

Viking CCS Pipeline

9.68 Applicant's Comments on Responses to the Examining Authority's Second Written Questions

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Applicant: Chrysaor Production (U.K.) Limited,
a Harbour Energy Company
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The Infrastructure Planning (Applications: Prescribed Forms
and Procedure) Regulations 2009 - Regulation 5(2)(q)
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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 by Interested Parties to the Examining Authority's (ExA) Second Written Questions.

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 response to the ExA's Second Written Questions

- 2.1.1 This section provides the Applicant's comments on Interested Party's responses to the ExA's Second Written Questions. Each table relates to a section of Written Questions, which are set out using an issues-based framework derived from the Initial Assessment of Principal Issues in the Rule 6 letter, Annex C (dated 15 February 2024).

Table 2-1: Q2.1 - General and Cross Topic Questions

ExAQ2	Question to	Question	Interested Party Response	Applicant's comments
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>	<p>Lincolnshire County Council: LCC has no comments to make and defers to North Lincolnshire Council and North East Lincolnshire District Council as the relevant determining authorities.</p> <p>No response from North Lincolnshire Council.</p> <p>No response from North East Lincolnshire District Council.</p>	The Applicant notes that Phillips 66 Limited was granted planning permission PA/2023/422 on 5 August 2024 for the construction of a post-combustion carbon capture plant.
Major Hazards and Accidents				
2.1.5	Vincent Loy	<p>COMAH Regulations and other legislation</p> <p>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?</p>	<p>Having looked through the responses a couple of bits are still unresolved to my mind - there are a number of reasons I have no faith in the responses received thus far, primarily the cherry picking of items to reply to and total disregard for the remainder of the question - evidenced below - explain all about the block valve selection (which they are still working on) and completely ignore the main question with regards venting of the inventory – it was very disappointing that AI could not competently annotate the discussion or questions posed in the video call we attended, it seems like we are not being given due consideration or that they feel our argument though robust lacks credence and therefore is dismissed without any kind of validation.</p> <p>REF 2.1</p> <p>"Previous questions which had previously not adequately been responded to. First is on pipeline inventory, nearly 10,000 tonnes of CO2. Applicant's response was they didn't see a situation where full inventory would need to be evacuated" The Question posed was regarding the inventory within the pipeline and secondly the suitability of the block valves and elastomers for purpose - the response details the construction and suitability of the block valves - Quotes ISO 15848-1 which we do not have a copy of and will cost [redacted] to purchase, we can only assume that they are correct in their interpretation of the document.</p> <p>There is no response with regards the inventory and any requirement to vent, as previously stated if block valve #1 were to leak and require intervention then the whole inventory would require venting to allow access to the valve.</p> <p>Regardless of the suitability and conformity of the block valves being utilised (still not selected so some doubt as to exactly which will be chosen. "The Applicant's selected Front End Engineering Design (FEED) Contractor is currently engaging with several valve manufacturers") the block valve presents a potential single point failure, if there was a failure at the Gate/Seat resulting in a leak path there is always the possibility, due to the pressure differential, that the emitted jet/stream of dense phase CO2 will transition phases resulting in rapid localised downstream cooling which could result in significant</p>	The Applicant considers that it has set out its position in detail at previous deadlines and has nothing further to add.

ExAQ2	Question to	Question	Interested Party Response	Applicant's comments
			<p>temperature differential across the valve Gate/Seat potentially causing micro fractures that could propagate into full fractures resulting in complete valve failure. As for there being no risk of erosion there will always be the risk of fluid cut to the elastomer and gate/seat material, the additional contaminants entrained within the CO2 steam can precipitate especially where free water is present.</p> <p>REF 2.2</p> <p>"The emitters will monitor the composition of their own individual CO2 stream and transmit real-time compositional data to the Proposed Development. The Applicant will monitor the composition of the commingled CO2 stream entering the onshore pipeline. Key impurities, for example water, will be monitored continuously". Duty holder responsibility to ensure the emitters are compliant and the CO2 stream is of suitable composition - monitoring of the commingled stream can provide a false assurance - if 4 are compliant and under the requirement and a 5th is above the requirement the overall result may be a stream that is just under the required levels therefore no intervention is required but 1 emitter is still non compliant and escaping the scrutiny or penalty for this lapse. Duty holder is responsible and should perform due diligence not deflect the responsibility onto other emitters "individual emitters will be responsible for ensuring that their individual CO2 stream is within the agreed CO2 specification" - 1st court case will have the defence - we were compliant it was them with a pointed finger, not good enough in my opinion.</p> <p>REF 2.3</p> <p>"The Proposed Development does not contain any amine-based process equipment" Does this include the other emitters streams - as it is a false and mendacious statement if only the self generated stream is amine free, if the emitters streams are generated using amine based process then there is a high likelihood that amine byproducts will in fact-be present in the commingled stream and that Viking CCS seem to be purposely obfuscating, evidenced by the prevaricating in their response. I'm not sure I fully understand the VIKING CCS perspective on this. Could they please clarify the details for me?</p> <p>Aqueous Sodium carbonate (Na2CO3) and potassium carbonate (K2CO3) based CO2 capture technology results in the formation of Aqueous Sodium bicarbonate or Potassium bicarbonate and Wegscheider's salt, bicarbonate can result in but not limited to - frequent urge to urinate, [redacted] (continuing), loss of appetite (continuing), mood or mental changes [redacted], or twitching, [redacted] or [redacted], nervousness or restlessness, slow breathing, swelling of feet or lower legs, unpleasant taste, unusual tiredness or weakness - the introduction of only 0.1% SO2 reduces the efficacy of the solid bed absorption technology by approximately 76% this has some significant cost and disposal implications also this would produce sodium sulfite Na2SO3 which has some quite serious health implications - when there is an increase of sodium sulfite concentration, the resulting toxic mechanism inhibits cell proliferation,</p>	

ExAQ2	Question to	Question	Interested Party Response	Applicant's comments
			damages the mitochondrial integrity, and promotes apoptosis. During a venting cycle is there any possibility that sodium sulfite could be entrained with the dense phase fluid and inadvertently be released as part of the blow down. What if any safeguards are in place to mitigate potential for exposure in the wider community.	
2.1.6	Residents of Corner Farm	<p>Final remarks</p> <p>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.</p>	No response received from the Residents of Corner Farm.	The Applicant has no further comment.

Table 2-2: Q2.2 – Air Quality and Emissions

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
Air Quality Management				
2.2.1	UK Health Security Agency (UKHSA)	<p>Traffic emissions quantification</p> <p>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.</p>	No response received from the UKHSA.	The Applicant has no further comment.

Table 2-4: Q2.4 – Climate Change

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
Assessments and Calculations				
2.4.1	All Local Authorities	<p>Updated ES Chapter 15</p> <p>The Applicant revised Environmental Statement (ES) Chapter 15 on Climate Change at Deadline 4</p> <p>[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?</p>	<p>East Lindsey District Council:</p> <p>We have not been able to find Appendix A in the Examination documents with REP4-041 being "Deadline 4 Submission - 9.56 Central Compound Site Selection Note" not Appendix, therefore we cannot comment at this present time whether the information is suitable. Additionally, the bill of quantities is not available in the latest Climate Change Chapter (APP-057).</p>	<p>The Applicant believes that the ExA was referring to Appendix A of the Applicant's Comments on Additional Submissions made at Deadline 4 [REP4-051].</p> <p>This appendix provides a table of quantities detailing material quantities, fuel used for construction activities, the associated emissions factors and their sources. This information was provided in response to an issue raised by East Lindsey District Council in its deadline 3 submission [REP3-034].</p>
			<p>Lincolnshire County Council:</p> <p>LCC has no comments to make.</p>	<p>The Applicant notes this response.</p>
			<p>North East Lincolnshire Council:</p> <p>NELC do not have any concerns in this regard.</p>	<p>The Applicant notes this response.</p>
			<p>West Lindsey District Council:</p> <p>WLDC has no comment on this matter.</p>	<p>The Applicant notes this response.</p>
2.4.2	All Local Authorities	<p>Climate Resilience</p> <p>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.</p>	<p>East Lindsey District Council:</p> <p>The comments made at the previous submission remain valid and unanswered, which are copied below "It is acknowledged that the climate change projection data is provided in Table 15-15, and that the methodology for assigning likelihood and significance is provided in tables 15-8 and 15-9. However, there is no evidence to support the assignment of likelihood or consequence metrics for each potential climate change or impact in Table 15-30. For example, the likelihood of "Increased frequency and severity of extreme weather events" is classified as "Possible, about as likely as not", and the measure of consequence is determined to be "Medium". There is no justification or narrative for how the assessment has arrived at these conclusions, for example why would the consequence of the impact not be 'Very high' instead of 'Medium' if there is an increase in the frequency and severity of extreme weather events."</p> <p>Overall, this is not likely to be material to the outcome of determining consent for the project, but the comment remains that the robustness of how likelihood and consequence metrics have been applied.</p>	<p>The Applicant agrees that this issue is unlikely to be material in determining the consent.</p>
			<p>Lincolnshire County Council:</p> <p>LCC has no concerns its wishes to raise in respect of climate change resilience and does not dispute the applicant's conclusions in the assessment.</p>	<p>The Applicant notes this response.</p>
			<p>North East Lincolnshire Council:</p> <p>NELC do not have any concerns in this regard.</p>	<p>The Applicant notes this response.</p>

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
			West Lindsey District Council: WLDC considers that the revised Chapter 15 is robust enough in addressing Climate Resilience.	The Applicant notes this response.

Table 2-5: Q2.5 – Compulsory Acquisition

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
Overarching Case				
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>	No response received from the Marine Management Organisation.	The Applicant has no further comment.
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</p>	No response received from the Marine Management Organisation.	The Applicant has no further comment.

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
		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?		
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>	No response received from the Marine Management Organisation.	The Applicant has no further comment.
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, 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.</p>	<p>National Gas Transmission PLC:</p> <p>NGT refers to its Relevant Representation and its response to the Examining Authority's Request for Further Information, which have covered this issue in detail.</p> <p>The Applicant's conclusion in its Deadline 4 submission ("Submission") that s.127 is not engaged relies on its contention that an interest in the Theddlethorpe Gas Terminal ("TGT") is not held for the purposes of NGT's undertaking. The reasons the Applicant advances in support of this conclusion are misconceived, and its discussion of the issue therefore proceeds from false premises. NGT has been clear that its plans for the TGT site will include the transmission of natural gas and hydrogen (both of which are "gas" within the meaning of the Gas Act 1986) via NGT's national transmission system ("NTS"). Indeed, a large part of the rationale for the development of an energy park in this location is due to its direct connectivity to the NTS, which will allow the transportation of gas through the existing pipelines. The Applicant's suggestion in paragraph 4.6 of its Submission that NGT's "intention to redevelop the site for use as an energy park would seem to indicate that it is in fact surplus land, which is no longer required or held for the purposes of their undertaking as a gas transporter " is, therefore, simply wrong. NGT's plans for the site plainly do accord with the purposes of its statutory undertaking as a gas transporter. An interest in the TGT site is held for those purposes, and s.127 is thus engaged.</p>	<p>In the event that the Examining Authority disagrees with the Applicant's submissions in [REP4-034] and considers that the TGT site is operational land (which is not accepted), then the Examining Authority would need to consider whether, in terms of s127(3) of the Planning Act 2008, the land could be purchased and not replaced without serious detriment to the carrying on of the undertaking. The Applicant respectfully submits that it can be.</p> <p>The former TGT site is not in active use as an operational facility. There are no applications for planning permission or other consent in respect of the site, and no proposals within the planning system at an earlier stage such as scoping or consultation. The Proposed Development will occupy a portion of the wider TGT site, and will not prevent future development of the remainder.</p> <p>Furthermore, the Applicant considers that the Proposed Development is consistent with NGT's stated aspirations for a future "energy park" on the site. NGT have not demonstrated that the Proposed Development would prevent a barrier to those aspirations, and indeed engagement has been positive between the Parties in negotiating a legal agreement to secure the necessary land and rights for the Project.</p> <p>As set out in its Response to Rule 17 letter - Statutory Undertakers and Protective Provisions (document reference 9.71), it is clear from previous considerations of section 127 in DCO decisions that what constitutes 'serious detriment' is a high</p>

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
				bar. The Applicant submits that the land required for the Proposed Development can be compulsorily required without causing such an impact on NGT's undertaking.
2.5.18	Applicant National Gas Transmission s 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>	<p>National Gas Transmission PLC:</p> <p>NGT agrees with the Examining Authority that, to the extent that it is under such an obligation pursuant to an extant planning permission, this would satisfy the relevant requirement under s.127.</p>	The Applicant does not have anything further to add to its own response to this question within [REP5-063] .
2.5.19	Applicant National Gas Transmission s 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>	<p>National Gas Transmission PLC:</p> <p>Terms have been agreed between the parties for a voluntary agreement. The agreed terms are currently going through the Applicant's and NGT's respective corporate approval processes prior to signature. Unfortunately, it was not possible to complete this prior to Deadline 4, but NGT anticipates that the process will be complete before the end of the examination. The parties will update the Examining Authority as soon as the agreement is completed.</p> <p>For the avoidance of doubt, in the meantime NGT maintains its objection pending the satisfactory resolution of its concerns.</p>	It remains the case that the Applicant has signed the agreements that have been negotiated between the parties and awaits confirmation from NGT that it has done the same. The Applicant confirms that it will update the Examining Authority as soon as the agreement is completed.
2.5.20	Applicant Anglian Water	<p>Statement of Common Ground with Anglian Water</p> <p>The submission from Anglian Water at [REP4-102] is noted and the updated Statement of Common Ground (SoCG) is expected by Deadline 5.</p>	No response received from Anglian Water.	An updated SoCG with Anglian Water was submitted at Deadline 5 [REP5-028] . A final signed SoCG with Anglian Water has been submitted at Deadline 6 (document reference 8.6).

