: 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 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. The Section 61 prior consent process reduces project risk</p> | |

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| | | | <p>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. 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 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. 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> | |

Table 14: Q.1.15 Socio-Economic Effects

| ExA- Q.1.15 | Question to | Question | Interested Party Response | Applicant's Comment |
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| 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 how 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> | <p>West Lindsey District Council: WLDC does not wish to comment on this matter.</p> <p>North East Lincolnshire Council: NELC are satisfied that the route is well outside of the main resort area of Cleethorpes and therefore there are no concerns or adverse impacts in this regard.</p> <p>Lincolnshire County Council: 1, 2 and 3) LCC has reviewed Chapter 16: Socio Economics of the ES, the assessment methodology appears reasonable. The baseline assessment in Chapter 16 (APP-058) of the ES is considered acceptable.</p> <p>North Lincolnshire Council: The majority of the proposed impacts sit outside of North Lincolnshire, excluding the impact on the English coastal path. We agree with the statement 16.5.40 from a North Lincolnshire perspective. The majority of the impact, whilst negligible, is outside of North Lincolnshire.</p> <p>East Lindsey District Council: 1) The ES identifies recreation assets but states that there are no significant visitor attractions within the DCO Site Boundary. 2) No additional tourism or recreational destinations have been identified. 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. 4) BIGGAR Economics 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> | <p>The Applicant notes this response and has no further comment.</p> <p>The Applicant is in agreement with NELC's position.</p> <p>The Applicant is in agreement with LCC's position.</p> <p>The Applicant is in agreement with NLC's position.</p> <p>1) The Applicant notes this response and has no further comment. 2) The Applicant notes this response and has no further comment. 3) Amenity describes the benefits of enjoyment and wellbeing that receptors gain from a resource in line with its intended function. The assessment of amenity effects within the socio-economics chapter is concerned with the way receptors may be affected by a combination of factors, such as: noise and vibration, air quality, transport and access, and landscape and visual impacts. The potential significant effects resulting solely from one these environmental effects are assessed within the respective topic assessments. For the purposes of the socio-economics assessment, socio-economic effects on amenity are considered to arise from in-combination, or synergistic, impacts resulting from two or more significant residual environmental effects. This is based on the understanding from a socio-economic perspective that the benefits of enjoyment and wellbeing are likely to be significantly affected when compounding significant environmental effects arise at the same time. This approach to assessing amenity effects has previously been applied for a number of DCO applications including Thames Tideway Tunnel and</p> |

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| | | | | <p>Longfield Solar Farm, as well as for the impact assessment undertaken for the HS2 hybrid bill. In each of these instances, the method was found to be sound. The Applicant therefore considers this approach to be justifiable to assess socio-economic amenity effects for the purpose of this DCO.</p> <p>4) Impacts on specific assets or tourism receptors resulting from one source are assessed within the respective topic assessments.</p> |
| 1.15.4 | Applicant Local Authorities | <p>Liaison Group The dDCO [AS-008] relates to the establishment of a local liaison group. Could the Local Authorities:</p> <ol style="list-style-type: none"> 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. | <p>West Lindsey District Council: We have no objections to this provision but would be unlikely to have an active role and are unable to provide any examples.</p> <p>North East Lincolnshire Council: NELC would support this approach and formation of such a group.</p> <p>Lincolnshire County Council: LCC is generally supportive of the principle of the establishment of a local liaison group. A local liaison group can be a very effective way of keeping communities informed of progress with developments and dealing with issues that arise during both construction and operation at a local level. LCC may be able to take an active role, resources permitting. It is usual for the local member for the area to be part liaison groups. Similar groups have been successfully established for Minerals developments in the County.</p> <p>North Lincolnshire Council: 1) North Lincolnshire Council would believe this to be justifiable way in which to engage with the community as we can offer updates externally. 2) North Lincolnshire Council would wish to play an active part of the group. 3) A Local Liaison Group was established for the construction of the Keadby Windfarm development. More recently a Requirement (no.36) relating to the establishment of a Local Liaison Committee was included in the made Keadby 3 Development Consent Order.</p> <p>East Lindsey District Council: 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.</p> | <p>As set out in the Applicant's response to this question, the draft DCO does not contain a requirement of this nature and none is proposed. The Applicant does, however, intend to engage with the local community during construction. Proposals are outlined in the Draft CEMP [REP1-013] in section 8.5 Public Communication and Liaison.</p> |

