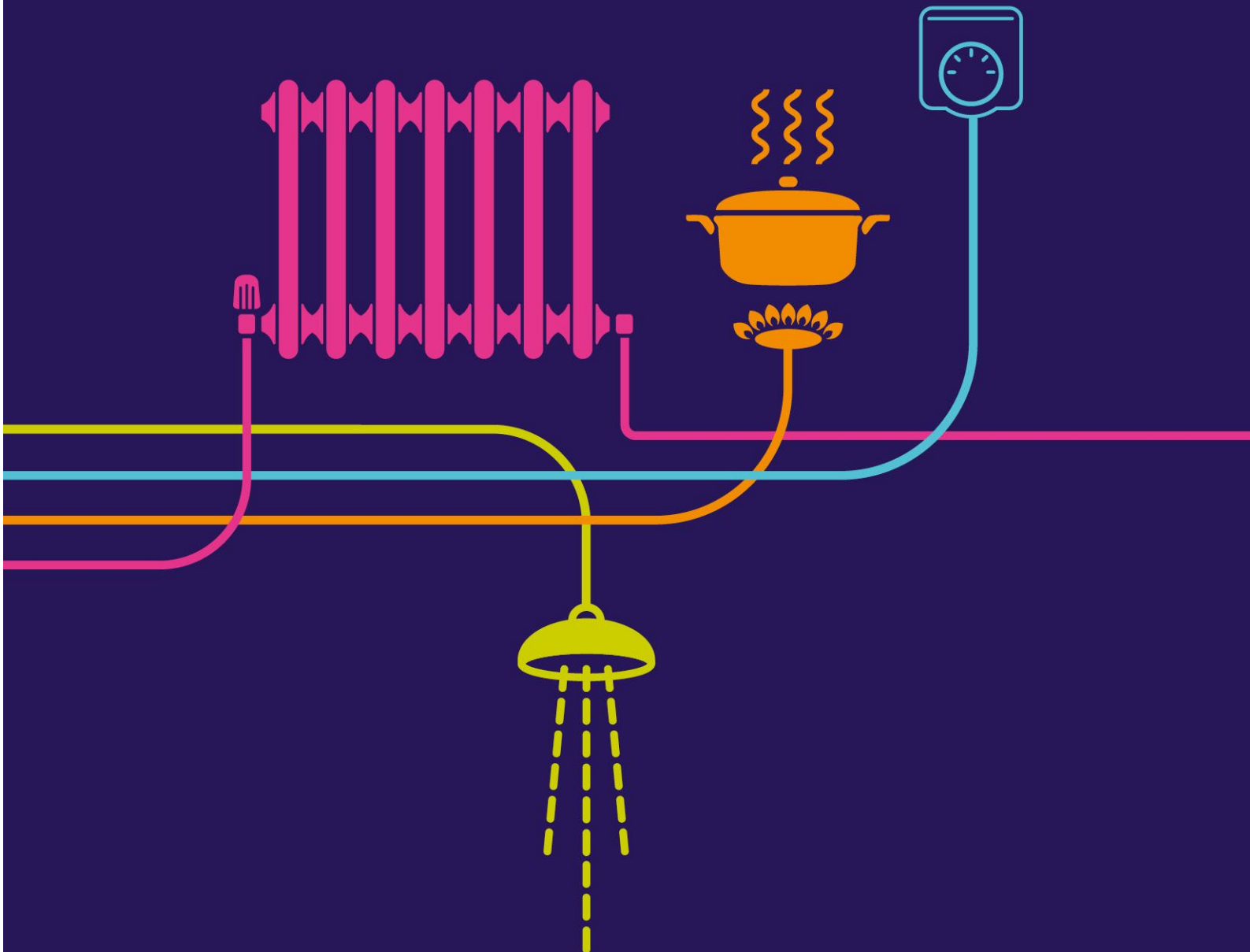


Written Summary of Oral Case at Issue Specific Hearing on 17 November 2015

River Humber Gas Pipeline Replacement Project



8.17: WRITTEN SUMMARY OF ORAL CASE AT HEARINGS ON 17 & 18 NOVEMBER 2015

ISSUE SPECIFIC HEARING ON CONSTRUCTION AND ENVIRONMENTAL IMPACTS

Agenda Point	Issue	Summary of Oral Case
3	Construction	<p>The project has been planned in accordance with the CDM 2015 Regulations, ensuring sufficient time and resources are available to complete the activities in the time provided. National Grid has over 40 years of linear pipeline construction experience which has been built into this scheme. Substantial planning has already been completed in terms of a reference design and extensive ground information; with prime pipeline and tunnel contractors engaged. The contractors were pre-qualified for demonstrable competence and experience in large diameter pipeline in a tunnel schemes. The reference design shall be developed by the successful contractor into a detailed design followed by construction. National Grid shall provide a project team assuring the scheme is designed and constructed as planned from a health, safety, environmental quality, time and financial perspective. The construction and operational effects have been assessed as a credible worse case within the ES.</p> <p>Please see document 8.17.4 Annexure 4 to Hearing Action Checklist – Action 3 Construction Presentation for more information.</p>
3.1	Transition tunnel to trench	<p>The exact transition points from tunnel to trench will be matters for detailed design by the main works contractor after pre-construction surveys and investigations are carried out. Reference designs have been completed demonstrating the temporary and permanent works is buildable. To minimise working at depth and height, the pipeline will return to nominal cover (1.2m) as soon as reasonably practicable from exiting the tunnel portal. The transition between tunnel and trench shall be managed in accordance with BS5975 Code of Practice for Temporary Works. The maximum lengths of trenched and trenchless sections for each part of Work 1 are set out in Schedule 1 of the development consent order and are indicated on the works plans by blue sections for Works 1A and 1C and a pink section for Work 1B. These lengths have been assessed by the Environmental Statement as the 'worst-case scenario'. The detailed design is subject to approval by the local planning authorities under requirement 4. The detailed design must accord with and remain within the parameters of the 'worst-case' Rochdale envelope assessed in the Environmental Statement.</p>
3.2	Material Volume, working hours and HGV traffic flow	<p><u>Material Volume</u></p> <p>For a 3.65m ID tunnel and the currently assumed geological long section, the principal tunnel quantities are as follows after bulking:</p> <p>Volume of excavated chalk 40,000m³</p> <p>Volume of excavated glacial deposits 28,500m³</p>