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
Individual Affected Persons				
2.5.21	Mablethorpe Flexible Generation Limited	<p>Status of representation</p> <p>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.</p>	No response received from Mablethorpe Flexible Generation Limited.	The Applicant has no further comment.
2.5.22	Island Green Power Stallingborough Energy Project Limited DDM Agriculture	<p>Status of New Interested Party</p> <p>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.</p>	<p>Stallingborough Energy Project Limited:</p> <p>SEPL has reviewed the timeline of the Grange Energy Park project against that of the Viking CCS Pipeline application. The period to register as an interested party ran from 24 November 2023 to 15 January 2024, during which time SEPL was carrying out initial assessment work to inform its decision to progress the Grange Energy Park and prepare its application for a screening opinion for the project. The application for a screening opinion was submitted on 20 February 2024, after the registration period had ended. However, DDM Agriculture did register the landowner as an interested party and noted in the relevant representation [RR-090] that there had been no consultation by the Applicant regarding the potential future development of the pipeline corridor.</p> <p>SEPL understands that it was DDM Agriculture's intention to negotiate a property agreement with the Applicant on behalf of the landowner that would be tailored to the proposed future use of the land for solar. It was also the intention that such negotiations would need to take into account SEPL's comments on the property agreement as under the terms of the option agreement the landowner is not able to enter into any property agreements without SEPL's consent.</p> <p>The screening opinion for Grange Energy Park was issued by North East Lincolnshire Council on 5 July 2024. At this time, SEPL carried out a review of the Grange Energy Park project. This review found that the draft Heads of Terms, proposed by the Applicant to the landowner in May 2024, did not recognise or mention SEPL's option agreement or solar development proposals over plots 7/10, 8/1 and 8/2, and its interest was also not included in the Book of Reference [REP4-005].</p> <p>SEPL then became aware that the Applicant had not been provided with details of the option agreement, with DDM Agriculture focusing on protecting the landowner's interest in the development potential of the land. Neither the landowner, DDM Agriculture nor SEPL had appreciated that the significant backlog and subsequent delay to registrations being processed at the Land Registry would have resulted in greater reliance by the Applicant on the landowner's response to the land interest questionnaire sent by the Applicant that pre-dates SEPL's option agreement. SEPL has been informed by the Land Registry that its application to register the option agreement is</p>	The Applicant notes this response and will continue to engage with the Interested Party.

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
			<p>likely to be registered in November 2024 at the earliest.</p> <p>Having identified this omission, SEPL sought to register as an interested party and undertake urgent discussions with the Applicant. SEPL is grateful to the Applicant for its engagement over the last couple of weeks and is confident that agreement will be reached to manage and support the co-existence of the projects.</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>	<p>With respect to questions 2.5.27 and 2.7.17 of EXQ2, we would reply as follows: By way of an update since Deadline 4, good progress has been made with the Applicant's team in settling the drafting for the proposed protective provisions to protect the key interests and operations of the IOT Operators and the accompanying overarching agreement which broadly regulates: (a) the exercise of the Applicant's powers; (b) the withdrawal of the IOT Operators objection; and (c) the request for the Protective Provisions to be added to the Proposed Order. At the time of writing, both the Protective Provisions and the overarching agreement are in substantially agreed form. Alongside working up and finalising this documentation, the IOT Operators are continuing technical discussions with the Applicant and are seeking further details to be provided by the Applicant to properly consider the interface between their pipelines and the pipeline component of the proposed development. Specifically, the IOT Operators are seeking further details to be provided by the Applicant (in summary) as to: (i) how close the proposed pipeline gets at the shortest distance from the IOT Operators lines; (ii) the distance at the minimum point between the proposed pipeline and the IOT operators lines as it is proposed to run broadly parallel to its lines; (iii) calculations to support the proposed 2 metre minimum depth beneath its pipelines; (iv) confirmation as to whether the proposed crossing will be immediately below its existing pipe supports on its lines or between pipe supports or if this cannot be confirmed then to demonstrate via calculations that the proposed depth is acceptable both to avoid ground movement; and (v) details of the proposed trenchless auger bore as it is not a technique that the IOT Operators are overly familiar with. Further technical discussions on the above points are currently ongoing. Subject to such further technical discussions continuing at pace, it is hoped and anticipated that the parties can then proceed to obtain the necessary internal approvals and complete the overarching agreement during the currency of the examination (by Deadline 7) whereupon it would be the intention of the IOT Operators to proceed to write to the Examining Authority to withdraw its objection to the Application. The Examining Authority will, however, appreciate that unless and until the necessary further technical details have been provided by the Applicant (in summary) as to the interface between the proposed development and the IOT Operators pipelines that the IOT Operators wishes to maintain its objection to the Application on a protective basis. The IOT Operators will continue to keep the Examining Authority updated as to developments as the technical discussions continue to progress</p>	<p>The Applicant and the IOT Operators have had productive discussions on the terms of Protective Provisions and has included Protective Provisions for the IOT Operators within the draft DCO (Revision H) (document reference 2.1) as Part 12 of Schedule 9. The Applicant considers that the terms of those Protective Provisions are sufficient to avoid serious detriment to the IOT Operators' undertaking.</p> <p>The Applicant notes that there are ongoing discussions on technical matters between the parties that the Applicant does not consider need to be resolved at this stage in the development process, whilst detailed design is still to be undertaken, but acknowledges that the IOT Operators' wish to have this information before they can withdraw their objection. The Applicant is continuing to engage with the IOT Operators to seek to address their remaining concerns and allow their objection to be withdrawn.</p>

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
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>	No response received from DVSA.	<p>The Applicant notes that both parties have agreed suitable mitigation to ensure that the DVSA's operational interests will not be significantly impacted by the proposed development.</p> <p>Heads of Terms are agreed and a full legal agreement will be entered into in due course.</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>	No response received from the Crown Estate.	The Applicant is continuing to engage with the Crown Estate and its solicitors. The Applicant understands that draft consent documentation has been prepared and is with the Crown Estate for approval. This will be submitted as soon as received and agreed by the Applicant.

Table 2-6: Q2.6 – Cultural Heritage

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
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>	<p>Lincolnshire County Council:</p> <p>A draft document has been sent out for comment which includes a Detailed Archaeological Mitigation Strategy (DAMS), Overarching Written Scheme of Investigation (OWSI) and location plans for twenty-two proposed 'action' (presumably mitigation) areas, more of which may come to light as the evaluation trenching programme is currently ongoing.</p> <p>Comments have been invited for this document but as yet there has been no meeting proposed with the heritage consultees to discuss the DAMS, the OWSI or the proposed mitigation areas, indeed there doesn't seem to have been a heritage stakeholder meeting since December 2023. We have commented previously that meetings with all the heritage stakeholders would be more conducive to finding accord and agreement than dealing with individual consultees by email, as they have with this DAMS document. We strongly recommend a consultation meeting for all the heritage consultees including all the relevant local authority curators and Historic England at the earliest opportunity.</p> <p>As might be expected from a document that has not been informed by engagement as it currently stands there are a broad range of concerns and clarifications required for the first draft documents which need to be discussed and hopefully resolved. There are questions of both methodology and approach which are of concern, to give an indicative selection:</p> <ul style="list-style-type: none"> - section 3.4.5 <i>'The Central Compound and temporary laydown, parking and welfare areas are situated within agricultural land. Where required, the topsoil will be stripped and stored on-site for later respreading, and the construction compounds will be established utilising a geotextile membrane and stone surface hardstanding.'</i> If archaeological deposits survive here topsoil stripping will make them more vulnerable to developmental impact, particularly compaction. This area therefore requires trenching to determine whether the proposed works are appropriate. - section 3.7.3 states that <i>'Where archaeological remains are to be buried temporarily beneath topsoil stockpiles a Method Statement will be prepared...'</i> We do not agree to this, plant movement and compaction issues have clear potential for damage and destruction of archaeological remains. Where mitigation of these archaeological areas is by record then the archaeological mitigation must be undertaken before movement of topsoil. Any outstanding archaeological mitigation areas which may be affected by development works will need to be fenced off and signposted to ensure there is no ground disturbance which may adversely affect the archaeological remains, including plant movement or storage. - section 3.9.2 on mitigation options do not include archaeological set piece excavation, the most intensive level of the standard range of 	<p>The Applicant can confirm that a meeting to discuss the draft DAMS submitted at Deadline 5 was held with the LPAs and Historic England on 12 September 2024.</p> <p>The Applicant notes LCC's comments on the proposed methodology and approach set out in the draft DAMS and sets out below responses on the specific points raised.</p> <ol style="list-style-type: none"> 1. Section 3.4.5 – the Applicant notes the comment that the Central Compound and temporary laydown, parking and welfare areas should be subject to trial trenching to determine whether the proposed works are appropriate. The Applicant confirms that the Central Compound, temporary laydown, parking and welfare areas are situated within the Order Limits and are included in the scope of the ongoing programme of archaeological trial trenching, the scope of which was agreed with the LPA heritage officers. 2. Section 3.7.3 – the Applicant notes that temporary stockpile areas are situated within the Order Limits and are therefore also included in the scope of the ongoing programme of archaeological trial trenching. The Applicant confirms that where archaeological excavation and recording is required to mitigate the impact of the works, based on the results of the trial trenching, the archaeological mitigation work will take place before the topsoil stockpile is placed in the relevant area. 3. Section 3.7.3 – the Applicant notes the comment regarding the need for fencing and signposting of any outstanding mitigation areas to ensure there is no ground disturbance which may adversely affect the archaeological remains, including plant movement or storage. The Draft DAMS provides for fencing of archaeological mitigation areas ('archaeological action areas') in section 4.6.2: the text will be updated to make clear that this provision includes any outstanding archaeological mitigation areas. 4. Section 3.9.2 – the Applicant notes the comment regarding mitigation options. The Applicant considers that the proposed mitigation option of Archaeological Excavation and Recording by means of Strip, Map and Sample is consistent with the Outline Archaeological Mitigation Strategy included at section 8.8.6 of ES Chapter 8 [AS-022] and represents a widely applied, flexible and acceptable approach that is capable of incorporating areas of more, or less, intensive excavation. The Applicant acknowledges that, subject to the results of the ongoing trial trenching programme, there may be some areas where it is possible to define areas for more targeted archaeological excavation. 5. Section 3.9.2 – the Applicant notes the comment regarding

