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 Planning Inspectorate  
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**Our ref:** RA/2015/132060/03-L03  
**Your ref:** EN060004  
**Our ID:** 10031562  
**Date:** 12 October 2015

### ANSWERS TO FIRST WRITTEN QUESTIONS

Dear Sir/Madam,

**A REPLACEMENT HIGH-PRESSURE GAS PIPELINE WITHIN A BORED TUNNEL BENEATH THE HUMBER ESTUARY AND ASSOCIATED DEVELOPMENT, INCLUDING A CONNECTING PIPELINE, MINOR MODIFICATIONS TO PAULL ABOVE GROUND INSTALLATION AND ASSOCIATED TEMPORARY LAY DOWN, WORKING AND MITIGATION AREAS. FROM PAULL, EAST RIDING OF YORKSHIRE TO GOXHILL, NORTH LINCOLNSHIRE.**

We would like to provide the following responses to those first written questions directed at the Environment Agency.

Question Number	Who	Question
<b>Question 2.6</b>	<b>Applicant and the Environment Agency (EA)</b>	Will the fact that the reception pit lies in ' <i>superficial deposits</i> ' make sealing of the shaft difficult to achieve at Paull?
<b>Answer to 2.6</b>		If the superficial deposits are predominantly clays then sealing should not be difficult on the basis that clay tends to be a relatively stable material (although this will need to be demonstrated). However, if more permeable, sandy deposits are encountered then it may be more difficult. The groundwater body at Paull fails the WFD salinity test, though groundwater abstraction is not thought to be a particular cause of this as there is little abstraction demand in this area. However, the applicant should ensure that both the geology and hydrogeology at the proposed reception pit area are fully characterized (i.e. understood) and that there is no resultant

		deterioration in groundwater quality through the piling works, such that the achievement of WFD objectives is hindered. The applicant should be aware of the effects of piling near or into the chalk and if this occurs then cross-connection needs to be avoided to avoid the potential for deterioration.
<b>Question 3.1</b>	<b>Applicant &amp; Environment Agency</b>	[APP-054] 6.8.3 The Ground Investigation Report, page 2 records the groundwater level range at: <ul style="list-style-type: none"> <li>• Paull -0.45 to 1.83 AOD</li> <li>• Goxhill -1.47 to 2.07 AOD</li> </ul> <p>Is 1.4m flood design for protecting the drive and reception pits adequate and if so is that now agreed with the EA in a SOCG?</p>
<b>Answer to 3.1</b>		The flood design height for the bunds is linked to the predicted consequences of tidal inundation, rather than ground water levels. We maintain, as set out in our Relevant Representation and Written Representation that 1.4m high bunds are not sufficient and, following a previous meeting, we understood that the applicant was considering what height could be achieved and what contingency measures could be applied for any residual risks. This is not yet agreed although an addendum to the FRA has been submitted at Deadline 1, but not yet reviewed.
<b>Question 4.2</b>	<b>Applicant</b>	Have water discharge points at Goxhill and Paull been agreed with the EA, the North East Lindsay Drainage Board (NELDB) and the South Holderness Internal Drainage Board (SHIDB)? Note [RR-010] from the EA which at 2.1(8) states ' <i>The 'Indicative Paull Site Layout' shows an area denoted as the 'water discharge work area' which appears to coincide with the existing flood defence and Thorngumbald Pumping Station outfall. More detail is requested to assess any potential impacts'</i>
<b>Answer to 4.2</b>		This is of interest to the EA as a landowner, as we have not yet received any details of proposals for the water discharge area at Paull following our site meeting with the applicant/agent.
<b>Question 4.8</b>	<b>Environment Agency; North East Lindsay Drainage Board &amp; South Holderness Internal Drainage Board</b>	Schedule 3 – Requirement 9, Agricultural Land Drainage – is sufficient information known about the project from the application documentation to secure and maintain adequate drainage provision throughout? Are the Environment Agency able to verify that that there is no major concern (related to agricultural land drainage) to the possible grant of an order? If there are outstanding concerns please identify them and what you would require to reduce or remove them?
<b>Answer to 4.8</b>		We have focussed our consultation on managing flood risk from rivers and the sea. We would defer to the expertise of the local drainage boards for any concerns regarding impacts on agricultural drainage. This position also applies to the management of surface water on the