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| | | | 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. | |
| 1.15.5 | Applicant R Caudwell (Produce) Limited Imai Solar Limited | Solar Farm 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? | R Caudwell (Produce) Limited, Imai Solar Limited: No response received at Deadline 1. | N/A |
| 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? | <p>West Lindsey District Council: While the plan is broadly supportive of socio-economic benefits, there is no bespoke policy within the Central Lincolnshire Local Plan.</p> <p>Lincolnshire County Council: LCC views on the socio-economic benefits of the proposal are set out in the Council's LIR, chapter 14. LCC recognise that there are potential socio-economic benefits resulting from employment opportunities and on the local economy that would be positive, however, this could be enhanced through the consideration of further community benefits. In terms of how consistent this is with the Local Plans of the host authorities this would be best addressed by East Lindsey District Council and West Lindsey District Council.</p> <p>North Lincolnshire Council: North Lincolnshire Council have several policies cited within our local plan and wider council objectives that still are aligned to the proposed development. The proposed pipeline aligns with our Economic Growth Plan 2023-2028 and our Greens future plan seeking to decarbonise the localised economy. The proposal also accords with Policy CS18 of the North Lincolnshire Core Strategy, which seeks to secure carbon emission reductions to aid the UK in meeting its CO2 reduction targets. The proposed investment will not directly result in a significant uplift for the local economy directly but helps to embed the Humber as the 'Energy Estuary', with the proposed development able to support inward investments indirectly.</p> <p>North East Lincolnshire Council: The employment to be created by the construction of the project is acknowledged however NELC would agree that it would be beneficial for the socio – economic impacts to be expanded on. In particular, how the provision of the infrastructure would facilitate and attract any inward investment into NELC.</p> | <p>The Applicant notes the comments provided by WLDC.</p> <p>The Applicant notes the comments and has provided a response in the Applicant's Comments on Local Impact Reports (document reference 9.20).</p> <p>The Applicant notes the comments provided by NLC.</p> <p>The Applicant notes the comments provided by NELC. Information about the socioeconomic benefits of the scheme is set out in ES Chapter 16: Socio-economics [APP-068] and the Need Case for the Scheme [APP-131].</p> |

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| | | | | Please also refer to the Applicants response to WQ 1.15.6 [REP1-045] for further information about Employment Opportunities |
| | | | <p>East Lindsey District Council: 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.</p> | The Applicant notes the comments provided by ELDC. |
| 1.15.9 | Applicant Driver and Vehicle Standards Agency (DVSA) | <p>Relocation Negotiations It appears that the DVSA will need to relocate [RR-030]. What is the latest position concerning an alternative site?</p> | <p>In discussions with the Applicant's agent, it has been confirmed to DVSA that every effort will be made to route the pipeline outside DVSA's site so that DVSA does not need to relocate.</p> <p>The operations carried out by DVSA on their site are fundamental for the enforcement of roadway laws. It is therefore essential for the continuity of DVSA's operations that any alternative site is situated in close proximity to major roadways, is suitably accessible for vehicular access, and is fit for purpose in terms of size and layout to enable DVSA to assess vehicles.</p> <p>DVSA are continuing to negotiate with the Applicant on terms for documents that will facilitate relocation where it is absolutely necessary. However, it is becoming apparent that it is highly unlikely that a suitable alternative site which enables DVSA to continue to deliver on its operations can be found and DVSA opposes any potential pipeline route that will result in its relocation.</p> | <p>The Applicant acknowledges the response from the DVSA and has no further comments.</p> <p>The Applicant refers to its own response to this question within [REP1-045].</p> |
| 1.15.11 | Applicant Mablethorpe Flexible Generation Limited | <p>Theddlethorpe AGI 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> | <p>Mablethorpe Flexible Generation Limited: No response received at Deadline 1.</p> | The Applicant refers to its own response to this question within [REP1-045]. |
| 1.15.13 | Local Authorities | <p>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 Station. How is it proposed that any impacts are minimised?</p> | <p>North East Lincolnshire Council: NELC suggests that discussions take place with the emergency services especially Immingham West Fire Station.</p> | Noted. The Applicant will continue to liaise with emergency services up to and during construction. |
| | | | <p>West Lindsey District Council: WLDC does not wish to comment on this matter</p> | |
| | | | <p>Lincolnshire County Council: LCC has no comments to make as the Immingham West Fire Station is outside of the Council's administrative area.</p> | N/A |

