



## Application by Associated British Ports for the Immingham Green Energy Terminal

### The Examining Authority's **DRAFT** first written questions and requests for information

Issued on Friday 12 January 2024

The Examining Authority (ExA) is providing all parties advance access to the intended list of First Written Questions and requests for information (WQ1), in order to facilitate the conduct of the Examination. WQ1 will be issued formally as soon as practicable after the close of the Preliminary Meeting, when the Examination starts. Any amendment will be limited to additional questions. Responses are due on **Wednesday 13 March 2024**, which is **Deadline 1** in the draft Examination timetable (Rule 6 letter, Annex D) [PD-005]. **Please do not submit any responses before the start of the Examination.**

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues in the Rule 6 letter, Annex C [PD-005]. The questions relate to issues as they have arisen through the review of application material, Relevant Representations, and site inspections.

Column 1 sets out the unique reference number to each question which starts with 'Q1' (indicating that it is from WQ1), followed by an issue number, a sub-heading number and a question number. When you are answering a question, please start your answer by quoting the unique reference number.

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

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

Responses are due by **Deadline 1, Wednesday 13 March 2024.**



## List of abbreviations

<b>AEoI</b>	Adverse Effect on Integrity	<b>EIA</b>	Environmental Impact Assessment
<b>ABP</b>	Associated British Ports	<b>EL</b>	Examination Library
<b>AD</b>	Associated Development	<b>EM</b>	Explanatory Memorandum
<b>AOD</b>	Above Ordnance Datum	<b>ES</b>	Environmental Statement
<b>AP</b>	Affected Persons	<b>ExA</b>	Examining Authority
<b>APCI</b>	Air Products and Chemicals Inc	<b>FRA</b>	Flood Risk Assessment
<b>ASI</b>	Accompanied Site Inspection	<b>GHG</b>	Greenhouse Gas
<b>BoR</b>	Book of Reference	<b>HDD</b>	Horizontal Directional Drilling
<b>CA</b>	Compulsory Acquisition	<b>HE</b>	Historic England
<b>CA Guidance</b>	Planning Act 2008: guidance related to procedures for the compulsory acquisition of land	<b>HGV</b>	Heavy Goods Vehicle
<b>CA Regulations</b>	The Infrastructure Planning (Compulsory Acquisition) Regulations 2010	<b>HSE</b>	Health and Safety Executive
<b>CCS</b>	Carbon Capture and Storage	<b>IERRT</b>	Immingham Eastern Ro-Ro Terminal
<b>CEMP</b>	Construction Environmental Management Plan	<b>IFAC</b>	Inshore Fisheries Conservation Authority
<b>COMAH</b>	Control of Major Accidents and Hazards	<b>IP</b>	Interested Parties
<b>dDCO</b>	Draft Development Consent Order	<b>IROPI</b>	Imperative Reasons of Overriding Public Interest
<b>DCLG</b>	Department for Communities and Local Government	<b>ISH</b>	Issue Specific Hearing
<b>EA</b>	Environment Agency	<b>LA</b>	Local Authority
		<b>LHA</b>	Local Highway Authority
		<b>LIR</b>	Local Impact Report



<b>LNG</b>	Liquified Natural Gas	<b>NSS</b>	Navigational Simulation Survey
<b>LoNI</b>	Letters of No Impediment	<b>OCEMP</b>	Outline Construction Environmental Management Plan
<b>LSE</b>	Likely Significant Effect	<b>OFH</b>	Open Floor Hearing
<b>LV</b>	Light Vehicle	<b>PA2008</b>	The Planning Act 2008
<b>LVIA</b>	Landscape and Visual Impact Assessment	<b>PPG</b>	Planning Practice Guidance
<b>m</b>	Metre	<b>R</b>	Requirement in the dDCO
<b>MoD</b>	Ministry of Defence	<b>RR</b>	Relevant Representation
<b>NE</b>	Natural England	<b>s</b>	Section of Parliamentary Legislation
<b>NELC</b>	North East Lincolnshire Council	<b>SoCG</b>	Statement of Common Ground
<b>NELDB</b>	North East Lindsey Drainage Board	<b>SAC</b>	Special Area of Conservation
<b>NH</b>	National Highways	<b>SoR</b>	Statement of Reasons
<b>No.</b>	Number	<b>SoS</b>	Secretary of State
<b>Nos.</b>	Numbers	<b>TCPA1990</b>	Town and Country Planning Act 1990 (as amended)
<b>NPPF</b>	National Planning Policy Framework	<b>TP</b>	Temporary Possession
<b>NPS</b>	National Policy Statement	<b>UKHSA</b>	UK Health Security Agency
<b>NPSfP</b>	National Policy Statement for Ports	<b>USI</b>	Unaccompanied Site Inspection
<b>NRA</b>	Navigational Risk Assessment	<b>WFD</b>	Water Framework Directive
<b>NSIP</b>	Nationally Significant Infrastructure Project	<b>WMS</b>	Written Ministerial Statement



## **Examination Library**

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



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<b>Q1.1. General and Cross-cutting</b>		
<b>Q1.1.1 General and Cross-cutting</b>		
Q1.1.1.1	Applicant Other	<b>Document Correction</b> Planning Statement Appendix D [APP-231, Page 18] (Planning History and Land Use Designations refers to the North East Lincolnshire Council (2015) Landscape Character Assessment, Sensitivity and Capacity Study. Supply this document.
Q1.1.1.2	Applicant	<b>Document Correction</b> ES [APP-181, Appendix 8.B, Paragraph 2.3.14] states that the Long Strip south of Laporte Road is not included in the site boundary. However, it is included on all the site maps. Explain or clarify or correct this document.
Q1.1.1.3	Historic England	<b>Correction</b> You have described the proposal as: “ <i>Solar photovoltaic array and electrical storage and connection infrastructure, with a generation capacity of greater than 50 MW</i> ”. Explain how this is relevant, or if it is an error correct and re-issue [RR-012].
Q1.1.1.4	Applicant	<b>Transboundary</b> Considering all aspects of the Proposed Development, would there be any issue which may affect transboundary matters or foreign countries? If so, what would be the magnitude of these impacts, and would these be adverse in nature?

<b>Q1.2. Principle of Development</b>		
<b>Q1.2.1 Need</b>		
Q1.2.1.1	Applicant	<p><b>Demand Forecasts</b></p> <p>a) Has there been any material change in the demand forecasts identified in the NPSfP (Paragraph 3.4.3) since it was designated?</p> <p>b) What effect might any changes have on the Proposed Development's need case? Explain with reasons.</p>
Q1.2.1.2	Applicant	<p><b>Capacity Generated by the Proposed Development</b></p> <p>The Planning Statement [APP-226, Paragraph 5.3.3] sets out that the liquid bulk handling capacity of the Proposed Development would be around 11 million tonnes and up to 292 vessel calls per annum. To help further contextualise the need case:</p> <p>a) How much additional liquid bulk handling capacity, in percentage terms, would the Proposed Development create at the port?</p> <p>b) How much additional liquid bulk handling capacity, in percentage terms, would the Proposed Development create within the UK?</p> <p>c) What proportion of the NPSfP demand forecast for liquid bulk handling would be met by the Proposed Development?</p> <p>d) How does the capacity of the Proposed Development compare with other UK liquid bulk handling port developments consented or planned during the NPSfP demand forecast period?</p> <p>e) What weight should be given in favour of the Proposed Development in these contexts? Explain with reasons.</p>
Q1.2.1.3	Applicant	<p><b>How Capacity Would be Used</b></p> <p>The Planning Statement [APP-226, Paragraph 5.3.5] sets out that the Proposed Development would have substantial residual capacity beyond the 12 vessel calls associated with ammonia.</p> <p>a) To what extent would the residual capacity be safeguarded for carbon dioxide?</p> <p>b) Could the residual capacity be used to serve other UK markets instead, such as the LNG market or other energy markets that might not necessarily support the UK's shift towards net zero, and would this affect how the need case should be assessed?</p>



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		c) To create certainty about how the capacity would be used to meet the UK's needs and strategic objectives, is it necessary for the dDCO to include controls to this effect? Explain with reasons.
Q1.2.1.4	Applicant	<p><b>Operational Link with Viking CCS</b></p> <p>The Planning Statement [APP-226, Paragraph 5.4.8] mentions a collaboration agreement between ABP and Harbour Energy to link the Proposed Development with Viking CCS. In the interests of establishing more certainty about how the Proposed Development would operate, can the Applicant provide more information about the collaboration agreement and link with Viking CCS?</p>
Q1.2.1.5	Applicant	<p><b>Emerging Novel Technologies</b></p> <p>NPSfP (Paragraph 3.5.1) states the decision maker should accept the need for future capacity to offer a sufficiently wide range of facilities at a variety of locations to match existing and expected trade. Should the reference to a wide range of facilities be considered to encapsulate novel technologies like hydrogen production, and consequently is there policy support for the Proposed Development in this context?</p>
Q1.2.1.6	Applicant	<p><b>Worst Case Scenario for Benefits</b></p> <p>The ES [APP-045] refers to the need for hydrogen production and CCS and the Proposed Development is designed to facilitate the import of cargo to meet this need. Should minimum volume thresholds be applied to low carbon energy cargo imports in order to establish a worst case scenario for benefits in this regard? Explain with reasons.</p>
Q1.2.1.7	Applicant	<p><b>British Energy Security Strategy</b></p> <p>The ES [APP-045, Paragraph 3.2.14 and 3.2.15] references the British Energy Security Strategy's low carbon hydrogen target and states that the Proposed Development would deliver 3% of this target. Explain how the British Energy Security Strategy defines low carbon hydrogen, and whether the hydrogen produced by the Proposed Development would be consistent with it.</p>
Q1.2.1.8	Applicant	<p><b>Quantifying the Benefits of CCS Infrastructure</b></p> <p>The ES [APP-045] claims that one benefit of the Proposed Development would be its ability to serve the needs of CCS infrastructure and contribute to the UK's net zero aims. However,</p>

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		<p>elsewhere in the ES [APP-061, Paragraphs 19.8.25] it states that these benefits are not quantifiable.</p> <p>a) Explain why the benefits associated with serving CCS are not quantifiable.</p> <p>b) Furthermore, if the benefits associated with serving CCS are not quantifiable, how can the ExA give the matter weight in its consideration of the need case?</p>
Q1.2.1.9	Applicant	<p><b>Export Markets</b></p> <p>The Planning Statement [APP-226, Paragraph 5.2.17] talks about exporting cargo.</p> <p>a) How does this fit in with your assessment of need given your justification relies on the argument that UK markets would benefit from the Proposed Development, particularly in relation to decarbonising the economy and achieving energy security?</p> <p>b) Would exports need to be controlled in order to preserve these potential benefits? Explain with reasons.</p> <p>c) What types of liquid bulk cargo would be exported and what would be their destination?</p>
Q1.2.1.10	Applicant	<p><b>Important and Relevant NPS's other than the NPSfP</b></p> <p>The ES [APP-045] identifies a number of important and relevant designated and draft NPS's other than the NPSfP in support of the Proposed Development's need case. Update your policy assessment in light of material changes, if any, to the important and relevant designated or draft NPS's and WMSs that may have emerged subsequent to the application's submission and acceptance.</p>
Q1.2.1.11	Knauf	<p><b>Net Zero Commitments</b></p> <p>Expand on your net zero scope 1 and 2 commitments [RR-015], and:</p> <p>a) Explain whether you have agreements in place to secure hydrogen from the Proposed Development.</p> <p>b) Quantify the extent that power plants at Immingham would be decarbonised.</p>
Q1.2.1.12	Tronox Pigments UK Limited	<p><b>Hydrogen Use</b></p> <p>Advise on the factors you are considering with regards hydrogen use and whether there have been any substantive discussions with the Applicant about future supply [RR-027].</p>

Q1.2.1.13	Chrysaor Production (U.K.) Limited	<p><b>Viking CCS</b></p> <p>a) Expand on how Viking CCS would harness the capacity of the Proposed Development and whether any agreements to this effect have been made or are likely in the future [RR-004].</p> <p>b) Is Viking CCS entirely reliant on the Proposed Development’s capacity for the import of carbon dioxide, or does it have other options to meet its carbon dioxide needs?</p>
<p><b>Q1.2.2 Associated Development</b></p>		
Q1.2.2.1	Applicant	<p><b>Additional Justification for the Associated Development</b></p> <p>The ExA requests additional analysis and justification for the AD, further to what has been provided in the ES [APP-043 and APP-044]. This should include, but not necessarily be limited to, the following areas:</p> <p>a) Legislative and policy basis for the AD</p> <p>b) How the AD accords with DCLG guidance on AD, in particular the criteria within Paragraphs 5 and 6. Please submit a copy of the guidance for inclusion in the Examination.</p> <p>c) Precedents, making sure to demonstrate that each precedent is sufficiently similar to the particular circumstances of this case so as to be considered important and relevant.</p>
Q1.2.2.2	Applicant	<p><b>The need for the Hydrogen Production Facility</b></p> <p>a) In relation to DCLG guidance on AD (Paragraph 5(i)), is the need for a hydrogen production facility naturally arising and strictly necessary to support the operation of the principal development?</p> <p>b) For example, the principal development’s operation involves the arrival and departure of ships, and the embarking and disembarking of ammonia cargo. Are these operations possible without the presence of a hydrogen production facility?</p> <p>c) As such, would a hydrogen production facility be an added benefit rather than a strict necessity, and should this be a factor when determining if something is considered AD or not?</p>
Q1.2.2.3	Applicant	<p><b>Whether the Hydrogen Production Facility is an Aim in Itself</b></p> <p>In relation to DCLG guidance on AD (Paragraph 5(ii)), and to help determine whether the hydrogen production facility would be an aim in itself, explain how the principal development</p>

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		would function if the hydrogen production facility fell away (whether through market forces or otherwise).
Q1.2.2.4	Applicant	<p><b>Financial Viability without Associated Development</b></p> <p>In relation to DCLG guidance on AD (Paragraph 5(iii)), would the principal development be financially viable without the hydrogen production facility being built? Explain with reasons.</p>
Q1.2.2.5	Applicant	<p><b>Proportionality of the Hydrogen Production Facility</b></p> <p>In relation to DCLG guidance on AD (Paragraph 5(iv)), it is not clear whether the hydrogen production facility would be proportionate in nature to the principal development. For example, the principal development's nature is transport focussed, that is the movement of ships and cargo. Explain how the production of hydrogen is proportionate in nature to the movement of ships and cargo.</p>
Q1.2.2.6	Applicant	<p><b>Whether the Hydrogen Production Facility is Typical</b></p> <p>a) In relation to DCLG guidance on AD (Paragraph 6), could a novel and emerging technology such as a hydrogen production facility reasonably be described as typical?</p> <p>b) Furthermore, is a hydrogen production facility strictly necessary to support the principal development, or is it desirable as an added benefit?</p>
Q1.2.2.7	Applicant	<p><b>General Scope and Application of DCLG Guidance on Associated Development</b></p> <p>a) Should the benefits be considered when assessing whether something is AD in accordance with DCLG guidance on AD?</p> <p>b) Should NPSfP and other matters of importance and relevance, which provide context about the future development needs of ports, be considered when assessing whether something is AD in accordance with DCLG guidance on AD?</p>
Q1.2.2.8	Applicant	<p><b>Illustrative Examples of Associated Development</b></p> <p>DCLG guidance on AD (Annex A) sets out illustrative examples of general types of AD, including in relation to development undertaken for the purposes of addressing impacts associated with the principal development (which is also consistent with the core principles within Paragraph 5(i)).</p>