		<p>Volume of excavated material (drive pit) 30,000m³</p> <p>Volume of excavated material (reception pit) 10,000m³</p> <p>Total : 108,500m³ (after bulking)</p> <p><u>Working Hours</u></p> <p>Paragraph 2.6.3 of the Scheme Description of the Environmental Statement states that the workings hours are: <i>Core working hours would be between 0700 -1900 hours Monday to Friday and 0800 -1600 on Saturdays with tunnelling activities undertaken seven days a week, 24 hours a day. There may be a requirement to undertake other construction activities on a Sunday.</i></p> <p><u>HGV Traffic Flow</u></p> <p>As stated in paragraph 3.1.4 of the initial Traffic Management Plan (Doc 7.2.1A) during school term, inbound construction HGV movements would be restricted to 09:00-15:15 hours. All other construction traffic travelling to and from the Goxhill site would operate between 07:00-19:00 hours.</p> <p>Please see document 8.17.2 – Annexure 2 to Hearing Action Checklist – Action 2 Traffic & Waste Summary.</p>
3.3	Retention of existing pipeline	<p>The existing pipeline will remain in situ. More environmental damage would be caused in removing it. Commercial discussions in relation to this remain ongoing but an agreement is expected to be reached.</p>
5.1	Additional mitigation land or enhancement	<p>National Grid does not believe that additional 'precautionary' mitigation is required or justified. Natural England and RSPB have confirmed that bird disturbance effects beyond the site compounds as a result of noise are not significant, based on the supplementary details provided in the Technical Note appended to the SoCGs (Doc Refs 8.1.4A and 8.1.6A). However, both organisations remain unconvinced that the displacement of SPA birds from the footprint of the development for the duration of the construction period will not be significant, and suggest that a similar amount of replacement foraging and/or roosting habitat would need to be provided to mitigate for the impacts. National Grid, as reported in the HRA (Doc Ref 5.4), contend that the temporary unavailability of a very small proportion of the available farmland within the wider Humber landscape (essentially two arable fields) will not significantly affect SPA birds (in particular, golden plover, curlew and black-tailed godwit) that would readily use alternative arable fields. No birds would be killed, and none would be affected to such a degree even that their breeding success might be compromised. Therefore, the Scheme would not be detrimental to the fulfilment of the conservation objectives for the SPA. Nor would it affect the ability of the populations of SPA species to survive at their current conservation status. National Grid is, nevertheless, currently considering additional mitigation measures proposed by Natural England and the RSPB which would alleviate their outstanding concerns.</p> <p>With regard to enhancement, National Grid does not believe, based on the relevant policies identified, that a scale of enhancement proportionate to the overall cost and perceived size of the project is justified when the project is, as we believe, currently acceptable in planning terms owing to the extensive mitigation measures set out in the Environmental Statement (Doc Ref 6.7) and HRA (Doc Ref 5.4).]</p>

