



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

The Examining Authority's second written questions and requests for information (ExQ2)

Published on Monday 12 August 2024

This document sets out the Examining Authority's (ExA) Second Written Questions and requests for information (ExQ2), in order to facilitate the conduct of the Examination. Responses are due by **Deadline 5, Monday 2 September 2024**.

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

Column 1 sets out the unique reference number to each question which starts with 'Q2' (indicating that it is from ExQ2), followed by an issue number, a sub-heading number and a question number. When you are answering a question, please start your answer by quoting the unique reference number.

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

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

Responses are due by Deadline 5, Monday 2 September 2024.



List of abbreviations

AEoI	Adverse Effect in Integrity	EM	Explanatory Memorandum
AONB	Area of Outstanding Natural Beauty	ES	Environmental Statement
AP	Affected Persons	ExA	Examining Authority
BMV	Best and Most Versatile	ExQ1	First Written Questions
BNG	Biodiversity Net Gain	FRA	Flood Risk Assessment
CA	Compulsory Acquisition	HDD	Horizontal Directional Drilling
CA Guidance	Planning Act 2008: guidance related to procedures for the compulsory acquisition of land	HRA	Habitats Regulation Assessment
CA Regulations	The Infrastructure Planning (Compulsory Acquisition) Regulations 2010	HRAR	Habitats Regulation Assessment Report
CAH	Compulsory Acquisition Hearing	HSE	Health and Safety Executive
CCS	Carbon Capture and Storage	IP	Interested Parties
CO2	Carbon dioxide	ISH	Issue Specific Hearing
dB	Decibel	km	Kilometre
dDCO	Draft Development Consent Order	LRN	Local Road Network
DAMS	Detailed Archaeological Mitigation Strategy	LSE	Likely Significant Effects
DVSA	Driver and Vehicle Standards Agency	m	Metre
EA	Environment Agency	MMO	Marine Management Organisation
EIA	Environmental Impact Assessment	MSA	Mineral Safeguarding Area
		NE	Natural England



NGT	National Gas Transmission Plc	RIAA	Report to Inform Appropriate Assessment
NH	National Highways	RIES	Report on the Implications for European Sites
NPPF	National Planning Policy Framework	RR	Relevant Representation
NPS	National Policy Statement	s	Section of Parliamentary Legislation
NPS EN	National Policy Statement Energy Suite	SAC	Special Area of Conservation
NSIP	Nationally Significant Infrastructure Project	SoCG	Statement of Common Ground
OCEMP	Outline Construction Environmental Management Plan	SoR	Statement of Reasons
OCTMP	Outline Construction Traffic Management Plan	SoS	Secretary of State
OFH	Open Floor Hearing	SPA	Special Protection Area
OLEMP	Outline Landscape and Ecology Management Plan	SRN	Strategic Road Network
OWSI	Outline Written Scheme of Investigation	SSSI	Site of Special Scientific Interest
PA2008	The Planning Act 2008	tCO2e	Tonnes of Carbon Dioxide Equivalent
Project webpage	Project webpage of the National Infrastructure Planning website	TGT	Theddlethorpe Gas Terminal
R	Requirement in the dDCO	TP	Temporary Possession
		WFD	Water Framework Directive

Examination Library

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



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Q2.1. General and Cross-topic Questions		
Planning Permissions		
2.1.1	Relevant local authorities	<p>Phillips 66 Limited and VPI Immingham LLP</p> <p>Please provide an update, including a likely decision date (if not already decided) for the planning applications by Phillips 66 Limited and VPI Immingham LLP for the carbon capture plant for their respective businesses.</p>
Miscellaneous		
2.1.2	Applicant	<p>Defence Issues</p> <p>The Defence Infrastructure Organisation made a submission at Deadline 4 [REP4-095] removing their objection subject to certain caveats being fulfilled or stipulated within the draft Development Consent Order (dDCO). Set out clearly whether those caveats are accepted by the Applicant and where, if they have been, these are secured within the dDCO or its controlling documents. If the caveats are disputed, give reasons.</p>
2.1.3	Applicant	<p>Immingham Facilities Plot Plan</p> <p>For absolute clarity, can it be confirmed that the indicative Immingham Facilities Plot Plan [APP-019] does not need to change following the first change request [AS-038].</p>
Major Hazards and Accidents		
2.1.4	Applicant	<p>Mole Drilling</p> <p>At OFH1, representations were given in respect of pipeline depth conflicting with agricultural operations. In particular, Mr Michael Crookes gave evidence of a mole drilling technique to a depth of 24cm [REP4-058]. Should such an activity occur, and should the pipeline be buried to a depth where the top part of the pipe is only 0.7m below the surface, there would only be 46cm room for error.</p> <ol style="list-style-type: none"> 1. Where the pipe would be buried 0.7m below the surface, would the Heads of Terms with the landowner (and/ or any articles within the dDCO) prevent mole drilling from taking place? 2. What measures could be taken to avoid a major accident or disaster given the close proximity of the operations?

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2.1.5	Vincent Loy	COMAH Regulations and other legislation You have raised a number of health and safety concerns regarding the potential for amine and nitrosamine compounds, free water and corrosion within the pipeline, potentially increasing the risk of a major accident or health hazard. The Applicant has cited numerous legislative controls that govern how a pipeline operator must conduct business. Why does adherence to the legislation not give you confidence that the pipeline can be run safely?
2.1.6	Residents of Corner Farm	Final remarks The ExA raised questions at Issue Specific Hearing 3 about the alternatives considered for pipeline routing and the safety of the pipeline in proximity to residents outside built-up areas [EV9-002] [EV9-003], to which the Applicant presented its case. Please review the recordings and provide any final thoughts you wish the ExA and the Secretary of State (SoS) to be aware of.

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Q2.2. Air Quality and Emissions		
Air Quality Management		
2.2.1	UK Health Security Agency (UKHSA)	Traffic emissions quantification The Applicant has submitted a quantitative assessment of pollutant emissions forecast from construction traffic for the Proposed Development [REP3-026]. Provide any responses or comments on this additional detail, and state whether any concerns remain regarding human health impacts.
2.2.2	UKHSA	Quantitative Assessment The Applicant provided an air quality modelling note [REP3-026] in response to your concerns raised at the onset of the Examination [RR-113]. Please review the document and state clearly whether you agree with its findings. If not, why not?
2.2.3	Applicant	Air dispersal modelling At Deadline 3, East Lindsey District Council [REP3-034] requested to be a consultee in respect of any future air dispersal modelling to determine venting stack height. Has this request been accommodated within the dDCO and if not, why not?

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Q2.3. Assessment of Alternatives		
Project Alternatives		
2.3.1		No further questions at this time.

