

**From:** Weber Yohanna [<mailto:YohannaWeber@eversheds.com>]  
**Sent:** 03 March 2016 14:51  
**To:** [daniel.parry-jones@bnpparibas.com](mailto:daniel.parry-jones@bnpparibas.com)  
**Cc:** Simms, Carl; Wood, Sarah; Jamie Harrop; River Humber Gas Pipeline  
**Subject:** Representation by Royal Mail Group Ltd - Deadline 2

Dear Daniel

Further to your email of 27 February 2016 to PINS below regarding Royal Mail's representation dated 12 October 2015, National Grid responded in their Comments on Written Representations (Doc 8.11, published on 3 November 2015). A copy of this document is attached and the text is reproduced below:

"A Transport Assessment (Doc Ref 7.2) for the Scheme has been undertaken which selected the proposed construction routes to both the Goxhill and Paull sites. The suitability of each road located on the construction route was reviewed and potential effects associated with construction traffic were identified. Although the number of construction vehicles travelling to and from the site is relatively low (during both peak and average construction periods), it was found that there would be an impact on all road users. However, National Grid has proposed a package of mitigation measures to reduce impacts on road users. An Initial Traffic Management Plan (Doc Ref 7.2.1A) has been produced which outlines all mitigation measures for the scheme along the construction route. The proposed mitigation will provide a reduction in the impact on driver delay with minimal disruption to traffic flow on the local highway network.

In both Paull and Goxhill, the proposed construction routes to the work sites avoid villages. The roads selected for the construction route were deemed the most appropriate as they would have less impact on road users. At Paull, a two-way construction route has been proposed which utilises private trackways to minimise the use of public highway. At Goxhill, a one-way construction route (except for abnormal loads) has been proposed to reduce the number of construction vehicles travelling along the local highway. Furthermore, where there are single lane track roads along the construction route, passing places will be provided or improved to ensure two-way HGV movements are not hindered (Doc Ref 2.2A). The Scheme would not result in road closures and traffic flow would be maintained, with minimal traffic management at site entrances.

National Grid has been in ongoing discussions with both the Local Highway Authorities and Highways England regarding planned works on both the local and strategic road network surrounding the Scheme. They have confirmed that they do not consider that the scheme will have a material impact upon the operation of the highway network either side of the Humber Estuary. The proposed daily increase in traffic flow is low in comparison to the baseline traffic currently using these roads and would not adversely increase congestion. However, both the Local Highway Authorities and Highways England have requested that they are involved in the agreement of the final construction Traffic Management Plan for the Scheme, to further ensure there would be a negligible impact. National Grid therefore considers that Royal Mail deliveries and worker trips would not be adversely affected by the proposed Scheme."

Since this submission, National Grid has concluded discussions with the relevant highway and planning authorities who are all now happy with the traffic mitigation measures proposed. Construction of the Project cannot commence until the local planning authorities, in consultation with the highways authority and Highways England, have approved a traffic management plan and the Project must be carried out in accordance with this approved plan.

Taking into account the mitigation measures which will be put in place there will be no noticeable impact on Royal Mail's operations as a result of the Project and, therefore, there is no need for further consultation with Royal Mail in relation to the Project.

Regards

Yohanna Weber | Senior Associate | Planning and Infrastructure Consenting

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**From:** [daniel.parry-jones@bnpparibas.com](mailto:daniel.parry-jones@bnpparibas.com) [<mailto:daniel.parry-jones@bnpparibas.com>]

**Sent:** 27 February 2016 16:33

**To:** 'River Humber Gas Pipeline'

**Cc:** 'nationalgrid@riverhumberpipeline.com'; Holly Trotman ([holly.trotman@royalmail.com](mailto:holly.trotman@royalmail.com))

**Subject:** RE: Representation by Royal Mail Group Ltd - Deadline 2

FAO Zena Madden

Zena,

Reference Royal Mail's representations as submitted on 12 October 2016 as below and attached, are you able to advise what the applicant has done to address our client's concerns? In particular, as requested by our client has National Grid made a commitment to fully consult with all major road users, including Royal Mail, in advance of construction works taking place? I am conscious that the Examination is scheduled to close on 9 March 2016.

I have copied National Grid's case team so that they can respond direct.

Many thanks.

Dan



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**From:** River Humber Gas Pipeline [<mailto:Riverhumbergaspipeline@pins.gsi.gov.uk>]

**Sent:** 12 October 2015 13:43

**To:** PARRY-JONES Daniel

**Cc:** River Humber Gas Pipeline

**Subject:** RE: Representation by Royal Mail Group Ltd - Deadline 2

Dear Mr Parry,

Thank you for your email this will be available to view on the webpage as soon as practicable after the close of deadline 2.