| ExA- Q.1.15 | Question to | Question | Interested Party Response | Applicant's Comment |
|----------------|-------------|----------|--|---------------------|
| | | | <p>North Lincolnshire Council: The issue highlighted is outside of North Lincolnshire Council's boundary. The local emergency services have been consulted through the process.</p> | N/A |
| | | | <p>East Lindsey District Council: Not applicable to East Lindsey District.</p> | N/A |

Table 15: Q.1.16 Traffic and Transport

| ExA-Q.1.16 | Question to | Question | Interested Party Response | Applicant's Comments |
|------------|---|--|---|---|
| 1.16.10 | Applicant Local Highways Authority | Conclusions 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? | North East Lincolnshire Council: NELC do not have any concerns in this regard. | Noted. |
| | | | Lincolnshire County Council: Yes. The Construction Traffic Management Plan (CTMP) can reduce impact as per paragraphs 12.14.3-4 of APP-054. | The Applicant is in agreement with LCC's position. The CTMP will be developed by the contractor to allow impacts to be further reduced and this will be agreed with the Local Planning Authorities. |
| | | | North Lincolnshire Council: The roads listed in Table 12-76 are not located within North Lincolnshire, we therefore have no comments to make on any further mitigation measures that could be explored. | Noted. |
| 1.16.12 | Local Highways Authority | Methodology 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? | North East Lincolnshire Council: NELC are satisfied that these are acceptable. | The Applicant is in agreement with NELC's position. |
| | | | Lincolnshire County Council: Yes, this is standard methodology for Transport Assessments. | The Applicant is in agreement with LCC's position. |
| | | | North Lincolnshire Council: This is standard practice for both traffic growth and identifying potential routes, coupled with the likely number of trips, to site which will be used by construction workers. As the project is still in an early stage of development, it is accepted that there is limited information available at this stage regarding the number and origin of construction workers. This is therefore the most practical approach. | The Applicant is in agreement with NLC's position. |
| 1.16.13 | Local Highways Authority | Road Safety Audit 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? | North East Lincolnshire Council: NELC would not normally require a RSA to verify the findings of a TA. This may be required for physical works relating to accesses. | The Applicant is in agreement with NELC's position. |
| | | | Lincolnshire County Council: No. An RSA would be undertaken for a proposed modification of the highway infrastructure, not as an assessment of traffic impact. | The Applicant is in agreement with LCC's position. |
| | | | North Lincolnshire Council: We would generally require a Road Safety Audit to be undertaken for new accesses. The proposed site access into the Northern Compound is an existing access, which was used during the improvement works on the A160/A180, a Road Safety Audit is not required for this access. From the information provided, it would appear that access to the Immingham Facility will be via a | The Applicant is in agreement with NLC's position. |