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Q2.4. Climate Change		
Assessments and Calculations		
2.4.1	All Local Authorities	Updated ES Chapter 15 The Applicant revised Environmental Statement (ES) Chapter 15 on Climate Change at Deadline 4 [REP4-029] answering requests for information. Furthermore, details of materials to be used and greenhouse gases derived therefrom were supplied as Appendix A to [REP4-041]. In respect of the updated information, do the local authorities have any comments or observations that the ExA should be aware of?
2.4.2	All Local Authorities	Climate Resilience The revised ES Chapter 15 [REP4-029] sets out considerations in respect of climate change resilience for the Proposed Development. No substantive comments have been made about these to date, so the Examining Authority (ExA) assumes there are no fundamental concerns. Please confirm whether the Applicant's ES is robust or not regarding these considerations.
2.4.3	Applicant	R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents) [2024] UKSC 20 On appeal from: [2022] EWCA Civ 187 Are there any comments the Applicant wishes to make regarding this judgement?

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Q2.5. Compulsory Acquisition		
Overarching Case		
2.5.1	Applicant	<p>Outstanding Objections</p> <p>There are now little more than six weeks of the Examination remaining. To date, none of the objections that have been made, and are still relevant to the Order Limits, have been withdrawn. Some of these are specifically raised in the succeeding questions, but what approach should the ExA and the SoS take if there are still some objections outstanding at the close of the Examination?</p>
2.5.2	Applicant	<p>Recorded objections in the Tracker</p> <p>The latest Compulsory Acquisition (CA) Tracker [REP4-008] shows eight objections outstanding which are unlikely to be withdrawn prior to the close of the Examination. These are from David Thomas Walter House, Joanna Helen House, Susan House; National Highways, Phillips 66 Limited, Air Products (BR) Limited and Network Rail Infrastructure Limited. In addition, there are the objections from the Driver and Vehicle Standards Agency (DVSA), National Gas Transmissions Plc, R Caudwell (Produce) Ltd, and Humber Oil Terminals Trustee Limited together with Associated Petroleum Terminals (Immingham) Limited to be resolved. Please update the CA Tracker with a full detailed explanation as to why agreement has not yet or might not be reached prior to the close of the Examination.</p>
2.5.3	Applicant	<p>Offshore consents and the Planning Act 2008 (PA2008)</p> <p>The ExA asked at Compulsory Acquisition Hearing (CAH) 2 whether the offshore works would amount to a Nationally Significant Infrastructure Project (NSIP) requiring a Development Consent Order (DCO) application and the Applicant responded [REP4-031] by saying: <i>“The Applicant confirms that a DCO application is not required for the offshore works for the wider Viking CCS Project. Section 31 of the Planning Act 2008 sets out that development consent is required for development to the extent that the development is or forms part of a nationally significant infrastructure project (“NSIP”). Part 3 of the Planning Act 2008 sets out when development will be an NSIP. The proposed offshore works for the Viking CCS Project do not fall within the scope of Part 3 of the Planning Act 2008”</i>.</p> <p>The ExA were expecting a detailed assessment of the position but there is no analysis of the individual sections in the PA2008. It is assumed that the Applicant believes that the proposal does not fall within any of the projects set out at section 14. Can the Applicant explain why the pipeline does not fall within sections 20 or 21 and why the storage facilities are not covered by section 17?</p>

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2.5.4	Applicant	<p>Extension of Offshore Pipeline</p> <p>At paragraph 1.1.2 of the Bridging Document [APP-128] the length of new offshore pipeline is described as a 23 kilometres (km) extension but in paragraph 2.1.2 it is noted as a 28km pipeline spur and this is confirmed in the schematic Figure 2-1 on the same page. Yet in both cases the figures recorded appear to relate to the connection to the new offshore installation and neither the 23km nor the 28km figure seems to take into account the additional spurs required to the various depleted reservoirs where storage will take place.</p> <p>What is the total length of the new offshore pipeline including all the proposed spurs?</p>
2.5.5	Applicant	<p>Viking Carbon Capture and Storage (CCS) Project as a whole</p> <p>The ExA has been referred by the Applicant to paragraphs 1.1.8 to 1.1.10 of the replies to the ExA's first written questions (ExQ1) [REP1-045] to the recent decisions from the SoS on three other carbon capture schemes being the Hynet Carbon Dioxide Pipeline (Hynet) and Net Zero Teesside (NZT), with the Drax Bioenergy with Carbon Capture and Storage projects (Drax) later referred to in [REP4-032]. However, the ExA consider there is a fundamental difference between these projects and the application for the Viking CCS Pipeline Project.</p> <p>In this project, both the existing offshore pipeline and the disused reservoirs are owned within the same group of companies as confirmed by the Applicant in its reply to question 1.5.21 of ExQ1 [PD-010 and REP1-045] and yet the Applicant has chosen to deal with the applications separately. This in itself raises the question of whether the offshore and onshore projects are so inter-connected that they are effectively a single project or development.</p> <p>The Applicant referred previously to section 6.3 of the Bridging Document, but this does not explain why the Applicant has chosen to separate the two limbs of the project when it would undoubtedly have speeded up the decision process if there was a single application which could have been made as both elements are within the Applicant's control.</p> <p>The Applicant is asked to respond to this as it could be argued that there has effectively been a "salami slice" of the two projects which was a matter considered by the Court of Appeal in R (Larkfleet) v South Kesteven District Council [2015] EWCA 887 (see paragraph 51).</p>
2.5.6	Applicant	<p>Hynet</p> <p>The issue raised in Question 2.5.5 above was considered in the Hynet pipeline DCO application. Please refer to the response to ExQ1.1.6 of this cited DCO where it was emphasised that the separate elements of the overall Hynet project were being promoted by different parties. Does the Applicant</p>

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		accept for this purpose, there is a fundamental distinction between the Hynet DCO and the Viking CCS Pipeline application?
2.5.7	Applicant	<p>Net Zero Teeside (NZT)</p> <p>The reliance on the NZT decision is also difficult to understand when the SoS specifically stated in paragraph 4.13 of the decision letter that they had <i>“taken additional steps to ensure that the environmental impact of both the onshore and Offshore Elements of the Wider NZT Project have been fully assessed.”</i></p> <p>Is it not likely that the current Secretary of State will take a similar step when considering the Recommendation Report for this Project?</p>
2.5.8	Applicant	<p>Drax</p> <p>The Applicant also relies on the Drax DCO decision. However, this does not seem to take into account the clear limitation in the Recommendation Report which stated that: <i>“This is subject to a separate DCO application which is yet to be made. Similarly, the Northern Endurance Partnership (NEP) would develop the offshore pipeline and storage. Both projects are outside of the control of the Applicant.”</i></p> <p>The Applicant is clearly aware of this major distinction as paragraph 3.8 of its Position Statement on the Benefits [REP4-032] so it is difficult to understand how this DCO is being provided as a precedent in this respect. Please explain?</p>
2.5.9	Applicant	<p>Benefit statement</p> <p>The Applicant has submitted at Deadline 4 a Position Statement on the Benefits of the Proposed Development [REP4-032]. This is in response to Action Point 2 from CAH2. However, this Statement becomes increasingly confused as at paragraph 4.1 it refers to such questions being raised at Issue Specific Hearing (ISH) 2 (which did not in fact occur) and then regularly refers to the socio-economic benefits of the Project even though these were not queried at any stage in the recent hearings. The issue here is actually a very different one. The question was raised at CAH2 as this is central to the assessment of whether or not there is a compelling case for CA. Please update this Statement without reference to the socio-economic case.</p>
2.5.10	Applicant	<p>Further clarification on the benefit statement</p> <p>The question raised at CAH2 related to the Compulsory Acquisition Guidance from the Government at paragraphs 12 and 13. So there is no further confusion, these are as follows:</p>