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
			<p>archaeological mitigation techniques which would be appropriate for the most significant or complex archaeology. This section also includes a number of techniques which are not mitigation, such as Geoarchaeological/ palaeoenvironmental investigation or Trial trenching/test pits: these are prospecting or evaluation techniques. While there may be areas where trenching has yet to be undertaken that is still for evaluation purposes and the results will need to inform the appropriate level of mitigation.</p> <p>- from the Outline WSI part of the document section 4.10.6 makes reference to 'key features' (section 4.10.5) and 'selected key features/structures' (4.10.6) for hand excavation. There is no definition of what would make a 'key' feature or structure but much more significantly this implies a presumption that there are some features and structures which won't be hand excavated within the mitigation areas. This cannot and will not be agreed.</p> <p>- section 4.10.7 states that <i>an 'iterative process is intended to allow the approach to excavation sampling to be both flexible and closely targeted to address specific questions, rather than being tied to a pre-determined excavation strategy.'</i> While an iterative approach is to be embraced there is a need for establishing clear and agreed acceptable minimum requirement parameters. If agreement on what work is required is left entirely to be determined during site meetings there is a risk of multiple delays during the work programme if agreements cannot be reached or site visits are not possible due to work pressures or staff shortage.</p> <p>- section 6.4.1 states that <i>'The ACoW will inform the Contractor upon completion of fieldwork at each action area where investigations have been undertaken or where protection measures can be removed.'</i> This is unacceptable, it is the responsibility of the relevant local authority curator to sign off mitigation areas and trenches once work has been completed to a satisfactory standard.</p> <p>- under section 4.7 Interruptions and Delays, section 4.7.2 states that <i>'The mitigation works will likely extend over different seasons of the year and from time to time it may be necessary to temporarily suspend archaeological work or activities within an action area, in order to preserve archaeological remains or to prevent potential damage until conditions improve (for example, as a consequence of episodes of heavy and persistent rain or prolonged wet weather).'</i></p> <p>Leaving archaeologically sensitive sites stripped and exposed to the elements for extended periods is excessively detrimental and causes unrecorded damage and destruction to currently surviving archaeology. While long periods of wet weather cannot be predicted between the spring and the autumn most of Lincolnshire is unsuitable for archaeological fieldwork over the wet winter months. Each mitigation area will have a reasonable estimate of time for completion which will need to be accommodated within the work programme, and we would strongly push back on any proposals to open mitigation areas when we would reasonably expect seasonal wet weather before their satisfactory completion.</p>	<p>the inclusion in the mitigation strategy of evaluation techniques and confirms that these are included on a precautionary basis to ensure provision is made in the event that additional evaluation is required to inform the appropriate level of mitigation (where relevant).</p> <p>6. Section 4.10.6 – the Applicant notes that the references to 'key features' in section 4.10.5 of the draft DAMS and 'selected key features' in section 4.1.6 reflect the general approach proposed in applying the strip, map and sample option, whereby selective interventions are made to confirm the approach to be adopted across the archaeological mitigation area as a whole. Section 4.10.7 makes clear that, 'The proportion of features excavated will be determined by the significance of the remains and the requirements of the research objectives <u>set out in the SSWSI</u>' [emphasis added]. There is no presumption that there are some features and structures which will not be hand excavated within the mitigation areas.</p> <p>7. Section 4.10.7 – the Applicant welcomes the comment that 'an iterative approach is to be embraced' and acknowledges that this [requires] 'clear and agreed acceptable minimum requirement parameters'. The Applicant does not envisage 'agreement on what work is required [being] left entirely to be determined during site meetings', as the preceding sentence of 4.10.7 makes clear that the SSWSI is the controlling document in this regard: 'The proportion of features excavated will be determined by the significance of the remains and the requirements of the research objectives <u>set out in the SSWSI</u>' [emphasis added].</p> <p>8. Section 6.4.1 – the Applicant acknowledges that it is the responsibility of the relevant local authority curator to sign off mitigation areas and trenches once work has been completed to a satisfactory standard. Section 6.4.2 provides that, 'Action areas that have been completed (approved by the ACoW in consultation with the relevant local authority Archaeological Officer) will be subject to a <u>formal signing-off procedure</u> [emphasis added]. The Archaeological Contractor will submit a completion statement to the ACoW and the construction contractor. The ACoW will submit the accepted completion statement to the relevant local authority Archaeological Officer(s) for confirmation that the relevant works have been completed in compliance with the relevant SSWSI'. The text at 6.4.1 and 6.4.2 will be updated to ensure this is clear.</p> <p>9. Section 4.7.2 – the Applicant acknowledges LCC's concerns regarding the potential for damage to archaeology resulting from prolonged exposure to the elements, particularly during the winter months. The Applicant fully intends that the programming of archaeological mitigation work will take account of the prospect of seasonally poor weather to</p>

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
			<p>The twenty-two proposed mitigation areas are represented solely by location plan, the basis for their selection has not been included. While some baseline evidence such as the Desk Based Assessment has previously been submitted and there is Historic Environment background information for each of the geographical sections of the route in the document, there are no trenching results or information on why the particular areas have been chosen. The heritage consultees therefore cannot comment on whether the selected mitigation areas and their extents are appropriate. No information has been provided either of what specific mitigation proposed for each area so again the heritage consultees cannot provide informed advice.</p> <p>Given the scheme covers several districts, several archaeological curators and Historic England will need to agree these documents and the proposed mitigation areas with their proposed level of mitigation responses.</p> <p>It is to be hoped that as the SoCG progresses more structured communication will be forthcoming which will allow the heritage consultees to engage with the process as a group to allow for a more responsive and forward-moving approach.</p>	<p>minimise activities on site that could be affected by inclement conditions. The archaeological mitigation work will be programmed as part of pre-construction activities that are currently planned to start in Q4 of 2025. An overarching programme will be included in the final DAMS. The Applicant considers, however, that it is appropriate for the draft DAMS to provide for the reasonable suspension of archaeological works where site conditions dictate, whatever time of year such conditions may arise.</p> <p>10. The Applicant confirms that the 22 mitigation areas identified in Table 3-2 and Figures 1 and 2 of the draft DAMS are provisional and are based on the results of the geophysical survey [REP1-043] and the emerging trial trenching results (which have been communicated to the relevant LPA heritage officers through weekly reports provided by the Applicant's archaeological contractor) together with the baseline information included in the ES [AS-022] and its accompanying appendices 8-1 [APP-089] and 8-2 [APP-090], as stated in paragraph 3.9.4 of the draft DAMS.</p> <p>The Applicant would re-iterate that NPS EN-1 paragraph 5.9.10 sets out that the level of detail in an Environmental Statement should be proportionate to the importance of the heritage assets under consideration and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 5.9.11 sets out that desk-based assessment should be undertaken, and where such desk-based research is insufficient to properly assess the interest, a field evaluation. Paragraphs 5.9.16 - 5.9.21 of EN-1 set out a range of mitigations to be applied and that can be secured through requirements, including further investigation post-consent (and pre-construction) to identify any undiscovered heritage assets, and recording of heritage assets that may be lost (wholly or in part) as a result of the development.</p> <p>The assessment work that has been undertaken to date through desktop studies, Geophysical studies and trial trenching goes beyond what is required by NPS EN-1 and beyond that regularly undertaken for projects of this nature. It has allowed a robust and comprehensive assessment to be undertaken of the potential significance of the Proposed Development on heritage assets. Through the written scheme of investigation (secured as requirement 10 of the draft DCO) and the DAMS, the Applicant will deliver mitigation as envisaged by EN-1, protecting heritage assets where possible and suitably recording their detail where there is an unavoidable impact.</p> <p>The Applicant considers that the work undertaken to date and the mitigation proposed should be considered more than adequate to address LCC's concerns. The Examining Authority and Secretary of State can and ought to conclude that the Proposed Development would satisfy the relevant policy tests.</p>

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
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>	<p>Lincolnshire County Council:</p> <p>Regarding the updated CEMP (REP4-028 - 6.4.3.1 Environmental Statement Volume IV - Appendix 3-1 Draft CEMP - Revision D), we are pleased that Table 2: Environmental Control Plans has been amended.</p> <p>No changes have occurred in Table 3: Draft Mitigation Register (Construction Phase) therefore all other concerns remain outstanding for this document as expressed in our previous representation, response to Deadline 2 submission [REP3-035] and following ISH3 [REP4-100]:</p> <p>In the same document we are for the most part very pleased to see the commitments in Table 3: Draft Mitigation Register (Construction Phase) in terms of the Historic Environment section D (pp37-40). We are however concerned about D3 which states that <i>'Targeted archaeological monitoring would be undertaken in areas where prior archaeological evaluation indicates this approach is appropriate, and/or in areas where archaeological investigation and recording in advance of construction are not feasible due to safety or logistical considerations, or undesirable due to environmental or engineering constraints. The works contractor's preferred method of working would be controlled as necessary by the supervising archaeologist to allow archaeological recording to take place to the required standard.'</i></p> <p>Targeted archaeological monitoring is part of a suite of standard archaeological mitigation techniques which also include set piece excavation and strip map and record which needs to be undertaken in advance of the commencement of groundworks or any associated activity such as plant movement across these mitigation areas. The use of targeted archaeological monitoring should occur only where that would be a reasonable archaeological mitigation response. This will need to be informed by the results of the trial trenching and an understanding of the developmental impacts along with the above mentioned archaeological fieldwork mitigation techniques and preservation in situ areas will be deployed as part of an agreed appropriate mitigation strategy across the redline boundary.</p> <p>D2 includes the development and implementation of a detailed archaeological mitigation strategy which includes <i>'protection of remains within working areas and preservation of archaeological remains in situ.'</i></p> <p>The Draft CEMP does not include full details of the required measures for preservation in situ mitigation. The full extent of the archaeological areas must be determined and each area must be fenced off and subject to a programme of monitoring throughout the construction, operation and the decommissioning phases, and there will be no ground disturbance whatsoever which may disturb or affect the archaeological remains, including plant movement or storage. The fencing will need to remain in place and be maintained throughout the lifetime of the scheme. They need an Archaeological Clerk of Works and the management strategy for the preservation in situ areas will</p>	<p>The Applicant confirms that Table 3: Draft Mitigation Register (Construction Phase) has been updated in Revision E of the draft CEMP [REP5-067] to respond to the comments made regarding targeted archaeological monitoring (commitment D3) and the limiting of stripping (D12). Please see the Applicant's response to LCC's comments on Deadline 2 submissions [REP4-051, ref 2.2.5] and the Applicant's Comments on the Submissions made at Deadline 4 [REP5-065].</p> <p>Regarding LCC's comment on mitigation commitment D2, please see the Applicant's Comments on the Submissions made at Deadline 4 [REP5-065, ref. 2.12.5], which states: 'The Applicant's position is that there is no need for the CEMP to include 'full details of the required measures for preservation in situ mitigation' – Table 3: Draft Mitigation Register serves as a record of commitments, not a detailed specification. The draft DAMS (document reference 9.52) and OWSI, together with subsequent SSWSIs for approval by the relevant local planning authority archaeologists, will provide the necessary specifications, taking into account the results of the trial trenching. Please see the Applicant's response to LCC's comment on Deadline 2 submissions [REP4-051, ref. 2.2.4]'</p>

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
			<p>need to be included in their CEMP to ensure the protection measures stay in place throughout the development including any necessary remedial groundworks throughout the lifetime of the scheme.</p> <p><i>D12 is 'Limiting stripping for construction compounds, laydown, welfare and parking areas, haul roads and other associated works in areas where archaeology is recorded to avoid disturbance, and instead using geotextile and stone over topsoil.'</i></p> <p>Again while this is very positive as a commitment it would depend on the nature, significance and depth of archaeology whether this would be an appropriate mitigation measure, for example human skeletal remains may be found at no great depth in agricultural landscapes and they would be damaged and destroyed by this mitigation response. Again the appropriate level and type of mitigation will need to be informed by the trenching results.</p>	
2.6.3	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>	<p>Lincolnshire County Council:</p> <p>LCC has no further comments to make in respect of NPS EN-3 or on the applicant's note on policies [REP4-048]. LCC's position is as set out in Deadline 4 submission – Response to Issue Specific Hearing 3 Action Points [REP4-100].</p>	The Applicant notes this response.

Table 2-7: Q2.7 – Draft Development Consent Order

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
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>	<p>Lincolnshire County Council:</p> <p>LCC has no further comments to make at this stage and is currently seeking advice from the Highway Authority regarding the revised definition and will make any further comments, if necessary, at deadline 6.</p>	The Applicant has no further comment.
2.7.2	<p>Applicant</p> <p>All Interested Parties</p> <p>All Statutory Undertakers</p> <p>All Local Authorities</p>	<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>	<p>East Lindsey District Council:</p> <p>No comments on the proposed changes.</p>	The Applicant notes this response.
			<p>Lincolnshire County Council:</p> <p>With regards to PC004 Article 8(1) Replace "may without the consent of the street authority" with "following advance notification to the street authority, but without the need for express consent, may –". In response to Lincolnshire County Council's sustained objection. This still removes the need for consent but provides some means of managing works within the public highway across the network.</p> <p>LCC would welcome this change but also refer the ExA to our response to Q. 2.16.4 below.</p> <p>LCC does not have any comments on any other proposed changes.</p>	The Applicant's reasons for not making this change to the draft DCO are set out in its Response to Examining Authority's Proposed Schedule of Changes of the dDCO [REP5-064]. The Applicant has nothing further to add.
			<p>North East Lincolnshire Council:</p> <p>NELC do not have any concerns in this regard and find the change requests acceptable.</p>	The Applicant's reasons for not making this change to the draft DCO are set out in its Response to Examining Authority's Proposed Schedule of Changes of the dDCO [REP5-064]. The Applicant has nothing further to add.
			<p>West Lindsey District Council:</p> <p>WLDC does not have any comments on the schedule of changes to the DCO.</p>	The Applicant notes this response.
2.7.5	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>	<p>Lincolnshire County Council:</p> <p>A meeting between LCC and the applicant was held on 28 August 2024 at which the concerns of the LCC regarding the drafting of articles 39 and 40 were discussed. However, no agreement has been reached and LCC are not aware of any proposed changes to the wording of the dDCO. LCC's position on this matter therefore remains as stated in our Deadline 4 Submission – Response to Issue Specific Hearing 2 Action Points [REP4-099].</p> <p>LCC note the applicant's response [REP4-054] to LCC's oral submission at ISH2 in respect of this matter. However, LCC would point out that Teesside Net Zero example quoted does not contain a specific power in relation to trees that are subject a TPO.</p> <p>In the absence of a schedule of trees to be removed in the dDCO,</p>	The Applicant does not consider that the amendments suggested by the LCC are necessary or justified for the reasons set out in its own response to this question in the Applicant's Response to the Examining Authority's Second Written Questions [REP5-063]. The Applicant has nothing further to add.