| ExA- Q.1.16 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | <p>temporary access for construction traffic and a permanent access for operational purposes. These should be designed to DMRB standards and meet visibility requirements and it may be beneficial to undertake a Road Safety Audit as part of the design process for these accesses. It is not a concern that a Road Safety Audit has not been undertaken at this stage.</p> | |
| 1.16.18 | National Highways | <p>Highway Capacity 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> | <p>National Highways has concerns about potential impacts on the SRN because sufficient information has not been provided to enable National Highways to form a sound opinion on the impacts of the project. There is a substantial rise in local area development, which is expected to lead to an accumulative surge in both operational and construction related traffic. This increase in traffic should be taken into consideration in the Transport Assessment which National Highways feel is currently deficient in this regard.</p> <p>As a result, due to the lack of available information, National Highways cannot comment on the likelihood of the project having negative impacts upon highway or junction capacity. It is however critical that this information is made available to National Highways to enable National Highways to play a meaningful part in this examination. It is also necessary to ensure that the ExA, and Secretary of State, have all relevant information before them to enable a decision on the application to be made.</p> | <p>The Applicant is undertaking ongoing engagement with National Highways to discuss a range of matters and has drafted a SoCG submitted at Deadline 1 [REP1-029] (dated 19 April 2024), and further discussion on these topics will be captured in forthcoming iterations of this document related to areas of agreement and/or matters to be resolved.</p> |
| 1.16.19 | National Highways | <p>Fitness of the Transport Assessment 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> | <p>It is National Highways' view that the Transport Assessment has the following deficiencies /aspects that should be addressed:</p> <ul style="list-style-type: none"> • Transport impacts, particularly peak hour impacts, should be considered relative to national planning policies relevant to the SRN, including Circular 01/2022 and The Strategic Road Network: Planning for The Future; • The Personal Injury Collision analysis should include an assessment of clusters and causations; • The Applicant should investigate the discrepancy between the Automatic Traffic Counter derived values and the DfT WebTRIS reported Average Annual Daily Traffic; • Clarification should be provided on whether separate TEMPro growth factors have been applied for the SRN and Local Highway Network; • There is insufficient detail within the assessment to identify the form of infrastructure required to provide a subterranean pipe crossing point at the A180 or the mechanism for delivery of such infrastructure; | |

| ExA- Q.1.16 | Question to | Question | Interested Party Response | Applicant's Comments |
|----------------|-------------------|---|--|--|
| | | | <ul style="list-style-type: none"> • The operational phase impact should be defined; • The assumptions for the daily construction workforce profile should be justified; • A detailed, evidence-based construction programme should be submitted for review; • The assessment does not present any evidence or supplementary narrative on the influence of daily variation on baseline traffic to support conclusions on non-materiality; • Based on the outcomes of supplementary information required, merge/diverge assessments could be required for an appropriate opening year and future year, taking into account background traffic growth, and committed development; • National Highways does not agree that there will be an even HGV distribution throughout the day for pipe delivery as assumed; this is based on the intention to use port access points with specified sailing times. The impact for the SRN should be detailed; • The Applicant should provide certainty that a full Construction Traffic Management Plan and a Construction Workers' Travel Plan will be submitted and agreed with National Highways prior to the commencement of works; • The Applicant should identify the relationship between the proposed development and the emerging carbon capture plants, and, considering all other development in the area, identify the cumulative impacts during the construction and operational phases; and • No Travel Plan is included within the DCO Application for the Operational phase or the Construction phase. Pending information considering the Operational Phase of the proposed development, if appropriate, National Highways could recommend in future that an operational Travel Plan is produced for review. <p>In light of the above it is National Highways' view that in its current state the conclusions of the Transport Assessment cannot be considered to be robust.</p> | |
| 1.16.20 | National Highways | <p>Street works beneath the Strategic Road Network (SRN)</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> | <p>Although this question is stated as being for National Highways, it would seem that is actually for the Applicant. From National Highways' perspective, given the safety concerns associated with underground crossings it is important for National Highways to understand precisely what the proposals are for such works (including whether those works would be carried out using trenched or trenchless methods). To date that information is lacking and it is therefore difficult for National Highways to</p> | <p>The level of detail provided in the Application is considered appropriate at this stage. The Applicant can confirm that all crossings of the SRN will be via trenchless methods. This is set out in the Crossing Schedule [APP-069].</p> <p>The Applicant has included Protective Provisions within the Draft DCO that require the Applicant to engage with National Highways and get its approval</p> |