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		<p><i>“12. In addition to establishing the purpose for which compulsory acquisition is sought, section 122 requires the Secretary of State to be satisfied that there is a compelling case in the public interest for the land to be acquired compulsorily. 13. For this condition to be met, the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. Parliament has always taken the view that land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss.”</i></p> <p>In CAH2, the Applicant acknowledged that there were limited benefits for the Proposed Development if taken in isolation, albeit later that the benefits of the whole project must be taken into account. Nonetheless, in view of the limited benefits from the actual proposed development (as listed at paragraph 4.2 of the submitted [REP4-032]) can the SoS be satisfied that this is indeed the case?</p>
2.5.11	Marine Management Organisation	<p>Marine Licensable Activities</p> <p>The Marine Management Organisation (MMO) submitted a representation at Deadline 4 (REP4-103) which reminded <i>“the Applicant that it is their responsibility to identify any marine licensable activities.”</i></p> <p>The Applicant’s proposal for the offshore pipeline is explained in the Bridging Document [APP-128] which will include (paragraph 5.2.5) the construction of a four-legged steel jacket hosting facility which will (paragraph 1.1.2) <i>“inject the conveyed CO2 into the depleted gas reservoirs.”</i></p> <p>The Applicant has explained that a Marine Licence is not required because of the exemption contained in section 77(1)(d) of the Marine and Coastal Access Act 2009, but it occurs to the ExA that the construction of a 28km new pipeline in addition to the new installation would undoubtedly involve a considerable number of “marine activities”. Can the MMO explain how it will be involved in the consideration of these?</p>
2.5.12	Applicant Marine Management Organisation	<p>Marine Environment</p> <p>In paragraph 2.4.5 of the Bridging Document [APP-128], it was stated that a Marine Licence was required from the MMO. A summary of the potential impacts on the marine environment is set out at Table 3 of the Bridging Document. The requirement for a Marine Licence is repeated in Appendix B of the Consents and Agreements Position Statement [REP1-018]. It is not helpful to see the Applicant taking a different position at this stage of the Examination especially as whichever licensing regime applies, they will need to address the impact on the marine setting caused by their construction works and thereafter any impacts arising from the facility outlined in the previous question. Has there been any update on the potential impacts shown in Table 3 mentioned above as that document was prepared 10 months ago and it would be expected that this Table would be regularly updated?</p>

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2.5.13	Applicant	<p>Engagement with the MMO</p> <p>The Applicant did say in their response [REP1-044] to the Relevant Representation [RR-060] from the MMO that: <i>“The Applicant will engage with the MMO as necessary as the project progresses. An application to the Offshore Petroleum Regulator for Environmental and Decommissioning (OPRED) for the Viking CCS Project offshore works, some 118km offshore, is being made separately and the MMO will be involved in the process.”</i></p> <p>This response was given as long ago as the 26 April 2024 and it is disappointing to learn that there has been no engagement with the MMO since then on what is a critical step in the licensing process. Does this delay not dilute the Applicant’s argument for the urgent need for the Carbon Capture Project?</p>
2.5.14	Applicant Marine Management Organisation	<p>Timeline and construction programme</p> <p>It is noted that the construction programme as outlined in [REP4-036] is now acknowledging that construction works are unlikely to commence until 2026 and that the pipeline will not be ready for use until the last quarter of 2028 after commissioning has taken place. However, this assumes that all necessary consents will be obtained by the end of 2025. In view of the range of impacts to the marine environment identified at Table 3 of the Bridging Document [APP-128] this timeline seems highly optimistic. Can both the Applicant and the MMO comment further?</p>
2.5.15	Applicant	<p>Impediments to delivery of the project</p> <p>The Applicant was asked at ExQ1 [PD-010] whether it was considered whether there were any impediments to the Compulsory Acquisition which is requested within the Order Limits. In view of the uncertainty over the construction timeline, the assessment of the marine impacts arising from the offshore works, the objections which still remain outstanding and the fact that no application has yet to be made for the offshore works, is the Applicant still maintaining this position? In view of the uncertainties in the offshore application, can the ExA and the SoS be satisfied that the Applicant has demonstrated that project is actually carbon capture ready?</p>
Statutory Undertakers		
2.5.16	National Gas Transmission PLC	<p>Section 127 of the Planning Act 2008</p> <p>The Applicant stated at CAH2 that it was ‘unarguable’ that the land at Theddlethorpe Gas Terminal does not constitute statutory undertaker land. In response to ExA action points, the Applicant provided submissions at Deadline 4 [REP4-034] setting out why that is the case. Irrespective of whether or not an agreement has been reached between National Gas Transmission Plc (NGT) and the Applicant,</p>

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		the ExA still needs to inform the SoS whether s127 of PA2008 is engaged and whether there is any objection on these grounds. Since the ExA was unable to get your views at previously scheduled Hearings, please provide as full and as comprehensive a response as possible, citing PA2008, to the Applicant's submissions.
2.5.17	Applicant	<p>Statutory Undertaker considerations</p> <p>It is suggested by the Applicant in its Deadline 4 submission [REP4-034] that if the ExA (and also the SoS) had regard to the provisions of s127 Planning Act as to whether or not NGT were a statutory undertaker of the Theddlethorpe Gas Terminal site, then this <i>“would be to have regard to an irrelevant consideration, giving rise to an error of law.”</i></p> <p>Does the Applicant still believe this to be the case when it argues on this very point in paragraphs 10.4.7 to 10.4.10 in the Statement of Reasons [REP3-007] and it has not sought to modify this position? As it is included in the current version of the SoR, it is not reasonable for the ExA to consider and report upon the position to the SoS?</p>
2.5.18	Applicant National Gas Transmissions Plc (NGT)	<p>Position of NGT in respect of extant permissions</p> <p>The ExA made specific reference in CAH2 to the planning condition on an extant planning permission requiring NGT to reinstate the site to agricultural land and indeed a specific question was asked of Lincolnshire County Council concerning this. They confirmed that the condition (linked to an application for demolition) was still valid. As this is the case, NGT would appear to satisfy the requirement (as set out in paragraph 3.5 of [REP4-034]) that the land is in fact land <i>“they intend to use in the future for the purpose of their own undertaking.”</i></p> <p>Do NGT still retain an obligation in the land that engages their statutory undertaker status and why was no reference made to the planning condition in the Response note?</p>
2.5.19	Applicant National Gas Transmissions Plc (NGT)	<p>Agreements in place</p> <p>It is acknowledged that the issue becomes less pressing if an agreement is reached with NGT and the objection is withdrawn and the Statement of Reasons (SoR) is updated. However, the Examination will close in little more than a month. What is the latest position with the long running negotiations with NGT as the Applicant did say at ISH2 that it was expected that the Agreement between the parties would have formal approval and completion before Deadline 4?</p>