		<p>a) Would the hydrogen production facility help address direct impacts arising from the operation of the principal development?</p> <p>b) For example, is there an inherent need to process the ammonia quickly instead of storing it or transporting for processing elsewhere?</p>
<p><b>Q1.2.3 Alternatives</b></p>		
Q1.2.3.1	Applicant	<p><b>Segregating Sites</b></p> <p>a) When considering alternatives within the ES [APP-045, Paragraph 3.8.10], did the Applicant explore opportunities to segregate parts of the Proposed Development in the interests of managing environmental impacts?</p> <p>b) For example, Paragraph 5.2.20 of the NPSfP sets out that AD does not need to be located on, or indeed, close to the port estate. As such, did the Applicant explore alternative sites for the hydrogen production facility, perhaps at a more regional level?</p> <p>c) Would this have helped avoid sensitive residential receptors and potentially the need for CA, which at least in part is being justified on safety grounds?</p>

<b>Q1.3. Climate Change</b>		
<b>Q1.3.1 Establishing the Legislative and Policy Framework</b>		
Q1.3.1.1	Applicant	<p><b>Other Important and Relevant Matters</b></p> <p>On one hand, pursuant to s104(2)(a) of the PA2008, Paragraph 4.12.3 of the NPSfP sets out that the decision maker does not need to consider the impact of a new port development on GHG emissions from ships transiting to and from the port. On the other hand, the UK has obligations under the Paris Agreement, the Climate Change Act 2008 (2050 Target Amendment) Order 2019 and associated carbon budgets that involve managing GHG emissions from shipping.</p> <p>a) Explain how the Proposed Development aligns with both areas of legislative and policy requirements.</p> <p>b) Furthermore, explain how you reconciled or prioritised any areas of conflicting legislative and policy requirements.</p>
Q1.3.1.2	Applicant	<p><b>Case Law on Downstream Effects</b></p> <p>The Judgement in Finch v Surrey County Council [2022] EWCA Civ 187 dealt with an issue under Directive 2011/92 EU of the European Parliament and of the Council and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and whether it was unlawful for the council not to require the EIA for a project of crude oil extraction for commercial purposes to include an assessment of the impacts of downstream GHG emissions resulting from the eventual use of the refined products of the extracted oil.</p> <p>a) Provide the Judgement in full for the purposes of Examination.</p> <p>b) Explain what downstream effects are, and whether they are relevant with reference to the Proposed Development.</p> <p>c) Explain whether this Judgement, or any subsequent Judgement handed down by the Supreme Court, should have a bearing on how the Proposed Development is examined.</p>
<b>Q1.3.2 Greenhouse Gas Emissions within the Supply Chain</b>		
Q1.3.2.1	Applicant	<b>Methodology Data</b>

		The ES [APP-061, Paragraph 19.4.8] sets out where GHG activity data was unavailable, assumptions and estimations have been developed. Are these assumptions based on worst case scenarios? Explain with reasons.
Q1.3.2.2	Applicant	<p><b>GHG Emissions from the Processing of Ammonia into Hydrogen</b></p> <p>The ES [APP-061, Table 19-3] cites primary emission sources as comprising GHG emissions from energy use, process operations, additional traffic, provision of potable water, and treatment of wastewater. For clarity, does this include GHG emissions derived from the processing of ammonia into hydrogen?</p>
Q1.3.2.3	Applicant	<p><b>GHG Emissions from Other Liquid Bulk Cargos</b></p> <p>a) The ES [APP-061, Table 19-3] cites primary emission sources as comprising GHG emissions from shipping associated with the import and export of ammonia and carbon dioxide.  b) Does this account for the worst case scenario on ship movements?  c) For example, if the Proposed Development dealt with liquid bulk cargoes other than ammonia and carbon dioxide, could the ships' origins and destinations be different and result in an increase in distance travelled and a subsequent increase in GHG emissions?</p>
Q1.3.2.4	Applicant	<p><b>List of Potential Origin and Destination Countries and Potential Cargo</b></p> <p>Is it possible to establish a list that defines potential origin and destination countries for all potential cargo and explain how the resultant travel distances have been factored into the GHG assessment calculations in the ES [APP-061, Table 19-20]? This would help provide more clarity on the worst case scenario for shipping GHG emissions.</p>
Q1.3.2.5	Applicant	<p><b>GHG Emissions from Beginning of Supply Chain</b></p> <p>The ES [APP-061, Table 19-3] does not include primary emission sources derived from the beginning of the supply chain. For example, the processing of ammonia in Saudi Arabia, or other such locations, before shipping to the UK.</p> <p>a) Should these primary emission sources be factored into the GHG assessment, and if not, should this be identified as a limitation in the ES [APP-061, Table 19-12]?  b) Does the processing of ammonia in Saudi Arabia, or other such locations, have low carbon certification?</p>

Q1.3.2.6	Applicant	<p><b>Certainty of Carbon Dioxide Imports</b></p> <p>The ES [APP-061, Paragraph 19.4.51(d)] establishes assumptions relating to ship sizes, imported cargo and origins but there is lack of certainty about the extent to which carbon dioxide imports would be realised. For example, the ES [APP-061, Paragraph 19.8.15] makes clear that the potential benefits of carbon dioxide imports cannot be quantified, and it is noted that additional carbon dioxide infrastructure would need to come forward under other consents before the potential benefits could be realised [APP-045, Paragraph 3.4.11].</p> <p>a) Therefore, should the worst case scenario account for the potential of other liquid bulk cargos being imported from further afield than 500 nautical miles?</p> <p>b) What effect would this have on the reliability of the GHG assessment and would the dDCO need to include limitations in this context?</p>
Q1.3.2.7	Applicant	<p><b>Future of Low Carbon Imports</b></p> <p>a) Is it possible that low carbon imports might fall away due to changes in market demand?</p> <p>b) Could the Proposed Development potentially shift to high carbon imports and would this have implications for the GHG assessment in the ES [APP-061]?</p> <p>For example, the Applicant suggests that low carbon ammonia imports would offset GHG emissions as a result of facilitating the production and use of low carbon hydrogen. Furthermore, that carbon dioxide imports would offset GHG emissions as a result of CCS.</p> <p>c) However, is it possible that the Proposed Development could import liquid bulk cargos, where the downstream effects of which might increase GHG emissions rather than offset them, and should such a scenario be accounted for in the GHG assessment?</p>
Q1.3.2.8	Applicant	<p><b>Temporal Scope of the Assessment</b></p> <p>The ES [APP-061, Paragraph 19.8.10] talks about operational GHG emissions over the Proposed Development's lifetime.</p> <p>a) Explain why the GHG assessment is limited to a 25 year period when the jetty would remain in perpetuity and be capable of facilitating ship movements, including import and export of cargo, in perpetuity.</p>



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		b) Does the GHG assessment need to differentiate between the GHG emissions associated with the permanent use of the jetty and the temporary (albeit long term) use of the ammonia storage and hydrogen production facilities?
Q1.3.2.9	Applicant	<p><b>Shipping Emission Trajectories</b></p> <p>The ES [APP-061, Paragraph 19.8.13] states that shipping emissions used in the GHG assessment have been reduced in line with committed trajectories. Is it a reasonable worst case scenario that these committed trajectories could be missed? It would be helpful to understand the implications for the GHG assessment if this were to be the case.</p>
Q1.3.2.10	Applicant	<p><b>Forthcoming Carbon Budgets</b></p> <p>The ES [APP-061, Paragraph 19.8.19 and Table 19-21] sets out carbon budget trajectories.</p> <p>a) Is the Applicant able to provide more information about how and when the seventh, eighth and ninth carbon budgets might come into legal force?</p> <p>b) Furthermore, is it possible that these carbon budget forecasts could change and become more or less restrictive?</p>
Q1.3.2.11	Applicant	<p><b>Carbon Budget Register</b></p> <p>a) Is there a register for carbon budget commitments?</p> <p>b) How is it possible to know how much of the carbon budget remains in any given period, and therefore how significant any given development is in cumulative terms?</p>
Q1.3.2.12	Applicant	<p><b>Quantifying Carbon Dioxide Import and Storage Benefits</b></p> <p>Why is the ES [APP-061] GHG assessment able to quantify the benefits of ammonia imports and associated hydrogen production but not able to quantify the benefits of carbon dioxide imports and associated CCS?</p>
Q1.3.2.13	Applicant	<p><b>Use of Renewable Energy Sources</b></p> <p>Paragraphs 4.12.7 and 4.12.8 of the NPSfP sets out that new developments should be designed with a view to fuel efficiency in the operation of buildings and maximise renewable energy sources, and where renewable energy is not planned to be used for a major port development,</p>

		the reasons should be scrutinised. Explain your approach to the use of renewables in meeting the energy demands of the Proposed Development.
<b>Q1.3.3 Hydrogen within the Supply Chain</b>		
Q1.3.3.1	Applicant	<p><b>Offsetting GHG Emissions</b></p> <p>The ES [APP-061, Table 19-3] cites primary emission sources that would be avoided or displaced through use of renewable energy systems, including hydrogen use in displacing other fuels, or offsetting.</p> <p>a) Is the hydrogen subject to a low carbon certification scheme?</p> <p>b) If not, is it reasonable to introduce a requirement into the dDCO securing compliance with a low carbon hydrogen certification scheme to create certainty about the green credentials of the Proposed Development?</p>
Q1.3.3.2	Applicant	<p><b>UK Government Low Carbon Hydrogen Certification</b></p> <p>Can the Applicant provide information on the UK Government’s commitment to launch a low carbon hydrogen certification scheme from 2025 to aid the decarbonisation of the UK economy and support the ambition to reach Net Zero by 2050?</p>
Q1.3.3.3	Applicant	<p><b>HGV Diesel Displacement or Industrial Use</b></p> <p>The ES [APP-061, Paragraph 19.4.51(i)] talks about using hydrogen in the supply chain. Are the benefits of using hydrogen to decarbonise the transport sector comparable to the benefits of using hydrogen to decarbonise the industrial sector, or would the magnitude of benefits be different?</p>
Q1.3.3.4	Applicant	<p><b>Types of Hydrogen Standards</b></p> <p>The ES [APP-061, Paragraph 19.8.14] talks about low carbon hydrogen and renewable transport fuel standards.</p> <p>a) Can the Applicant provide more detail on these standards and explain how the Proposed Development is in alignment with any established criteria?</p> <p>b) Can the Applicant also confirm whether there are any mechanisms within the dDCO to secure compliance with these standards?</p>

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Q1.3.3.5	Applicant	<p><b>Ensuring UK Benefits</b></p> <p>The ES [APP-061, Paragraph 19.8.23] states the hydrogen from the project is for distribution and use in the UK and would contribute towards the UK achieving net zero emissions by 2050.</p> <p>a) What controls are in place to ensure UK distribution and use? Is there anything preventing 100% foreign export?</p> <p>b) If foreign exports happen, how would the subsequent shipping emissions and loss of benefits to the UK factor into the GHG assessment?</p>
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Q1.4. Design		
Q1.4.1 Content of Documents		
Q1.4.1.1	Applicant	<p><b>How has Design mitigated other development effects</b></p> <p>The NPSfP (Paragraph 4.10.2) states “<i>Good design is also a means by which many policy objectives in the NPS can be met, for example the impact sections show how good design and use of appropriate technologies can help mitigate adverse impacts such as noise.</i>”</p> <p>Whilst the ES [APP-049] [APP-050] [APP-051] [APP-055] [APP-057] [APP059] states that the development has been designed to mitigate adverse impacts, it is not clear from the above documents which specific design features will be employed in each case.</p> <p>Tabulate which design features are relevant to each potential adverse impact identified and how they will assist in mitigation.</p>
Q1.4.1.2	Applicant	<p><b>Design Evolution</b></p> <p>The Design Evolution document provides limited details regarding the design development process up to the point of the submission of the application and even less information on any detailed design process post consent (should consent be granted) [APP-233]. The ExA is unclear how you have met the policy requirements in NPSfP and requires further evidence to demonstrate how you have taken into account the importance which the PA2008 places on good design.</p> <p>For this purpose, provide the following information in line with the NPSfP (Paragraphs 4.10.1 to 4.10.5). In providing your response, emphasis should be given that ultimately the SoS needs to be satisfied that the Proposed Development would deliver design outcomes that are attractive, durable and adaptable and that you have taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located).</p> <p>a) Demonstrate how the design process was conducted, the professional expertise and the local knowledge that was that was engaged in the process, and how the proposed design evolved.</p>

		<p>b) Were different designs considered for different components of the Proposed Development? Set out the reasons why you favoured the choice that you have selected, highlighting where operational, safety and security requirements influenced your decision-making.</p> <p>c) What are your overarching design principles that have driven detailed design process do far and would drive it forward during Examination and post consent (should consent be granted)?</p> <p>d) In line with NPSfP, the demonstrate how the ExA and the SoS can be satisfied that your proposed overarching design principles would deliver the following NPSfP policy requirements:</p> <ul style="list-style-type: none"> <li>• high quality and inclusive design;</li> <li>• functionality, fitness for purpose and sustainability;</li> <li>• sensitivity to place that demonstrates good design relative to existing landscape character, landform and vegetation;</li> <li>• efficient in the use of natural resources and energy used in construction and operation;</li> <li>• appearance that demonstrates good aesthetic;</li> <li>• use of appropriate technologies can help mitigate adverse impacts;</li> <li>• sustainably designed, having regard to regulatory and other constraints; and</li> <li>• taking account of natural hazards such as flooding.</li> </ul> <p>e) Set out the main stages of the remainder of the design process (marine and landside) required to fully develop the design of the Proposed Development during Examination, and post consent (should consent be granted).</p> <p>f) Explain how the principles driving the design of the Proposed Development are secured in the dDCO.</p>
Q1.4.1.3	North East Lincolnshire Council Natural England	<p><b>Design Assessment</b></p> <p>a) Do you agree with the assessments within the application [APP-226, Section 4.3] [APP-233] and are you satisfied that there is sufficient information contained within the application to secure design outcomes that would be compatible with the surrounding area should the Proposed Development be granted Development Consent?</p> <p>b) Are there Local Design Policies that would be important and relevant to the design outcomes of the Proposed Development? Explain how these have been taken into account by the Applicant in either the Design Evolution document [APP-233] or elsewhere in the Application?</p>