Kind Regards  
Zena

Zena Madden  
Assistant Case Officer  
Major Applications & Plans  
The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol, BS1 6PN  
Helpline: 0303 444 5000  
Email: [Riverhumbergaspipeline@pins.gsi.gov.uk](mailto:Riverhumbergaspipeline@pins.gsi.gov.uk)

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Web: [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate) (The Planning Inspectorate)

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**From:** [daniel.parry-jones@bnpparibas.com](mailto:daniel.parry-jones@bnpparibas.com) [<mailto:daniel.parry-jones@bnpparibas.com>]  
**Sent:** 12 October 2015 13:36  
**To:** River Humber Gas Pipeline  
**Cc:** [nationalgrid@riverhumberpipeline.com](mailto:nationalgrid@riverhumberpipeline.com); Holly Trotman ([holly.trotman@royalmail.com](mailto:holly.trotman@royalmail.com))  
**Subject:** Representation by Royal Mail Group Ltd - Deadline 2

#### **FAO River Humber Gas Pipeline Project Team**

As a statutory consultee, our client Royal Mail Group Ltd wishes to submit the attached written representation to the Examination (Deadline 2, as closing today). Please can you confirm receipt within Deadline 2.

A copy of this email has been sent to the applicant.

With thanks.



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**Daniel Parry-Jones**  
Associate Director



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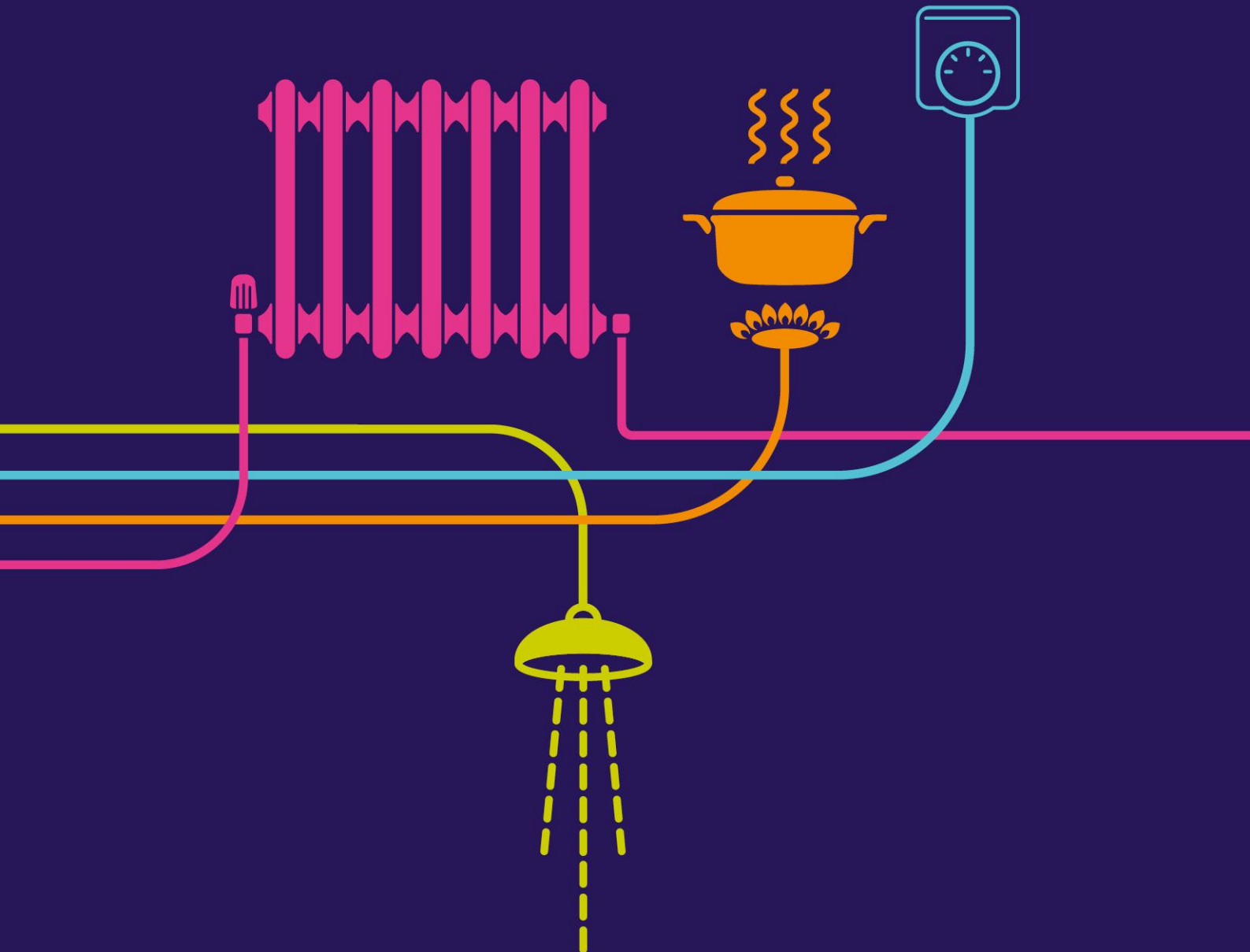
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# Comments on Written Representations