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2.5.20	Applicant Anglian Water	Statement of Common Ground with Anglian Water The submission from Anglian Water at [REP4-102] is noted and the updated Statement of Common Ground (SoCG) is expected by Deadline 5.
Individual Affected Persons		
2.5.21	Mablethorpe Flexible Generation Limited	Status of representation There have been regular updates to the Examination about the evolved position between the Applicant and NGT [REP4-034]. Please state whether the objection raised in [RR-056] remains, or if this can be removed in light of the wider discussions ongoing.
2.5.22	Island Green Power Stallingborough Energy Project Limited DDM Agriculture	Status of New Interested Party This party apparently entered into an Option Agreement with the owners of Plots 7/10, 8/1, and 8/2 as long ago as 25 July 2023 but this has still to be confirmed by the Land Registry. Their intention is to bring forward a solar project and they are intending to make a planning application to the relevant Local Authority before much longer. Why has the registration process taken so long and why was their concerns and interests not brought forward to the Examination until 29 July 2024 which is more than two thirds through the Examination period? The representation made at [RR-090] was hardly sufficient to alert either the Applicant or the ExA.
2.5.23	Applicant	Implications of New Interested Party plans on Order land Notwithstanding this interest coming to light late in the Examination, the Applicant does need to respond and explain how the two separate proposals can co-exist as far as the relevant Plots 7/10, 8/1, and 8/2 are concerned. As is suggested, the entries in the Book of Reference [REP4-005] and the CA Tracker [REP4-008] give no indication of any particular issue. Please elaborate and explain. and were no concerns raised by the landowners or their agents?
2.5.24	Applicant	Calor Gas Limited Calor Gas Limited have an interest at Plot 1/73 and the SoCG [REP1-036] has not been updated since submission. What is the latest position as there does not appear to have been any progress since November 2023?
2.5.25	Applicant	Co-existence of uses Mark Casswell has made submissions at [RR-061] and [REP1-123] concerning the impact of the Proposed Development on his own proposals for a pig farm. His agent spoke at the CAH2 and the

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		Applicant indicated that it may be possible for the two facilities to co-exist. Further detail was to be provided to the Interested Party. Update the Examination as to the negotiations ongoing and whether resolution is imminent.
2.5.26	Applicant	<p>Phillips 66 Limited (P66)</p> <p>A further submission has been made on behalf of this Affected Person (AP), [REP4-061], in which the need for CA powers is questioned. It seems that final agreement between the parties is very close and very likely to be concluded before the end of the Examination.</p> <p>On this basis, the P66 queries <i>“whether the conditions in section 122 of the Planning Act 2008 for which compulsory purchase and temporary possession powers may be authorised are met namely: (a) Whether compulsory acquisition and temporary possession powers are required as a fallback for this section of the Scheme when the Applicant will have acquired through the suite of voluntary agreements with P66 the necessary rights and interests to carry out the works to construct this part of the Scheme; and/or (b) Whether there is a compelling case in the public interest for the compulsory acquisition and temporary possession powers sought in these circumstances.”</i></p> <p>This has been a lengthy and detailed negotiation between the Applicant and P66 and the Applicant is asked to respond to the question raised here.</p>
2.5.27	Applicant Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustee Limited (“the IOT Operators”)	<p>Immingham Oil Terminals Operators</p> <p>These APs support the principle of the Viking CCS scheme, but their objection remains [REP4-060] as they do not agree to the effects on the existing pipelines situated in Plot 1/74. It is clear that negotiations have progressed further, but can the Applicant report on whether agreement has been reached? Are the IOT Operators able to confirm that their objection can be withdrawn?</p>
Crown land and special category land		
2.5.28	Driver and Vehicle Standards Agency (DVSA)	<p>Protective Provisions</p> <p>The Applicant stated at ISH3 [EV9-004] that a side agreement is being drawn up that fixes a mutually beneficial position between the Applicant and the DVSA. The implication of this is that the dDCO does not need specific Protective Provisions written into it in order to protect or otherwise provide for the relocation of the DVSA should the pipeline not take the preferred route. Set out fully your views on this.</p>

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2.5.29	Applicant	<p>DVSA current position</p> <p>The DVSA are still objecting to any route of the pipeline which crosses their site. The Applicant has provided further information concerning the routing, but the Applicant needs to convince the DVSA as unless they do so, there will not only be an outstanding objection but also a failure to obtain section 135 consent. Please confirm the latest position with negotiations with the DVSA.</p>
2.5.30	Applicant Crown Estate	<p>Crown Estate consent</p> <p>In addition to the DVSA site, the Applicant also requires section 135 consent for Plots 36/12, 36/14, 36/15, and 36/16. What is the latest position as no progress is reported in the Schedule of Negotiations [REP4-007]. In the Statement of Reasons lodged with the Application in October 2023 [APP-010] it was stated that “it was not anticipated that there will be any difficulty in securing this agreement.” This was echoed in the updated SoR [AS-013].</p> <p>The Applicant did report at CAH2 that the consent was expected by the close of the Examination and a meeting was scheduled with the Crown Estate on 1 July 2024. However, in the Applicant’s submissions from ISH2, [REP4-054], it seems that the consent may not be forthcoming during the Examination as the Applicant is suggesting a fallback position by way of an additional Requirement. In view of previous assurances, it will be disappointing if this is not resolved so as to be included in the Recommendation Report and the Applicant is urged to make this a priority in the remaining weeks of the Examination. Please confirm the latest position.</p>
2.5.31	Applicant	<p>Discrepancy in position</p> <p>The suggestion contained in paragraph 5.10 of the submissions at ISH2 [REP4-054] does seem somewhat inconsistent with the Applicant’s refusal to accept a similar Requirement that CA powers cannot be used until the offshore consents have been obtained. Please comment.</p>