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
			LCC consider that its concerns could be resolved if the wording of articles 39 and 40 were amended to limit the removal of trees, tree groups and hedgerows to those shown on tree and hedgerows plans in the arboricultural report and Tree and hedgerow removal beyond this would require approval.	
Requirements				
2.7.10	Applicant National Highways	Network Rail Infrastructure Limited (Network Rail) 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.	No response received from National Highways or Network Rail.	The Applicant and Network Rail have agreed a form of Protective Provisions that are now included in the draft DCO (Revision H) (document reference 2.1). The Applicant and Network Rail have agreed a broader legal agreement, which is currently going through the internal approval process of both parties prior to signature.
2.7.11	Applicant Northern Powergrid (Yorkshire) Plc (Northern Powergrid)	Northern Powergrid Again, the indication at ISH2 was that Protective Provisions had been agreed and Northern Powergrid would confirm the position. Please confirm.	No response received from Northern Powergrid.	The Applicant has nothing further to add and confirms that Protective Provisions for Northern Powergrid included within the draft DCO are in agreed form.
2.7.12	Applicant Air Products (BR) Limited	Air Products (BR) Limited 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.	No response received from Air Products (BR) Limited.	The Applicant has included Protective Provisions within the draft DCO (Revision H) (document reference 2.1) that it considers are sufficient to protect Air Products' operations. The Applicant has provided further comment on the ongoing discussions between the parties in its Response to Rule 17 letter - Statutory Undertakers and Protective Provisions (document reference 9.71).
2.7.13	Applicant Anglian Water Services Limited (Anglian Water)	Anglian Water 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.	No response received from Anglian Water.	The Applicant has nothing further to add and confirms that the Protective Provisions for Anglian Water included within the draft DCO are in agreed form.
2.7.14	Applicant DVSA	DVSA 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?	No response received from DVSA.	The Applicant notes that both parties have agreed suitable mitigation to ensure that the DVSA's operational interests will not be significantly impacted by the proposed development. Heads of Terms are agreed and a full legal agreement will be entered into in due course. The DVSA has agreed a form of section 135 consent and the Applicant understands that this is awaiting signature by the

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
				relevant party within the DVSA.
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>	<p>Cadent Gas Limited:</p> <p>The Examining Authority's (ExA) second round of questions includes question 2.7.15 directed at the Applicant and Cadent: "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?". 3. As set out in Cadent's relevant representation and written representation, Cadent will require protective provisions to be included within the DCO to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards. The current protective provisions included in the draft DCO do not afford adequate protection to Cadent. 4. Cadent has been liaising with the Applicant in relation to bespoke protective provisions in respect of Cadent's assets. Negotiations are ongoing but the protective provisions are not yet agreed, with the notable matter that is not agreed relating to the indemnity.</p>	<p>The Applicant has included Protective Provisions within the draft DCO (Revision H) (document reference 2.1) that it considers are sufficient to avoid serious detriment to Cadent's undertaking. The Applicant has provided further comment on the outstanding points between the parties in its Response to Rule 17 letter - Statutory Undertakers and Protective Provisions (document reference 9.71).</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 Provisions. The ExA awaits confirmation of this together with sight of the additions which are proposed for the dDCO.</p>	<p>Phillips 66 Limited:</p> <p>By way of an update since Deadline 4, the drafting for the suite of voluntary agreements has now been settled with the Applicant and the relevant internal approvals obtained. The agreements were entered into on or around 16 August 2024 and pursuant to the terms of the agreements the Applicant wrote to the Examining Authority on 23 August 2024 with a copy of the Protective Provisions agreed between the parties with confirmation that the same would be included into the next draft DCO to be submitted at Deadline 5.</p> <p>It has subsequently come to light that for reasons unclear the insurance level cover reflected in the Protected Provisions appended to the agreements and submitted by the Applicant to the Examining Authority under cover of email dated 23 August 2024 did not reflect the agreed level of insurance cover.</p> <p>As such, and given the importance of this point, the parties have agreed to amend the protective provisions to reflect the agreed insurance level cover by means of an amendment agreement whereupon it is intended (a) that the Applicant would provide the Examining Authority with the amended agreed form set of Protective Provisions and (b) that P66 would proceed to withdraw its objection.</p> <p>It is anticipated that the above steps will have been concluded very shortly and by Deadline 6. The Examining Authority will, however, appreciate that unless and until the amended agreed form set of Protective Provisions have been formally approved reflecting the agreed insurance level cover and the amendment agreement finalised accordingly that P66 wishes to maintain its objection to the Application on a protective basis. P66 will continue to keep the Examining Authority updated as to developments as these matters will hopefully be concluded very shortly.</p>	<p>The Applicant notes that Phillips 66 Limited withdrew its objection to the application on 11 September 2024. The Applicant is grateful to Phillips 66 Limited for its continued engagement.</p>

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
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>	<p>IOT Operators:</p> <p>With respect to questions 2.5.27 and 2.7.17 of EXQ2, we would reply as follows:</p> <p>By way of an update since Deadline 4, good progress has been made with the Applicant's team in settling the drafting for the proposed protective provisions to protect the key interests and operations of the IOT Operators and the accompanying overarching agreement which broadly regulates: (a) the exercise of the Applicant's powers; (b) the withdrawal of the IOT Operators objection; and (c) the request for the Protective Provisions to be added to the Proposed Order. At the time of writing, both the Protective Provisions and the overarching agreement are in substantially agreed form.</p> <p>Alongside working up and finalising this documentation, the IOT Operators are continuing technical discussions with the Applicant and are seeking further details to be provided by the Applicant to properly consider the interface between their pipelines and the pipeline component of the proposed development. Specifically, the IOT Operators are seeking further details to be provided by the Applicant (in summary) as to: (i) how close the proposed pipeline gets at the shortest distance from the IOT Operators lines; (ii) the distance at the minimum point between the proposed pipeline and the IOT operators lines as it is proposed to run broadly parallel to its lines; (iii) calculations to support the proposed 2 metre minimum depth beneath its pipelines; (iv) confirmation as to whether the proposed crossing will be immediately below its existing pipe supports on its lines or between pipe supports or if this cannot be confirmed then to demonstrate via calculations that the proposed depth is acceptable both to avoid ground movement; and (v) details of the proposed trenchless auger bore as it is not a technique that the IOT Operators are overly familiar with.</p> <p>Further technical discussions on the above points are currently ongoing. Subject to such further technical discussions continuing at pace, it is hoped and anticipated that the parties can then proceed to obtain the necessary internal approvals and complete the overarching agreement during the currency of the examination (by Deadline 7) whereupon it would be the intention of the IOT Operators to proceed to write to the Examining Authority to withdraw its objection to the Application.</p> <p>The Examining Authority will, however, appreciate that unless and until the necessary further technical details have been provided by the Applicant (in summary) as to the interface between the proposed development and the IOT Operators pipelines that the IOT Operators wishes to maintain its objection to the Application on a protective basis. The IOT Operators will continue to keep the Examining Authority updated as to developments as the technical discussions continue to progress.</p>	<p>The Applicant and the IOT Operators have had productive discussions on the terms of Protective Provisions and has included Protective Provisions for the IOT Operators within the draft DCO (Revision H) (document reference 2.1) as Part 12 of Schedule 9. The Applicant considers that the terms of those Protective Provisions are sufficient to avoid serious detriment to the IOT Operators' undertaking.</p> <p>The Applicant notes that there are ongoing discussions on technical matters between the parties that the Applicant does not consider need to be resolved at this stage in the development process, whilst detailed design is still to be undertaken, but acknowledges that the IOT Operators' wish to have this information before they can withdraw their objection. The Applicant is continuing to engage with the IOT Operators to seek to address their remaining concerns and allow their objection to be withdrawn.</p>

Table 2-8: Q2.8 – Ecology and Biodiversity

ExAQ2	Question to	Question	Interested Party response	Applicant's response
Ecology				
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>	<p>East Lindsey District Council:</p> <p>BNG is not yet mandatory, but will be by November 2025, which aligns with the proposed construction start date for the proposed development (late 2025). We note that the Applicant has committed to providing 10% BNG (for the permanent habitat losses at the Immingham Facility, Theddlethorpe Facility, and Block Valve Stations), which is welcomed.</p> <p>Lincolnshire County Council:</p> <p>LCC accepts that at present the delivery of BNG is not a mandatory requirement for NSIPs. However, this is expected to become mandatory from November 2025 and emerging best practice amongst most NSIP developments is to seek to deliver BNG in advance of the statutory requirement to do so.</p> <p>In addition to this, Section 4.6 of Overarching National Policy Statement for Energy (EN-1) (17 January 2024) states:</p> <p><i>“Energy NSIP proposals, whether onshore or offshore, should seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity, and the wider environment where possible.</i></p> <p><i>In England applicants for onshore elements of any development are encouraged to use the latest version of the biodiversity metric to calculate their biodiversity baseline and present planned biodiversity net gain outcomes. This calculation data should be presented in full as part of their application.”</i></p> <p>Whilst EN-1 relates to Energy, EN-4 relates to Oil and Gas pipelines and at Section 1.3 to 1.3.2 states:</p> <p>1.3 Relationship with EN-1 1.3.1</p> <p><i>This NPS is part of a suite of energy infrastructure NPSs. It should be read in conjunction with EN-1.</i></p> <p>1.3.2 This NPS does not seek to repeat the material set out in EN-1,</p>	<p>The UK Government currently proposes that delivery of 10% BNG will become a mandatory for all terrestrial infrastructure projects, or terrestrial components of projects, accepted for examination by the Planning Inspectorate through the NSIP regime by November 2025. Projects accepted for examination before the specified commencement date of November 2025 would not be required to deliver mandatory biodiversity net gain. The Proposed Development was accepted for examination on 24 November 2023, two years prior to this date.</p> <p>There is currently no proposal from Government to link the construction date of NSIPs to the mandatory delivery of BNG.</p> <p>Despite there being no mandatory requirement to deliver BNG, the Applicant has volunteered to deliver 10% BNG for losses resulting from the AGIs, which is noted to be welcomed by East Lindsey District Council.</p> <p>This commitment is secured via the oLEMP [REP5-014] and requirement 11 in the draft DCO requires that a final LEMP is developed in accordance with the oLEMP, and which will require the approval of the relevant planning authority.</p> <p>The Applicant notes this response and agrees that delivery of BNG is not a mandatory requirement for the Proposed Development.</p> <p>Despite there being no mandatory requirement to deliver BNG, the Applicant has volunteered to deliver 10% BNG for losses resulting from the AGIs and has secured this commitment via the oLEMP [REP5-014] and requirement 11 in the draft DCO requires that a final LEMP is to be developed that is substantially in accordance with the oLEMP, and which will require the approval of the relevant planning authority.</p>