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		c) Applicant, may also respond.
<b>Q1.4.2 Design Details</b>		
Q1.4.2.1	Applicant	<p><b>Work No. 1</b></p> <p>The dDCO describes Work No. 1 [APP- 006, Schedule 1, Part 1, Paragraph 1] and the ES provides sections through this work [APP-014 Sheets 1 and 2]. Provide an explanation for the height requirement of the concrete beam superstructure above the concrete deck and whether this can be reduced.</p>
Q1.4.2.2	Applicant	<p><b>Work No. 2</b></p> <p>The dDCO indicates maximum heights for built elements and finished ground level [APP- 006, R4, Table 1].</p> <p>a) Given the sensitivity of Work No. 2 that runs through the existing Long Strip Woodland, explain why the maximum finished ground level is indicated as being 5m AOD and where this might occur along the length of Work No.2.</p> <p>b) Provide sections through Long Strip showing the proposed height of the jetty access road in relation to the existing features, natural and manmade. (Continuation of [APP-014 Sheet 3, Section A-A]).</p>
Q1.4.2.3	Applicant	<p><b>Access from Laporte Road</b></p> <p>Provide contextual elevations of the proposed road accesses from Laporte Road into Work Nos. 2 and 3.</p>
Q1.4.2.4	Applicant	<p><b>Temporary Construction</b></p> <p>Work Nos. 8 and 9 are identified as Temporary Construction areas [APP-044].</p> <p>a) Provide indicative plans showing the extent (area and maximum heights) of the temporary constructions in Works 8 and 9.</p> <p>b) Provide indicative temporal requirements for these elements and whether they relate to specific Work Nos.</p>
Q1.4.2.5	Applicant	<p><b>Work No. 7</b></p>

		Indicate how the Proposed Development contributes to the quality of the area, as required by NPSfP Paragraph 4.10.3, in particular (but not limited to) Work No. 7.
<b>Q1.4.3 Design Development Process</b>		
Q1.4.3.1	Applicant North East Lincolnshire Council	<p><b>Detailed Approval</b></p> <p>The dDCO requires LAs' approval for external materials to be agreed for several buildings, in R4 (1)(a)(b)(c).</p> <p>a) NELC, are you satisfied with the input required from you in R4 is limited to external materials? Or do you consider input on other matters of appearance should also be required? Explain with reasons.</p> <p>b) Applicant may also respond.</p> <p>c) Applicant, explain the process of detailed approval with reference to what has been secured through management plans and the dDCO?</p> <p>d) NELC, is the process of detailed approval with reference to what has been secured through management plans and the dDCO clear to you? And are you satisfied?</p>
Q1.4.3.2	Applicant North East Lincolnshire Council	<p><b>Design Review</b></p> <p>NPSfP (Paragraph 4.10.5) states <i>“At an early stage, applicants and the decision-maker should consider seeking professional and independent advice on what constitutes 'good design' of a proposal.”</i></p> <p>a) Applicant, confirm whether you are intending to use independent Design Review advice and/or whether you have a Design Champion on the development team.</p> <p>b) NELC, would you consider the use of independent Design Review advice to be useful? Explain with reasons.</p>

<b>Q1.5. Biodiversity</b>		
<b>Q1.5.1 General</b>		
Q1.5.1.1	Applicant	<p><b>Confidence</b></p> <p>ES chapters [APP-050], [APP-051] and [APP-052] provide tables indicating the levels of confidence that the mitigation stated would result in the residual effects shown for each pathway. Provide explanation on how the levels of the confidence in ES [APP-050] have been reached, compatible to that shown in [APP-051] and [APP-052].</p>
Q1.5.1.2	Natural England	<p><b>Spatial Scope</b></p> <p>ES [APP-052, Paragraph 10.8.5] states that the Killingholme Haven Pits Site of Special Scientific Interest (SSSI), located 6km from the site boundary, could be functionally linked to the mudflat habitat present on site with local populations of species such as Dunlin and Black-tailed Godwit potentially utilising both areas. However, it further explains that the Killingholme Haven Pits SSSI is considered too distant to be impacted directly by the Proposed Development and has been scoped out of the Ornithology Assessment.</p> <p>Does NE agree that the Proposed Development would not directly or indirectly impact the Killingholme Haven Pits Site of Special Scientific Interest (SSSI) and are they content that it has been scoped out of Assessment?</p>
Q1.5.1.3	Applicant	<p><b>Clarification of distance</b></p> <p>The ES [APP-051, Paragraph 9.8.148] refers to a distance of 1-2 m from the source of impact marine piling 1.5m diameter piles. Is this supposed to read 1-2km?</p>
<b>Q1.5.2 Marine Ecology</b>		
Q1.5.2.1	Applicant	<p><b>Responding to NE and MMO Representation</b></p> <p>NE and the MMO has raised a series of concerns relating to the impact on Marine Ecology, including, but not limited to: loss of intertidal habitat, loss of sub-tidal habitat, underwater noise, air quality, effects of dredging and piling and cumulative effects. [RR-019] [RR-016]</p> <p>Please respond to these concerns or justify in each instance why this is not necessary.</p>



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Q1.5.2.2	Applicant Marine Management Organisation	<p><b>Clarification of proposed piling times</b></p> <p>MMO provides [RR-016, Paragraph 4.4.11] a proposed condition that “No marine piling of any kind is to be carried out between the hours of 07.00 and 19.00 during winter months and from sunrise to sunset during summer months”</p> <p>a) MMO, correct these times in line with the body of your representation</p> <p>Applicant, If the hours and temporal restrictions proposed by MMO are agreed:</p> <p>b) Define the timeframes and relate them to the types and locations of piling in tabular form; and</p> <p>c) Ensure that all instances of the proposed times/months are updated in all application documents for clarity.</p>
Q1.5.2.3	Applicant Marine Management Organisation	<p><b>Use of bubble curtain</b></p> <p>MMO recommends [RR-016, paragraph 4.4.19] that the Applicant investigates the implementation of noise abatement measures such as a bubble curtain.</p> <p>a) MMO, provide the coverage referred to (relating to the South Shields Regeneration Project) to the Applicant and ExA.</p> <p>b) Applicant, If it is decided not to implement this mitigation, please provide your reasoning.</p> <p>c) Applicant, Confirm whether any other sound/vibration dampening mitigation is proposed.</p>
Q1.5.2.4	Applicant	<p><b>Cumulative effects</b></p> <p>The ES [APP-221] does not provide a comprehensive investigation into the potential cumulative effects of piling in relation to ID22 (IERRT) and does not outline how the potential impacts, with or without similar mitigations, might be measured.</p> <p>Provide a more detailed account of the potential cumulative impacts of piling, with and without the proposed mitigation, for the construction phase.</p>
Q1.5.2.5	Applicant	<p><b>Inshore Fisheries Conservation Authority</b></p> <p>MMO States [RR-016, paragraph 4.6.3] that it defers to the IFCA on matters relating to commercial fishing operations.</p> <p>Confirm whether you have undertaken separate consultation with this body and the results of any such consultation.</p>

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Q1.5.2.6	Natural England Marine Management Organisation North East Lincolnshire Council	<p><b>Mitigation</b></p> <p>Confirm that you are satisfied with the proposed mitigation measures in respect to Marine Ecology that are set out in [APP-223].</p>
Q1.5.2.7	Applicant	<p><b>Temporal Scope</b></p> <p>The Assessment in ES [APP-051, Paragraph 9.8.1] has been carried out for construction and operation and decommissioning of the Proposed Development, although no specific timescales have been set out.</p> <p>Clarify what assessment years have been used to represent the construction, operation and decommissioning phases for the terrestrial ecology assessment and explain why these years are representative of a worst-case scenario.</p>
Q1.5.2.8	Natural England Marine Management Organisation Environment Agency	<p><b>Assumptions and limitations</b></p> <p>The assumptions and limitations in ES [APP-051, Paragraph 9.4.31] relate to baseline surveys and assessment scenarios and states that the surveys used to inform the fish assessment do not overlap specifically with the site but are considered representative of the fish assemblage that could be present within the dredge footprint and surrounding local area.</p> <p>Are you satisfied that the fish survey data used to inform the baseline conditions for the fish assessment are representative of the fish assemblage present in the area?</p>
<p><b>Q1.5.3 Terrestrial Ecology</b></p>		
Q1.5.3.1	Environment Agency	<p><b>Comments on outstanding ES chapters required</b></p> <p>You state [RR-010] ES chapters on Terrestrial Ecology and the outline Landscape and Ecology Management Plan [APP-050] [APP-226] have not been reviewed. The ExA welcomes these comments.</p>
Q1.5.3.2	North East Lincolnshire Council	<p><b>Adequacy of Applicants approach to terrestrial ecology</b></p> <p>Are you content with the overall approach towards the consideration of protective species and the adequacy of the surveys that the Applicant has undertaken?</p>

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Q1.5.3.3	Applicant	<p><b>North Beck Drain</b></p> <p>The ES notes that North Beck Drain may provide a suitable foraging and resting habitat for otter [APP-050, Paragraph 8.6.24] and the same for water vole [APP-050, Paragraph 8.6.31]. Both paragraphs then state that survey was not undertaken because the drain is outside the boundary and will not be directly impacted by the Proposed Development. However, findings include several adverse impacts construction impacts and effects, ranging from negligible, minor adverse and moderate adverse [APP-060, Section 18.8.]. Explain why these impacts have not been considered in relation to the potential for protected species habitat.</p>
Q1.5.3.4	Applicant	<p><b>Temporal Scope</b></p> <p>The Assessment in ES [APP-050, Paragraph 8.8.1] has been carried out for construction, operation and decommissioning of the Proposed Development, although no specific timescales have been set out.</p> <p>Clarify what assessment years have been used to represent the construction, operation and decommissioning phases for the terrestrial ecology assessment and explain why these years are representative of a worst-case scenario.</p>
Q1.5.3.5	Natural England	<p><b>Cumulative Impacts</b></p> <p>ES [APP-221, Section 1.5] states that the terrestrial ecology assessment did not identify any impacts to receptors beyond the site boundary. Accordingly, Paragraph 1.5.1 concludes that there is no potential for the construction or operation of the Proposed Development to give rise to significant cumulative effects on terrestrial ecology receptors. Paragraph 1.5.2 states that impacts to terrestrial habitats or species from IERRT are also limited. As a result, it states that the Proposed Development would not interact cumulatively with the IEERT in respect of terrestrial ecology.</p> <p>Does NE agree that terrestrial ecology impacts are limited to within the site boundary and that the Proposed Development would not give rise to any cumulative effects on terrestrial ecology receptors with any of the other developments identified within the short list?</p>
Q1.5.3.6	North East Lincolnshire Council	<p><b>Decommissioning Proposals</b></p>

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	Natural England	ES [APP-222] provides details of the proposed decommissioning works to the landside elements. Do you agree with the proposed Mitigation Measures in respect of Table 4?
<b>Q1.5.4 Woodland</b>		
Q1.5.4.1	Applicant	<p><b>Compensatory woodland proposals – Site Selection</b></p> <p>ES [APP-224, section 4.2] provides details of the location of compensatory woodland, but this document does not provide an options appraisal that includes consideration of other potential locations for the proposed woodland, either within or outside of the Applicant’s ownership. Given that the loss of part of the Long Strip is contrary to Local Plan Policy and the chosen location for compensatory woodland is not deemed appropriate by NELC [RR-022], provide details of other sites that were considered and why they were not put forward as options.</p>
Q1.5.4.2	North East Lincolnshire Council	<p><b>Compensatory Woodland Proposals – Location</b></p> <p>You state [RR-022] that the area chosen for compensatory woodland is not considered appropriate. Expand on the reasons for this statement and provide information about other potential sites that would meet your criteria.</p>
Q1.5.4.3	North East Lincolnshire Council	<p><b>Compensatory Woodland Proposals - Species</b></p> <p>Confirm you are satisfied with the proposed numbers of trees and species mix that is proposed in ES [APP-224, section 4.2].</p>
Q1.5.4.4	Applicant	<p><b>Proposed enhancements to south section of Long Strip through IERRT</b></p> <p>ES [APP-224, section 1.1.6] notes proposed enhancements to the southern section of the Long Strip as part of the adjacent IERRT that is currently in Examination and for which you are the Applicant. In order to gain a complete understanding of the proposals for the Long Strip, provide the details of this proposed enhancement.</p> <p><i>See related question in the Cumulative Effects and In-combination Effects section.</i></p>
Q1.5.4.5	Applicant	<p><b>Lack of study on the potential impacts on the south section of Long Strip</b></p> <p>Plans show that Work Nos. 3 and 3a [APP-013] would require the loss of all existing woodland on this part of the site, generally noted as Cat B trees in the Arboricultural Impact Assessment [APP-185]. It is understood that this woodland is not protected, however it has a contiguous</p>

		<p>border with the southern section of Long Strip and its total loss may detrimentally impact species (birds, bats, invertebrates etc) that make use of the protected woodland.</p> <p>a) Provide evidence that this potential impact has been considered against the appropriate methodology.</p> <p>b) Provide details of the proposed protection measures for the TPO woodland that will be undertaken.</p> <p><i>See related question in the Cumulative Effects and In-combination Effects section.</i></p>
<b>Q1.5.5 Ornithology</b>		
Q1.5.5.1	Applicant	<p><b>Temporal Scope</b></p> <p>The Assessment in ES [APP-052, Paragraph 10.8.1] has been carried out for construction and operation and decommissioning of the Proposed Development, although no specific timescales have been set out.</p> <p>Clarify what assessment years have been used to represent the construction, operation and decommissioning phases for the terrestrial ecology assessment and explain why these years are representative of a worst-case scenario.</p>
Q1.5.5.2	Applicant	<p><b>Decommissioning</b></p> <p>The Assessment in ES [APP-052, Paragraph 10.8.1] has been carried out for construction and operation and decommissioning of the Proposed Development. ES [APP-052, Paragraph 10.10.7] states that the main elements of the marine infrastructure above and below water level would not be decommissioned as a result an assessment of decommissioning effects on both terrestrial and marine ornithology has been scoped out.</p> <p>Explain why decommissioning of the landside elements of the Proposed Development are not considered to have the potential to result in likely significant effects to either terrestrial or marine ornithology receptors?</p>

<b>Q1.6. Habitats Regulation Assessment</b>		
<b>Q1.6.1 General</b>		
Q1.6.1.1	Applicant	<p><b>Responding to NE Representation</b></p> <p>NE has raised a series of concerns relating to the assessment of European sites. [RR-019]. Respond to the issues marked as Amber and Yellow and provide a revised HRA Report that includes the additional information requested, or justify in each instance why this is not necessary.</p>
Q1.6.1.2	Applicant	<p><b>Case Law</b></p> <p>The Judgement in Case C-323/17 People Over Wind and Sweetman v Coillte Teoranta ruled that mitigation measures could not be taken into account at the screening stage of an appropriate assessment. Provide a copy of the People Over Wind and Sweetman v Coillte Teoranta judgement for the purposes of the Examination.</p>
<b>Q1.6.2 Clarification Required</b>		
Q1.6.2.1	Applicant Natural England	<p><b>Greater Wash SPA</b></p> <p>[APP-238, Table 2] concludes that the qualifying features of the Greater Wash SPA would not be relevant to the assessment, suggesting that it is outside of the scope of the HRA. However, Paragraph 3.3.3 states that Greater Wash SPA was screened out of Stage 2.</p> <p>a) Applicant - Confirm whether the Greater Wash SPA has been included in Stage 1: Screening of the HRA or whether it is outside the scope of the assessment?</p> <p>b) Natural England - Are you satisfied that the Applicant has correctly identified and assessed the relevant European sites and qualifying features /criteria in its HRA Report? Please confirm whether you consider that the Greater Wash SPA is of relevance to the assessment (to be included in Stage 1: Screening for LSE).</p>
Q1.6.2.2	Applicant	<p><b>Conservation Status of European Sites</b></p> <p>The Conservation Objectives for the sites considered for AEoI are provided in [APP-238, Table 6].</p>