| ExA- Q.1.16 | Question to | Question | Interested Party Response | Applicant's Comments |
|----------------|--------------------------------|---|--|---|
| | | | <p>meaningfully engage on the point other than to highlight concern. National Highways' view on necessary powers for such works is as set out above in response to question 1.7.11</p> | <p>on design where proposed works would pass under the SRN.</p> |
| 1.16.24 | Local Authorities | <p>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?</p> | <p>North East Lincolnshire Council: NELC do not have any concerns with the temporary diversions. It is prudent that the diversions are marked on the ground by signs, so users do not go off the diverted route.</p> <p>Lincolnshire County Council: LCC consider the information submitted for the assessment of impacts on public rights of way to be acceptable.</p> <p>North Lincolnshire Council: No public rights of way are affected in North Lincolnshire.</p> <p>East Lindsey District Council: We would adopt the position of the Lincolnshire County Council Highways Authority in this matter.</p> | <p>Any temporary diversions to Public Rights of Way will be marked by signage as set out in the Public Rights of Way Management Plan [APP-123].</p> <p>The Applicant is in agreement with LCC's position.</p> <p>Noted.</p> <p>Noted.</p> |
| 1.16.25 | Applicant Local Authorities | <p>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.</p> | <p>North East Lincolnshire Council: NELC consider the length of the diversions to be adequate.</p> <p>Lincolnshire County Council: This question appears to be more appropriate for the applicant to respond.</p> <p>North Lincolnshire Council: No public rights of way are affected in North Lincolnshire.</p> <p>East Lindsey District Council: We would adopt the position of the Lincolnshire County Council Highways Authority in this matter.</p> | <p>The Applicant notes NELC's position.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> |

Table 16: Q.1.17 Waste and Minerals

| ExA-Q.1.17 | Question to | Question | Interested Party Response | Applicant's Comments |
|------------|---|--|--|--|
| 1.17.1 | Applicant Environment Agency Local Authorities JA Young Plastics | <p>JA Young Plastics</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> | <p>Environment Agency:</p> <p>1) The EA is satisfied with the proposed mitigation, which is included in H4 of the draft CEMP commitments (Table 3 of APP-068)</p> | The Applicant notes the Environment Agency's response. |
| | | | <p>Lincolnshire County Council:</p> <p>The JA Young Plastics site is located southwest of North Thoresby and both of the site's access routes pass through the DCO Order Limits. LCC acknowledges the points raised in the Environment Agency's letter (set out in APP-060, Table 18-4) and agrees that access for emergency services must be available at all times. Whilst the proposed business-specific mitigations are considered to be appropriate, these are not sufficiently mirrored within the draft CEMP [APP-068]. There is also a discrepancy between the two documents, with the ES Chapter 18 referring to the proposed mitigations as 'M18' and the draft CEMP referring to them as 'H4'. LCC requests that consistency is ensured across all documents submitted by the Applicant.</p> | An updated version of the Draft CEMP (Revision A) was provided by the Applicant at Deadline 1 [REP1-014]. |
| | | | <p>North Lincolnshire Council:</p> <p>The JA Young Plastics site is not located within North Lincolnshire and as such NLC has no comments in respect of the mitigation proposed for this site.</p> | Noted. |
| | | | <p>East Lindsey District Council:</p> <p>Not applicable to East Lindsey District.</p> | Noted. |
| | | | <p>North East Lincolnshire Council:</p> <p>NELC note that this is outside of the area for NELC and therefore do not wish to comment.</p> | Noted. |
| 1.17.4 | Applicant Lincolnshire County Council | <p>Extant minerals permissions</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> <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> | <p>Lincolnshire County Council:</p> <p>The Theddlethorpe facility Option 1 site is located on land that has a number of extant mineral permissions associated with it, relating to the former Theddlethorpe Gas Terminal (TGT). Planning permission (ref. N/180/02232/19) for prior notification of the TGT site's proposed demolition was granted by LCC in January 2020. Condition 3 of this permission requires the site to be restored to Grade 3 agricultural land following the completion of demolition and remediation works.</p> <p>This condition also makes reference to similar conditions attached to a number of other planning permissions covering the footprint of the TGT site. These conditions have not to date been complied with. As the northern half of the former TGT site lies within the DCO Order Limits,</p> | <p>The Applicant submitted various historic planning permissions relating to the former Theddlethorpe Gas Terminal (TGT) site as an appendix to the Position Statement in relation to the former TGT [REP1-051]. As set out in that Position Statement, the historic permissions were all granted subject to a decommissioning and restoration condition in materially the same terms. For example, see Condition 2 on the consent granted in May 1997 (E\0907\97):</p> <p><i>"In the event of supplies of natural gas ceasing to be received all plant and equipment erected or constructed in pursuance of this permission shall be removed and the land fully reinstated for agricultural</i></p> |