## River Humber Gas Pipeline Replacement Project







No.	Party	Written Representation	National Grid Comments
<p>PLEASE NOTE THAT NATIONAL GRID HAS NOT REPLICATED ALL TEXT FROM EACH WRITTEN REPRESENTATION BELOW. WE HAVE ONLY INCLUDED TEXT WHERE WE BELIEVE A RESPONSE FROM NATIONAL GRID IS REQUIRED OR WHERE AN ISSUE IS BEING PICKED UP IN ANOTHER DOCUMENT SUCH AS A STATEMENT OF COMMON GROUND. WE HAVE ALSO NOT INCLUDED SUMMARIES TO WRITTEN REPS AS WE ASSUME THESE WILL NOT CONTAIN ANY ISSUES NOT ALREADY ADDRESSED IN THE MAIN WRITTEN REPRESENTATION.</p>			
1	<b>Anglian Water Services Ltd</b>	<p>Anglian water wishes to reply upon our representations previously submitted in June 2015 and does not intend to make any further written representations at this stage.</p>	<p>Protective provisions for Anglian Water have been included in the latest draft order (Doc 3.1A) and subject to final approval of these by Anglian Water National Grid does not believe there to be any outstanding issues with respect to Anglian Water's interests.</p>
2	<b>Yorkshire Wildlife Trust</b>	<p><b>3.1 – PROTECTED SPECIES</b></p> <p>Yorkshire Wildlife Trust is satisfied that the proposed wording in the DCO and culvert design considerations for water vole, in addition to the pre-construction surveys, will safeguard the species from harm during the construction phase of the project. Yorkshire Wildlife Trust welcomes the proposed 'ghost' water vole licence that National Grid Gas plan to submit to Natural England (as outlined in Table 3.1 in the Statement of Common Ground between Yorkshire Wildlife Trust and National Grid Gas) and advises that the suggested enhancement of suitable stretches of ditch during the construction phase to allow water voles that have been displaced from the works to continue to feed and breed is undertaken in order to mitigate for fragmentation impacts on the species.</p> <p><b>3.2 – PAULL HOLME STRAYS YWT NATURE RESERVE</b></p> <p>Our concerns with regards to the visitor impacts on our Paull Holme Strays Nature Reserve, as stated in our Relevant Representation (dated 26th June 2015) have not been resolved.</p> <p>The proposed project will involve the installation of a gas pipeline immediately underneath our nature reserve, in addition to the operation of a construction compound in the close vicinity of the nature reserve for 20 months. A monitoring area has been proposed to the East of the nature reserve and temporary work areas have been proposed to the North of the nature reserve on either side of Thorngumbald Road (see 2.4 Site Layout Plan - Indicative Paull Site Layout and 2.2 Works Plan Sheet 7 of 8). This 20 month construction period will result in an increased level of noise, traffic and visual disturbance in the area from what is experienced currently. Yorkshire Wildlife Trust is therefore concerned that this will have a significant impact on the enjoyment of our nature reserve by visitors and lead to decreased visitor numbers during the construction period.</p> <p>Paull Holme Strays YWT Nature Reserve is a key nature reserve in the East Yorkshire region and has been highlighted in the East Riding Tourism Strategy as an important site for nature tourism. The nature reserve is also an important site within the Yorkshire Nature Triangle, a programme led by Yorkshire Wildlife Trust in collaboration with the RSPB, East Riding of Yorkshire Council, Visit Hull and East Yorkshire and Yorkshire Water to promote nature tourism within East Yorkshire (<a href="http://www.yorkshirenaturetriangle.org.uk/">http://www.yorkshirenaturetriangle.org.uk/</a>).</p> <p>The nature reserve is utilised by visitors from the local community in addition to those travelling from Hull and further afield who visit to observe the important numbers of wildfowl on the site in addition to more general countryside activities such as walking and enjoying the landscape. The addition of a construction compound to the immediate area for 20 months will therefore have an impact on the peacefulness and sense of remoteness of our Paul Holme Strays nature reserve, which is likely to lead to a reduction in the quality of the visitor experience through increased noise, traffic and the visual impact of the proposed construction work. This may then result in reduced visitor numbers to the nature reserve for the duration of the construction period.