		<p>site, as the Environment Agency is no longer a statutory consultee on this matter. We have not made representations on surface water management, other than to draw attention to the benefits of consultation with the relevant Lead Local Flood Authorities and Internal Drainage Boards.</p>
<b>Question 4.16</b>	<b>Environment Agency</b>	<p>[RR-010] para 1.5 - It is understood that DEFRA have been seeking to make water abstraction '<i>de-watering</i>' during excavations a licensable activity for '<i>sometime</i>' and the current target for introduction of such a licence is October 2015. Does that timetable remain current? The Environment Agency also state in their relevant representation that</p> <p><i>'Even if the proposed activities would not fall under the abstraction licensing regime, we will still seek to apply the spirit of the licensing regime through the DCO process.'</i></p> <p>1. would the absence of the availability of any catchment capacity inevitably prevent issue of an abstraction licence if this becomes licensable as DEFRA intend (Oct 15) before construction commences (or, by the application by Environment Agency of the '<i>sprit</i>' of this licencing proposal) and could that prevent lawful project implementation; and</p> <p>2. if the answer is 'yes' what alternative solutions are there?</p>
<b>Answer to 4.16</b>		<p>The current EA position is that Defra expects to consult on ending abstraction exemptions later in 2015. If government choose to implement this change, applications for existing, ongoing dewatering would likely need to be made between 2016–2018. The EA would likely have from 2018–2021 to determine any applications. It is important to note that this is a Defra-led timetable and may change.</p> <p>Whilst there are known abstraction pressures, and limited availability of water in the catchment (set out in the published Grimsby, Ancholme and Louth Catchment Abstraction Management Strategy), the EA is prepared to consider proposals from water users which explore opportunities to abstract water during periods of high flow and/or above normal groundwater levels which do not lead to deterioration of the environment and/or affect other licensed and lawful unlicensed water users. In short, it is not inevitable that a licence (if needed) would be refused, but it would need to be robustly demonstrated that the abstraction would not lead to deterioration of the environment and/or affect other licensed and lawful unlicensed water users, and it may be subject to strict restrictions on volumes and/or timings which may have serious practical implications for the deliverability of the project. For as long as there remains concern about the project's ability to avoid the deterioration of the environment and/or affect other licensed and lawful unlicensed water users, we will raise objections to the DCO.</p> <p>Definitive information is required as part of the DCO, in order to make an assessment of any impacts i.e.</p>

		<p>1) The purpose of abstractions;  2) The volumes of water to be abstracted;  3) The rates of abstraction;  4) The duration of abstractions;  5) Whether recharge to the aquifer would be an element of the design (this is an important point since less water would be consumed from the environment if so).</p> <p>Once the EA has confidence in points 1 to 5 an assessment of the potential impacts can be made and mitigation measures agreed. These factors can then be reflected in the DCO and its supporting documents such as the Site Water Management plan, with any necessary mitigation secured accordingly. This supporting evidence would then be taken forward into a licence application where necessary.</p> <p>If the applicant cannot robustly demonstrate that the project will avoid the deterioration of the environment and/or affect other licensed and lawful unlicensed water users, it will be down to the applicant to explore and propose potential alternatives which we will then give consideration to.</p>
<b>Question 4.19</b>	<b>Environment Agency (EA); North East Lindsay Drainage Board South Holderness Internal Drainage Board &amp; Marine Management Organisation (MMO)</b>	<p>[APP-073] Table 6-1, pages 13-14, 6.13.2 Initial Site Water Management Plan identifies a series of water related consents and licences required for the implementation of the project;</p> <p>1. Does the list cover all relevant permits? If not what other licences or matters should the ExA be aware of?  2. Given the timing of licencing is largely suggested as '<i>prior to construction</i>', if that is agreed, from the content of the application is there sufficient information to be able to confirm that you have no major concerns to the granting of such permits?</p>
<b>Answer to 4.19</b>		<p>We are in negotiations with National Grid to agree protective provisions to be contained in the Order so that the Yorkshire Land Drainage &amp; Sea Defence Byelaws (north bank of Humber) and Anglian Land Drainage &amp; Sea Defence Byelaws (south bank of Humber) can be disapplied for any works in, over, under the tidal defences or Main Rivers and works between Mean Low water and the landward extent of Byelaw distance. If the disapplication is not resolved, it is worth identifying that due to the environmental designations of the sites, we would not be able to issue a Flood Defence consent (under either the byelaws of s.109 of the Water Resources Act) without the prior approval of Natural England. It is reasonably expected that Natural England may have specific questions in relation to methods and timings of works.</p> <p>Furthermore, it is our understanding that the applicant may now be considering a reinjection/recharge well as part of the groundwater management proposals. We are</p>