		The parties are in discussions in relation to the possible provision of a barrier gate at Halton Skitter to prevent vehicles from disturbing the bids. This would provide a long-term benefit rather than a temporary one. This is an Environment Agency asset and they will be kept informed of the discussions.
8.2	Proposed Haul Route (passing places and bypass)	<p>A further meeting was held with the Council on 11/11/2015. The Council requested further clarity about why a two way construction route using the Soff Lane Diversion and Chapelfield Road could not be achieved. The reasons provided in the letter sent to the Council were outlined. The Council requested further details in relation to the service diversions that would be required.</p> <p>One of the reasons why the two-way route is not feasible is the presence of services in the ground. The extent of diversion required would add unacceptable cost and length to the construction programme. The applicant will provide a drawing setting out the extent of services in the road for comment by North Lincolnshire Council and will also provide a further not on the Council's traffic proposals and retention of passing places.</p> <p>Please see document 8.17.6 – Annexure 6 to Hearing Action Checklist – Actions 18 & 19 Technical Note on NLC Traffic Proposals.</p>
8.5	Network Rail bridge and crossing – weight limits	A meeting was held with Network Rail on 11 November 2015. Network Rail have no issues as to weight or capacity of the crossing. An asset protection agreement will be entered into to protect Network Rail's assets. An updated Statement of Common ground is being submitted for deadline 4.
N/A	Mrs Burns point on rat-running	<p>The workers will have to adhere to the terms of the TMP and the CEMP. The CEMP sets out a procedures for the making and handling of complaints and how action will be taken to address any issues.</p> <p>Workers will not have access to their own vehicles and access to vehicles on the site will be regulated.</p>
13.2	Impacts on Local Businesses and Residents	<p>National Grid are in continual dialogue with residents and businesses in relation to the Project and this will continue. A programme of measures will be put in place to ensure that the concerns of local residents are taken into account. The draft Development Consent Order contains requirements and enforcement measures to ensure that commitments are complied with.</p> <p>The CEMP has been updated.</p>

ISSUE SPECIFIC HEARING ON DEVELOPMENT CONSENT ORDER

Agenda Point	Issue	Summary of Oral Case
3.1	Rochdale Envelope and Certification of Plan	<p><u>Rochdale Envelope</u></p> <p>The Project has been assessed in accordance with the Rochdale Envelope. This is a series of maximum extents of a project for which the significant effects are established. The detailed design of the project can then vary within the envelope without rendering the ES inadequate.</p> <p>The Rochdale envelope issues on the Project are relatively confined and relate to the Limits of Deviation, the provision of the tunnel, the land required for areas of spoil and the area needed for the Soff Lane diversion.</p> <p>The Limits of Deviation provided for in article 6 of the draft Development Consent Order provide scope for necessary adjustments in the Project to take account of unforeseen circumstances. The areas are tightly defined and do not raise any landowner or third party concerns.</p> <p><u>Certification of Plans</u></p> <p>Only documents which are referred in the Order need to be included in the certification article (art 43). These are the documents which form part of the DCO and crystallise the principle parameters of the scheme. It is not appropriate to certify documents which are designed to evolve in response to detailed design. The requirements ensure that National Grid will conform with the approved parameters and there are no tailpieces in any of the requirements allowing the change of scope of the authorised development (AN15).</p> <p>The certification of the Environmental Statement ensures that the Rochdale Envelope is set as part of the DCO.</p> <p>This approach allows for a necessary and proportionate degree of flexibility, taking account of the need for evolution in the design of the project within the assessed parameters.</p> <p>The site layout and other design details will be subject to change and refinement during the detailed design of the project. A requirement for strict and literal adherence to these indicative plans would be unnecessarily restrictive and would fetter National Grid's ability to deliver the Project.</p>
3.2	Hierarchy of Plans	<p>The Hierarchy of Plans illustrates the plans, programmes and schemes secured through the Development Consent Order.</p> <p>It would be inappropriate for indicative plans (such as the OGI Recharge Drawings) to be secured through the development consent order (see response above). These are summary documents for the purposes of assisting the examination and aiding undertaking of the application, not for inclusion in the order.</p>