		Confirm the conservation status of the European sites carried forward to stage 2.
Q1.6.2.3	Applicant	<p><b>Operational Activities</b></p> <p>[APP-238] does not provide a description of the operational activities of the Proposed Development. Explain what parameters, scenarios and assumptions underpin the assessment of the operational phase.</p>
Q1.6.2.4	Applicant	<p><b>Decommissioning effects</b></p> <p>[APP-238] does not address decommissioning. Provide the potential for LSE to arise on the designated sites resulting from the decommissioning of the Hydrogen Production Facility.</p>
<b>Q1.6.3 In-combination Assessment</b>		
Q1.6.3.1	Applicant Natural England Marine Management Organisation	<p><b>Assessment Methodology</b></p> <p>[APP-238, Paragraph 4.14.3] states that proposed plans or projects in the Humber Estuary which have the potential to cause potential cumulative/ in-combination effects with the Proposed Development are described in detail in the ES [APP-067]. [APP-238, Tables 3, 4 and 5] state that there is no potential for LSE for a number of impact pathways from the Proposed Development alone. Also, there is no evidence of any consideration in the screening assessment of the potential for LSE arising from the Proposed Development in combination with other plans and projects.</p> <p>a) Applicant – Provide a further column which considers in-combination effects for the impact pathways where no LSE are identified for the Proposed Development alone [APP-238, Tables 3, 4 and 5].</p> <p>b) NE – Aside from the concerns raised in your RR related to the screening distances applied for the in-combination assessment of underwater noise on grey seal (NE Issue 37) are you satisfied with the projects and plans that have been included within the in-combination assessment in Stage 2: Appropriate Assessment of the Shadow HRA report?</p> <p>c) MMO – Are you satisfied with the projects and plans that have been included within the in-combination assessment in Stage 2: Appropriate Assessment of the shadow HRA report, noting in particular the issue raised by NE relating to the scope of the in-combination underwater noise assessment (see NE Issue 37 in RR [RR-019])?</p>

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Q1.6.3.2	Applicant	<p><b>Grey Seal Impacts</b></p> <p>With respect to underwater noise impacts to grey seal, consider whether there are any additional plans/ projects within the boundary of the Humber Estuary SAC and Ramsar site, likely to impact the grey seal feature (noting NE’s advice that the scope of the in-combination assessment be expanded to encompass a wider screening distance for marine mammals).</p>
<p><b>Q1.6.4 Compensatory Habitat</b></p>		
Q1.6.4.1	Applicant	<p><b>Previously Consented Compensatory Habitat</b></p> <p>[APP-235, Paragraph 4.3.10] explains that the physical delivery of the compensation scheme does not form part of the Proposed Development and it has already been consented. Therefore,</p> <p>a) Explain, with examples, how the compensatory measures are providing additional habitat. b) Confirm that there is no double counting of compensatory habitat from other developments.</p>
Q1.6.4.2	Applicant	<p><b>Creation of Intertidal Habitats</b></p> <p>[APP-235] explains that the compensatory scheme was granted consent in August 2019, construction commenced in 2021, and breaching of the site is proposed for 2024 allowing inundation with seawater, expecting transition towards full intertidal habitats in 2026. This timeline would mean that that the habitat would be fully functional one year later than the commencement of the Proposed Development, as suggested in ES [APP-044, paragraph 2.4.78], which states that the construction of the jetty could start as early as early 2025. Explain how the coherence of the National Site Network would be maintained if the habitat would not be fully functional until a year after the start of construction.</p>
Q1.6.4.3	Natural England	<p><b>Compensatory Measures</b></p> <p>Does NE consider that the Applicant’s proposed compensatory measures, presented in [APP-235, Section 4], would be sufficient to deal with the scale of potential harm to European Sites?</p>
<p><b>Q1.6.5 Alternative Solutions</b></p>		
Q1.6.5.1	Applicant	<p><b>Alternative Solutions</b></p>



		<p>[APP-235] provides little context or description to the jetty design options presented.</p> <p>a) Explain what the alternative options in Table 1 comprise</p> <p>b) Explain how they compare in relation to the four factors listed at paragraph 2.6.2.</p>
<p><b>Q1.6.6 Mitigation</b></p>		
Q1.6.6.1	Applicant	<p><b>Non-Native Species</b></p> <p>The assessment of effects presented in the [APP-238, Sections 4.2 to 4.11] sets out where relevant mitigation measures are required to avoid or minimise the effects from each impact pathway included in Stage 2. Additional mitigation measures for the potential effects of the introduction and spread of non-native species during construction and operation are not proposed. However, the assessment relies on the implementation of standard best practice measures in the form of “<i>robust biosecurity management procedures</i>”. These procedures would be secured in the CEMP [APP-221], but it is not clear how they would be secured during operation.</p> <p>a) Provide a description of the relevant standard best practice measures that would be implemented to manage potential effects of the introduction and spread of non-native species on qualifying habitats during operation of the Proposed Development</p> <p>b) Identify how these measures would be secured?</p>
Q1.6.6.2	Applicant	<p><b>Benthic habitats</b></p> <p>Where the impact pathway of changes in water and sediment quality impacting on benthic habitats and species has been screened out in [APP-238, Tables 3 &amp; 5], reference has been made to “<i>established industry guidance and protocols</i>” and “<i>standard measures</i>”. However, no explicit section on mitigation measures is provided.</p> <p>a) Can Explain whether these measures have been proposed to constitute relevant mitigation? If so,</p> <p>b) Identify where these measures have been secured in the dDCO and how they would be delivered.</p> <p>c) How would any mitigation proposed be consistent with the People Over Wind and Sweetman v Coillte Teoranta (Case C-323/17) judgement.</p>

<b>Q1.7. Landscape and Visual Effect</b>		
<b>Q1.7.1 Clarification</b>		
Q1.7.1.1	Applicant	<p><b>View Directions</b></p> <p>The ES [APP-014] provides illustrative sections and elevations. The directions provided for these views are cardinal although it appears more likely, from the illustrations provided, that these will be intercardinal directions. For accuracy, update the directions or illustrations.</p>
Q1.7.1.2	Applicant	<p><b>Views Do Not Correlate</b></p> <p>The ES [APP-115, 13.8.6] shows Viewpoint 4 in summer. This is not taken from the same location as Viewpoint 4 in winter [APP-115, 13.9.6]. The winter viewpoint location is the one chosen for the photomontage [App-117] whereas it is considered that the summer viewpoint provided will more accurately show the extent of the Proposed Development in this area. Update the photomontage in relation to the summer viewpoint.</p>
<b>Q1.7.2 Assessment</b>		
Q1.7.2.1	North East Lincolnshire Council	<p><b>Assessment of Landscape and Visual Impact</b></p> <p>The ES [APP-055] provides a Table showing the Landscape Sensitivity Assessment and Tables showing the Assessment of Landscape and Seascape Effects during Construction and Operation.</p> <p>a) Do you agree with the methodology and findings of these Assessments?  b) Do the Assessments respond sufficiently to your Local Plan policies on Landscape Protection, noted in Table 13.2?</p>
Q1.7.2.2	North East Lincolnshire Council	<p><b>Assessment of Views</b></p> <p>The ES [APP-055, Table 13.4] provides assessment of the chosen viewpoints and ascribes a value.</p> <p>a) Do you agree with these assessments?  b) Are there any other near or far viewpoints that you would like to see included in the assessment?</p>

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Q1.7.2.3	East Riding of Yorkshire Council	<p><b>Assessment of Views</b></p> <p>During the USI [EV1-001] the ExA experienced the views across the Humber Estuary from the embankment adjacent to Cherry Cobb Sands Road, as indicated in [APP-115].</p> <p>a) Are you satisfied that this view is the principal view that should be assessed, and would you like to see any other views from the East Riding of Yorkshire included in the Assessment?</p> <p>b) What is your assessment of the effect of the visual impact of the Proposed Development on views across the Humber Estuary?</p>
Q1.7.2.4	Applicant North East Lincolnshire Council	<p><b>Additional photomontages</b></p> <p>The ES concludes [APP-055, Paragraph 13.8.16] that Viewpoints 2, 3 and 11 are likely to result in a significant landscape and visual impact. Photomontages have been provided for Viewpoints 2, 4 and 6</p> <p>a) Applicant – In order to consider the potentially most significant residual effects, provide photomontages for Viewpoints 3 and 11.</p> <p>b) NELC – Indicate whether there are any additional views that you consider require photomontages.</p>
<b>Q1.7.3 Appearance and Mitigation</b>		
Q1.7.3.1	Applicant	<p><b>Appearance of the Proposed Development</b></p> <p>The final scale, massing and materials of the Proposed Development have been left to a later detailed design stage, outlined in [APP-233]. In addition to the Questions in the Design section:</p> <p>a) Describe what is preventing you from providing more indicative visualisations at this stage on the potential appearance of the Proposed Development and how this would impact on the Landscape and Visual assessments made.</p> <p>b) Indicate how the in principle the final appearance of the Proposed Development could be secured within the dDCO.</p>
Q1.7.3.2	Applicant	<p><b>Appearance of Construction Compounds</b></p> <p>Application material [APP-055] [APP-233] does not provide information on the likely scale, massing, materials or longevity of construction compounds although these have the potential to impact on views for as long as they exist and should be included in the assessment. Provide</p>

		indicative information on the likely appearance of the construction compounds and a tabulated assessment of the potential impact.
Q1.7.3.3	Applicant	<p><b>Proposed Mitigation Measures</b></p> <p>The ES [APP-055, Section 13.9] states that the opportunity for mitigation is limited due to the scale of the project and that the finishes of the structures and sizes of component parts will not be finalised until after the detailed design stage, should the Proposed Development be granted Development Consent.</p> <p>a) Indicate what mitigation measures have been considered and how these might be implemented to assist in the reduction of impact.</p> <p>b) Indicate the likely finishes that might be considered and why these would be chosen to mitigate the impact of the Proposed Development.</p> <p>c) Indicate how these measures would be secured within the dDCO.</p>
Q1.7.3.4	North East Lincolnshire Council	<p><b>Mitigation</b></p> <p>Do you have any comments or views on the proposed mitigation measures outlined in ES [APP-055] and do you agree with the findings in Table 13-10?</p>
<b>Q1.7.4 Decommissioning</b>		
Q1.7.4.1	Applicant	<p><b>Decommissioning of Landside elements</b></p> <p>The ES states that the land subject to the removal of Hydrogen Production elements of the Proposed Development would be restored to a satisfactory state [APP-044, Paragraph 2.7.4] [APP-223, Paragraph 2.1.4]. Provide additional information regarding the state of the land proposed to be reinstated, and how the retained (buried) infrastructure would be made safe.</p>
Q1.7.4.2	North East Lincolnshire Council	<p><b>Decommissioning Proposals</b></p> <p>The ES [APP-223] provides details of the proposed decommissioning works to the landside elements. Do you agree with the proposed Mitigation Measures in respect of Table 6?</p>

<b>Q1.8. Flood Risk and Coastal Change</b>		
<b>Q1.8.1 Sequential Test, Flood Risk Assessment and Sustainable Drainage</b>		
Q1.8.1.1	Applicant	<p><b>Flood Defence Legal Agreement</b></p> <p>The EA [RR-010, Paragraph 4.1] sets out that the Applicant should enter into a legal agreement to ensure the flood defence impacted by the Proposed Development would be constructed and maintained to the required standard. When responding to the EA on this point, can the Applicant comment on whether such a legal agreement is necessary and otherwise meets the relevant tests, and therefore whether you intend to engage with the EA about entering into such an agreement?</p>
Q1.8.1.2	North East Lindsey Drainage Board North East Lincolnshire Council	<p><b>Ordinary Watercourses</b></p> <p>The EA [RR-010, Paragraph 10.22] comments on the adequacy of the Applicant's assessment of flood risk in relation to ordinary watercourses. NELDB and NELC comment on the positions presented by the EA and the Applicant, and present your opinion.</p>
Q1.8.1.3	Applicant	<p><b>Safe Refuge</b></p> <p>The FRA [APP-209, Section 6.6] makes provision for the safe refuge of personnel within buildings. Can the Applicant explain where personnel would seek safe refuge if they were outside and without immediate access to buildings?</p>
Q1.8.1.4	Applicant	<p><b>Work No 9 Flood Risk</b></p> <p>The ES [APP-060, Paragraph 18.6.55] identifies a small part of Work No. 9 as residing in Flood Zone 2. However, the implications of this finding are unclear and therefore it would be helpful if the Applicant could expand.</p>
Q1.8.1.5	Applicant	<p><b>Tide Locking</b></p> <p>The ES [APP-060, Paragraph 18.6.67] states that areas of the site are located directly adjacent to Habrough Marsh Drain and at residual risk of fluvial flooding during tide locking events. Can the Applicant better quantify and expand on the residual risk?</p>
Q1.8.1.6	Applicant	<p><b>Temporal Scope of Assessment</b></p>

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		The ES [APP-060 Paragraph 18.6.109] uses 75 years for its temporal scope. PPG [Paragraph: 006 Reference ID: 7-006-20220825] sets out that the lifetime of a non-residential development depends on the characteristics of that development, but a period of at least 75 years is likely to form a starting point. Where the lifetime significantly exceeds 100 years, such as some major infrastructure projects, it may be appropriate to consider a longer period. Justify why a longer period was not used in the ES [APP-060] given that the jetty infrastructure would remain in perpetuity.
Q1.8.1.7	Applicant	<p><b>Sequential Test</b></p> <p>The FRA [APP-209, Paragraph 3.2.27] states compliance with the Sequential Test is demonstrated in the Planning, Design and Access Statement. However, there is no such document title in the EL. It is presumed that the document referred to was meant to be the Planning Statement [APP-226]. Confirm and amend if necessary.</p>
Q1.8.1.8	The Environment Agency	<p><b>The Environment Agency Flood Model Updates</b></p> <p>Anglian Water Services [RR-001] notes the planned updates to the EA flood models in 2024 will include revised climate change allowances. Can the EA advise on when these updates are likely to come forward in the context of Examination and whether it is envisaged that the ES [ APP-060] would be materially affected by the changes?</p>
<b>Q1.8.2 Dredging and Physical Processes</b>		
Q1.8.2.1	Applicant	<p><b>Integrity of Sea Defences</b></p> <p>The EA [RR-010] wanted the Applicant to consider whether the changes to physical processes would have an impact on sea defences through changes to wave patterns or sedimentation. The ES [APP-058, Paragraphs 16.8.69 to 16.8.70] refers to marine infrastructure and facilities, is this inclusive of sea defences?</p>
Q1.8.2.2	Applicant	<p><b>Temporal Scope of Assessment</b></p> <p>Comment on whether the temporal scope the ES [APP-058] is sufficient to assess the permanent effects of the Proposed Development, given the jetty would remain in perpetuity and likely exceed 50 years.</p>