ExAQ2	Question to	Question	Interested Party response	Applicant's response
			<p><i>which applies to all applications covered by this NPS unless stated otherwise.</i></p> <p>The Environment Act 2021 introduced a strengthened 'biodiversity duty' which requires all public authorities in England to consider what they can do to conserve and enhance biodiversity. LCC is of the opinion that including a Requirement for the delivery of BNG by this development is consistent with this duty.</p> <p>Natural England: As stated, BNG is not a mandatory requirement for this project. However, where the intention of the project is to follow best practise and deliver BNG, Natural England consider it appropriate to secure this via a requirement in the DCO. Without this, the overall impact on biodiversity is uncertain.</p> <p>North East Lincolnshire Council: NELC consider that BNG is not required for this project due to its exemption.</p> <p>West Lindsey District Council: WLDC does not wish to comment on this matter.</p>	<p>The Applicant notes this response and agrees that delivery of BNG is not a mandatory requirement for the Proposed Development.</p> <p>Despite there being no mandatory requirement to deliver BNG, the Applicant has volunteered to deliver 10% BNG for losses resulting from the AGIs and has secured this commitment via the oLEMP [REP5-014] and requirement 11 in the draft DCO requires that a final LEMP is to be developed that is substantially in accordance with the oLEMP, and which will require the approval of the relevant planning authority.</p> <p>The Applicant notes and agrees with this response.</p> <p>The Applicant notes this response.</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>	<p>East Lindsey District Council:</p> <p>The latest version of the OLEMP [REP4-021] now includes updated text relating to the Applicant's position on BNG, which now aligns with the Initial BNG Assessment [APP-125]. There is sufficient information within the Initial BNG Assessment [APP-125] and Draft BNG Strategy [APP-126] to give confidence that BNG can be delivered, and we would expect the production and consultation of a final Biodiversity Net Gain Assessment, based on the Initial BNG Assessment [APP-125] and Draft BNG Strategy [APP-126], to be included within the DCO Requirements to secure this.</p> <p>There remains no detail in the OLEMP regarding what would be delivered and the timescale for delivery. It would be useful for the Applicant to confirm, via updates to the Initial BNG Assessment [APP-125] and Draft BNG Strategy [APP-126], that the 30 year monitoring and maintenance period is being committed to for all habitats being put forward for BNG, and to confirm when habitats are intended to be created by during the outline construction programme.</p> <p>Lincolnshire County Council:</p> <p>The OLEMP does not provide details of calculations relating to BNG but at 1.5.41 refers to the Biodiversity Net Gain Assessment and the Biodiversity Net Gain Strategy Application Document. These documents set out the baseline biodiversity values and opportunities</p>	<p>The Applicant is proposing to deliver BNG through two approaches.</p> <p>The first approach is via the landscape planting proposed at the three Block Valve Stations. The Applicant will be responsible for maintaining the planting around these installations and can confirm that this habitat will be monitored and maintained for their entire operational duration.</p> <p>Opportunities to deliver BNG outside of these three sites will continue to be explored by the Applicant through discussions with landowners and local organisations. For example, the Applicant is in discussions with third parties including the Lincolnshire Wildlife Trust on the potential to deliver the remainder of its BNG commitment via projects that are in development by those organisations. The habitat created by the likes of the Lincolnshire Wildlife Trust would be monitored and maintained for at least a 30-year period.</p> <p>The majority of the pipeline crosses through arable land and delivering 10% net gain on this temporary habitat loss, which will be fully reinstated and back in use for arable production in less than two years, is not considered to be a proportionate response. As delivery of BNG is not mandatory for the Proposed Development, it is not possible for the Applicant to take rights</p>

ExAQ2	Question to	Question	Interested Party response	Applicant's response
			<p>to deliver BNG respectively.</p> <p>Details provided in the OLEMP only refer to the delivery of BNG at Block Valve Stations (BVSs) and at the Theddlethorpe facility. LCC remains of the opinion that the Applicant should seek to deliver BNG in association with the pipeline route as well as at BVSs and Theddlethorpe. LCC contends that this should not be particularly difficult or costly to achieve e.g. by reinstatement of hedgerows along the pipeline route in a better condition than those removed, potential for enhancing reinstated field margins and headlands by introduction of appropriate seed mixes where appropriate and/or subsoil inversion to promote the establishment of species which require nutrient poor conditions such as wildflowers.</p> <p>LCC notes the commitments made in the OLEMP and feels that the details provided relating to current commitments are broadly acceptable for this stage of the development. LCC considers that management prescriptions for habitats set out in the OLEMP are appropriate and species mixes proposed are acceptable.</p> <p>LCC notes that in several places (e.g. 1.4.9, 3.2.6, 3.3.9 and 3.4.6) reference is made to a five-year establishment and maintenance period. LCC suggests that this is amended to "30-year period" in line with the requirements for BNG and notes that commitments to undertaking Condition Assessments over a 30-year period are already referred to in 3.4.9.</p>	<p>over land compulsorily for the purpose of delivering BNG, and opportunities to deliver BNG on site, as part of a buried pipeline project, are understandably limited.</p>
			<p>North East Lincolnshire Council:</p> <p>NELC consider that the CEMP and OLEMP do not show measurable gains although 6.8 Outline Landscape and Ecological Management Plan does show landscape plans with species lists and sets out appropriate management, including methods and timelines, of created habitats, such as the grasslands and hedgerows, and a monitoring programme. The CEMP states that a 10% net gain in biodiversity would be achieved which would require numerical values to be applied and that isn't present in the submitted documents. The habitats present along the route have been mapped using Phase One which should be converted to the UKHab mapping system, and the Statutory Metric used to calculate baseline and post-construction biodiversity values as that capability now exists. That would provide the evidence that a gain and a 10% gain had been achieved or not which currently can't be ascertained from these documents. The Plan also states that where habitats are impacted, they will be returned to, at minimum, the same state and condition as they were pre-works. If it stated that an improvement in habitat type or condition would be applied postconstruction, it would suggest there would likely be a gain in biodiversity but still unmeasured. However, it is noted that this would be secured through a separate requirement within the Draft DCO which is welcomed.</p>	<p>The Applicant provided numerical values in relation to its proposals for BNG in the Initial Biodiversity Net Gain Assessment [APP-125].</p> <p>The oLEMP was updated at Deadline 4 [REP4-021] to provide greater clarity regarding the Applicant's proposals in relation to BNG. These proposals are in accordance with the Applicant's Biodiversity Net Gain Assessment [APP-125] and Biodiversity Net Gain Strategy [APP-126].</p>
			<p>West Lindsey District Council:</p> <p>WLDC has no comment on this matter.</p>	<p>The Applicant notes this response.</p>

ExAQ2	Question to	Question	Interested Party response	Applicant's response										
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>	<p>East Lindsey District Council:</p> <p>The points raised in paragraph 6.2 of the Local Impact Report [REP1-053] are "It is currently unclear as to which areas of habitat will be affected during the construction and operational phases of the project. This needs to be quantified and assessed for the whole of the pipeline route. It is also currently unclear if there will be any temporary or permanent losses of the coastal habitats east of the Theddlethorpe Facility which is located within the East Lindsey District Council area." These concerns remain, no further information updating this missing information from Section 6.7 of 6.2.6 Environmental Statement - Volume II - Chapter 6: Ecology and Biodiversity [APP-048] has been provided to date. The absence of quantitative data regarding habitat loss makes it impossible to draw a conclusion regarding the nature of effects, and the adequacy of mitigation. If such matters were unresolved by the conclusion of Examination, it would not be possible to agree with the findings of the impact assessment presented in Section 6.7 of 6.2.6 Environmental Statement - Volume II - Chapter 6: Ecology and Biodiversity [APP-048].</p>	<p>The Applicant has undertaken surveys of all of the habitats within the draft Order Limits; the Order Limits are generally 100m wide to allow for Limits of Deviation for the final pipeline route. Details of the different habitats within the Draft Order Limits are provided within the Phase 1 Habitat Assessment [APP-077]. However, the final construction corridor will be 30m wide and will not be fully defined until the detailed design stage, to allow for the avoidance of constraints such as previously unknown ground conditions. As such, any area calculations provided now would either be vastly over-estimated, if the whole 100m was assumed to be temporarily lost, or inaccurate, as the final route within the Limits of Deviation has not been defined.</p> <p>What is reported in ES Chapter 6 Ecology and Biodiversity [APP-048] is that majority of the habitats likely to be affected can, and will, be readily reinstated/reestablished in line with commitments set out in both the draft CEMP [REP5-068] and the oLEMP [REP5-014]. Several of the dominant habitat types were excluded from the assessment as they were only of negligible importance which included arable land, the dominant habitat type.</p> <p>The following habitats were considered in the assessment because they had a local or higher importance:</p> <table border="1" data-bbox="1997 993 2873 1988"> <thead> <tr> <th data-bbox="1997 993 2243 1056">Habitat Type</th> <th data-bbox="2243 993 2873 1056">Comments</th> </tr> </thead> <tbody> <tr> <td data-bbox="1997 1056 2243 1297">Open mosaic habitat on previously developed land – local importance</td> <td data-bbox="2243 1056 2873 1297">Area losses are provided with the chapter reporting that 1.1ha will be permanently lost because of the Immingham Facility.</td> </tr> <tr> <td data-bbox="1997 1297 2243 1539">Semi-natural broadleaved woodland – local importance</td> <td data-bbox="2243 1297 2873 1539">The routing of the pipeline has largely avoided areas of woodland, and where there was a larger area of woodland present (Houlton's Covert and Mayflower Woods at Immingham) effects were avoided through the commitment to trenchless techniques.</td> </tr> <tr> <td data-bbox="1997 1539 2243 1780">Broad-leaved plantation woodland – local importance</td> <td data-bbox="2243 1539 2873 1780">The routing of the pipeline has largely avoided areas of woodland. As such the magnitude of loss would be very limited and, coupled with the local importance assigned, it is not considered possible that there could be significant effects.</td> </tr> <tr> <td data-bbox="1997 1780 2243 1988">Woodpasture and parkland – county importance</td> <td data-bbox="2243 1780 2873 1988">There is only one small area of wood pasture/parkland that is affected by the Proposed Development and the veteran trees present in the pasture will be protected. As such it is not considered possible that there could be a significant</td> </tr> </tbody> </table>	Habitat Type	Comments	Open mosaic habitat on previously developed land – local importance	Area losses are provided with the chapter reporting that 1.1ha will be permanently lost because of the Immingham Facility.	Semi-natural broadleaved woodland – local importance	The routing of the pipeline has largely avoided areas of woodland, and where there was a larger area of woodland present (Houlton's Covert and Mayflower Woods at Immingham) effects were avoided through the commitment to trenchless techniques.	Broad-leaved plantation woodland – local importance	The routing of the pipeline has largely avoided areas of woodland. As such the magnitude of loss would be very limited and, coupled with the local importance assigned, it is not considered possible that there could be significant effects.	Woodpasture and parkland – county importance	There is only one small area of wood pasture/parkland that is affected by the Proposed Development and the veteran trees present in the pasture will be protected. As such it is not considered possible that there could be a significant
Habitat Type	Comments													
Open mosaic habitat on previously developed land – local importance	Area losses are provided with the chapter reporting that 1.1ha will be permanently lost because of the Immingham Facility.													
Semi-natural broadleaved woodland – local importance	The routing of the pipeline has largely avoided areas of woodland, and where there was a larger area of woodland present (Houlton's Covert and Mayflower Woods at Immingham) effects were avoided through the commitment to trenchless techniques.													
Broad-leaved plantation woodland – local importance	The routing of the pipeline has largely avoided areas of woodland. As such the magnitude of loss would be very limited and, coupled with the local importance assigned, it is not considered possible that there could be significant effects.													
Woodpasture and parkland – county importance	There is only one small area of wood pasture/parkland that is affected by the Proposed Development and the veteran trees present in the pasture will be protected. As such it is not considered possible that there could be a significant													

					effect on this habitat.
				Hedgerows – local importance	All sections of hedgerow temporarily lost will be reinstated and we anticipate an overall improvement in species diversity, based upon the commitment to hedgerow species mixes detailed in the oLEMP [REP5-014] . The quantum of loss would not change the proposed mitigation. It is not considered possible that there could be a significant effect on this habitat.
				Scattered trees – local importance	The Arboricultural Impact Assessment [APP-086] provides clear information about the trees that are at risk, and the commitments for retention. Coupled with the local importance and the commitment for two for one replanting, it is not considered possible that there could be a significant residual effect on this habitat type.
				Veteran Trees – National importance	There will be no loss of veteran trees.
				Semi-improved grassland – local importance	Areas of higher quality semi-improved grassland occur in association with Mayflower Wood as rides and glades, as well as larger stands of meadow. As the entire woodland is being crossed using HDD, these habitats will be unaffected. There will be temporary effects on a small amount of semi-improved grassland habitat in the fields east of the former Theddlethorpe Gas Terminal, however the commitment to mole ploughing for installation of an electrical cable means the grassland will be re-established in a very short timeframe.
				Running water – local and county importance	All main rivers are proposed to be crossed using trenchless techniques, with the haul road crossing on bailey bridges. Smaller watercourses and drains proposed to be crossed using open cut techniques would rapidly reestablish and it is therefore not considered possible that there could be a significant effect on this habitat type.
				Open water (ponds) – local importance	Only one open water feature would be crossed using open cut techniques, and the section affected is effectively a small ditch. As such it is not considered possible that