		<p>yet to receive or assess any such proposal, but such a measure would also bring about the need for an Environmental Permit under the Environmental Permitting Regulations.</p> <p>The answer to this question relates to the answer to question 4.16. Should points 1-5 be addressed, it could mean that we have no major concerns about the granting of such groundwater abstraction licences, albeit subject to certain controls. At present, it is uncertain.</p>
<b>Question 4.20</b>	<b>Applicant and Environment Agency</b>	<p>[APP-072] 13.1 Water Framework Directive (WFD), 1.15 states that '<i>on currently available information the effects associated with the control of the groundwater on groundwater bodies, are considered to be moderate and would be temporary</i>'. Given the Environment Agency's relevant representation [RR-010] and in the light of caveats within the Ground Investigation Report [APP-054] 6.8.1 what additional evidence can you supply to support this statement and has a common position been agreed with the Environment Agency and recorded in a SOCG? If not please provide an update on this matter.</p> <p>Environment Agency - from the content of the application is there sufficient information to be able to confirm that you have no major concerns, or are there any matters related to compliance with the WFD that you wish to draw to the ExAs attention?</p>
<b>Answer to 4.20</b>		<p>In relation to groundwater quality and saline intrusion, we consider that there is the potential for the proposed development to cause groundwater WFD quality status deterioration of the Grimsby, Ancholme, Louth Chalk aquifer. Under WFD, deterioration can be caused if a groundwater quality monitoring borehole records a sustained rise in salinity trend, a threshold value is exceeded or if any point of abstraction used for potable supply is affected. Factors that may compound this are local abstraction and natural variability in rainfall recharge of the chalk aquifer (particularly dry winters).</p> <p>While groundwater quantity is an important WFD consideration, the relatively localised nature of this proposal and the size of the groundwater body means the proposal itself would be unlikely to affect the status by itself.</p> <p>In relation to surface water, WFD investigations have confirmed that hydrological impacts linked to abstraction are a contributory reason for failure of a biology element. Schemes are being drawn up to mitigate against this impact. Any proposal which has the potential to deteriorate or affect this mitigation needs to be avoided.</p> <p>We wish to draw the ExA's attention to the potential the proposal has to deteriorate WFD status, as specified above. Comprehensive investigation and mitigation will be needed to address this point.</p>
<b>Question 6.2</b>	<b>Natural England, East</b>	<p>Schedule 3 – Requirements 12 - CEMP – Is sufficient information known about the project from the application</p>