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Q1.8.2.3	Applicant	<p><b>Dredging Assumptions</b></p> <p>The ES [APP-058, Paragraph 16.4.6] makes assumptions about dredging, including the type of equipment and approach to it.</p> <p>a) Should the definition of what constitutes dredging be included within the dDCO?</p> <p>b) Should the specific details of dredging assumptions, such as the model of dredging vessel, need to be secured by the dDCO in order to create certainty about the conclusions within the ES [APP-058]?</p>
Q1.8.2.4	Applicant	<p><b>Alternative Uses for Dredged Material</b></p> <p>The ES [APP-058, Paragraph 16.4.6] talks about disposing of dredged material at designated disposal sites within the estuary.</p> <p>a) Has the Applicant explored the beneficial reuse of the dredged material in accordance with the NPSfP (Paragraph 5.1.25)?</p> <p>b) Would this be desirable in the context of potential contaminants within the dredged material, or in the interests of maintaining the estuary’s sediment budget?</p>
Q1.8.2.5	Applicant	<p><b>Capacity of Dredging Disposal Sites</b></p> <p>The ES [APP-058, Paragraph 16.7.2] notes standard mitigation would involve even disposal of deposition at the existing disposal sites.</p> <p>a) Do these disposal sites have a finite capacity that would affect how the Proposed Development is delivered?</p> <p>b) Is it a matter that needs to be assessed cumulatively in the context of existing and future dredging commitments?</p>
Q1.8.2.6	Applicant	<p><b>Plume Types</b></p> <p>Explain the difference between a passive plume and a dynamic plume, as referenced in the ES [APP-058, Paragraph 16.8.20].</p>
Q1.8.2.7	Applicant	<p><b>Dissipating Hydrodynamic Effects</b></p>

		In a general sense, would it be accurate to describe hydrodynamic effects identified in the ES [APP-058] as dissipating to negligible levels by the time they reach nearby receptors beyond the immediate vicinity of the Proposed Development?
Q1.8.2.8	Applicant	<p><b>Need for Maintenance Dredging</b></p> <p>The ES [APP-058] is not definitive about the need for maintenance dredging. Clarify how this has been considered when assessing the worst case scenario. In the event maintenance dredging is required, would the Proposed Development enter into, or be subject to, existing maintenance dredging regimes operating within the estuary?</p>
Q1.8.2.9	Applicant	<p><b>Important and Relevant NPS's other than the NPSfP</b></p> <p>Can the Applicant advise whether there are other important and relevant designated or draft NPS's in relation to Flood Risk and Coastal Change and whether they are satisfied that their assessment is robust in this context. For example, NPS EN-3 addresses sediment transport and other physical processes associated with the marine environment but is not covered within the ES [APP-058].</p>
<b>Q1.8.3 Climate Change Adaptation</b>		
Q1.8.3.1	Applicant	<p><b>Projection Data</b></p> <p>The ES [APP-061, Paragraph 19.4.27] states the future baseline has been established using UK Climate Projection 2018. Confirm whether your assessment uses the latest projections, including any subsequent updates to UK Climate Projection 2018 that may have occurred since your assessment was conducted.</p>
Q1.8.3.2	Applicant	<p><b>Wind and Wave Effects on Tall Structures</b></p> <p>The Scoping Opinion [APP-168, ID 3.14.2 and Page 3] refers to guidance from the EA, which advises on wind. The ES [APP-061, Paragraph 19.7.7] states the design of tall structures and jetties will be reviewed to ensure stability in stronger wind and wave actions. Provide illustrative information on the types of design solutions that might be available in this regard.</p>
Q1.8.3.3	Applicant	<p><b>Temporal Scope of the Assessment</b></p>



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		<p>The ES [APP-061, Paragraph 19.6.13] talks about design life and climate change resilience scenarios.</p> <ul style="list-style-type: none"><li>a) Given the jetty infrastructure would remain in perpetuity, are the design life assumptions sufficient and should they extend beyond 25 years?</li><li>b) In other words, is the temporal scope of the ES [APP-061] assessment sufficiently robust and based on the worst case scenario?</li></ul>
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<b>Q1.9. Water Quality and Resources</b>		
<b>Q1.9.1 Non-potable water supply</b>		
Q1.9.1.1	Applicant	<p><b>Daily Water Requirements</b></p> <p>The ES [APP-060, Paragraph 18.7.6] states <i>“The operational Project is estimated to require approximately 3,640m<sup>3</sup> /day of non-potable water”</i>. Confirm with explanation if this is the amount required once all the hydrogen production units are online, or for the first phase of operation only?</p>
Q1.9.1.2	Applicant	<p><b>Alternatives to Using Cooling Water</b></p> <p>Have process design alternatives been considered in the event sufficient non-potable water is not available for cooling purposes [APP-060, Paragraph 18.7.8]?</p>
Q1.9.1.3	Applicant	<p><b>Rainwater Harvesting</b></p> <p>The ES [APP-060, Table 18-1] states <i>“The re-use of surface water for operational use is not considered viable because it in the absence of large storage volumes, which are not possible within a limited site area, this possible source would not provide a sufficiently reliable supply”</i>. What other alternatives has the Applicant considered, such as off-site storage options, to reduce its total requirement for non-potable water from external sources.</p>
<b>Q1.9.2 Water Quality Impacts</b>		
Q1.9.2.1	Applicant	<p><b>Risk Reduction Measures</b></p> <p>The ES [APP-060, Paragraph 18.8.69] refers to impact pathways that have been assessed to have a potential impact on local water courses. Confirm with explanation if the following would be in place prior to operation commencing: tertiary containment, an interceptor and penstock valves?</p>
Q1.9.2.2	Applicant	<p><b>Discharges to Humber</b></p> <p>Confirm if there would be any controlled discharges to the Humber [APP-059, Table 17-1], either directly or via drainage channels; and if yes, would there be any testing mechanisms before allowing release?</p>

<b>Q1.9.3 Water Framework Directive (WFD)</b>		
Q1.9.3.1	Environment Agency	<p><b>WFD Compliance</b></p> <p>You have requested [RR-010] additional information/ clarification in respect of the Applicant's assessment of Water Quality [APP-209, Section 3.4].</p> <p>a) Following receipt of this, are you able to conclude your assessment on whether or not the Proposed Development will comply with the WFD?</p> <p>b) If not what additional information do you still require from the Applicant, to reach a conclusion.</p>

<b>Q1.10. Traffic and Transport</b>		
<b>Q1.10.1 Traffic Management</b>		
Q1.10.1.1	Applicant	<p><b>Impact on Laporte Road Properties</b></p> <p>Has modelling been carried out to assess the potential impacts of the proposed changes on Laporte Road such as changes to layout and speed limit [APP-016]?</p>
Q1.10.1.2	Applicant	<p><b>Explanation of Traffic Regulation Measures</b></p> <p>The ES refers to a traffic regulation measures plan [APP-018], provide further details on how this would work in practice.</p>
Q1.10.1.3	Applicant National Highways	<p><b>HGV Route Selection</b></p> <p>The Applicant has proposed a HGV route [APP-102].</p> <ol style="list-style-type: none"> <li>a) Applicant – Provide the methods and logic used to derive the proposed route, including confirmation of the starting point.</li> <li>b) NH – Are you content with the proposed route and its likely effect on the strategic road network, if not explain your reasons?</li> <li>c) Applicant - On occasions would it be necessary to deviate from the proposed route? What instances do you envisage, where this could be the case? What would be the effects, how have you assessed those effects and how would you mitigate those effects?</li> <li>d) Applicant - What management and enforcement procedures will you have in place, to ensure drivers do not use an alternative route, other than when there is a legitimate reason for doing so.</li> </ol>
Q1.10.1.4	Applicant	<p><b>Traffic Plan</b></p> <p>In response to NH [RR-18], explain:</p> <ol style="list-style-type: none"> <li>a) Do you intend to prepare a traffic plan (TP) for the operational stage of the Proposed Development?</li> <li>b) If not explain how you would manage traffic impacts and ensure accessibility to local sites is maintained?</li> </ol>

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Q1.10.1.5	Applicant	<p><b>Addressing Actions Following Meetings with Partners/ Specialists</b></p> <p>How will any recommendations proposed at the planned liaison meetings [APP-224, section 6.1] with interested parties such as NH be taken into consideration and acted upon?</p>
Q1.10.1.6	National Highways	<p><b>Site Access</b></p> <p>The dDCO [APP- 006, Schedule 1, Part 1, Paragraph 7(j)] states that there are two proposed road access points from Kings Road and two proposed road access points from the A1173. Does NH have any concerns with regards to the site being directly accessible from the A1173?</p>
<p><b>Q1.10.2 Cumulative Effects</b></p>		
Q1.10.2.1	Applicant National Highways North East Lincolnshire Council	<p><b>Impact Assessment</b></p> <p>a) NH/ NELC – The ES [APP-190, Table 17, link No.3] states an increase in traffic of 21%; do you agree with this conclusion?</p> <p>b) Provide your assessment of the severity of the increase in traffic.</p> <p>c) Applicant – Has a worst case scenario for traffic impacts, which includes the port being utilised at full capacity, been carried out?</p>

<b>Q1.11. Marine Movement and Operational Safety</b>		
<b>Q1.11.1 Overall Assessment Approach</b>		
Q1.11.1.1	Applicant	<p><b>Navigational Simulation Survey Basis for Assessment</b></p> <p>The NSS [APP-192] states that the development in Section 1 comprises the provision of two new jetties. Furthermore, Section 2.1 identifies that the NSS models two design options, neither of which comprise the Proposed Development. Clarify what has been assessed in the NSS, and, if this is different from the Proposed Development, explain why it provides a robust basis on which to consider the effects of the Proposed Development.</p>
Q1.11.1.2	Applicant	<p><b>Assessment of Final Design</b></p> <p>The ES states [APP-054, Table 12-1, p12-5] <i>“Subsequent to completing the simulation study, the final Project design was reviewed by HR Wallingford and it was confirmed that the conclusions for the simulation (in respect of the layout option in line with the IOT) were applicable to the final design.”</i> Identify where the evidence to support this statement is provided.</p>
Q1.11.1.3	Applicant	<p><b>Modelling</b></p> <p>The NSS [APP-192, Paragraph 3.1] implies that further modelling is needed once the basis for operations is confirmed and that the vessels which will routinely visit the IGET are identified.</p> <p>a) Clarify what exactly has been modelled and how this compares to the ships that would visit IGET.</p> <p>b) Is any further modelling work required? If so, what and when will this be undertaken.</p>
Q1.11.1.4	Applicant	<p><b>Additional Survey Work</b></p> <p>The NSS [APP-192, Paragraph 5.1] refers to an additional two studies that should be carried out, firstly an analysis of the risk associated with an accidental gaseous discharge and the associated vapour cloud, and secondly a passing ship study considering the safe passing distance from the berths to minimise any interaction that may cause disruption of moored ships. Have these studies been carried out and submitted as part of the application? If not, explain why not and when these will be undertaken.</p>
Q1.11.1.5	Applicant	<p><b>Humber Passage Plan</b></p>

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	Harbour Master	Is there a need, as a result of the Proposed Development, to amend the Humber Passage Plan. If so, who would be responsible for this and when would it be undertaken.
Q1.11.1.6	Harbour Master Maritime Coastguard Agency	<b>Applicant's Overall Approach</b> Are you content with the Applicant's NRA [APP-191]? Are you satisfied the correct methodology and approach has been used and that the proposed mitigation is adequately secured in the dDCO. If not, explain what additional information is required.
<b>Q1.11.2 Vessel Movements</b>		
Q1.11.2.1	Applicant	<b>Vessel Movements</b> The ES [APP-044, Paragraph 2.6.2] identifies that the Terminal would be able to accommodate up to 292 vessel calls per year, with up to 12 of these calls associated with the hydrogen production facility. The vessels which make up the remaining 280 calls to the Terminal are expected to serve the future CCS market and other liquid bulk energy product markets. Please confirm:  a) What level of ship movements have been assessed/modelled within the NRA and the ES? Is it only 12 movements associated with the import of ammonia, or have all potential movements been considered. If so, provide justification. b) In relation to the 280 ships not associated with the hydrogen production facility, what assumptions have been made around the type and size of these ships. c) Are any specific other measures required to accommodate the 280 vessels and their potential cargo? Has everything that will be required been included within the application (both marine and landside), assessed in the ES and contained within the Order Limits?
Q1.11.2.2	Applicant Harbour Master	<b>Marine Congestion</b> Are there any economic implications on existing ports as a result of the implementation of navigation controls and any subsequent marine congestion within the estuary.
Q1.11.2.3	Applicant Harbour Master	<b>Operation Requirements</b> a) Are there any operation implications on existing ports as a result of the Proposed Development?