</p> <p>There has been no commitment from the Applicant on any mitigation for the potential visitor impacts likely to be experienced on our nature reserve as a result of the proposed project.</p> <p>Yorkshire Wildlife Trust has discussed these issues with the Applicant's consultant (telephone conference with Hyder Consultancy Ltd on 28th August 2015) and has provided additional information on the potential visitor impacts and possible mitigation</p>	<p><b>3.1 – Noted.</b> National Grid would produce a Mitigation Method Statement covering both Goxhill and Paull setting out mitigation measures to be implemented in the unlikely event that the pre-construction surveys identify a potential effect on water voles and/or their habitat.</p> <p><b>3.2 –</b> The majority of the construction works at Paull would be undertaken on the opposite side of the road to the existing AGI within Work Number 5A as shown on the Works Plans (Doc Ref 2.2A) away from the car park. The area identified for settlement monitoring adjacent to the car park at Work Number 7 as shown on the Works Plans (Doc Ref 2.2A) would comprise only demarcation fencing, marker posts and monitoring pegs. No construction would be undertaken in this area. It should also be noted that the works have been designed to tie into the existing above ground facility to avoid the need for new infrastructure offering landscape and visual amenity benefits. In addition, the design of the fencing, screening and c.3m high bunding of the site has evolved throughout the design process as a result of the environmental assessments particularly ecology, landscape and visual amenity and noise and vibration.</p> <p>It should also be noted that residual effects on Paull Holme Strays Nature Reserve and car park were assessed as negligible within ES Chapter 11: Socio-economics and Land Use (page 27, Doc Ref 6.11). The car park is outside of the order limits, would not be used for construction and would remain open and available to the public throughout the construction works. Access to the reserve would not be restricted throughout the 20 month construction period. Therefore no additional mitigation is considered necessary.</p> <p>Potential noise impacts associated with Lakes Farm (directly adjacent to the construction site) opposite the reserve (refer to Figure 10.1 are assessed as (paragraph 10.8.76) of ES Chapter 10: Noise and Vibration (Doc Ref 6.10)) states that in accordance with BS 5228 daytime construction noise levels would not be considered to be significant (NB Lakes Farm is approximately 30m from the construction site and parking at the reserve is approximately 60m from the site). In addition, the Initial Construction Environmental Management Plan (Doc Ref 7.3A) has been revised to include the following additional commitment '<i>Pre 14 A written scheme for noise management during construction will be prepared and include appropriate noise limits for 12h LAeq, limits for shorter LAeq time periods and LAmax where appropriate.</i>' Therefore no additional mitigation is considered necessary.</p> <p>Impacts resulting from construction traffic are outlined in ES Chapter 12: Traffic and Transport. Following the implementation of mitigation measures negligible effects were predicted for accidents and road safety, parking and loading and public transport delay – Table 12-34. Therefore no additional mitigation is considered necessary. It should also be noted that Rose Hill Farm track would be used for two way construction traffic which would reduce the impacts of the scheme on road users and the villages of Paull and Thorngumbald.</p> <p>Users of Paull Holme Strays Nature Reserve and car park are assessed on page 45 of Chapter 9: Landscape and Visual Amenity (Doc Ref 6.9). They are assessed as being moderate adverse with the assessment stating '<i>Users of the car park would have a close range view to the perimeter close board fencing and earth mound on the opposite side of Thorngumbald Road. Intermittent transient construction vehicles would also be visible on Thorngumbald Road.</i>' However, '<i>The visual relationship of the car park to the nature reserve would be unaffected, although there would be a partial change in the baseline easterly view from both the car park and the nature reserve.</i>' It is therefore considered due to the very temporary / transient nature of the effects for users that the relationship</p>