	<b>Riding of Yorkshire Council; North Lincolnshire Council; Environment Agency and all interested parties</b>	documentation including the [APP-084] <a href="#">Initial CEMP</a> and [APP-088] <a href="#">Environmental Mitigation Commitments Document</a> to control the necessary environmental mitigation identified in the ES? If there are outstanding concerns please identify them and what you would require to reduce or remove your concern(s)? The ExA would be interested in particular for comments from Natural England, the Environment Agency and the local planning authorities who would be responsible for approving the CEMP under requirement 12 of the <a href="#">DCO</a> (see page 39/59).
<b>Answer to 6.2</b>		<p>All Pollution Prevention Guidance Notes relevant to the nature of the project have been referenced within the Initial CEMP, which detail/cover the necessary mitigation measures to prevent pollution. We have made various representations in our RR and WR about minor amendments to the CEMP.</p> <p>Within 10.1-2 of our Relevant Representation, issues surrounding the uncertainty of impacts on water voles were raised. We highlighted the need for a more detailed explanation of the amount of habitat to be lost and mitigation proposed. Currently there is insufficient detail within either the CEMP or the Environmental Mitigation Commitments Document to enable adequate control through requirement 12.</p> <p>Paras F4 &amp; F5 of the CEMP commit the applicants to pre-construction surveys for water voles, and “a water vole mitigation strategy”. We would like further details of the likely contents of any mitigation strategy in this instance, given that the scale of the impacts are yet to be fully determined.</p> <p>Con F5 of the Environmental Mitigation Commitments Document states that there will be “minimal ditch crossings” through the scheme. In order to understand the impacts of habitat fragmentation on water voles, we need greater clarity over the number of crossings.</p> <p>In respect to land contamination risks, we have reviewed pages 39 and 40 of the CEMP and are content with the approach.</p>
<b>6.13</b>	<b>Environment Agency; North East Lindsay Drainage Board; South Holderness Internal Drainage Board</b>	[APP-025] At para. 7.3.1 the applicant states a 10m buffer that exceeds drainage board byelaws will be maintained between stockpiled spoil and water courses. Is this position agreed and incorporated into a SOCG and should this be identified in the Initial CEMP?
<b>Answer to 6.13</b>		Any works within a byelaw distance would trigger the need for the agreement of the relevant authority (IDB or Environment Agency) whether through compliance with protective provisions or via the Byelaw consenting

		<p>process.</p> <p>This measure has not been specifically requested by us but appears to be a sensible measure. If it transpires that an Environmental Permit under the Environmental Permitting Regulations, is needed for the management of materials on the site, the permit would also impose controls to protect the environment, including watercourses.</p>
<b>Question 9.1</b>	<b>Applicant</b>	<p>[APP-038] Appendix 4.2 Consultation Comments – page 10 ‘a draft site waste management plan has not been prepared to accompany the ES due to the level of uncertainty regarding what will happen to waste at the site’. Given the volume of spoil and arisings and its consequential impacts on highway if removed from site, or flood plain if retained long term, is this not essential to understanding the scheme, ensuring the worst impacts are covered within the ES....etc?</p>
<b>Answer to 9.1</b>		<p>In relation to this matter, requirement 6 would benefit from the inclusion of additional text, specifying the necessary contents of the SWMP. The additional text could include the following information set out below.</p> <p>As well as the usual Waste Hierarchy (1. Reduction 2. Reuse and repair 3. Recovery 4. Recycling) a SWMP shall show how the site will deal with any waste produced during the construction/excavation.</p> <p>The SWMP shall ensure the principal contractor:</p> <ol style="list-style-type: none"> <li>1. Knows the identity and waste carrier registration number of the person moving the waste;</li> <li>2. Keeps a written description of the waste;</li> <li>3. Checks details of the permits or exemptions held by the sites that the waste is taken to;</li> <li>4. Updates the plan as often as necessary to ensure it reflects the progress of the project - this must be at least every six months;</li> <li>5. Keeps a record of the types and quantities of wastes that are reused, recycled, recovered or disposed both on and off the site.</li> </ol> <p>Within three months of the project being completed, the SWMP shall be updated to include:</p> <ol style="list-style-type: none"> <li>1. A comparison between the forecast and actual waste;</li> <li>2. An explanation of any differences between the forecasted and actual levels of waste produced;</li> <li>3. An estimate of the cost savings that were achieved through implementing the SWMP</li> </ol> <p>It should include a declaration signed by the client and the principal contractor. The principal contractor should keep the SWMP for two years after completion of the project.</p>
<b>Question 9.3</b>	<b>Environment</b>	<p>Are there local flood defence opportunities within the</p>