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Q2.6. Cultural Heritage		
Above ground heritage assets		
2.6.1	Applicant	<p>Soil storage, screening and flood risk</p> <p>In amongst the 'embedded mitigation' it states that soil storage will be used to screen construction works from the settings of heritage assets [REP1-045]. Given the Applicant's commitments not to store soil within the flood plains [REP2-022], how relevant or effective will this 'embedded' mitigation be in such areas?</p>
Archaeology		
2.6.2	Lincolnshire County Council	<p>Detailed Archaeological Mitigation Strategy (DAMS)</p> <p>The Applicant committed to providing a DAMS to the County Archaeologist by 'mid-August', as reflected in the Action Points from Issue Specific Hearing 3 [EV9-010]. The ExA acknowledge that this may lead to a short time period between receipt of the document and Deadline 5, when ExQ2 is due to be responded to. However, please provide as detailed a review as possible of the DAMS confirming whether this is fit for purpose and whether residual concerns regarding archaeology are considered significant.</p>
2.6.3	Lincolnshire County Council	<p>Outline Written Scheme of Investigations (OWSI)</p> <p>Following on from the above question, detail any residual concerns regarding the preparation of the OWSI or the approach the Applicant has taken to mitigation within it, the DAMS and the Outline Construction Environmental Management Plan (OCEMP).</p>
2.6.4	Lincolnshire County Council	<p>National Policy Statement EN-3 (NPS EN-3)</p> <p>The Applicant has provided a note on policies raised by the Council during ISH3 [REP4-048], specifically stating that NPS EN-3 is not important and relevant to the Proposed Development and that footnote 94 relates solely to solar infrastructure. Is there any further response that the Council wishes the SoS to be aware of?</p>

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Q2.7. Draft Development Consent Order		
Interpretation and Articles		
2.7.1	Lincolnshire County Council	<p>Definition of Commence</p> <p>In the Deadline 1 response [REP1-059, Q1.7.1] it was said the commencement clause was acceptable providing access points were excluded. Can you confirm whether the commencement definition, as revised by the Applicant, is now acceptable.</p>
2.7.2	Applicant All Interested Parties All Statutory Undertakers All Local Authorities	<p>ExA Schedule of Changes to the Development Consent Order</p> <p>Comments are invited from all parties on the ExA's proposed Schedule of Changes to the Development Consent Order, without prejudice to the respective party's positions on the Proposed Development.</p>
2.7.3	Applicant	<p>Road permitting scheme and s278 of the Highway Act 1980</p> <p>Lincolnshire County Council were required by an Action Point [EV8-008] to submit details and reasoning behind their requests for amendments to the dDCO in respect of highway provisions. This was provided [REP4-099], partially hinting that a separate side agreement may resolve the concerns. Whilst the Applicant may wish to respond in full as part and parcel of the 'Responses to information received at Deadline 4', provide a brief response to this question indicating whether the dDCO will be amended or if not, why not.</p>
2.7.4	Applicant	<p>Article 16</p> <p>National Highways has objected to the making of Traffic Regulation Orders on the Strategic Road Network (SRN) under the terms of Article 16 [REP4-059]. Please confirm whether or not a separate sub-clause will be added excluding the SRN from the effects of this Article. Explain with reasons.</p>
2.7.5	Applicant Lincolnshire County Council	<p>Articles 38 and 39</p> <p>The Council maintains an objection to the drafting of articles 38 and 39 [REP4-099] and stated a meeting would be arranged with the Applicant to see if common ground could be found. Update the Examination on the conclusions of that meeting, any subsequent changes to the dDCO or the reasoning/ rationale on any difference of opinion between the parties.</p>

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Requirements		
2.7.6	Applicant	<p>Links within the CCS chain</p> <p>The Applicant refers at paragraph 5.3 of its Position Statement on Benefits [REP4-032] to the Hynet Carbon Dioxide Pipeline Order 2024 and also the Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024. The Applicant submits that the approach taken in these decisions should be followed but the ExA in its previous questions under Compulsory Acquisition has shown that these decisions can be distinguished as in the case of the Viking CCS Project both the onshore and offshore elements are within the control of the Applicant. Accordingly, the response given in [REP4-032] in response to the need for a Requirement linking the onshore and offshore works appears weakened. Please provide an updated position.</p>
2.7.7	Applicant	<p>Grampian-style Requirement</p> <p>It is stated in paragraph 5.2 of the Position Statement on the Benefits [REP4-032] that: <i>“The Applicant’s position remains that imposing such a requirement is unnecessary. Significant capital expenditure will be required to construct the Proposed Development. It is not economically realistic that the Applicant would build the proposed Development without certainty that the consents for the offshore scheme will be granted.”</i></p> <p>If for practical and economic reasons the construction of the Proposed Development will not commence until after the offshore consents have been obtained it is difficult to see the objection to the proposed Requirement given, in essence, it would have perceivably little impact or affect from the Applicant’s point of view. Please explain.</p>
Schedules		
2.7.8	Applicant	<p>National Highways</p> <p>Schedule 9, Part 9 addresses the Protective Provisions suggested with National Highways (NH). NH has maintained its position concerning the deemed consent provisions and made comments both at ISH2 and also in their subsequent representation [REP4-059]. The Applicant responded that a deemed consent approach was agreed on the Hynet DCO but the ExA has already indicated that they do not see this as a strong precedent and are yet to be convinced that the approach suggested by NH is not justified. The Applicant is asked to provide further reasons and also to report on the other Protective Provisions which are still being negotiated with NH.</p> <p>NH also raised the issue of a financial bond which is a standard requirement – has this been agreed yet and if not, why not?</p>

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2.7.9	Applicant	<p>NGT and Protective Provisions</p> <p>At ISH2 it was indicated that agreement with NGT was expected to be finalised before Deadline 4 but this has yet to be achieved. When can this be expected as the Applicant indicated that Protective Provisions had been agreed?</p>
2.7.10	Applicant National Highways	<p>Network Rail Infrastructure Limited (Network Rail)</p> <p>The Applicant indicated at ISH2 and in its subsequent D4 submission [REP4-054] that agreement is expected with Network Rail before the end of the Examination. If there is to be any further delay, please advise the ExA of any points which remain outstanding.</p>
2.7.11	Applicant Northern Powergrid (Yorkshire) Plc (Northern Powergrid)	<p>Northern Powergrid</p> <p>Again, the indication at ISH2 was that Protective Provisions had been agreed and Northern Powergrid would confirm the position. Please confirm.</p>
2.7.12	Applicant Air Products (BR) Limited	<p>Air Products (BR) Limited</p> <p>Their solicitors, Charles Russell Speechlys, indicated at D4 [REP4-089] that progress has been made in negotiating the Protective Provisions although no draft has been introduced at Schedule 9 as yet. Accordingly, an objection is still maintained. Please update and clarify the position.</p>
2.7.13	Applicant Anglian Water Services Limited (Anglian Water)	<p>Anglian Water</p> <p>Provisions have been proposed at Part 10, Schedule 9 and Anglian Water have indicated in their D4 submission [REP4-102] that matters are likely to be agreed by Deadline 5. The ExA awaits confirmation of this.</p>
2.7.14	Applicant DVSA	<p>DVSA</p> <p>The Applicant indicated at ISH2 that Protective Provisions would not be needed with this Affected Person as matters would be dealt with by way of a private land deal. Can this be confirmed by both parties?</p>
2.7.15	Applicant Cadent Gas Limited	<p>Cadent Gas Limited</p> <p>Draft provisions are contained in Part 5, Schedule 9 and the Applicant indicated at D4 [REP4-054] that there were only a couple of points which remained outstanding. Has agreement now been reached?</p>
2.7.16	Applicant Phillips 66 Limited	<p>Phillips 66 Limited</p> <p>Paragraph 2.2 of the latest submission from this Affected Person [REP4-061] indicates that broad consensus has been reached between the parties which includes negotiation of a set of Protective</p>