ExAQ2	Question to	Question	Interested Party response	Applicant's response
				<p>there could be a significant effect on this habitat type.</p> <p>Dune grassland, Dune Scrub and Open Dune – international importance</p> <p>There will be no loss of coastal habitat (Dune Grassland, Dune Scrub, Open Dune).</p> <p>Based on the above it is not considered that the quantum of temporary habitat loss needs to be accurately defined to reach the conclusions as set out in ES Chapter 6 Ecology and Biodiversity [APP-048], and in each case the quantum of loss would not alter the form of mitigation proposed.</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>	<p>Natural England:</p> <p>The Humber Estuary SSSI nationally designated site features that are affected by this proposal are the same as the internationally designated site features. Please refer to the points in the 'Internationally designated sites' section of our Deadline 4 response dated 29 July 2024 [REP4-092] for 'amber' and 'yellow' issues, that also apply to the Humber Estuary SSSI. Natural England's outstanding 'amber' concerns regarding the Humber Estuary SSSI are the same as our comments regarding the Humber Estuary SPA. This is outlined in comment NE16 in our Deadline 4 response dated 29 July 2024 [REP4-092].</p>	<p>The Applicant agrees with this response which aligns with the Applicant's response to the same question.</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> <p>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?</p>	<p>Natural England:</p> <p>Natural England understand that this article does not seek to disapply the requirement of the Wildlife and Countryside Act for statutory undertakers to seek Assent where works could impact a SSSI (section 28H). As such, any additional works to survey and investigate the land which could affect the integrity of a SSSI would still require a notice for Natural England's Assent.</p>	<p>The Applicant has no further comment.</p>

Table 2-10: Q2.10 – Flood Risk, Hydrology and Water Resources

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
Hydrology and Ground Water				
2.10.2	Environment Agency	<p>Hydrogeological Risk Assessment</p> <p>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.</p>	<p>Environment Agency:</p> <p>The Applicant has provided the Environment Agency with a revised version of document EN070008/APP/6.4.9.3 (Revision A, August 2024) and advised us that this document will be submitted into the Examination at Deadline 5. Therefore, we have already had an opportunity to review this, and we can confirm that this document includes all the information/clarity requested. Accordingly, we can confirm that there are no outstanding issues in respect of the Hydrogeological Risk Assessment, and we are satisfied that, with the implementation of all the identified mitigation measures, the risk to controlled waters is low.</p>	<p>The Applicant notes this response and has no further comments to make.</p>

Table 2-12: Q2.12 – Habitat Regulations Assessment

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
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>	<p>Natural England:</p> <p>See Annex B below which contains NE's responses to all RIES Questions.</p>	<p>Please refer to the Applicant's comments on responses to the ExA's Report on Implication European Sites (document reference 9.69).</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> <p>1) Can an AEol now be ruled out for all European sites? If not, why not?</p> <p>2) Are derogations, including compensation, necessary for any of the European sites and their qualifying features?</p> <p>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?</p>	<p>Natural England:</p> <p>1) An EAOL cannot be ruled out until: - the final details of acoustic mitigation (NE16) are provided and agreed - the final details of Natterjack Toad Mitigation are provided and agreed (NE30).</p> <p>2) Derogations & compensation are considered unlikely to be necessary. The two remaining outstanding issues are considered likely to be agreed subject to the final mitigation design.</p> <p>3) For all issues labelled 'green' and 'yellow' within our Deadline 4 response, NE are content that any required mitigation is suitably secured. The only outstanding issues are the final design of acoustic mitigation (NE16) and Natterjack toad Mitigation (NE30), this will need to be included within the CEMP, or otherwise secured within the dDCO.</p>	<p>1) Section 7.3 of the Report to Inform HRA (Revision E) (document reference 6.5) has been updated to clarify proposals in relation to acoustic fencing/location of the topsoil bund. A copy of this updated report was issued at Deadline 6.</p> <p>2) The Applicant agrees with Natural England's position on this matter, which is that as a result of the additional information provided to address the minor points that were outstanding, AEol can be ruled out. As such, no derogation under the Habitats Regulations is required.</p> <p>3) The Applicant has updated the draft CEMP (Revision F) (document reference 6.4.3.1) to include an updated measure B37 which has been reworded to match the wording submitted to Natural England on 17 September 2024 which is also included in the revised Report to Inform the HRA (Revision E) (document reference 6.5).</p> <p>The revised wording of B37 is as follows:</p> <p><i>“Core’ mitigation will be required to address potential noise and visual disturbance in areas where more than 1% of the Humber Estuary SPA / Ramsar population of curlew (wintering i.e. October to March, as per the SPA data sheet) or pink footed goose have been recorded.</i></p> <p><i>Noise fencing will be included for works within 500m of the relevant survey fields, to minimise the area of noise exposure. The relevant fields based upon pre-application surveys are survey fields 27a in FLL North and 54 in FLL South, which supported more than 1% of the Humber Estuary SPA / Ramsar population of non-breeding curlew, and survey fields 86, 92, 94, 95a, and 96a, which supported more than 1% of the Humber Estuary SPA / Ramsar population of pink-footed goose in FLL South.</i></p> <p><i>In these locations the fencing will be 2.4m high close-board acoustic fencing or an equally effective alternative, which could either include 2.4m Heras fencing with an overlapped acoustic blanket/mattress attached, or else the use of the topsoil bund itself, which would be a minimum of 2.4m high on the most appropriate edge of the working width (typically that which faces the relevant field). The indicative fence location based upon the</i></p>

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
				<p><i>surveys to inform the application are provided as Appendix I of document 6.7 Report to Inform HRA (Application Document 6.7)).</i></p> <p><i>If the topsoil bund is to be used, consideration will be given to the need for temporary acoustic fencing to be erected to screen activities to be undertaken before and after topsoil removal. This will be decided by the EcOW, based upon the timing of the works, and will use the pre-application survey data and the nearest WeBS sector data to determine the months that significant numbers of SPA species are likely to occur in proximity to the works."</i></p> <p>Measure B40 has been updated to include the following agreed wording:</p> <p><i>"Prior to the installation of the electrical cable or works to the Dune Valve habitat manipulation would be undertaken. This would involve sensitively managing the habitat along the route of the cable installation prior to works (and prior to the Natterjack Toad Breeding Season) to reduce the likelihood of Natterjack Toad using the area, but ensuring they are still able to commute across it.</i></p> <p><i>Immediately prior to installation of the electrical cable or commencement of the works on the Dune Valve the ECoW would undertake a fingertip search for natterjack toad. The habitat manipulation methods should reduce the likelihood of Natterjack Toads being present in the cable installation area, and where the fingertip search indicates no presence of Natterjack Toads, the construction work in this area (including mole ploughing) is unlikely to cause an adverse effect on the Natterjack Toad population associated with the Ramsar Designation and would remove the likelihood of committing an offence under the Habitat Regulations.</i></p> <p><i>In the unlikely event that natterjack toad is found within the works area during the fingertip search works will stop, and Natural England will be consulted for further advice and / or a licence sought, based on the most recent season of natterjack toad survey data available."</i></p>
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>	<p>Natural England:</p> <p>At the time of ISH3, there were 6 issues outstanding:</p> <ul style="list-style-type: none"> - NE3 - NE6 - NE9 - NE12 - NE16 - NE24 <p>Following review of the latest version of the HRA following ISH3, but prior to Deadline 4, only issue NE16 remained. See our D4 response</p>	<p>The Applicant has continued to work with Natural England with a view to closing out the final two 'amber' points in relation to the Report to Inform the HRA (Revision E) (document reference 6.5), these being NE16 (acoustic fencing mitigation) and NE30 (natterjack toad). Our responses to each point are provided below:</p> <p>NE16 - Please see the response provided under point 2.12.2 above.</p> <p>NE30 – Please see the response provided under point 2.12.2 above.</p>

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
			<p>for Natural England's updated position on each of these issues. Issue NE30 was also added as a result of the presence of Natterjack Toad.</p> <p>As it stands, Natural England's understanding is that there are now only two HRA issues outstanding at this stage. These were outlined as 'amber' issues in our Deadline 4 response dated 29 July 2024 [RER4-092]:</p> <ul style="list-style-type: none"> - NE16: requests further clarity on the proposed mitigation for noise and visual disturbance to nonbreeding birds within functionally linked. - NE30: requests further information on impacts to Natterjack Toad during construction. 	
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>	<p>Natural England:</p> <p>Natural England concur with para 6.2.99 of the HRA, which states that the installation of electrical cabling to the Dune Valve has the potential to kill or injure Natterjack Toads within Viking Fields associated with the Humber Estuary Ramsar designation. Thus, there is potential for an LSE without mitigation.</p> <p>The mitigation proposals outlined in HRA paragraphs 7.3.55- 57, include the installation of fencing to avoid damage to habitats likely to be used by Natterjack Toads, and a fingertip search by an ECoW immediately prior to construction.</p> <p>Natural England would advise that the installation of fencing may in itself cause harm to this species, and/or form a barrier to the movement of the species. As such, we would advise that the approach is amended to be based around a habitat manipulation approach. This would involve sensitively managing the habitat along the route of the cable installation prior to works (and prior to the Natterjack Toad Breeding Season) to reduce the likelihood of Natterjack Toad using the area, but where they are still able to commute across it. The fingertip search & presence of an ECoW would still be required.</p> <p>The habitat manipulation methods should reduce the likelihood of Natterjack Toads being present in the cable installation area. Where the fingertip search indicates no presence of Natterjack Toads, the construction work in this area (including Mole Ploughing) is unlikely to cause an adverse effect on the Natterjack Toad population associated with the Ramsar Designation, and removes the likelihood of committing an offence under the Habitat Regulations.</p> <p>Nonetheless, there still remains a possibility of Natterjack Toads being present in the cable installation area. Where the DCO specifies that works must stop should Natterjack Toad be found during the ECoW fingertip search, until such a time as a mitigation licence is agreed, NE consider an adverse effect on the Natterjack Toad population associated with the Ramsar Designation could also be ruled out. In this scenario, licencing options are available; whilst Natural England cannot advise at this stage whether any licence would be issued, should the habitat manipulation method be used, any licence should only require the relocation of Natterjack Toads out of the working</p>	<p>The Report to Inform HRA (Revision E) (document reference 6.5) has been updated to reflect Natural England's advice regarding habitat manipulation and has been submitted at Deadline 6. The new wording is the same as the wording included in revised CEMP measure B40, as set out in our response to point 2.12.2 above.</p>

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
			<p>area, with no further complex mitigation or compensation necessary.</p> <p>Natural England have been in discussion with the applicant regarding Natterjack Toads, and have been advised that further survey will also be undertaken prior to construction. This is welcomed & would be necessary to inform a licence application should this be required.</p> <p>Where this mitigation approach is adopted and included within the CEMP, Natural England would have no further concern.</p>	
2.12.5	Natural England	<p>Acoustic Fencing</p> <p>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?</p>	<p>Natural England:</p> <p>As per comment NE16 in our Deadline 4 response dated 29 July 2024 [RER4-092] we still consider this issue to be outstanding. However, based on ongoing conversations with the Applicant, we are expecting that the next iteration of the mitigation proposal will address our concerns.</p>	Section 7.3 of the Report to Inform HRA (Revision E) (document reference 6.5) has been updated to clarify proposals in relation to acoustic fencing/location of the topsoil bund.
2.12.6	Natural England	<p>Pink-footed geese</p> <p>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?</p>	<p>Natural England:</p> <p>Natural England considers that potential impacts to pink-footed geese have been sufficiently assessed in the shadow HRA [REP4-017]. We are expecting that the next iteration of the mitigation proposal will address any residual concerns.</p>	Section 7.3 of the Report to Inform HRA (Revision E) (document reference 6.5) has been updated to clarify proposals in relation to acoustic fencing/location of the topsoil bund.
2.12.7	Natural England	<p>Water Quality</p> <p>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?</p>	<p>Natural England:</p> <p>Natural England have no further concerns regarding the draft Bentonite Management Plan.</p>	The Applicant notes this response.
2.12.8	Natural England	<p>Displacement</p> <p>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.</p>	<p>Natural England:</p> <p>Natural England's concerns regarding displacement were specifically regarding curlew. As per our comment NE12 in our Deadline 4 response dated 29 July 2024 [RER4-092], we consider it would have been beneficial to have further justification around alternative land availability for curlew and potential impacts from displacement from known foraging areas, as per our original advice. However, further information on timing and duration of works has been provided. Based on the information provided, we agree with the assessment conclusion and consider this matter resolved.</p>	The Applicant notes this response.