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		b) Is there sufficient capacity in terms of tugboats to adequately service the proposed IGET arrivals and departures?
Q1.11.2.4	Harbour Master Maritime Coastguard Agency	<b>Altered Speed Limits</b> Considering the Applicant's proposed extension of the 5-knot limit when ships are berthed, does this have any implications for wider passing traffic.
Q1.11.2.5	Applicant Harbour Master The IOT Operators	<b>Departure Procedures</b> Explain what the process would be to regards to preventing concurrent departures from IOT and IGET.
Q1.11.2.6	Harbour Master	<b>Overall Shipping Movements</b> In terms of daily shipping movements, what number of commercial shipping movements do you consider the Humber can accommodate safely and efficiently. How do current shipping movements compare with that capacity number? What is the effect of the proposed development upon this capacity?
<b>Q1.11.3 Operational Safety</b>		
Q1.11.3.1	Applicant	<b>Safe Passage of Vessels</b> The NSS [APP-192, Page 37] identifies that "The wider approach lane may make it more difficult for other vessels to pass.....During the simulation run debrief discussions, the pilots considered that most vessels on the river could safely coordinate to pass in the same manner as with the existing situation." Clarify this statement as the inclusion of the word most seems to imply that there may be some existing vessels that may not be able to safely pass.
Q1.11.3.2	Harbour Master Maritime Coastguard Agency	<b>Roles and Responsibilities</b> In relation to the existing operations on the Humber Estuary, please set out your roles and responsibilities. How would these roles and responsibilities change once the Proposed Development is operational?
Q1.11.3.3	Harbour Master Maritime Coastguard Agency	<b>Risk Reduction</b>



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		<p>Are you satisfied that the Proposed Development, subject to implementation of management plans and the level of mitigation proposed by the Applicant, reduces navigational risks and safety hazards to 'as low as reasonably possible' (ALARP)? If not, what more needs to be done to give you reassurance?</p>
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<b>Q1.12. Major Accidents and Hazardous Substances</b>		
<b>Q1.12.1 Hazardous Substances</b>		
Q1.12.1.1	Applicant	<p><b>Total Nitrogen Generated on Site</b></p> <p>The Non-Technical Summary [APP-042, Paragraph 3.4.13] states the nitrogen produced from the splitting of ammonia, will be used across all operational areas. Can you confirm this would be the case for All the nitrogen generated and that storage of nitrogen for possible use offsite would not be required?</p>
Q1.12.1.2	Applicant	<p><b>Granting Consent</b></p> <p>The Consents and Agreements Position Statement [APP-236, Table 1, No 1] states it anticipates the HSE to advise against the granting of consent due to the existing residential properties on Queen’s Road. Explain why this may be the case?</p>
Q1.12.1.3	Applicant	<p><b>Environmental Permit – Anhydrous Ammonia Storage</b></p> <p>a) Can the Applicant confirm the total amount of Anhydrous Ammonia that can be stored on site by design?</p> <p>b) Would Part 2, Section 4.8, Part B(a)(iii) of the Environmental Permitting (England and Wales) Regulations 2016 also applies, in addition to other listed activities in these regulations [APP-237, Table 1]?</p>
<b>Q1.12.2 Identifying and Managing Risk</b>		
Q1.12.2.1	Applicant	<p><b>Identifying Events Leading to Major Incidents</b></p> <p>Scoping Report [APP-167] lists the credible scenarios, that could cause a major incident, however details of events that would lead up to these scenarios have not been provided.</p> <p>a) Explain if and how these events have been derived.</p> <p>b) Demonstrate how you can be sure that these risks would be reduced to an acceptable level.</p>
Q1.12.2.2	Applicant	<p><b>Compatibility of Hydrogen Facility with Properties</b></p> <p>The ES [APP-064, Paragraph 22.3.9] states “<i>continued residential use of those properties is therefore considered incompatible with the operation of the hydrogen production facility</i>”, whereas</p>

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		in paragraph 22.3.10 of the same chapter, it states <i>“It is considered that the ongoing operation of those businesses will be compatible with the operation of the hydrogen production facility”</i> . Explain the differences in compatibility between residential and business premises.
Q1.12.2.3	Applicant	<p><b>Identification of Hazards from all Manufacturing Facilities</b></p> <p>The ES [APP-064, Paragraph 22.4.4], explains how bulk fuel storage and chemical manufacturing facilities, can increase the risk and is referred to as domino effects. Has the Applicant considered the risk from all such facilities, whether these facilities meet the threshold for relevant notifications/registrations or not?</p>
Q1.12.2.4	Applicant	<p><b>Site COMAH Envelope</b></p> <p>Confirm the extent of the COMAH envelope for the site, in particular whether or not it includes docked vessels containing ammonia, i.e. does it mirror the site boundary [APP-074].</p>
Q1.12.2.5	Applicant	<p><b>Impact on Surrounding Area and Environment</b></p> <p>NELC has expressed concern [RR-022] around the extent of the COMAH zones that would be associated with the proposed development and how that may affect the surrounding area in regard to future development growth. Can the Applicant provide details of the expected significant adverse effects, the Proposed Developments vulnerability to potential major accidents and/ or disasters, could have on the surrounding area and environment.</p>
<b>Q1.12.3 Risk Reduction Measures</b>		
Q1.12.3.1	Applicant	<p><b>Ammonia Storage Tank Overfill Protection</b></p> <p>The Planning Statement [APP-226, Paragraph 4.6.2] refers to refrigerated liquid ammonia being transferred from the Terminal to the ammonia storage tank, via pipelines. Explain the layers of protection you will have in place to ensure the risk of overfilling the ammonia storage tank are in line with the HSE’s principles of acceptable risk, where a major offsite incident is possible.</p>
Q1.12.3.2	Applicant	<p><b>Ammonia Flare Stack Design</b></p> <p>In the event of an emergency/ abnormal situation and use of the flare being required [APP-064, Table 22-4], what assurances can you provide, that in such instances complete combustion of any released ammonia will occur, with no risk of ammonia slippage occurring.</p>

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Q1.12.3.3	IOT Operators	<b>Completion of Safety Studies and Compliance with COMAH Regulations</b> Following submission of the necessary safety studies as required under the duties for upper-tier COMAH operators and satisfactory assessment by the competent authority (HSE and the EA), would IOT [RR-14] be content with the Applicants overall proposal; if not, explain your reasons?
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<b>Q1.13. Construction Effects</b>		
<b>Q1.13.1 General Construction Issues</b>		
Q1.13.1.1	Applicant	<p><b>Concrete Batching Plant</b></p> <p>Reference is made within ES Chapter 2 [APP-044, Paragraph 2.5.2] to the use of a concrete batching plant. Clarify where such a plant would be located, how long it would be positioned on site for and whether it has been assessed within the ES.</p>
Q1.13.1.2	Applicant	<p><b>Early Works Strategy</b></p> <p>ES Chapter 2 [APP-044, Paragraph 2.5.4] refers to the preparation of an early works strategy. Has this been submitted to the ExA, if not provide a copy. Given the AD and ‘ancillary works’ referred to in paragraph 2.5.25 of ES Chapter 2, the ExA consider it important to have this strategy submitted and fully considered.</p>
Q1.13.1.3	Applicant	<p><b>Assessment Approach</b></p> <p>ES [APP-044, Paragraph 2.5.1] identifies that the construction approach outlined is considered to be representative of a reasonable worst-case scenario of how the Proposed Development would be implemented. Provide further explanation of how, along with examples.</p>
Q1.13.1.4	Applicant North East Lincolnshire Council	<p><b>Street Works – Work No. 10</b></p> <p>a) With respect to Work No. 10, confirm what discussions have taken place with the LHA in relation to the proposed street works.</p> <p>b) LHA, are you satisfied with the Applicant’s approach towards these works? If not, explain what additional detail is required.</p>
Q1.13.1.5	Applicant	<p><b>Removal of Street Furniture</b></p> <p>Street furniture removal is required, as is the raising of overhead cables, no detail is provided on how this would be done or whether the approach has been discussed and agreed with the relevant highway authority and statutory undertakers. The overhead cables are not described in detail regarding their current use and who may be affected by this, further details are required from the Applicant to clarify and justify the works.</p>

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		Further detail is required from the Applicant to determine how the street furniture would be removed, where it would be stored, whether their removal would impact upon the safety of road users, and when and how it would be reinstalled.
Q1.13.1.6	Applicant	<p><b>Import of Material</b></p> <p>The ExA note the Applicant's intention to utilise the Port of Immingham for the delivery of the largest abnormal loads. Has the potential for the use of the Port to import other materials been considered? If discounted, explain and justify why.</p>
Q1.13.1.7	Applicant	<p><b>Depth of Pipes</b></p> <p>The Applicant is requested to confirm whether the stated depth of the pipes in Work No. 6 has been assessed as a worst case scenario at 10m?</p>
Q1.13.1.8	Applicant	<p><b>Utility Connections Work No.2</b></p> <p>Additional details regarding the utility/ service connections to Work No. 2 are requested from the Applicant in a similar format to those described for Work Nos. 1, 3, 5, and 7 in ES Tables 2-4, 2-7, and 2-9 in ES Chapter 2 [APP-044].</p>
Q1.13.1.9	Applicant	<p><b>Construction and Operational Phases</b></p> <p>The ES [APP-044, Paragraph 2.4.79] refers to ES Table 2-9, however this seems to be incorrect and should refer to ES Table 2-10. The Applicant is requested to clarify this.</p>
Q1.13.1.10	North East Lincolnshire Council	<p><b>Overall Approach to Assessment of Construction Effects</b></p> <p>What is your view on the Applicant's overall approach to construction? Is the mitigation proposed by the Applicant in the oCEMP [APP-222] and its associated appendices acceptable. If not, explain what changes are required.</p>
<b>Q1.13.2 Construction Period</b>		
Q1.13.2.1	Applicant	<p><b>Construction Period</b></p> <p>ES [APP-044, Paragraph 2.4.79], sets out the staged approach towards construction, with Table 2-10 providing a timeline for the construction of the Proposed Development. Notwithstanding the submitted information, provide further detail to explain and justify the construction phasing timeline,</p>

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		in particular the 8-year construction period that is envisaged for Phases 2 to 6. The ExA considers it would be helpful to have the drawing showing the various phases of development and how they relate to the detail provided in Table 2-11 [APP-044].
<b>Q1.13.3 Construction Compounds</b>		
Q1.13.3.1	Applicant	<p><b>Laporte Road Temporary Construction Area</b></p> <p>In relation to Laporte Road Temporary Construction Area (Work No. 9), reference is made in ES [APP-044] to an initial area for access and laydown being required, with further areas being required progressively as the construction of the Proposed Development progresses. Notwithstanding the details provided in ES [APP-044, Plate 2-4], provide further details of how this area would be brought forward during the construction stage, including details of timings, locations, uses and to support what stages of the Proposed Development. The ExA consider that showing this detail on a drawing would be helpful.</p>
Q1.13.3.2	Applicant	<p><b>Laporte Road Temporary Construction Area</b></p> <p>Reference is made in ES [APP-044, Paragraph 2.5.19] to the reinstatement of Laporte Road Temporary Construction Area to its 'original state' upon completion of the work. Explain what surveys will be undertaken prior to the commencement of its use to establish its 'original state' and how and who would be responsible for approving this. How long after the completion of work is this anticipated to be?</p>
Q1.13.3.3	Applicant	<p><b>Access to Laporte Road Temporary Construction Area</b></p> <p>What assessment has been undertaken in respect of proposed temporary access P (to Work No. 9) from both a highway safety perspective and its proximity to other accesses along Laporte Road.</p>
Q1.13.3.4	Applicant	<p><b>Construction Compounds for Work Nos. 5 and 7</b></p> <p>In relation to Work Nos. 5 and 7, confirm that the construction compounds would be contained within these areas and that sufficient land has been included within the Order Limits to allow for this. Also, confirm what has been assessed in the ES in relation to these elements.</p>
Q1.13.3.5	Applicant	<p><b>Work Nos. 8 and 9</b></p> <p>ES [APP-044, Paragraphs 2.5.8 and 2.5.19] state that Work Nos. 8 and 9 will be reinstated post construction, however additional details are requested regarding the future land use of Work Nos. 8</p>

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		and 9 once they have been reinstated. Does the land have potential to be used for landscaping or other enhancement post construction?
Q1.13.3.6	Applicant	<p><b>Alternatives</b></p> <p>What alternative locations for construction compounds were considered, prior to the identification of the selected locations and why were these locations discounted.</p>
<b>Q1.13.4 Impacts from Construction</b>		
Q1.13.4.1	Applicant North East Lincolnshire Council	<p><b>Temporary Road Closures</b></p> <p>ES [APP-044, Paragraph 2.5.32] states that “<i>Temporary closure will be required for the construction of all of the temporary and permanent accesses required for the Project to construct the accesses</i>”. It then refers the reader to Paragraph 2.5.22 [APP-044], which refers to overhead lines and not matters of temporary closure. Paragraph 2.5.35 [APP-044] provides detail on overnight closures on Laporte Road, Queens Road and Kings Road to allow for large construction plant to access the site.</p> <p>a) The Applicant is asked to provide further clarity on what temporary closures are required, for how long and at what stages of the Proposed Development. Confirm if these temporary closures have been discussed and agreed with the LHA, local stakeholders and local residents. What mitigation measures in the form of diversion routes are proposed.</p> <p>b) Does the LHA have any views on the temporary closures and potential implications for the wider highway network.</p>
Q1.13.4.2	Applicant North East Lincolnshire Council	<p><b>Traffic Management Measures</b></p> <p>ES [APP-044, Paragraph 2.5.38] refers to traffic management measures that would be put in place to ensure that traffic flows on the road network are maintained. Have these matters been discussed and agreed with the LHA. What discussions have taken place with existing operators/businesses?</p>
Q1.13.4.3	Applicant	<p><b>Long Strip</b></p> <p>Explain and justify the method of construction to be used for the installation of the pipelines within Long Strip. If HDD is not to be used, explain and provide reasons for why not.</p>
Q1.13.4.4	Applicant	<p><b>Construction traffic</b></p>



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		ES [APP-048, Paragraph 6.8.38] identifies that there is anticipated to be an annual daily average of 412 two-way construction-related LDV movements and 90 two-way HDV movements on Cleethorpe Road, Grimsby. Clarify where this traffic is coming from.
Q1.13.4.5	Applicant	<b>Unexploded Ordnance</b> RR-007 refers to the potential for Unexploded Ordnance in the area. Clarify whether any assessment has been undertaken within the Order Limits, and if so, submit it to the ExA. If not, justify why not.
Q1.13.4.6	Maritime and Coastguard Agency	<b>Marine Construction Works</b> In respect of the marine construction works do you have any comments in relation to the Applicant's proposed approach to construction and the mitigation measures as set out in the oCEMP [APP-222].