| ExA- Q.1.17 | Question to | Question | Interested Party Response | Applicant's Comments |
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| | | | <p>these permissions are considered to be relevant planning history in regard to the Proposed Development.</p> <p>LCC considers that the outstanding restoration requirements associated with the extant mineral permissions have not been considered in the DCO application and no proposals to extinguish or amend the conditions are proposed.</p> <p>In the event that the Option 1 site is developed, LCC requests that the ExA ensures that any conflict with these existing restoration conditions is adequately addressed, whether this be via the DCO being designed to 'takeover' from or disapply the conditions or through a separate agreement/approval. LCC welcomes further discussions regarding this. Further information on this matter is provided in sections 4 and 15 of LCC's LIR. In addition to this, Appendix A of the LIR sets out the specific extant mineral planning permissions which apply to the TGT site, as well as the relevant restoration conditions. This issue was also raised at ISH1 as is also referred to in LCC's written summary for ISH1.</p> | <p><i>use within such period as may be agreed with the Director of Highways and Planning"</i></p> <p>Condition 3 of the prior approval decision dated 10 January 2020 (ref. PL/0180/19) stated: <i>"Following the completion of the demolition and remediation works subject of this approval, the site shall be restored to agricultural land in accordance with the requirements of planning permissions LR\0536\69, E\402\86, E\774\86, E\2220\90, E\1012\91, E\2143\91, E\1353\93, E\0933\95; E\0907\97 and E\0563\96."</i></p> <p>In terms of those historic planning permissions, the requirement to restore to agricultural use does not take effect until a time period for restoration is agreed with the Local Planning Authority. At present, no timescale is agreed, and the Applicant therefore disagrees that the condition has not been complied with. The Applicant considers that it would not be appropriate to agree a restoration period whilst there are alternative development proposals for the TGT site, such as the Proposed Development.</p> <p>The Applicant notes LCC's concern that the Draft DCO should make express provision to extinguish or amend the conditions of the historic permissions. The Applicant will submit an amended version of the Draft DCO at Deadline 3 to address this comment. The Applicant is discussing the proposed drafting with LCC.</p> |
| 1.17.5 | Lincolnshire County Council | <p>Minerals Plan</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> | <p>LCC has an adopted Minerals and Waste Local Plan which covers the period to the end of 2031. This Plan consists of two documents which were adopted in June 2016 and December 2017 respectively. The Local Plan is currently being updated to extend the period covered to the end of 2040. At present, a Reg 18 'Preferred Approach' draft is expected to be produced for consultation in June 2024.</p> | <p>The Applicant notes the comments provided by LCC. At this stage it is not possible for the Applicant to assess the compliance of the Proposed Development with the emerging Lincolnshire Minerals and Waste Local Plan as it is still in the early stages of preparation.</p> |
| 1.17.6 | Applicant Lincolnshire County Council | <p>Mineral Safeguarding Area (MSA)</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</p> | <p>The Order Limits do not pass through any Mineral Safeguarding Areas within LCC's administrative boundary. As such, LCC has no comments to make.</p> | <p>Agreed and no further information is provided by the Applicant on this matter.</p> |

| ExA- Q.1.17 | Question to | Question | Interested Party Response | Applicant's Comments |
|----------------|-------------|--|---------------------------|----------------------|
| | | <p>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> | | |