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		<p>for such impacts (see Appendices 1 and 2). Yorkshire Wildlife Trust has not received any information on whether the Applicant is willing to commit to the construction of any work on the nature reserve or surrounding area in order to mitigate for the impacts anticipated to occur during the construction phase of the development. The issue was highlighted as a Matter Not Concluded in Table 4.1 of the Statement of Common Ground between Yorkshire Wildlife Trust and National Grid Gas.</p> <p><b>Yorkshire Wildlife Trust is of the opinion that if the development is approved we would expect to see the provision of significant visitor nature reserve and ecological enhancements to our Paull Holme Strays Nature Reserve and the immediate area in order to mitigate for the visitor impacts likely to be experienced on our Paull Holme Strays Nature Reserve during the construction period of the proposed project.</b></p> <p>In addition to this issue, the management of the ecological enhancement field (Field 26 - Figure 7.6 Chapter 7: Ecology and Nature Conservation (DCO Document Reference 6.7)) proposed by the Applicant was discussed during the telephone conference with Hyder Consultancy Ltd. The management of Field 26 by Yorkshire Wildlife Trust was proposed by Hyder Consultancy Ltd. Yorkshire Wildlife Trust would require the commitment to the long term conservation management of the site and a long term funding plan by National Grid Gas before committing to such work. Yorkshire Wildlife Trust would also require additional information on the control of the land and access to the site. This has not yet been provided by National Grid Gas.</p> <p><b>Yorkshire Wildlife Trust is willing to continue working with the Applicant in order to resolve the visitor impacts on our Paull Holme Strays Nature Reserve and the outstanding ecological enhancement matters.</b></p>	<p>with the between the car park and the reserve would remain unaffected no further mitigation is required.</p> <p>National Grid has considered the list of mitigation suggestions from the Yorkshire Wildlife Trust which was included as an appendix to their Written Representation. National Grid does not consider that the vast majority of these suggestions are reasonably required or proportionate to the likely impacts of the development.</p> <p>The suggestions appear to be a list of aspirations for works that Yorkshire Wildlife Trust would like to undertake at the site more generally, rather than mitigation to alleviate likely effects of this project. National Grid is keen to stress therefore, that even if the impacts suggested were to occur (which has been robustly assessed in the ES as unlikely), that few of these items proposed would provide mitigation for impacts from this development. For example, provision of signage and interpretation boards would not mitigate any noise, traffic or visual impacts. Nor will an additional car park in a different part of the site. Suggested habitat improvements would likewise not mitigate such impacts. With regard to the car park specifically, any creation of such a feature would require the permanent acquisition of land and provision for this has not been made in the DCO and compulsory powers are unlikely to be justifiable. In order to acquire this land compulsorily, National Grid would need to demonstrate that:</p> <ul style="list-style-type: none"> <li>• it is necessary for the scheme; and</li> <li>• there is a compelling case in the public interest for it.</li> </ul> <p>It is unlikely that these tests can be satisfied as the scheme would comprise only temporary works therefore permanent acquisition of land for a new car park would be disproportionate to the impact of the works.</p> <p>It should be noted that National Grid will discuss this further with the Wildlife Trust in advance of the hearings.</p>
3	<b>Natural England</b>	<p>6.1. Natural England is now satisfied that sufficient information has been provided on the proposed tunnel flooding to determine whether there will not be any impacts on inter-tidal habitats which are an interest feature of the SAC.</p> <p>6.2. Natural England is not satisfied that it can be demonstrated beyond reasonable scientific doubt that the project would not have an adverse effect on the integrity of the Humber Estuary SPA / Ramsar site.</p> <p>6.3. Our principal concerns regarding potential impacts on the Humber Estuary SPA / Ramsar site were set out in our Relevant Representations and are as follows:</p> <p>6.3.1. Table 12 in the Habitats Regulations Assessment Report shows that a number of species which are qualifying features of the Humber Estuary use the area of the SPA in the vicinity of the project construction works. There may be a significant impact on Humber SPA bird species if maximum noise levels (L<sub>Amax</sub>) on both the Paull and Goxhill sides, and at Paull Holme Strays, are higher than those from existing sources, or if loud noises are experienced more frequently. Section 8.3.22 states that it is not possible to predict the frequency of construction noise and that a qualitative assessment should be made. However, we have advised that an indication of the likely approximate frequency of construction noises at L<sub>Amax</sub>, and further information on the existing sources of noise to inform the qualitative element of the assessment, will help to determine whether the project will impact on the use of the SPA / Ramsar by qualifying species. We are in ongoing discussion about this issue with the applicant, who have agreed to provide further clarification by 10th October.</p> <p>6.3.2. Section 8.3.36 of the HRA report indicates that approximately 40ha of arable land within the main works footprint would be 'effectively sterilised' as a result of noise disturbance. The survey results indicate that fields 4, 5 and 6 currently provide foraging and roosting habitat for significant numbers of golden plover, curlew and black-tailed</p>	<p>National Grid have provided further information on the potential noise impacts of the Scheme in a Technical Note (Appendix B to the Statement of Common Ground with Natural England (Doc Ref 8.1.4A)). This was submitted to Natural England on 14 October 2015.</p> <p>The Technical Note (Doc Ref 8.1.6A) provides a more realistic picture of the potential noise levels during the construction phase of the Scheme (rather than a worst case scenario which was presented in the Habitats Regulations Assessment (HRA) (Doc Ref 5.4)). The noise contours illustrated in the Technical Note show levels of L<sub>Amax</sub> and L<sub>Aeq</sub> generated from the construction sites (at both Goxhill and Paull) reaching adjacent habitats would be comparable to, or less than, those which the birds are currently habituated to. Therefore, National Grid maintain that there would be no effects resulting from noise disturbance that would be significantly detrimental to the fulfilment of the conservation objectives for the SPA, or that would affect the ability of the populations of SPA species to survive at their current conservation status.</p> <p>A further meeting was held with Natural England and the RSPB on 21 October 2015 to discuss these outstanding issues. During this meeting it was agreed that the noise contours provided in the Technical Note (Doc Ref 8.1.4A) demonstrated that significant effects of noise disturbance would not be experienced by birds beyond the Paull and Goxhill works areas. Natural England and RSPB did state, however, that they feel mitigation would be required to off-set the temporary loss of Fields 5 and 6 during the construction phase, and in their opinion that the retention of the remainder of Field 5 as set-aside land would not achieve this. National Grid is currently considering additional mitigation measures proposed by Natural England and the RSPB which would alleviate their outstanding concerns.</p>