<b>Q1.14. Socio-economic</b>		
<b>Q1.14.1 Restrictions on Recreational Use of Estuary</b>		
Q1.14.1.1	Applicant	<p><b>Potential Impact on Sea Anglers</b></p> <p>The ES [APP-065, Paragraph 23.4.37] states “recreational sea anglers, including any clubs, will no longer have access along the sea front”, can the Applicant confirm how long this is likely to be for. Has the Applicant consulted with sea anglers and other users of this section of sea front, to explore making provision for alternative sites?</p>
<b>Q1.14.2 Cumulative Impacts on Local Residents and Business</b>		
Q1.14.2.1	Applicant	<p><b>Impacts on Local Area during Construction</b></p> <p>The ES [APP-221, Table 16] provides a summary of the possible impacts due to cumulative effects, as a result of construction of other schemes occurring at the same time. What mitigation measures would be in place to reduce the impact on local residents and business, due to several construction projects taking place at the same time, including managing the timings of construction phases to minimise overlap with other projects.</p>
Q1.14.2.2	UK Health Security Agency	<p><b>Impacts on Health Services</b></p> <p>Does the UKHSA have any concerns on the impact to health service provisions due to the increase in construction workers?</p>

Q1.15. Decommissioning		
Q1.15.1 Decommissioning		
Q1.15.1.1	Applicant	<p><b>Maintenance of Marine Infrastructure</b></p> <p>The ES [APP-044, Paragraph 2.7.1] states <i>“The main elements of the Terminal would not be decommissioned”</i>.</p> <p>a) Provide further explanation and justification for this.                      b) Would this position change if the commercial market for import of liquid bulk chemicals were to decline, such that the port was no longer in use?</p>
Q1.15.1.2	Applicant	<p><b>Further Details on Decommissioning Process</b></p> <p>a) Confirm if additional temporary land is required as part of the decommissioning process and if the process would involve the movement of abnormal loads?                      b) Provide a plan of the proposed elements that are to be decommissioned and those elements that are to remain in situ, to confirm the extent of infrastructure to remain on the site in perpetuity. Include reference to the Work Nos. to understand the magnitude of decommissioning works across the site.                      c) The ES [APP-044, Section 2.7] does not specify the timescales for the decommissioning process; confirm how long the decommissioning phase will last?</p>
Q1.15.1.3	Applicant	<p><b>When Hydrogen Production Facility Will be Decommissioned</b></p> <p>The ES [APP-044, Paragraph 2.7.2] refers to the hydrogen production facility having a 25-year design life, although this could be longer depending on plant integrity and market conditions, however it is not stated that at what point it would need to be decommissioned.</p> <p>a) Provide further details to confirm the maximum point in time the hydrogen production facility will be decommissioned.                      b) Explain what you mean when you say: <i>“When appropriate, this infrastructure would be decommissioned”</i>?</p> <p><i>See related questions in the Development Consent Order section.</i></p>

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Q1.15.1.4	Applicant	The ES [APP-067, Paragraph 22.1.9] refers to Figure 22.1: Major Accidents and Disasters Study Area. However this is not present in the EL. Applicant provide this.
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<b>Q1.16. Cumulative Effects and In-combination Effects</b>		
<b>Q1.16.1 Cumulative Effects</b>		
Q1.16.1.1	Applicant	<p><b>Long and Short List of Projects</b></p> <p>Confirm that during the Examination both the Cumulative Effects Assessment Long List [APP-219] and Cumulative Assessment Short List [APP-220] will be kept under review, with additional information supplied should the status of projects change, along with the provision of final details at the close of the Examination.</p>
Q1.16.1.2	North East Lincolnshire Council West Lindsey District Council East Lindsey District Council North Lincolnshire Council Kingston Upon Hull City Council East Riding of Yorkshire Lincolnshire County Council National Highways Natural England	<p><b>Long and Short List of Projects</b></p> <p>Are you content that both the Cumulative Effects Assessment Long List [APP-219] and Cumulative Assessment Short List [APP-220] identifies all relevant projects and that the information contained within them is correct and up to date. If not, identify what additional information is required.</p>
Q1.16.1.3	Applicant	<p><b>Viking Carbon Storage</b></p> <p>Viking Carbon Storage has now been accepted for Examination (EN070008) and therefore further environmental information is now available. Please provide an updated assessment of the cumulative impact of that scheme with the Proposed Development.</p>
Q1.16.1.4	Applicant	<p><b>Long Strip</b></p>

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		<p>The ExA notes that part of Long Strip, to the south-west of Laporte Road has been identified as an area for ecological enhancement as part of the IERRT proposal.</p> <p>a) Has the effects of the Proposed Development been considered upon this area, in particular once the identified IERRT enhancement works have been delivered.</p> <p>b) If not, please submit an assessment.</p> <p>c) If it has, identify what the effects are considered to be.</p> <p><i>Please see related question in the Habitats Regulation Assessment section.</i></p>
Q1.16.1.5	Applicant	<p><b>Construction Traffic</b></p> <p>ES 5 [APP-067, Table 25-3] states that “<i>The effects of construction traffic have been assessed to include any traffic that would be generated by committed ‘other developments’. The assessment of construction traffic effects is therefore inherently cumulative.</i>”</p> <p>a) Explain, what is meant by committed other developments?</p> <p>b) Does the IERRT fall within this definition?</p> <p>c) If it does not, does that mean that construction traffic from the IERRT has not been considered within the cumulative traffic assessment?</p>
Q1.16.1.6	Applicant	<p><b>Construction Traffic</b></p> <p>Given the length of the construction period for Work No. 5 and Work No. 7, has the assessment of the impact from construction traffic (both HGV deliveries and workforce trips), allowed for traffic growth in the area, especially given that these periods are likely to coincide with the IERRT potentially becoming operational.</p>
Q1.16.1.7	Applicant	<p><b>Operational Traffic</b></p> <p>The ES in Appendix 25c [APP-221, Paragraph 1.8.2] states that “<i>Assessment of operational traffic from the Project was scoped out as the traffic flows would be too low to give rise to a significant effect. As such there is no separate assessment of cumulative traffic and transport effects included as part of this ES.</i>” However, ES Chapter 11 [APP-053, Table 11-1, page 11-14] states “<i>An assessment of the cumulative impact has been undertaken within Chapter 25: Cumulative and In-Combination Effects and the environmental effects as they relate to traffic and transport are not significant.</i>”</p>

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		<p>a) Clarify the position with regards to the assessment undertaken to consider the potential for cumulative operational traffic impacts with the IERRT.</p> <p>b) Provide evidence to support the position that the effects will not be significant.</p>
Q1.16.1.8	Applicant	<p><b>Construction Phase</b></p> <p>ES [APP-067, Table 25-6] refers to “<i>construction phase</i>”. Clarify what is meant by this term. Does this relate to all the proposed Work Nos.?</p>
Q1.16.1.9	Applicant	<p><b>Figure 25.2 Cumulative Assessment Short List</b></p> <p>Sheet 2 of Figure 25.2 [APP-166] appears to show an element of IERRT to be located on the northern side of the estuary. Clarify and submit an amended plan if necessary.</p>
Q1.16.1.10	Humber Estuary Services Vessel Traffic Services	<p><b>Navigational Risks</b></p> <p>The ES in Appendix 25c [APP-221, Paragraph 1.9.8] states that “<i>The mitigation measures identified as necessary in respect of each project [IERRT and the Proposed Development], as defined through the NRA and EIA process, will minimise the potential for navigational risks, arising from each project alone and so will also minimise cumulative effects between the two projects during both construction and operation.</i>”</p> <p>Confirm if you are content with the Applicant’s statement. If not, explain why and what additional information you require.</p>
<b>Q1.16.2 Cross-cutting Questions</b>		
Q1.16.2.1	Applicant	<p><b>Advice Note 17</b></p> <p>In undertaking the in-combination and cumulative assessments, please confirm that the guidance contained in The Planning Inspectorate’s Advice Note 17 has been followed. If not, please provide a justification as to why it was not.</p>

<b>Q1.17. Compulsory Acquisition and Temporary Possession</b>		
<b>Q1.17.1 Updates on Negotiations</b>		
Q1.17.1.1	Applicant	<p><b>Land Rights Tracker</b></p> <p>a) Complete the Land Rights Tracker which can be requested in editable Microsoft Excel format. The ExA has seen the Schedule of Negotiations and Powers Sought [APP-009, Appendix 1, Table 1 to 3], and requests the information be presented in the format set out in Annex A and updated at the relevant Examination Deadlines.</p> <p>b) Confirm the CA schedule provides an update on all affected persons and plots included in the Book of reference.</p> <p>c) Are there any instances where a plot number appears more than once in the BoR? Identify those plots and explain why?</p>
Q1.17.1.2	Affected Persons Statutory Undertakers	<p><b>Updates on negotiations</b></p> <p>Are you satisfied with the SoR and the account provided by the Applicant's in the Schedule of Negotiations and Powers Sought [APP-009, Appendix 1, Table 1 to 3]? Provide any additional narrative relevant to the Examination.</p>
<b>Q1.17.2 Funding Statement</b>		
Q1.17.2.1	Applicant	<p><b>Demonstration of commitment to funding the Proposed Development</b></p> <p>a) Provide evidence to demonstrate the commitment to funding the Proposed Development from (APCI) [APP-010, Section 3].</p> <p>b) You have stated that the funding required for CA compensation payments represents approximately 1% of the total level of funding available for delivery of the Proposed Development [APP-010, Section 4]. Does this include any blight claims that may come forward? Have you had any indication that blight claims may be brought forward and if so, provide your assessment of the validity of these claims?</p> <p>c) While the ExA understands commercial sensitivity, it would be necessary to see evidence of the kind of assessment conducted by Gateley Hamer to arrive at its conclusion that the estimated level of funding required for CA compensation payments represents approximately 1% of the total level of funding available for delivery of the Proposed Development, and that the funding for CA compensation is available [APP-010, Section 4]. Clarify that when you</p>



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		<p>refer to funding available for delivery, you are talking about that funding being available with the Applicant.</p> <p>d) Given Air Products would have TP powers, provide evidence of the kind of assessment carried out to demonstrate its ability to pay TP compensation.</p> <p>e) Provide a breakdown of project related costs, or signpost where in the application material this information can be found.</p> <p>f) In addition to the above question, provide a summary table identifying the cost of the port extension, the Associated Development, and any other components that you identify as being distinct in funding and delivery terms. Also identify who is funding each distinct component, alongside evidence to demonstrate the commitment for that funding from that party. Signpost the material already provided to demonstrate the adequacy of the funding available [APP-010, Section 3, Appendix 1 to 3]. Also identify the proportion of the project cost that would be required for CA compensations payments; you should provide this for each distinct identified component, if possible.</p>
<b>Q1.17.3 Crown land</b>		
Q1.17.3.1	Applicant	<p><b>Leasehold interest over Crown land</b></p> <p>a) Explain in some detail what you mean that you already have leasehold interest over the Crown land within the Order limits and are not seeking any interests in this land [APP-009].</p> <p>b) Provide evidence of the leasehold interest that you possess, and what that leasehold enables you to do on this land.</p> <p>c) Provide corroboration from the relevant Crown Authority.</p>
<b>Q1.17.4 Affected Persons' Site -specific Issues</b>		
Q1.17.4.1	Applicant	<p><b>Responses to Relevant Representations</b></p> <p>When responding to RRs relating to CA or TP matters, from both individual landowners and SUs, identify the relevant plot numbers as marked on Land Plans [APP-015].</p>
Q1.17.4.2	Davey Family	<p><b>Adverse Effect to Nearby Properties</b></p> <p>a) Using a plan, and without identifying the specific location of your property, highlight the specific areas that you are concerned would be affected adversely.</p> <p>b) Confirm whether or not you are an AP.</p>

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Q1.17.4.3	Elvans Family	<b>Human Rights violations</b> To further understand the effects of the Proposed Development, provide the ExA with a description of the ways in which the Proposed Development would effect your Human Rights?
Q1.17.4.4	Applicant	<b>Bona vacantia land</b> Have you identified any bona vacantia land? Are there any plots where you have doubts about or there are unidentified registered owners?
<b>Q1.17.5 Human Rights</b>		
Q1.17.5.1	Applicant	<b>Queens Road Properties</b> a) What alternatives did you consider to the CA of the Queens Road properties? b) Justify your case for the interference of Human Rights specifically with regards to the owners and residents of the Queens Road Properties?

<b>Q1.18. Development Consent Order</b>		
The questions here relate to the dDCO [APP-006] and EM [APP-007]. All other documents referenced in the following questions have been identified with EL references.		
<b>Q1.18.1 General</b>		
Q1.18.1.1	Applicant	<p><b>Template and best practice guidance</b></p> <p>a) Confirm that the submitted dDCO has been drafted using the Statutory Instrument template.</p> <p>b) Confirm that the submitted dDCO and EM follows best practice drafting guidance from the Planning Inspectorate set out in Advice Note 15, providing in tabular format, brief explanation of how each aspect of Advice Note 15 has been addressed.</p>
Q1.18.1.2	Applicant Discharging Authorities	<p><b>Discharging Requirements and Conditions</b></p> <p>a) All discharging authorities to check the Schedules in the dDCO for accuracy and provide the ExA with suggested corrections and amendments.</p> <p>b) Applicant, where you are seeking to discharge requirements, or seeking approvals, these should be sought “written approvals”. Either make relevant drafting edits, or explain your reasons for not doing so.</p> <p>c) Discharging Authorities may also present a view with reference to any provision that are relevant to them.</p>
Q1.18.1.3		<p><b>Authorities and Statutory Undertakers</b></p> <p>a) Provide a list or table of specifically named authorities and undertakers that are relevant in the dDCO for each and every reference to the following.</p> <ul style="list-style-type: none"> <li>• highway authority</li> <li>• lead local flood authority</li> <li>• local planning authority</li> <li>• street authority</li> <li>• traffic authority</li> <li>• local authority</li> <li>• public authority</li> <li>• acquiring authority</li> </ul>

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		<ul style="list-style-type: none"> <li>• internal drainage board</li> <li>• sewerage undertaker</li> <li>• statutory undertaker</li> <li>• crown authority</li> </ul> <p>b) Provide a list or table of all relevant discharging authorities for all requirements and conditions</p>
Q1.18.1.4	Applicant	<p><b>Precedents and Novel Drafting</b></p> <p>a) Notwithstanding drafting precedent that may have been set by previous made DCOs or similar orders, full justification should be provided for each power/ provision taking account of the facts of this particular Proposed Development. Applicant, revise the EM on this basis, where necessary, and highlight for the ExA where changes on these grounds have been required.</p> <p>b) Where drafting precedents in previous made DCOs have been relied on, these should be checked to identify whether they have been subsequently refined or developed in the most recent made DCOs so that the proposed dDCO provisions reflect the SoS's current policy preferences. Applicant, revise the dDCO drafting and the EM on this basis, where necessary, and highlight for the ExA where changes on these grounds have been required.</p> <p>c) Check if you have explained the purpose of and necessity for any provision which uses novel drafting in the EM, and identify the PA2008 powers on which any such provision is based. The drafting should be unambiguous, precise, achieve what you want it to achieve, be consistent with any definitions or expressions in other provisions of the dDCO and follow guidance and best practice for SI drafting referred to above. Applicant, revise the dDCO drafting and the EM on this basis, where necessary, and highlight for the ExA where changes on these grounds have been required.</p>
<b>Q1.18.2 Definitions</b>		
Q1.18.2.1		<p><b>Phasing</b></p> <p>The ExA has seen your description of project phasing in the ES [APP-044] [APP-075], as well as in the EM and R5 in the dDCO.</p> <p>a) While it is clear from your phasing plan what you intend to do when, provide further explanation of the rationale for the proposed phasing plan. Here the ExA is looking for</p>

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		<p>reasoning behind each step of your phasing plan for the construction and operation of the Proposed Development?</p> <p>b) Correlate that rationale (set out in response to the previous question) in relation to the provisions of R3 and R5.</p> <p>c) Should definition for “phasing” and “phase” be included in the Article 1? Provide suitable wording.</p> <p>d) Is there any relevance of the proposed phasing plan to the dDML?</p>
Q1.18.2.2	Applicant	<p><b>Air Products</b></p> <p>What is meant by “<i>or such other person as the Secretary of State agrees</i>”?</p>
Q1.18.2.3	Applicant	<p><b>Apparatus</b></p> <p>The definition of “<i>apparatus</i>” appears to be too broad, and includes a wide range of equipment and apparatus. Explain why the broader definition is needed for this particular Proposed Development, with justification with reference to each equipment and apparatus included in the definition.</p>
Q1.18.2.4	Applicant	<p><b>Area of jurisdiction</b></p> <p>No explanation is given in the EM for the precise limit (186m). What is the rationale for this?</p>
Q1.18.2.5	Applicant Local Authorities	<p><b>Commence</b></p> <p>a) Commence has been defined in Schedule 2, R1. Should this also be defined in Article 1?</p> <p>b) The definition of “commence”, excludes several activities, in particular but not only: demolition work, archaeological investigations, remedial work in respect of any contamination or other adverse ground conditions, the receipt and erection of construction plant and equipment, the erection of temporary contractor and site welfare facilities, the diversion, laying and connection of services, the erection of any temporary means of enclosure. These works can have significant effects. How are those activities and their effects monitored and controlled?</p> <p>c) LAs, are you satisfied that the adverse effects of the activities excluded from the definition of “commence” are adequately controlled?</p> <p>d) LAs, for which specific activities excluded from the definition of “<i>commence</i>”, would you consider require to be controlled and why?</p>