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
2.12.9	Natural England	<p>Revised HRA</p> <p>Please state whether there are any significant concerns remaining following receipt of the revised HRA at Deadline 4 [REP4-018].</p>	<p>Natural England:</p> <p>Our advice remains the same as per our comments in our Deadline 4 response dated 29 July 2024 [RER4-092].</p>	<p>The Applicant has continued to work with Natural England with a view to closing out the final two 'amber' points in relation to the Report to Inform the HRA (Revision E) (document reference 6.5), a revised version of which has been submitted at Deadline 6. Please note that Natural England's Deadline 4 response was actually [REP4-093].</p>

Table 2-13: Q2.13 – Landscape and Visual Amenity

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
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>	<p>Natural England's Deadline 4 (D4) response sets out our position with regard to the Lincolnshire Wolds National Landscape (LWNL); we are working with the applicant on the outstanding issues regarding issues NE29b and 29c.</p> <p>The statutory purpose of the Lincolnshire Wolds National Landscape is to conserve and enhance the area's natural beauty. This is underpinned by national planning policy as set out in NPS EN-1 (see paragraph 5.10.7)</p> <p>National Policy Statement EN-1 5.10.32 states: <i>'When considering applications for development within National Parks, the Broads and AONBs the conservation and enhancement of the natural beauty should be given substantial weight by the Secretary of State in deciding on applications for development consent in these areas.'</i></p> <p>Para 5.10.7 also states: <i>'For development proposals located within designated landscapes the Secretary of State should be satisfied that measures which seek to further purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development'</i>.</p> <p>Public bodies have a duty to seek to further the statutory purposes of designation in carrying out their functions (under section 245 of the Levelling Up and Regeneration Act 2023). This duty also applies to proposals outside the designated area but impacting on its natural beauty.</p> <p>Natural England have set out in Annex C our comments regarding the Applicant's summary positions on the Lincolnshire Wolds National Landscape & highlighted relevant policy.</p> <p>Overall, Natural England's final position is pending the further information requested as detailed in our DL4 response.</p>	<p>The Applicant has continued to work with Natural England with a view to closing out remaining issues regarding the Lincolnshire Wolds National Landscape. The remaining issues are:</p> <p>NE29b</p> <p>- Ensuring the Hedgerow plan is secured & includes monitoring/remediation post-5year establishment period</p> <p>An additional commitment was added to section 3.2 of the oLEMP [REP5-014] to confirm that the detailed plan for the establishment and management of new hedgerows will also include details of the monitoring and remedial action to be taken where reinstatement is unsuccessful, including beyond the initial 5 year period. Reference has also been included to the text from ES Chapter 7 Landscape and Visual [APP-049]. A copy of the updated oLEMP [REP5-014] was provided at Deadline 5.</p> <p>- Securing Road Verge restoration</p> <p>The Applicant added the following measure to the CEMP [REP5-067]:</p> <p>C10 - All road verges within the Lincolnshire Wolds National Landscape that are temporarily impacted by the works, such as to create access points, will be sensitively restored to ensure they return to their original condition post construction. In order to ensure this, pre-construction habitat/condition surveys will be undertaken to provide a reference for reinstatement.</p> <p>- Double checking any assessment to be carried out where HDD to be used across chalk streams</p> <p>Measure E28 in the CEMP [REP5-067] was updated to confirm that ground investigation will be undertaken at all HDD chalk stream crossings. This updated CEMP was issued at Deadline 5.</p> <p>NE29c</p> <p>- Clarifications on the timing of all works within the LWNL</p> <p>The Applicant has provided Natural England with some additional indicative information for construction of section 3a of the route.</p>

ExAQ2	Question to	Question	Interested Party response	Applicant's comments																																										
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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>	<p>East Lindsey District Council:</p> <p>The landscaping strategy, planting strategy and replacement / compensatory landscape proposals set out in the OLEMP are considered adequate and fit for purpose.</p> <p>The potential requirement for future flexibility and adaptation of landscaping measures is outlined in 6.8 Outline Landscape and Ecological Management Plan – Revision B (Document Reference: EN070008/APP/6.8), section 1.1.6:</p> <p>'This Outline LEMP is a live document, the context of which will continue to be updated, refined and (where necessary) added to, based on ongoing discussions between the Applicant and statutory bodies and relevant Local Planning Authorities. It will be updated by the Applicant into a final detailed Landscape and Ecology</p>	The Applicant notes this response.
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ExAQ2	Question to	Question	Interested Party response	Applicant's comments
			Management Plan (LEMP) prior to the commencement of works in accordance with the Requirements contained in Schedule 2 of the Draft DCO (Application Document 2.1)'. Lincolnshire County Council: LCC considers the landscaping strategy, planting strategy and replacement/ compensatory landscape proposals, as set out in the OLEMP are broadly acceptable. North East Lincolnshire Council: NELC do not have any concerns in this regard. West Lindsey District Council: WLDC considers that the planting strategy and landscape proposals are satisfactory.	
				The Applicant notes this response.
				The Applicant notes this response.
				The Applicant notes this response.
2.13.3	Local authorities	Reinstatement of land and landscape 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?	East Lindsey District Council: There are no residual concerns regarding the reinstatement of land and landscape features along the pipeline construction corridor. The Draft CEMP and OLEMP provide a strategy for pre-construction, construction and post construction activity, overall construction programme, monitoring of works and the roles and responsibilities of key project members. The Final CEMP and LEMP will require approval by East Lindsey District Council prior to construction commencing and, as such, provides a mechanism to ensure proposed reinstatement measures will be undertaken in a timely and effective manner. Lincolnshire County Council: The OCEMP [REP4-027] Table 3: Draft Mitigation Register (Construction Phase) sections C Landscape and Visual and F – Agriculture and Soils provide mitigation measures for the reinstatement of land. The OLEMP at paragraph 2.2.3 provides a commitment that sections of hedgerows or trees removed during the construction stage will be reinstated in line with the guidance outlined in the Good Practice Guide, to at least a similar style and quality to those that were removed. Paragraph 4.3.1 states that all soil restoration and monitoring measures set out in the Outline Soil Management Plan (document reference 6.4.10.1) will be adhered to ensure soil restoration does not have any long term impact on the landscape. Both the LEMP and CEMP are the subject of further requirements for approval and at this stage LCC are of the opinion that they are acceptable in terms of reinstatement of land and landscape. North East Lincolnshire Council: NELC do not have any concerns in this regard.	
				The Applicant notes this response.
				The Applicant notes this response.
				The Applicant notes this response.

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
			<p>West Lindsey District Council: WLDC considers that the OCEMP and OLEMP are sufficient in relation to reinstating the landscape in a timely and effective matter.</p>	<p>The Applicant notes this response.</p>

Table 2-14: Q2.14 – Noise and Vibration

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
Noise effects				
2.14.2	Applicant East Lindsey District Council	Statement of Common Ground (SoCG) 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.	East Lindsey District Council: East Lindsey District Council have passed back to the applicant's agent a revised SoCG which it is understood they will submit at Deadline 5. However please have regard to the comments below regarding noise.	The Applicant met with East Lindsey District Council and their advisor on 11 September. It was agreed that the technical notes provided at Deadline 4 addressed all of the council's consultant advisor's queries and that all matters relating to noise could be marked as 'agreed' in the Statement of Common Ground.
2.14.3	East Lindsey District Council	Receptors and mitigation The Applicant's technical note [REP4-047] identifies significant effects at specific residential receptors and suggests mitigation measures accordingly. 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?	East Lindsey District Council: Due to the Council's consultant advisor being away due to illness we are unable to respond at this deadline. We fully expect to respond at Deadline 6 (19th September) on these matters noting the documents submitted by the Applicant at Deadline 4.	The Applicant met with East Lindsey District Council and their advisor on 11 September. It was agreed that the technical notes provided at Deadline 4 addressed all of the council's consultant advisor's queries and that all matters relating to noise could be marked as 'agreed' in the Statement of Common Ground.

Table 2-16: Q2.16 – Traffic and Transport

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
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?	<p>Lincolnshire County Council: Yes, this identifies that Thacker Bank and Thoroughfare are not suitable roads for construction. Whilst the specific mitigation (passing places) is not included in the REP3- 013, Chapter 9 states that Mitigation will be included within the CTMP (commented on below).</p> <p>North East Lincolnshire Council: NELC would like to see some further assessment following the revised Transport Assessment (TA). According to the TA, during the peak traffic month (June 2026), it shows an increase in trips as follows: 7-8am 48 two way trips previously and 76 two way from the revision 8-9am 48 two way trips previously and 72 two way from the revision 4-5pm 48 two way trips previously and 68 two way from the revision 5-6pm 48 two way trips previously and 68 two way from the revision Given these sits within the network peaks, we would like to ensure there would be no impact on the surrounding junctions as a result of this. We would therefore request that the applicants look at any junction that will be impacted by more than 30+ two-way trips and assess these as appropriate. In terms of the removal of some of the proposed accesses, the NELC welcomes this. In regard to NELC's outstanding concerns on some of the access points proposed, we have been informed by the applicants that revised plans, road safety audits and traffic management proposals will be submitted to us in due course. We must stress that NELC still have significant concerns with these at this time.</p>	<p>The Applicant notes this response.</p> <p>The Applicant responded directly to North East Lincolnshire on this point via email exchange on 4 September 2024. The same response was included in the Applicant's Comments on Submissions made at Deadline 4 [REP5-065].</p>
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.	<p>National Highways: In its Deadline 1 submission [REP1-076] National Highways' view was that the Transport Assessment could not be considered robust as it had a number of deficiencies /aspects that needed to be addressed. These are listed in the table below together with National Highways' updated position: [Note that only those matters requiring further action required are listed in full below] 5. Original concern: 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; Latest position: National Highways has been assured that all works associated with the construction and installation of the pipeline pursuant to Work No.03 and Work No.08 shall, in so far as those works cross the SRN, be carried out by trenchless methods and in</p>	<p>5. This request has been incorporated into the Protective Provisions included in Part 9 of Schedule 9 of the draft DCO (Revision H) (document reference 2.1). The following text has been included in sub-paragraph 115(3): <i>"(3) All works associated with the construction and installation of the pipeline pursuant to Work No.03 and Work No.08 shall, in so far as those works cross the strategic road network, be carried out by trenchless methods unless otherwise agreed by National Highways."</i></p>

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
			<p>accordance with National Highways requirements. Action required: This should be secured in the protective provisions.</p>	
			<p>6. Original concern: The operational phase impact should be defined; Latest position: National Highways has received a forecasted Maintenance Regime. From an initial review, the forecasted impact of the operational phase on the SRN is considered unlikely to raise any severe or unacceptable road safety concerns. Action required: National Highways request that the Maintenance Regime be presented within the TA for reference.</p>	<p>6. The maintenance regime that was provided to National Highways was included in Section 6.3 of the revised Transport Assessment (TA) [REP3-013] submitted at Deadline 3.</p>
			<p>11. Original concern: 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; Latest position: Position remains the same. Action required: The impact for the SRN should be detailed in the full Construction Traffic Management Plan (CTMP).</p>	<p>11. The Applicant considers that updated TA provides sufficient information to understand the potential impacts on the SRN, based on traffic information available at this time. If necessary, updated information will be provided in the final CTMP, upon which National Highways will be consulted by the Local Planning Authority.</p>
			<p>12. Original concern: 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; Latest position: Position remains the same. Action required: National Highways still have concerns regarding the robustness of the Transport Assessment due to the lack of assessment of the construction phase impacts on the SRN. To mitigate this concern, and to seek a pragmatic solution given the examination process was already underway, National Highways agreed with the applicant that the assessment of these impacts could be deferred to a later stage, in conjunction with CTMP review. In accordance with prevailing policies, including DfT Circular 01/22 and the NPS, National Highways requires assurance that the proposed construction phase and cumulative impacts will not lead to severe or unacceptable road safety issues on the SRN. To date this remains unknown due to the lack of assessment. With this in mind, at Deadline 4 National Highways requested an amendment to Requirement 6 so that National Highways were given an approval role in respect of the CTMP.</p>	<p>12. The Applicant considers that updated TA provides sufficient information to understand the potential impacts on the SRN, based on traffic information available at this time. If necessary, updated information will be provided in the final CTMP, upon which National Highways will be consulted by the Local Planning Authority.</p>
			<p>13. Original concern: 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; Latest position: Position remains the same. Action required: The information should be provided in the full CTMP</p>	<p>13. The Applicant submitted document 9.22 Quantitative Cumulative Assessment for Traffic and Transport, which was submitted at Deadline 2 [REP2-033]. It is not considered possible to provide any more detailed information at this stage in the development of the projects.</p>