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		<p>godwit in the context of the SPA population,. Figure 12 indicates that maximum noise levels in parts of these fields would be higher than 70dB for much of the construction period, which we consider to be a significant level of disturbance outside of the works footprint in the context of the existing noise environment. It is not yet clear to what extent this will be reduced by bunding and acoustic fencing. As noted above, we are in discussion with the applicant,, and are awaiting further information on the efficacy of existing noise attenuation measures, and whether further measures may be put in place.</p> <p>6.3.3. We do not consider that the proposal to leave part of field 6 as set-aside for the duration of the construction work, as discussed in Sections 8.3.46 and 9.1.3 of the Habitats Regulations Assessment Report (APP027), provides sufficient confidence that adverse effects on the integrity of the SPA / Ramsar can be avoided on the basis of the information currently available. It is not clear that the set-aside area would provide a large enough area or sufficient quality of habitat to act as an equivalent foraging or roosting resource, in order to mitigate for the effects of disturbance to birds using fields 4, 5 and 6. Subject to clarification of noise impacts as set out above, mitigation may need to be provided in the form of habitat enhancement further away from the works area, where noise impacts will be reduced.</p> <p>6.4. We will continue to work with the applicant towards a resolution of the outstanding issues, with a view to reaching agreement by Deadline 3 that an adverse effect on the integrity of the Humber Estuary SPA / Ramsar can be avoided.</p> <p>6.5. Mitigation measures agreed as a result of these discussions will need to be included in the Project Environmental Management Plan (PEMP), and will therefore be secured by Requirement 12 of the DCO and the Construction Environmental Management Plan. The PEMP should also include pre-construction surveys for badgers and water voles which have already been agreed.</p>	<p>Any potential works to Field 5 (Work No. 11) (Doc Ref 2.2A) to improve its suitability for SPA birds would be considered to be mitigation for a non-significant impact.</p> <p>The Initial Construction Environmental Management Plan (Doc Ref 7.3A) includes reference to pre-construction surveys for badgers and water voles.</p>
4	<b>Environment Agency</b>	<p><b>1.0 Groundwater</b> (also see Appendix 1)</p> <p>1.1 We have very serious concerns that the project is not currently supported by adequate information about its impacts on groundwater.</p> <p>1.2 The project will involve construction phase activities which will impact upon groundwater. The tunnel is to be driven south to north and in order to facilitate this, a large sub-surface structure, known as the 'drive-pit', is proposed at Goxhill (in addition to a smaller 'reception pit' at Paull). In order to construct the drive-pit, groundwater management will be needed to draw-down the water table. The Hydrogeological Impacts Assessment is not currently supported by adequate site investigation and therefore does not form a suitable basis on which to assess the proposed design, its environmental effects or the mitigation proposed.</p> <p>1.3 A full pump test must be undertaken to provide accurate characterisation of the aquifer and, following that, the Hydrogeological Impact Assessment (and any other Cont/d.. 2 related chapters) updated. Without this information, predictions made about the extent and length of dewatering necessary, the resultant impacts and the suitability of mitigation, cannot reasonably be relied upon.</p> <p>1.4 Depending on the spatial and temporal extent of dewatering needed, this will result in a zone of influence within which groundwater will be affected. Of key interest within this zone of influence will be understanding the impacts on:</p> <ol style="list-style-type: none"> <li>1) Other users of water in the area, including local food-related industry, public drinking water supplies and small-scale private abstractors;</li> <li>2) Flows within East Halton Beck and other surface watercourses – including their related ecology; and</li> <li>3) The intrusion of saline water from the estuary into the otherwise freshwater aquifers.</li> </ol>	<p><b>1.0 Groundwater and Appendix 1</b></p> <p>The Environment Agency is in the process of reviewing the revised HIA Addendum (Doc Ref 6.13.3.2) and Mini-Pumping Tests Report (Doc Ref 6.13.3.1) submitted for Deadline 2 and positive collaboration between the parties has allowed progress to be made in alleviating outstanding concerns regarding groundwater and modifying the SoCG (DOC Ref 8.1.1A).</p> <p>National Grid is working with the Environment Agency to secure the relevant agreed mitigation and monitoring strategies within the draft DCO (Doc 3.1A) for Deadline 3.</p> <p>National Grid will continue to work with the Environment Agency to answer any further concerns that are raised or provide further evidence on existing concerns.</p> <p><b>2.0 Flood Risk and Appendix 2</b></p> <p>Following discussions with the Environment Agency on the comments raised in their Relevant Representation in relation to flood risk, a Flood Risk Assessment (FRA) Addendum (Doc Ref 5.2.1) has been produced and was submitted at Deadline 1. The FRA Addendum addresses each of the points raised by the Environment Agency in their Relevant Representation, which is repeated in this Written Representation.</p> <p>The FRA Addendum takes account of the latest interim tidal levels for the River Humber, addresses highlighted inconsistencies, assesses flood risk in the extremely unlikely event of tunnel collapse, considers climate change and provides all of the additional information and clarifications requested.</p> <p>National Grid are currently awaiting the Environment Agency's comments on the FRA Addendum and will be seeking to agree on all matters linked to flood risk via an update to the Statement of Common Ground (Doc Ref 8.1.1A).</p> <p><b>3.0 Biodiversity and Appendix 3</b></p>