	<b>Agency (Mark Adams)</b>	project timeline for local re-use e.g. as part of your planned flood defence re-alignment scheme and if so what volume of material could be used?
<b>Answer to 9.3</b>		We continue to discuss opportunities with the applicant and there are certainly widespread proposals for flood risk management works across much of the Humber estuary into the future. However, it is difficult to definitively confirm the suitability of the material or the quantities involved when the specification of the material is not yet known. We will continue to liaise with the applicant outside the DCO process to ensure any mutual opportunities are taken.
<b>Question 14.6</b>	<b>Environment Agency</b>	Are there items within the DCO which duplicate control over matters within the DCO, or are there any gaps between the necessary environmental permits and the DCO?
<b>Answer to 14.6</b>		<p>There is currently a gap as some north bank byelaws have been disapplied in the draft DCO yet no Protective Provisions have been included. As stated previously, we are in the process of discussing and agreeing Protective Provisions with the applicant to cover this issue. The applicant has also confirmed verbally that they may now wish to pursue the disapplication of all byelaws for both north and south bank.</p> <p>Depending on the ultimate need for an Environmental Permit for waste activity on the site, there may be some duplication of controls between the DCO and any such permit. However, because we cannot yet be certain about the need for a permit, it would be prudent to retain control within the DCO.</p> <p>The applicant refers to CL:AIRE, the definition of waste code of practice (DoWCoP). This involves the reuse of soils only. DoWCoP would be suitable in the following circumstances</p> <ol style="list-style-type: none"> <li>1. The reuse of clean, naturally occurring soils being reused on the site of production. i.e. if the soils are dug from a farmer's field, they can be stored and reused in that field.</li> <li>2. The reuse of clean naturally occurring soils being directly transferred from one site to another without any form of treatment.</li> <li>3. The reuse of contaminated soils whether at the site of production or any other site. These soils must be remediated before reuse. The site at which the soils are remediated must be permitted either by a permanent site permit or in any other case, by a mobile plant permit.</li> <li>4. The use of a "Cluster project". Soils can be transferred from a number of predetermined sites (known as donor sites) to a "Hub" site. The Hub site must be permitted, Here the soils will be treated and or remediated and can then be used at a predetermined receiver site.</li> </ol>

		<p>With regards the waste from any arisings, e.g. tunnelling, the need for a permit would depend on exactly what the applicant intends doing with it. The waste could be used in say, the construction of a screening bund at the site of production. It is unlikely that a permit would be required for this. If the arisings are to be used elsewhere for any other reason, a permit or exemption would probably be required, for example, if the waste arisings are suitable and are to be used to form an access road, then a U1 exemption would be needed. If the waste arisings are to be treated before being reused anywhere, then the treatment would require a permit.</p> <p>It is difficult to stipulate exactly what type of permit, if anything would be required, until the exact details are submitted by the applicant (where the waste is to be used, whether there will be any treatment, the exact location etc.)</p> <p>There is a likelihood of some duplication of elements within the DCO between the 'Site Water Management Plan', 'Hard Landscaping and Drainage' and the CEMP, given the slightly different focus of each of these documents in dealing with water arising. However, we are not overly concerned about this minor overlap. In relation to groundwater and land contamination we have not identified any current overlaps or gaps. This may of course be subject to change as further evidence on the project's groundwater impacts is assembled.</p> <p>We are not currently aware of any other notable gaps or duplications.</p>
<b>14.13</b>	<b>Applicant; Environment Agency; North East Lindsay Drainage Board; South Holderness Internal Drainage Board</b>	Article 6 (2), Limits of Deviation currently states that ' <i>the undertaker may construct the drainage works anywhere within the order limits</i> '. Has the scope of this been agreed with the Environment Agency and relevant drainage boards and why is it considered necessary?
<b>Answer to 14.13</b>		This has not been specifically agreed with the applicant, however the need for a Site Water Management Plan secured by requirement 5, the protective provisions (to be agreed), or the need for byelaws consent, and the need for an Environmental Permit for discharges, provide us with comfort.
<b>14.19</b>	<b>Environment Agency; Marine Management Organisation; North East Lindsay Drainage Board; South</b>	Article 16 – Discharge of Water – Are the scope of these provisions the subject of agreement?