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
			<p>14. Original concern: 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> <p>Latest position: An Outline Construction Worker Travel Plan (TP) has been prepared and reviewed by National Highways.</p> <p>Action required: The Applicant should provide a guarantee in the Construction Worker TP, secured against the DCO, to secure the minibus service to mitigate the potential impact of worker trips using private vehicles.</p>	<p>14. The Applicant has updated the oCWTP (Revision A) (document reference 9.23) to include a proposed clause to be included in the main works contract. The additional wording is as follows:</p> <p>“6.1.8 The following clause will be included in the main EPC contract. “Provision of Minibus Transportation - The Contractor shall provide a dedicated minibus transportation service for the daily conveyance of workers from designated rendezvous points in nearby centres of population (as a minimum, to be Grimsby, Louth, and Mablethorpe) to the construction site and back. This service shall operate at times that align with the need for workers to arrive at site by 7am and to leave site after 7pm. Minibus provision shall be sufficient to accommodate all workers requiring transportation. The Contractor is responsible for ensuring that the minibuses are safe, reliable, and comply with all relevant transportation regulations.”</p> <p>“6.1.9 Were the contractor not to provide this service it would be remedied by the Applicant.”</p>
2.16.3	Lincolnshire County Council	<p>Passing bay strategy and a revised Construction Traffic Management Plan</p> <p>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?</p>	<p>Lincolnshire County Council:</p> <p>Technical Notes for Passing Bays proposed on Thoroughfare and Thacker Bank were provided to LCC on 14 August.</p> <p>These are acceptable in principle, proposing passing places along the routes to accommodate the HGV traffic. The construction details of the passing places will need to be agreed with LCC prior to implementation, through the CTMP approvals.</p>	<p>The Applicant agrees that the passing places construction details will need to be approved by Lincolnshire County Council prior to implementation, and that this will be undertaken using the Lincolnshire County Council permitting system, the use of which would be secured by article 8 of the draft DCO [REP5-002] as submitted at Deadline 5.</p>
2.16.4	Applicant Lincolnshire County Council	<p>Permitting Scheme</p> <p>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.</p>	<p>Lincolnshire County Council:</p> <p>The CTMP should include reference to Permitting Scheme and suggested wording as per LCC's website.</p> <p>“Anyone who wants to carry out highways works in Lincolnshire must apply for a permit. This includes:</p> <ul style="list-style-type: none"> • utility companies (telephone, gas, electricity, water) • the council itself • anyone working on a permitted development that affects the highway <p>You must make all permit notifications via the Electronic Transfer of Notifications (EToN) system. This includes Provisional Advance Authorisations (PAAs), permit applications and variations.”</p>	<p>The Applicant amended the draft DCO [REP5-002] at Deadline 5 to include the wording agreed with Lincolnshire County Council as new article 8.</p>

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
			<p>The applicant has subsequently provided LCC with proposed draft wording to be included in the dDCO as follows:</p> <p>Draft article wording:</p> <p>New definition to be added to article 2 (interpretation): <i>“the permit scheme” means the Lincolnshire Permit Scheme for Road Works and Street Works Order 2016, which scheme is made under under Part 3 of the Traffic Management Act 2004.</i></p> <p>New article to be added as a new article 9 to Part 3 (streets) within the DCO:</p> <p>Application of the permit schemes</p> <p>9.—(1) <i>The permit scheme applies to the construction and maintenance of the authorised development and will be used by the undertaker in connection with the exercise of any powers conferred by this Part.</i></p> <p><i>(2) For the purposes of this Order—</i></p> <p><i>(a) a permit may not be refused or granted subject to conditions which relate to the imposition of moratoria; and</i></p> <p><i>(b) a permit may not be granted subject to conditions where compliance with those conditions would constitute a breach of this Order or where the undertaker would be unable to comply with those conditions pursuant to the powers conferred by this Order.</i></p> <p><i>(3) References to moratoria in paragraph (2) mean restrictions imposed under section 58 (restrictions on works following substantial road works) or section 58A (restrictions on works following substantial street works) of the 1991 Act.</i></p> <p><i>(4) Without restricting the undertaker’s recourse to any alternative appeal mechanism which may be available under the permit schemes or otherwise, the undertaker may appeal any decision to refuse to grant a permit or to grant a permit subject to conditions pursuant to the permit schemes in accordance with the mechanism set out in Part 2 of Schedule 2 (requirements) of this Order.</i></p> <p>The wording as proposed above is acceptable to LCC and this would be an acceptable way forward.</p>	
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>	<p>Lincolnshire County Council:</p> <p>LCC has not previously raised this as a concern. The dCTMP [APP-107] section 6.1 sets out details in respect of accesses that will need to be presented to local authority highways departments in order to work in partnership and lead to formal approval and this includes traffic management and is acceptable at this stage.</p>	The Applicant notes this comment.

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
2.16.7	Applicant Lincolnshire County Council	Thacker Bank With regards to questions 2.16.4 and 2.16.5 above, can the Applicant and the Council give corresponding views regarding Thacker Bank.	Lincolnshire County Council: Permitting (see Q. 2.16.4 above) is required for Thacker Bank.	<p>The Applicant agrees that the passing places construction details will need to be approved by Lincolnshire County Council prior to implementation, and that this will be undertaken using the Lincolnshire County Council permitting system, the use of which would be secured by article 8 of the draft DCO [REP5-002] as submitted at Deadline 5.</p> <p>As noted in the Applicant's response to the ExA's second written questions [REP5-063], the situation with Thacker Bank is different from the situation with Thoroughfare as it is intended that all types of construction vehicle needed to construct the pipeline will be able to travel down Thacker Bank. As such the restriction on vehicle types applied to Thoroughfare, as referenced in the response to 2.16.5 would not apply to Thacker Bank. Likewise, construction traffic using Thacker Bank will need to be able to turn off and on to Thacker Bank at access points 31-AA and 31-AB. As such the additional control measures set out in response to 2.16.6 would not apply to Thacker Bank.</p>
2.16.8	Lincolnshire County Council North East Lincolnshire Council	National Planning Policy Framework 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.	Lincolnshire County Council: No severe impacts are expected provided the mitigations in the CTMP are implemented.	The Applicant notes this response.
			North East Lincolnshire Council: NELC do not feel that we are in a position to answer this until such a time that the above detail is provided and considered accordingly.	The Applicant continues to work with North East Lincolnshire Council to try to resolve all outstanding issues. The Applicant has provided the council with updated information including Stage 1 Road Safety Audits for the four junctions previously highlighted by the council and also included a commitment in the CEMP [REP5-067] submitted at Deadline 5, to the temporary widening of the first 50m of Washingdales Lane to allow two HGVs to pass.
2.16.9	Applicant Network Rail	Impact of construction traffic on level crossings 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.	Network Rail: Network Rail confirms that there are no impacts on level crossings that cannot otherwise be adequately addressed under the protective provisions. The parties continue to engage on the protective provisions and the parties will provide an update to the Examining Authority before the close of the Examination.	<p>The Applicant understands that Network Rail Limited are agreeable to the Protective Provisions included in the draft DCO (Revision H) (document reference 2.1). The Applicant considers that these are sufficient to avoid any serious detriment to Network Rail's undertaking as a result of the exercise of the compulsory acquisition powers within the draft DCO.</p> <p>The Applicant and Network Rail have agreed a 'Framework Agreement' that governs other matters wider than the Protective Provisions and is currently going through the internal approval process of both parties prior to signature. The Applicant expects that this will be completed shortly, at which point it would expect Network Rail to withdraw its objection to the application.</p>

Table 2-17: Q2.17 – Waste and Minerals

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
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.	Environment Agency: The Environment Agency has no comments to make on the Revised ES Chapter 18 for waste, and raised no waste related issues that needed resolving.	The Applicant has no further comment.
			East Lindsey District Council: In relation to waste and minerals we would adopt the position of Lincolnshire County Council.	The Applicant has no further comment.
			Lincolnshire County Council: At this stage LCC is satisfied with the draft CEMP [REP4-027] on waste matters which covers the 'pre-construction' and 'construction' phases of the project. LCC will comment on future versions of this, and of the SWMP, when they become available. LCC remain concerned, however, at the lack of information regarding the operational and decommissioning phases of the project, and request further clarification of the quantity, type and proposed destination of any wastes arising during those phases, particularly in the event that it becomes necessary to remove the pipes. Although it is noted that, for the bulk of the pipeline, the Applicant is intending to leave the pipes in situ after decommissioning, can it be demonstrated that it wouldn't impact on the future use of the land (e.g. as farmland)?	The operation of the Proposed Development will generate very little waste which is why the impact on available landfill capacity during the operation of the Proposed Development was formally scoped out of the EIA. In the Applicant's Scoping Report, it was stated that " <i>effects associated with the operational phase are proposed to the scoped out due to the nature of the Project, and knowledge of similar Projects' limited operation material usage and waste disposal requirements</i> " a point which was accepted by the Planning Inspectorate in its Scoping Opinion. The impact on landfill capacity during decommissioning was also formally scoped out of the EIA. The reason given by the Applicant in the Scoping Report was that " <i>The Project has a long design life and such it is not considered possible to reliably forecast decommissioning requirements and infrastructure far in the future.</i> " A point which was accepted by the Planning Inspectorate in its Scoping Opinion. For decommissioning, waste will be one of the matters dealt with in the Decommissioning Environmental Management Plan, a requirement for which is secured Schedule 2 of the draft DCO (document reference 2.1).
			North East Lincolnshire Council: NELC do not have any concerns in this regard.	The Applicant has no further comment.
			West Lindsey District Council: WLDC does not have a view on this matter.	The Applicant has no further comment.

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
2.17.2	Lincolnshire County Council	<p>Revised Mitigation for JA Young Plastics</p> <p>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?</p>	<p>Lincolnshire County Council:</p> <p>LCC are satisfied that appropriate mitigation for JA Young Plastics exists and is now correctly defined within both the draft CEMP [REP4-027] and the ES Chapter 18 (Materials and Waste) [REP2-010].</p>	The Applicant has no further comment.
2.17.3	Lincolnshire County Council	<p>Waste Management</p> <p>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.</p>	<p>Lincolnshire County Council</p> <p>At this stage LCC are satisfied with the Applicant's responses [REP2-031] on the specific points raised in our LIR. However, LCC will continue to monitor, and comment on, future versions of the CEMP and SWMP when they become available.</p> <p>LCC remain concerned at the lack of information regarding the operational and decommissioning phases of the project, and request further clarification of the quantity, type and proposed destination of any wastes arising during those phases, as referred to under question 2.17.1 above.</p>	Please refer to the Applicant's comments on Lincolnshire County Council's response set out under 2.17.1 above.
2.17.4	Applicant Lincolnshire County Council North East Lincolnshire Council	<p>Revised ES Chapter 18</p> <p>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.</p>	<p>Lincolnshire County Council</p> <p>The Applicant has amended Table 18-19 (Landfill Capacity (2021) in East Midlands, Yorkshire and The Humber, and England) to address the typographical error as identified in our LIR.</p> <p>The revised ES Chapter 18 did not address the issues raised in LCC's LIR in relation to the Study Areas for waste management, the use of 2021 landfill capacity data, or information on quantities of construction waste. The Applicant however responded to these points in their Comments on Local Impact Reports [REP2-031] and we were satisfied with this response.</p> <p>Regarding the effect of the DCO on existing mineral planning permissions, LCC are currently in dialogue with the applicant with regard to the precise drafting of Article 43 in respect of the effect on adjacent land, as expressed in LCC's written summary to ISH2 [REP4-057]. LCC is broadly in agreement with Article 43 and expects that this matter can be resolved as a minor drafting matter and through the SoCG (LCC060).</p> <p>There are no other minerals/resources matters that we wish to make the ExA aware of.</p>	<p>The Applicant notes that Lincolnshire County Council is satisfied with the responses provided in its Comments on Local Impact Reports [REP2-031].</p> <p>The Applicant is unable to amend article 44 (Planning legislation) (previously article 43) to refer specifically to the existing mineral planning permissions at the former Theddlethorpe Gas Terminal. This article has wider application, for example where there is overlap between the development consent order and the planning permission for VPI's carbon capture plant near Immingham. For the reasons set out in the Applicant's response to Action Point 6 from ISH2 [REP4-060], it considers that the wording as drafted is appropriate.</p>
			<p>North East Lincolnshire Council</p> <p>NELC do not wish to raise any concerns on this matter.</p>	
2.17.6	North East Lincolnshire Council	<p>Mineral Safeguarding</p>	<p>North East Lincolnshire Council</p> <p>NELC do not have any concerns in this regard.</p>	The Applicant has no further comment.

ExAQ2	Question to	Question	Interested Party response	Applicant's comments
		<p>Having reviewed Appendix H to the Applicant's response to ExQ1 [REP1-045]:</p> <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>		