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		Provisions. The ExA awaits confirmation of this together with sight of the additions which are proposed for the dDCO.
2.7.17	Applicant IOT Operators	<p>The IOT Operators</p> <p>These companies are subsidiaries of Phillips 66 Limited and the Prax Lindsey Oil Refinery Limited. Their latest submission [REP4-060] was lodged at Deadline 4 and indicate that the terms of the proposed Protective Provisions are at an advanced stage of negotiation. It was expected that these negotiations would be completed by the end of August, and it is hoped that confirmation of a settled position by Deadline 5. Please can both parties update.</p>
Controlling Documents for the dDCO		
2.7.18	Applicant	<p>Outline Construction Environmental Management Plan (OCEMP) and restoration</p> <p>Measures B8 and B9 of the OCEMP [REP2-012] have not yet been amended with regards to restoration timeframes. The Applicant promised a review of restoration matters, including timeframes, at Deadline 1 [REP1-045]. Please provide updates or reasoning in all regards.</p>
2.7.19	Applicant	<p>OCEMP and barn owl habitat</p> <p>Measure B29 [REP2-012] requires replacement nest boxes <i>"within 200m from the DCO site boundary."</i> Does that mean the boxes would be provided outside of the red line application boundary and, if so, what powers under the dDCO would allow such boxes to be provided on land outside of the control of the Applicant?</p>

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Q2.8. Ecology and Biodiversity		
Ecology		
2.8.1	Applicant	<p>Chalk streams and blow wells</p> <p>North East Lincolnshire Council has reported that features observed during a site visit are indeed blow wells and request a 10-metre protection buffer around them [REP4-094]. Set out how and where this mitigation should/ is secured.</p>
2.8.2	Natural England Local Authorities	<p>Biodiversity Net Gain (BNG)</p> <p>Given that BNG on NSIPs is not yet mandatory, provide any information you wish the ExA and the SoS to take into account as to why it is considered a Requirement is necessary for this project?</p>
2.8.3	Local Authorities	<p>BNG Details</p> <p>In light of the Applicant's commitments within the Outline Landscape and Ecology Management Plan (OLEMP) [REP2-026], is there any uncertainty remaining as to what would be done and when, or any amendments required to the OLEMP to provide reassurances of effective and long management?</p>
2.8.4	East Lindsey District Council	<p>Clarity of Information</p> <p>In the Local Impact Report [REP1-053, Paragraph 6.2] there are several instances where the Applicant's information is said to be unclear.</p> <p>1) Do these concerns remain and, if so, why?</p> <p>2) If such matters were unresolved at the end of the Examination, explain whether any residual lack of clarity would have any bearing on the outcomes of the ES or upon the recommendations of the ExA.</p>
2.8.5	Natural England	<p>Site of Special Scientific Interest (SSSI)</p> <p>In the Deadline 1 submission [REP1-079, Paragraph 3.3], there is concern raised that there could be unacceptable harm to the Humber Estuary SSSI. This was raised by the ExA during ISH3, to which the Applicant had no certain reply on the current position. Have the concerns been addressed by the Applicant or, if not, what specifically remains outstanding and how should the SoS consider such matters if unresolved come the close of the Examination?</p>
2.8.6	Applicant Natural England	<p>Article 19 of the dDCO</p> <p>Applicant – With regard to the relationship of the construction works to the nearby SSSIs, how Article 19 would work in practice?</p>

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		Natural England – What would the implications be upon designated SSSI if not amended? What changes would you request are made to Article 19 to reassure you the integrity of the SSSI would be preserved?
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Q2.9. Environmental Impact Assessment		
Areas for further evidence		
2.9.1		No further questions at this time

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Q2.10. Flood Risk, Hydrology and Water Resources		
Flood risk		
2.10.1		No further questions at this time
Hydrology and Groundwater		
2.10.2	Environment Agency	Hydrogeological Risk Assessment A revised assessment was not provided at Deadline 4, although a revised Flood Risk Assessment was [REP4-016]. Set out the implications for the Examination if the revised assessment is not received prior to close of the Examination, given that the last iteration of the Statement of Common Ground indicated very little dispute between the parties on major/ fundamental issues.

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Q2.11. Geology and Land Use		
Farming Operations		
2.11.1	Applicant	Pipeline depth Concern has been raised by Savills [AS-056] on behalf of J.W Needham and Co as to the pipeline depth and whether this should be able to be reduced to 0.7 metres (m) in view of the possible impact by farm machinery. The Applicant responded at ISH2 that there would be a right for compensation and at ISH3 that the pipe will have such a thick wall as to be stronger than any farm machinery. Does it remain the Applicant's view that the possibility of a reduction to 0.7m for the pipeline depth is adequately safeguarded?
Other land use matters		
2.11.2	Applicant	Restoration of agricultural land Natural England (NE) has made further representations at Deadline 4 [REP4-093] concerning the intention to ensure that all Best and Most Versatile agricultural land (BMV) upon decommissioning is returned to its original Agricultural Land Classification grade; for clarity, NE recommends that this should be specifically included within the Outline Decommissioning Strategy [APP-072], and all relevant mitigation measures secured within the dDCO.
2.11.3	Applicant	Soil handling NE have also requested [REP4-093] further detail concerning the arrangements for soil handling in wet conditions. Apparently, these concerns have been discussed with the Applicant and NE await further clarifications on these points, including the definition of 'extenuating circumstances' which may necessitate handling soils in a wet condition. Provide a response and the measures being taken to reassure NE on these points.