	<b>Holderness Internal Drainage Board.</b>	
<b>Answer to 14.19</b>		We have not specifically agreed this with the applicant, but any such discharges would also likely be subject to a flood defence consent (under either the Water Resources Act or local byelaws), protective provisions, and potentially an Environmental Permit. There is only one main river in the vicinity where we have, in principle, agreed to allow a discharge - the tidal skitter and flushing basin of East Halton Beck. On the north bank, discharges direct to the Humber are proposed.
<b>Questions 15.2 &amp; 15.14</b>	<b>Affected Persons, Applicant.</b>	<p>Does any affected person (person whose land or rights in land would be affected if an order were granted) have any outstanding concerns regarding the extent and nature of compulsory acquisition of rights identified in the application, or the case made (need) for the acquisition of those rights?</p> <p>Are the acquisition and rights requested the minimum necessary given the anticipated 40 year operational life-span [APP-019, para 2.5]? Is there going to be an end date on the project after which the pipeline would be dismantled and removed and the land restored?</p>
<b>Answer to 15.2 &amp; 15.14</b>		We are unable to find any explanation within the DCO supporting documentation about why the tunnel needs to be the size proposed. It would be useful to have this as it appears to be significantly larger than the pipeline it is designed to accommodate and has a direct bearing on significant other aspects of the project such as the size of the drive and reception pits and their consequent impact on groundwater. We have also sought clarification of this point from the applicant, in our role as land owner.
<b>Question 15.10</b>	<b>Applicant</b>	<p>[APP-06] Land Plans - Please clarify the following;</p> <ol style="list-style-type: none"> <li>1. L003 - defines Plot 18 as Permanent Type 4 (Cable Easements Over Land) and Temporary Type 1 (Construction) but it is not shaded blue on W008. Why is that and to which Work No does it relate?</li> <li>2. L003 – plots 23, 25 &amp; 26 define both Temporary Type 1 (Construction) and Permanent Type 6 (Access Rights Over Land). Which plot number defines Work 3D the capping of the existing pipeline as identified in blue on W008?</li> <li>3. Plot 30 – which Work No applies to these temporary access works, 5A?</li> <li>4. Plots 39 &amp; 42 – why are the permanent pipeline rights in this location 50% wider than in plots 52 and 54?</li> <li>5. Plot 46 - temporary construction access does not appear to be hatched on W008? Should this be part of Work 5A?</li> <li>6. Is the difference between Plots 82 and 86 the fact that 82 provides permanent easement access rights to the cable laid at 86?</li> <li>7. Plot 100 – why does this link to the highway when it is not shown as an access point? Please explain its purpose?</li> </ol>

<p><b>Answer to 15.10</b></p>		<p>15.10.2 - This relates to EA land (plots 23, 25 &amp; 26). The latest plan we have received from the applicant's agent shows that these plots are required for a right of way to the land for the proposed kiosk adjacent to the gas compound at Paull. We have not yet received any details from the applicant/agent relating to the acquisition of the kiosk land and associated right of way, however, it was discussed briefly at a site visit with the applicant's representatives and it did not appear that this was going to cause us any great concern.</p> <p>15.10.3 - Plot 30 is not EA owned land, however, it is part of the access road to the Thorngumbald pumping station—so the answer will be of interest to us. We have made it clear to the applicant that they must ensure we have access to the pumping station at all times.</p> <p>15.10.4 - Plots 52 and 54 are EA owned land. We had assumed that the reason the corridor is narrower on our plots is because there is less uncertainty about the exact route of the pipeline as it gets nearer to the gas compound. Clarification would be useful if that's not the case.</p>
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Should you require any additional information or clarification, please don't hesitate to contact me on the details below.

Yours faithfully

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