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		<p>1.5 The groundwater management needed to facilitate these works is likely to need an abstraction licence from the Environment Agency if either:</p> <ol style="list-style-type: none"> <li>1) Dewatering becomes a licensable activity between now and the project being constructed (this is currently due to be implemented in October 2015); or</li> <li>2) Any abstracted water is utilised for other uses, e.g. for hydrostatic testing or cement production. 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.</li> </ol> <p>1.6 There is currently a limit on abstraction licences in the Humber South Bank area due to the chalk aquifer being over abstracted, as set out in the Environment Agency’s 2006 Grimsby, Ancholme and Louth Catchment Abstraction Management Strategy (CAMS). Our updated February 2013 CAMS states that the chalk groundwater resource is fully committed to existing users and the environment.</p> <p>1.7 We will only be in a position to support the proposals, either through our role as a statutory planning consultee to the DCO or through our role as regulator under the Water Resources Act, if the application is supported by robust evidence demonstrating that, as a result of the proposed groundwater management:</p> <ol style="list-style-type: none"> <li>1) Other licensed and lawful unlicensed water users (including small-scale, private abstractors) will not be unacceptably impacted;</li> <li>2) Unacceptable saline intrusion will not occur; and</li> <li>3) Flows in East Halton Beck and other surface watercourses (including their related ecology) will not be unacceptably impacted.</li> </ol> <p>1.8 We feel it is essential that comprehensive pump-testing is undertaken at the earliest opportunity and that this informs an updated Hydro-geological Impact Assessment. In our view, this will provide the certainty needed to finalise the construction design, assess its environmental effects and demonstrate that the mitigation strategy will be effective and deliverable.</p> <p>1.9 Outside the formal DCO process we have been provided, for our review, with: - The results of mini pump tests undertaken in August 2015; - A response to comments we made previously about a draft Hydrogeological Impact Assessment Addendum. - A revised HIA Addendum. To date, these documents don’t appear to have been submitted to the ExA, including as part of the deadline 1 submissions. We will provide our formal comments to the ExA in due course, once these documents are finalised and submitted to the examination.</p> <p><b>2.0 Flood Risk</b> (also see Appendix 2)</p> <p>2.1 The Flood Risk Assessment (FRA) supporting the application is currently inadequate as it does not make use of the best available information and is unclear and inconsistent on certain matters. In particular:</p> <ol style="list-style-type: none"> <li>1) The FRA does not take account of the latest interim tidal levels for the Humber. The levels are ~300-500mm higher than those assessed in the FRA. As such its assessment may substantially underestimate the risk;</li> <li>2) There are inconsistencies in the FRA and other documentation regarding the provision of flood bunds during construction around the drive and reception pits. These should be clarified;</li> <li>3) We have concerns that in the event of tunnel collapse during construction, the tunnel would act as a conduit allowing water from the estuary to flow into the floodplain in which there is existing critical infrastructure;</li> <li>4) We disagree with the applicant that climate change needs not be considered. Climate change must be considered for the lifetime of the development. In addition, aspects of</li> </ol>	<p>The pump testing (undertaken by OGI in August 2015) and subsequent modelling, has shown that there would be no significant impact on the water levels in the adjacent ditches when undertaking the dewatering exercise (Refer to Feeder 9 – Mini-Pumping Test – Results and analysis Status Report (Doc Ref 8.4)). Therefore, no potential impacts on water voles as a result of the dewatering would be envisaged.</p> <p>Pre-construction water vole surveys would be undertaken to determine the presence / absence of water voles from within and adjacent to the proposed works (refer to the Initial Construction Environmental Management Plan (Doc Ref 7.3A)). The scope of the pre-construction surveys would be agreed in consultation with Natural England. Based on the results of the pre-construction surveys, appropriate mitigation measures would be discussed and agreed with relevant stakeholders and implemented as required.</p> <p>National Grid would produce a Mitigation Method Statement covering both Goxhill and Paull setting out mitigation measures to be implemented in the unlikely event that the pre-construction surveys identify a potential effect on water voles and/or their habitat.</p> <p>National Grid considers that the enhancement measures presented in ES Chapter 7: Ecology and Nature Conservation (Doc Ref 6.7) and Habitats Regulations Assessment (Doc Ref 5.4) are sufficient.</p> <p><b>4.0 Pollution Prevention and Appendix 4</b></p> <p>National Grid has updated its Initial Construction Environmental Management Plan (Doc 7.3A) to include the minor amendments requested by the Environment Agency and this is submitted at Deadline 3.</p> <p><b>5.0 Waste and Appendix 5</b></p> <p>Further discussion will be sought with Environment Agency to understand risk. CL:AIRE is discussed in paragraph 8.7.24, ES Chapter 8: Geology and Soils (Doc Ref 6.8) as an option to keep materials out of the waste stream.</p> <p>The most likely Tunnelling Method will involve a Slurry Pressure Balance Tunnel Boring Machine. This utilises a bentonite slurry as the transportation medium to remove arisings (in a fluid form) from the Tunnel Boring Machine to the surface, and also utilises the slurry to “balance” the lateral earth pressure in front of the Tunnel Boring Machine. Excavated spoil is mixed with bentonite and raised into suspension, and at the surface the slurry is passed through a Slurry Separation Plant (SSP) that utilises sieves, screens, de-sanding units, de-silting units, hydro-cyclones, centrifuges and filter-presses to remove solids and recondition the fluid before sending back to the Tunnel Boring Machine in a closed loop to begin another excavation cycle.</p> <p>Regarding waste, this means that the pre-treated chalk arisings will initially be a “slurry” or “mud”, with a generally fluid consistency, and after initial treatment through the SSP would likely have a moisture content of &gt;35% shown below;</p>