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Q2.12. Habitats Regulation Assessment		
Effect of the Proposed Development on its own and In-combination with Other Plans and Projects		
2.12.1	Applicant Natural England	<p>Report on the Implications on European Sites (RIES)</p> <p>The ExA have published the RIES at the same time as these ExQ2, and the RIES contains questions for both parties. Please address these questions separately.</p>
2.12.2	Natural England	<p>Adverse Effect on Integrity (AEol)</p> <p>In response to first written questions [REP1-078] [REP1-079], NE stated that an AEol could be ruled out for all European sites except for the Humber Estuary Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar designations. On the basis of information to date in the Examination:</p> <ol style="list-style-type: none"> 1) Can an AEol now be ruled out for all European sites? If not, why not? 2) Are derogations, including compensation, necessary for any of the European sites and their qualifying features? 3) Are NE satisfied that the mitigation measures being relied upon by the Applicant, to enable an AEol to be ruled out, are sufficiently secured either with the dDCO and/ or other controlling documents/ management plans?
2.12.3	Applicant Natural England	<p>Minor Issues Remaining?</p> <p>The Applicant stated during ISH3 that only five minor points remained with Natural England [REP4-052, Paragraph 1.2]. It was not explained in any detail what those points are and whether they could be resolved in the Examination. Provide as much detail as possible on these points.</p>
2.12.4	Applicant Natural England	<p>Natterjack Toads</p> <p>It has now been accepted that natterjack toad habitat will be directly impacted by the Proposed Development through mole drilling, cabling works and construction works at the Dune Valve Station [REP4-018]. The mitigation measures listed do however remain the same.</p> <p>Applicant – provide further assessment of the impacts on these species, knowing now that the species is present in close proximity to the construction works. Also set out clearly why and how the intended mitigation would remain effective.</p> <p>NE – set out clearly your position regarding natterjack toads in respect of whether harm would occur, whether mitigation is effective, whether works could proceed without causing harm in a Habitats Regulation Assessment (HRA)/ land designation context.</p>

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2.12.5	Natural England	Acoustic Fencing Now that the Examination has moved on since the ExQ1 [PD-010, Q1.12.9], are NE content with 2.4-metre-high acoustic fencing, micro-sited by the Applicant, to be a sufficient mitigation?
2.12.6	Natural England	Pink-footed geese Now that the Examination has moved on since the ExQ1 [PD-010, Q1.12.10], are there any residual concerns about the assessment of or mitigation for this species?
2.12.7	Natural England	Water Quality With regards to water quality impacts (and subsequent downstream effects into European designations and onto functionally linked land), the Applicant has provided a draft Bentonite Management Plan [REP4-012]. Do you have any concerns or additional observations from either a HRA or general perspective arising from this document?
2.12.8	Natural England	Displacement At Deadline 1 [REP1-078], it was raised that displacement of curlew, lapwing, pink-footed geese and avocet could occur and required further exploration. Confirm whether this point has now been satisfactorily resolved or if concerns remain.
2.12.9	Natural England	Revised HRA Please state whether there are any significant concerns remaining following receipt of the revised HRA at Deadline 4 [REP4-018].

Q2.13. Landscape and Visual Amenity		
Lincolnshire Wolds National Landscape		
2.13.1	Natural England	<p>Matters of common and uncommon ground</p> <p>Please set out clearly where you agree and where you disagree with the Applicant’s summary positions on the Lincolnshire Wolds National Landscape. In relation to the National Policy Statements and the National Planning Policy Framework, frame your response as to whether there are any significant policy conflicts that would otherwise prevent the grant of a Development Consent Order.</p>
Character and appearance of the countryside		
2.13.2	Local authorities	<p>OLEMP strategy</p> <p>Confirm for the record if the landscaping strategy, planting strategy and replacement/ compensatory landscape proposals of the Applicant, as set out in the OLEMP, are satisfactory and fit for purpose. If not, why not?</p>
2.13.3	Local authorities	<p>Reinstatement of land and landscape</p> <p>Notwithstanding decommissioning of the block valve stations and above ground infrastructure, are there any residual concerns regarding the proposals for reinstatement of land and landscape features for the pipeline construction corridor, or does the OCEMP and OLEMP provide sufficient reassurance that the landscape would be reinstated in a timely and effective manner?</p>

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Q2.14. Noise and Vibration		
Noise effects		
2.14.1	Applicant	<p>Threshold for significant effects</p> <p>Notwithstanding any discussions with East Lindsey District Council, that Council has stated that: “...<i>the applicant has effectively disregarded the assessment methods in Sections E.2 and E.3 and relied solely upon noise insulation eligibility as the determiner for a significant effect [REP4-096].</i>”</p> <p>Set out the threshold at which noise insulation eligibility is required, how that threshold is applied in relation to the Proposed Development and what, if any, reassurances can be given to the ExA regarding the Council’s assertions.</p>
2.14.2	Applicant East Lindsey District Council	<p>Statement of Common Ground (SoCG)</p> <p>It would be useful for the ExA if an updated SoCG were to be submitted at Deadline 5. In particular, a separate annexe within the SoCG should set out the specific matters of agreement and disagreement regarding the methodology, assessment criteria and application of noise thresholds/ tolerances so that the ExA can clearly see what the disputes and differences are between the parties.</p>
2.14.3	East Lindsey District Council	<p>Receptors and mitigation</p> <p>The Applicant’s technical note [REP4-047] identifies significant effects at specific residential receptors and suggests mitigation measures accordingly.</p> <ol style="list-style-type: none"> 1. Is the list of identified receptors complete to your satisfaction, or are there additional receptors that should be considered, assessed or give rise to the concerns from the Council. 2. Are there any residual concerns about the mitigation being applied or the ability for further measures to be derived later in the process, should development consent be granted?
2.14.4	Applicant	<p>Clarifications on Noise</p> <p>Within the technical note of noise [REP4-047], there are several assertions made that the ExA wish clarity on:</p> <ol style="list-style-type: none"> 1. In paragraph 2.6.4 it states barriers <u>could</u> reduce noise by approximately 5dB. In paragraph 2.6.5 those same barriers are said <u>would</u> reduce noise up to 10dB. The ExA query whether the barriers ‘could’ or ‘would’ be effective reducers of noise, why the same barriers have different predicted acoustic reductions and what certainty can be given that they would reduce noise as much as claimed?