		The Hierarchy of Plans has been amended and an updated version submitted reflecting changes made to Schedule 3 to the draft Development Consent Order.
4	Issues raised by IPs that remain a concern - Noise Management Point raised by Mrs Burns	<p>Requirement 13 requires compliance at all times with the written scheme for noise management for the duration of the construction activity. The requirement sets out that the scheme must include details of the works and the method by which they will be carried out and the noise attenuation measures to be taken to minimise any noise arising from the works. Further details will be settled at a later date to ensure that they are dealt with in the best and most appropriate way possible to limit noise impacts of the works.</p> <p>The CEMP includes requirements in relation to the setting of noise limits and these will be agreed with the Environmental Health Officer at North Lincolnshire Council. There is also a commitment to monitor noise levels to ensure that mitigation measures are effective and further action can be taken if it is necessary.</p>
5	Article 3 – Disapplication of Byelaws	The wording of this article has been updated to disapply certain byelaws. The protective provisions for the benefit of the Environmental Agency perform the function of the byelaws. These protective provisions have been included in the draft Development Consent Order and negotiations are at an advanced stage.
5	Article 7 – Defence to Proceedings in respect of statutory nuisance	This article is based on the Model Provisions and is necessary for this type of development. National Grid will have to comply with the written noise management scheme at all times during the construction of the authorised works. If this requirement is not complied with then the draft Development Consent Order contains an enforcement procedure which can be used. The article means that claims for statutory nuisance for the project is not completely dispensed with but provides the applicant with certain defences which are appropriate in the context of a nationally significant infrastructure project. The regime is still available but the circumstances in which a claim can be made are limited.
5	Article 18 – Authority to survey and investigate the land	The article is based upon the Model Provisions and allows for a number of different types of survey to be undertaken. Due to the nature of the project and the area, the type of survey which may be required will evolve with the construction and design. The drafting of the article needs to provide sufficient flexibility to respond to changes in circumstances. Limiting the scope of the surveys to be undertaken would not be practicable. The powers are limited by the wording of the draft Development Consent Order as it allows for a purely investigative power to be exercised within the Order limits. The power gives efficacy to other obligations on the applicant to respond to the specific conditions. The article provides for compensation rights in relation to the undertaking of any such surveys.
5	Article 26 – temporary possession of land for the carrying out of the authorised development	<p>The Model Provisions provide that buildings which have been removed do not need to be reinstated when temporary possession ends. This reinstatement would not be practical nor desirable.</p> <p>The final order submitted for CCS included the wording that mitigation works and ground strengthening works do not have to be reinstated. This project is analogous and it may likely be the preference of the landowner to keep such works in situ as they may be necessary or desirable.</p>

		<p>The wording of article 26(4) does include the wording “unless otherwise agreed by the owners of the land” which allows flexibility to specific circumstances and the wishes of the relevant landowner.</p> <p>Appropriate compensation provisions are included in the article.</p>
5	Schedule 3, Requirement 3 – stages of authorised development	<p>Requirement 3 allows for the stages to be submitted to the LPA for approval prior to the commencement of development. This provides the necessary flexibility for the detailed design of the project. All works have been assessed in the Environmental Statement on a reasonable worst case basis and the updated definition of ‘commence’ in document 3.1A gives even more certainty to the scope and impacts of the works.</p> <p>It would not be appropriate at this stage to define the stages of the development without further investigative work having been done. Further work may influence the way in which works need to be carried out.</p> <p>Parameters and broad locations have been set for the works under the draft Development Consent Order.</p> <p>This drafting has been included in a number of DCOs including the Willington C Gas Pipeline Order 2015 and the tightened definition of “Commencement” under the order limits the types of works that can be undertaken prior to approval of these details.</p>
5	Schedule 3, Requirement 4(1)(b) – inclusion of detailed design	<p>Works No 6 and 9 have not been included in the list in Requirement 5. These road widening works will be carried out under article 11. 11(3) specifies that the works must not be undertaken without the consent of the street authority.</p> <p>Req 4(b) will be amended to include work no 10 for details of soil bunding.</p> <p>Work No 11 does not involve any physical works.</p>
5	Inclusion of independent verification of design in Schedule 3, Requirement 4	<p>It would not be appropriate to include ‘Independent validation of design (CAT III independent design check’ to Requirement 4(1) of Schedule 3 to the draft Development Consent Order. This is not governed by statute and rather is a measure of good practice in the industry and is a contractor requirement. It is essentially not a planning issue and should not be included as such in the draft Development Consent Order.</p> <p>Update: Pre L14 of the Initial CEMP has been amended to read “An independent validation of the tunnel design will be undertaken by a chartered engineer prior to the commencement of tunnelling”.</p>
5	Schedule 3, Requirement 11 - Should the ‘emergency use’ and therefore restriction in operation of the helicopter be identified.	<p>A definition of emergency use is provided at Requirement 11(5). The use of the helicopter has not been assessed as part of the Project and therefore does not require regulation through the DCO. It is purely an emergency health and safety requirement.</p>