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Q1.18.2.6	Applicant	<p><b>Construct</b></p> <p>The definition of “<i>construct</i>” is too broad. Notwithstanding the prior precedent stated in the EM, provide justification of the need for this broad definition, with reference to each activity included in the definition, for this Proposed Development.</p>
Q1.18.2.7	Applicant	<p><b>Maintain</b></p> <p>Why does the definition of maintain not refer to the assessment in the ES? The ExA considers that the definition should include the explanation in the EM which includes the bar that the dDCO would authorise the activities included in the definition of “<i>maintain</i>” provided it does not give rise to materially new or materially different environmental effects.</p>
Q1.18.2.8	Applicant	<p><b>Order land</b></p> <p>a) The colours referred to in the definition relates to five of the eight colours in the land plans. To avoid confusion, should the definition also include the three colours that are excluded and the reasons for that exclusion? The ExA notes that this explanation is in the EM.</p> <p>b) Also, for avoidance of doubt and in the benefit of accessibility, consider stating in words, the colours in the key in the Land Plans?</p>
Q1.18.2.9	Applicant	<p><b>Undertaker</b></p> <p>See questions under Article 46 – Benefit of Order.</p>
Q1.18.2.10	Applicant	<p><b>Ancillary works</b></p> <p>The definition of “ancillary works” seems broad, especially with reference to “<i>any other works authorised by the Order</i>”. Applicant consider more suitable drafting and provide justification.</p> <p>a) Equally, should “further associated development” from Schedule 1, Part 1 be also defined?</p> <p>b) The ExA notes that further associated development includes a list of works (a) to (k) which is not identified by work numbers. Would it be possible to identify these works, some of which appear to be substantial in nature, with work numbers or highlight how many instances of each you expect to encounter. Provide explanation in EM.</p> <p>c) The ancillary works listed in Schedule 1, Part 2 does not tally with the list in the EM, Paragraph 2.21 of the EM. Provide clarification or correct one or the other list.</p>

Q1.18.3 Articles		
Q1.18.3.1	Applicant Environment Agency Internal Drainage Boards Lead Local Flood Defence Authorities Natural England Affected Persons	<p><b>Article 3 – Application, disapplication and modification of legislative provisions</b></p> <p>a) This Article does not appear to be appropriately tiled given the Article only seeks to disapply various statues (or elements of them) and there is no specific “<i>application</i>” or “<i>modification</i>”.</p> <p>b) Are there any elements of the disapplication in Article 3(1) that overlap with approvals that you are seeking through Protective Provisions in Schedule 14? Highlight those overlaps. If you were to secure the Protective Provisions, then do you still need to disapply the relevant elements of the legislation? Provide justification for each case. You can tabulate this information for ease.</p> <p>c) EA and other Statutory Bodies, do you have any concerns regarding the disapplication of consents under Article 3? Explain with reasons.</p> <p>d) Do Affected Persons have any concerns regarding the disapplication of the provisions of the Neighbourhood Planning Act 2017 relating to the temporary possession of land as proposed in Article 3(1)(e)?</p>
Q1.18.3.2	Applicant	<p><b>Article 4 – Incorporation of 1847 Act</b></p> <p>The ExA has seen the overarching explanation given in the EM and prior precedents cited, and seeks justification with respect to the Proposed Development why the Sections of the 1847 Act have specifically been disapplied.</p>
Q1.18.3.3	Applicant	<p><b>Article 5 – Development consent, etc., granted by the Order</b></p> <p>The ExA acknowledges that “<i>Authorised Development</i>” is defined in Article 2 with a cross reference to Schedule 1, Part 1, which in turn gives a description of the NSIP and AD with reference to relevant sections of the PA2008. However, the ExA questions if this leaves room for doubt with respect to Article 5, and if Article 5 should mention Associated Development and further Associated Development?</p>
Q1.18.3.4	Applicant Street Authority	<p><b>Article 9 – Power to alter layout, etc., of streets</b></p> <p>The ExA is unclear why such wide powers are required in Article 9(1) to carry out “<i>any works</i>” in the street and in 9(2) “<i>without limitations</i>”.</p> <p>a) Should Paragraph (4) seek written consent from the street authority?</p> <p>b) Street Authority, are you satisfied with the provisions in this Article?</p>

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Q1.18.3.5	Applicant	<p><b>Article 18 – Discharge of water</b></p> <p>You concede in the EM, Paragraph 8.33 that Article 18(8) is novel, however, no real rationale has been given for this provision. Additionally, the explanation in the EM is unclear. Provide justification with respect to the Proposed Development here, and additionally, clarify the drafting in the EM.</p>
Q1.18.3.6	Applicant	<p><b>Article 19 – Authority to survey and investigate the land</b></p> <p>a) The authority to enter “<i>any land which is adjacent to but outside the Order limits or which may be affected by the authorised project</i>”, appears to be broad and undefined. The ExA is particularly concerned with any provision relating to land outside the Order Limits. Provide justification.</p> <p>b) Is 14 days’ notice sufficient given the scale of work that might be allowed under this Article? Provide justification and explain the implications on the construction programme and viability, if any, of providing longer notice period of say, 28 days.</p> <p>c) The EM states in Paragraph 8.38 that this Article would be subject to Article 63; where in the drafting of Article 19 is this expressly stated?</p>
Q1.18.3.7	Applicant	<p><b>Article 20 – Protective works</b></p> <p>a) The authority to carry out protective works to “any land, building, structure, apparatus or equipment, lying within the Order limits or which may be affected by the construction or operation of the authorised project outside of the Order limits”, appears to be broad and undefined. The ExA is particularly concerned with any provision relating to land outside the Order Limits. Provide justification.</p> <p>b) Is 14 days’ notice sufficient given the scale of work that might be allowed under this Article? Provide justification and explain the implications on the construction programme and viability, if any, of providing longer notice period of say, 28 days.</p> <p>c) The ExA is not satisfied with the explanation in the EM, Paragraph 8.42.</p> <p>d) What is the justification for the (additional) 5 year window in Article 20(1) (b)?</p>
Q1.18.3.8	Applicant	<p><b>Article 22 – Compulsory acquisition of land</b></p>



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		There appears to be a possible ambiguity in Article 22(1) (b) which may authorise CA of any land within the Order limits, but not limited to the land shaded pink on the Land Plans. Provide an explanation with reference to specific sections of drafting.
Q1.18.3.9	Applicant Affected Persons in relation to plots 7/1, 7/2, 7/3, 7/4, 7/5, 7/6, 7/7, 7/8, 7/9, 7/10 and 7/11	<p><b>Article 23 – Time limit for exercise of powers to acquire land compulsorily or to possess land temporarily</b></p> <p>a) Article 23(2)(a) enables you to remain in TP for ten years. These plots are front gardens and car park areas. What assessment have you made of the adverse effects on the owners, residents and users of these properties?</p> <p>b) Not much is available in terms of the responses from the relevant Affected Persons in the SoR [APP-009, Appendix 1, Table 1 to 3]. Provide an update.</p> <p>c) Relevant APs, how would you be affected by the powers of TP proposed by the Applicant?</p> <p>d) Article 23(2)(b) would allow the undertaker to remain in TP indefinitely providing TP rights were exercised within the 5-year window permitted. This is a novel provision and the ExA is not satisfied with the justification in the EM, Paragraph 9.2. Provide justification.</p>
Q1.18.3.10	Applicant	<p><b>Article 28 – Rights over streets</b></p> <p>Noting that this is a fairly standard Article which appears in many DCOs; however, it still needs to be justified for the Proposed Development, in the EM Paragraph 9.12.</p>
Q1.18.3.11	Applicant	<p><b>Article 31 – Temporary use of land for constructing the authorised project</b></p> <p>Whilst noting that Article 31(1)(b) to (g) aims to provide a definitive list of the purpose for which TP powers can be exercised, Article 31(1)(f) provides to “<i>construct any works on the land</i>” is a broad power. Could this result in permanent rather than temporary possession? Explain with reasons.</p>
Q1.18.3.12	Applicant	<p><b>Article 40 – Authorisation of operation and use</b></p> <p>This Article confers broad powers, particularly the inclusion of the words “<i>and any other persons authorised by the undertaker</i>”, verging on a novel provision and should be justified in the EM.</p>
Q1.18.3.13	Applicant	<p><b>Article 41 – Maintenance of authorised project</b></p> <p>What agreements are envisaged in 41(1)?</p>

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Q1.18.3.14	Applicant	<p><b>Article 44 – Power to appropriate</b></p> <p>The words “<i>regardless of anything in s.33 of the 1847 Act</i>” suggests a possible conflict with that Act. Should this section also be disapplied in Art 4?</p>
Q1.18.3.15	Applicant	<p><b>Article 45 – powers to dredge</b></p> <p>Confirm if any of the river bed/ foreshore are Crown Land and whether this power is permissible.</p>
Q1.18.3.16	Applicant Marine Management Organisation	<p><b>Article 46</b></p> <ul style="list-style-type: none"> <li>a) Noting the exclusions in Article 46(2)(a) to (e), Article 46(2) allows Air Products the rights for TP in Article 31 and 32. How would compensation payments work in that regard?</li> <li>b) Also of the plots listed in the EM, Paragraph 11.1 (b), list the ones, if any, that would eventually be subject to permanently CA, and what the process would be for those landowners with respect to the TP process and compensation payment with Air Products and the CA process and compensation payment with the Applicant.</li> <li>c) Explain fully what is meant by “(where applicable on the terms of those provisions) land outside the Order Limits except (in each aforementioned case) in respect of any interests of the Company” in Paragraph (4). The ExA is particularly concerned with any provision relating to “land outside the Order Limits”, in Article 46(4) and the definition of “undertaker”, and seeks robust justification.</li> <li>d) What would be the circumstances under Paragraphs (5) and (6) where SoS consents to the transfer of benefit of the power? And in that regard who would SoS consent to transfer the benefit to?</li> <li>e) Drafting of both Paragraphs (5) and (6) is unclear in that it does not clarify why, how and when the Applicant would seek this transfer of benefit from the SoS; clarify both dDCO drafting and EM explanation.</li> <li>f) For the Proposed Development, who would the Statutory Undertakers be for the provision in Paragraphs (7) (8) and (9).</li> <li>g) Paragraph (11) suggest transfer or land related powers; would this include the responsibility of compensation payments? Where is the evidence to satisfy the ExA that the parties would have the ability to pay compensation.</li> <li>h) The EM, Paragraphs 11.1 (e) states that SoS approval would be needed for the transfer or grant of the land-related powers listed in Paragraph (11), but the ExA is unclear that the drafting in the dDCO specifies that.</li> </ul>

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		<ul style="list-style-type: none"> <li>i) Who would ultimately oversee the management of the terms of the agreement between multiple undertakers mentioned in Paragraph (16)?</li> <li>j) MMO, identify specifically the parts of the Article that could restrict your operations?</li> <li>k) Applicant, would MMO's proposed drafting resolve its concerns?</li> </ul>
Q1.18.3.17	Applicant	<p><b>Article 56 – Traffic regulation measures</b></p> <p>The specific need for this and its detailed provisions should be justified in the EM Paragraph 11.22.</p>
Q1.18.3.18	Applicant	<p><b>Article 59 – Protection of interests</b></p> <p>EM Paragraph 11.30 needs to be updated before the close of the Examination.</p>
<b>Q1.18.4 Deemed Marine License</b>		
Q1.18.4.1	Marine Management Organisation	<p><b>Justification for Proposed Drafting Changes</b></p> <p>It will benefit the ExA to understand the justification for the proposed drafting changes in the dDML. You may provide this information in a table format, which can be updated in collaboration with the Applicant at relevant Deadlines in the Examination.</p>
<b>Q1.18.5 Requirements</b>		
Q1.18.5.1	Applicant Local Authorities	<p><b>Requirement 9 – Construction hours</b></p> <ul style="list-style-type: none"> <li>a) LAs, are you satisfied with the exclusion provision in R9(2).</li> <li>b) LAs, are you satisfied that the notification period is after the emergency work has begun?</li> <li>c) Applicant may also provide justification.</li> </ul>
Q1.18.5.2	Applicant	<p><b>Requirement 14 - Queens Road residential properties</b></p> <ul style="list-style-type: none"> <li>a) Should there be a discharging Authority for R14?</li> </ul> <p>R14 provides for the CA of the Queens Road residential properties and the illustrative layouts [APP-013, Sheets 6 and 7`] show no proposed use or purpose for these properties within the Proposed Development.</p> <ul style="list-style-type: none"> <li>b) Provide details of the proposed use of these properties post acquisition (should consent be granted).</li> </ul>

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		<p>c) Provide details of how these properties will be made safe and maintained during the full operational period of Work No. 7.</p> <p>d) NELC, what is your expectation for properties that have no residential use if they are to be left empty for long periods.</p>
Q1.18.5.3	Applicant North East Lincolnshire Council	<p><b>Requirement 18 – Decommissioning environmental management plan</b></p> <p>The ExA notes that a number of the ES chapters have adopted a 25-year period as the basis for their assessment of the AD, which is based on the intended operation period for the storage and production facilities. However, neither the interpretation of “<i>decommissioning</i>” in Schedule 2, nor R18 make any reference to this time period.</p> <p>a) Explain and justify why not.</p> <p>b) To ensure consistency with the ES and the identified operational period of the AD, provide suitable wording to include a time period by which decommissioning must be undertaken.</p> <p><i>See related questions in the Decommissioning section.</i></p>
<b>Q1.18.6 Schedule 1 – Authorised Project</b>		
Q1.18.6.1	Applicant	<p><b>Schedule 1 Part 1 – Authorise Development</b></p> <p>a) Include the number of buildings/ structures for each Work No. within the dDCO to secure the maximum parameters.</p> <p>b) Include the number of piles for each Work Nos. 1 to 7 (where applicable), within the dDCO.</p>
<b>Q1.18.7 Schedule 15 – Documents and Plans to be Certified</b>		
Q1.18.7.1	Local Authorities Statutory Bodies	<p><b>Schedule 15 – Documents and Plans to be Certified</b></p> <p>Are you satisfied that all necessary documents are certified?</p>