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		<ol style="list-style-type: none">2. Unless it has been overlooked, the ExA could not see where the measures written at paragraph 2.6.3 were written into the OCEMP. Please signpost.3. In respect of receptor 56 be subject to 37 non-continuous days of high noise generating noise, can any indication be given as to the length of time over which those 37 days would appear (i.e. is that 37 days in seven months i.e. five days a month)?
Vibration effects		
2.14.5		No further questions at this time

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Q2.15. Socio-Economic Effects		
2.15.1	Applicant	<p>Private enterprise</p> <p>Although the ExA did not raise questions concerning socio economic matters at the June and July hearings, the impact on certain proposed projects was raised. Mr Casswell has mentioned his planned pig unit [REP1-123] and the schedule of negotiations [REP4-007] states that revised Heads of Terms were issued in May 2024. What is the current position as Mr Casswell's agent asked for further detail from the Applicant at CAH2.</p>
2.15.2	Applicant	<p>Conflict with other proposed developments</p> <p>R Caudwell (Produce) Limited withdrew some of their objections but still maintained their concerns as to the impact the proposal would have on the proposed solar farm [REP1-100]. There does not appear from the Schedule of Negotiations [REP4-007] to have been any further engagement since April. What is the latest position?</p>

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Q2.16. Traffic and Transport		
Local Road Network		
2.16.1	Lincolnshire County Council North East Lincolnshire Council	Transport Assessment Is the Council content with the outcomes of the revised transport assessment [REP3-013]? If not, state specifically why not and the implications for the Examination and decision-making process?
2.16.2	National Highways	Revised Transport Assessment In the Deadline 1 submission [REP1-076] in response to question 1.16.19, it was stated that National Highways have concerns regarding the robustness of the Transport Assessment. A revised Transport Assessment was submitted at Deadline 3 [REP3-013], however, there has yet to be any change to the formal position of National Highways stated at Deadline 1. Please confirm if the revised Transport Assessment has eased the concerns relating to the suitability of the Transport Assessment, or if not, why not.
2.16.3	Lincolnshire County Council	Passing bay strategy and a revised Construction Traffic Management Plan The above referenced documents have been promised by the Applicant to be submitted mid-August. The ExA appreciates this probably gives little time for a full and informed response from the Council at Deadline 5, but the ExA would appreciate as much detail as possible regarding any agreements or disagreements on the content of these documents at that Deadline. Is the Council content that traffic would be effectively managed on the local highway network?
2.16.4	Applicant Lincolnshire County Council	Permitting Scheme Details of the Council's permitting scheme were provided at Deadline 4. Provide detail on whether the permitting scheme is/ should be incorporated into the Construction Traffic Management Plan and/ or whether or not it is/ should be incorporated as a Requirement or an amendment to an Article within the dDCO. Provide such a wording for the ExA to consider, if necessary.
2.16.5	Applicant	Thoroughfare It was set out in ISH3 that Thoroughfare would only be used by a certain time of Heavy Goods Vehicles (HGV), with the remainder using the haul roads to access the pipeline construction corridor and the block valve station. Can more detail be given on the exact nature of the HGVs that would use Thoroughfare and whether or not this can be secured in the dDCO? What measures would be taken to prevent other HGVs from the haul road turning left or right onto Thoroughfare as a means of exit?

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2.16.6	Lincolnshire County Council	<p>Thoroughfare crossing</p> <p>HGVs are stated by the Applicant to principally use the haul roads in proximity to Thoroughfare. Does the Construction Traffic Management Plan (as revised, see 2.16.2 above) give sufficient detail regarding the management of traffic at the haul road/ Thoroughfare interface or, if not, what additional mitigation would be required to make this safe?</p>
2.16.7	Applicant Lincolnshire County Council	<p>Thacker Bank</p> <p>With regards to questions 2.16.4 and 2.16.5 above, can the Applicant and the Council give corresponding views regarding Thacker Bank.</p>
2.16.8	Lincolnshire County Council North East Lincolnshire Council	<p>National Planning Policy Framework</p> <p>Could the Council confirm whether, taking into account the answers to the questions above and all material before the Examination, there would be any 'severe' impacts on the highway as a result of the Proposed Development.</p>
2.16.9	Applicant Network Rail	<p>Impact of construction traffic on level crossings</p> <p>In the Deadline 1 submission [REP1-081] it is stated that Network Rail objects to the DCO application in part due to the impact of construction traffic on two level crossings. As far as the ExA is aware, there has not been a submission from Network Rail to change the position from Deadline 1. Please confirm if the objection stands and if so, why.</p>
Strategic Road Network		
2.16.10	Applicant	<p>Accesses onto the Strategic Road Network</p> <p>NH has declared that they cannot allow accesses to be made and taken off the A160 or the A180, which is currently possible under the dDCO drafting of Article 13. Provide a full response as to whether there is a realistic risk of this happening and also whether amendments will be made to provide reassurances to NH.</p>
2.16.11	Applicant	<p>Amendments to Requirement 6</p> <p>NH has requested amendments to Requirement 6, in line with other made DCOs [REP4-059]. Please make the changes or give reasons as to why such changes are inappropriate or an impediment to the delivery of the project.</p>

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Public Rights of Way		
2.16.12		No further questions at this time

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Q2.17. Waste and Minerals		
Waste		
2.17.1	Applicant Environment Agency Local Authorities	Revised ES Chapter 18 The Applicant revised ES Chapter 18 at Deadline 2 [REP2-012]. Following these revisions, are there any comments or observations arising on waste matters that the ExA should be aware of, or have any/all issues been resolved? Explain with reasons.
2.17.2	Lincolnshire County Council	Revised Mitigation for JA Young Plastics Following revisions to the dDCO and the OCEMP, is the Council satisfied that appropriate mitigation now exists (and is correctly defined) for JA Young Plastics?
2.17.3	Lincolnshire County Council	Waste Management The Applicant responded to the Council's Local Impact Report at Deadline 2 [REP2-031] rebutting the concerns raised regarding the waste hierarchy, proximity principles, landfill capacity and study areas underpinning the ES. No response was provided at Deadline 3 from the Council but the ExA assume the point of difference still stands. Can the Council confirm their position as to whether or not the Proposed Development would be acceptable regarding its waste-related impacts.
Minerals		
2.17.4	Applicant Lincolnshire County Council North East Lincolnshire Council	Revised ES Chapter 18 The Applicant revised ES Chapter 18 at Deadline 2 [REP2-012]. Following these revisions, are there any comments or observations arising on minerals/ resources matters that the ExA should be aware of, or have any/all issues been resolved? Explain with reasons.
2.17.5	Applicant	Decommissioning The Applicant's general assumption regarding decommissioning is that the pipeline that has been laid would be left in situ. Would the pipe be excavated where it crosses the Mineral Safeguarding Area to avoid future sterilisation of such site?
2.17.6	North East Lincolnshire Council	Mineral Safeguarding Having reviewed Appendix H to the Applicant's response to ExQ1 [REP1-045]:

Deadline for responses is Deadline 5, Monday 2 September 2024

		<p>1) Is there agreement with the Applicant that the identified mineral safeguarding area (MSA) could not have been reasonably avoided, given the extent of MSAs in the area, as suggested by the Applicant [REP2-012, Paragraph 7.25.11]?</p> <p>2) Are there any concerns regarding the routing of the pipeline through this area?</p> <p>3) Is additional mitigation required to ensure that sterilisation of the land is avoided (i.e. any new or modified mitigation to be considered in a decommissioning plan)?</p>
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