5	'Start up' and 'shut down' period in Schedule 3, Requirement 12	<p>The wording of the requirement itself ensures that the start-up and shut down periods will not simply be an extension to the working day. 11(1) clearly sets out that construction works cannot take place outside the hours specified in that article.</p> <p>It is not practical to define 'start up' and 'shut down' as these activities vary depending upon the stage of the construction process. The written noise scheme will apply at all times.</p>
5	Inclusion of WHO noise guidance on Schedule 3, Requirement 13	<p>Following the suggestion from North Lincolnshire National Grid included the following statement in the I4 of the Initial Construction Environmental Management Plan (CEMP) (Doc Ref 7.3A) '<i>A written scheme for noise management during construction will be prepared and include appropriate limits for 12h LAeq, limits for shorter LAeq time periods and limits for LAm_{ax} where appropriate</i>'. North Lincolnshire Council have agreed the text above in the Statement of Common Ground (Doc Ref 8.1.2A). The Initial CEMP is secured by the DCO under Schedule 3, Requirement 12. Therefore, we do not believe that there is any requirement to secure limits now particularly as agreement will be needed regarding phasing of the works by the Main Works Contractor. Further the WHO guidelines are not designed for this kind of intense activity and it would be inappropriate to impose them when sufficient control is provided for under the scheme to be approved by the LPA.</p>

COMPULSORY ACQUISITION HEARING

Agenda Point	Issue	Summary of Oral Case at Hearing
8.3 and 8.3	DDM Agriculture Update and objections received	<p>Prior to the application for the Project being submitted, there were two rounds of extensive consultation with the local community which influenced the formation of the scheme. The scheme going forward will be governed by the Development Consent Order and the Construction Environmental Management Plan. Further detailed mitigation can most appropriately be discussed during the detailed design phase of the Project as measures can be better tailored to the impacts of the Project.</p> <p>National Grid is willing to continue to meet and engage with Mr Dale's clients in order to address and alleviate their concerns and give any further necessary information.</p>
8.2	Tenancy of Mr Finch	<p>It is National Grid's understanding that Trinity House (the landlord) and Mr Finch (the tenant) have reached a mutually acceptable settlement to allow the surrender of Mr Finch's agricultural tenancy upon the service of the construction notice which would be re-granted on the completion of the works. This matter is between the landlord and the tenant and it is not for National Grid to comment further.</p>
11.1	Compulsory acquisition liability assessment	<p>The level of funding required for the compulsory acquisition has been calculated by RICS qualified members of National Grids Lands Team internally, with input from the project team and through ongoing negotiations with opposition instructed land agents. A comprehensive understanding of the interests has allowed a confident assessment of compensation which has also been examined against other projects. The fact that a large part of the acquisition is temporary also gives a greater degree of certainty to the assessment of liabilities. To demonstrate that the funding level is appropriate and deliverable the project team has had monthly reviews of the funding statement.</p>
11.2	How the funds would be secured	<p>As part of our current regulatory deal (RIIO-T1 which covers the period 2013-2021) National Grid Gas Transmission, as the gas transmission licence holder, has funding mechanisms to deliver 'One off asset Health Costs'. The project is classified as such a project. Under these arrangements there is an opportunity in 2015 and 2018 for NGGT to request additional funds for any works (including lands costs) associated with delivery of the project.</p> <p>National Grid has immediate funding in place for our consenting activities associated with the project and as such, compulsory acquisition payments can be made as and when required.</p> <p>NGGT has a clearly defined internal governance process to access capital, and this will be used to fund compulsory acquisition payments as required. The governance cycle runs monthly, adheres to rigorous Terms of Reference and has clear Delegations of Authority provisions in place. National Grid's track record of managing substantial borrowing and significant contractual obligations has earned it an (A) range credit rating with all three major credit agencies, which provides further assurance that funds are available for this project. National Grid considers any necessary compulsory acquisitions as a normal business activity required to deliver its duties as the provider of gas transmission infrastructure.</p>