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		<p>the development classed as 'essential infrastructure' (e.g. kiosks) must also be tested against a more extreme flood event;</p> <p>5) Insufficient minimum cover is proposed for Works 1A as these are in a location where the Environment Agency is proposing a managed realignment site which will involve land lowering to encourage tidal inundation. Minimum cover should be increased;</p> <p>6) There has been insufficient assessment of risk following a breach in the tidal defences. Given that depths of water, based on present day risk, are expected to be between 1.5-1.75m in some areas of the site, it is important that this information is provided. The information should be used to inform the Emergency Warning and Flood Incident Response Plan;</p> <p>7) The FRA identifies that flood depths from fluvial flooding will be increased as a result of the development. However, insufficient assessment has been made of the potential receptors for this;</p> <p>8) 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. This was discussed with the applicant at a site meeting, but additional information has not yet been forthcoming;</p> <p>9) Any mitigation measures deemed necessary in a suitably updated and approved FRA will need to be secured via an appropriate requirement in the DCO. 2.2 We note that a FRA Addendum was submitted by the applicant at Deadline 1. We have not yet had the opportunity to review the document, but will provide our comments at Deadline 3.</p> <p><b>3.0 Biodiversity</b> (also see Appendix 3)</p> <p>3.1 Further to the concerns we have raised regarding groundwater, a potential receptor for these impacts is water voles and their habitat within various ditches and watercourses which may be affected by groundwater dewatering. The lack of certainty over these groundwater impacts, therefore extends to the project's predicted impacts on water voles.</p> <p>3.2 The project's biodiversity impacts generally will need to be re-visited in light of an updated Hydrogeological Impact Assessment, reflecting any revised understanding of the nature and extent of the project's predicted impacts on groundwater.</p> <p>3.3 There also appears to have been no investigation of potential opportunities to provide ecological enhancement through the scheme, as is required by EN-1 and other local policies. We request that the applicant provides an assessment of all potential opportunities to contribute to ecological enhancement, and reasoned justification as to whether or not the scheme could assist with the delivery of this enhancement. This should be accompanied by a detailed schedule of committed enhancements which are secured through the DCO.</p> <p>3.4 We would also like to highlight that we have recently delivered a flood defence managed realignment site at Paull Holme Strays which was necessary compensation to ensure that our flood risk management activities in the estuary are compliant with the Habitats Regulations (as set out in our Humber Flood Risk Management Strategy and its associated Habitat Regulations Assessment). The function of this site must be safeguarded from the proposed development, particularly in relation to the disturbance of birds (but may also include vegetation, benthic invertebrates, topography etc). It is therefore essential that appropriate mitigation and monitoring is secured for the construction programme. We propose to defer to Natural England on this matter, who will be providing more detailed comments.</p> <p><b>4.0 Pollution Prevention</b> (also see Appendix 4)</p>	 <p>The use of centrifuges and filter-presses would significantly improve spoil consistency, and should result in chalk "cakes" with a moisture content of &lt;30% (typically a M/C of 26% is aimed for) as shown below;</p>  <p>Solid fractions (i.e. sand, gravel, cobble and broken boulders) will all be recovered as dry aggregates, and as by-products of the slurry separation process.</p> <p>Once the actual Tunnel Boring Machine as selected by the Main Works Contractor is known, a specific Slurry Separation plant specification can be developed and the amounts of reusable arisings quantified and modelled with much more accuracy.</p> <p>Notwithstanding the possibility of removing any materials from the scope of regulation, and the wider objective to re-use arisings either on site, or another suitable project site for example as fill for land reclamation etc., it should be emphasised that on other major tunnel projects in similar geology (i.e. the Lee Tunnels, and Crossrail C310) the projects set a target for percentage waste-to-landfill at less than 5%, and using similar Tunnel Boring Machine technology, this was achieved and bettered in both cases.</p>

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		<p>4.1 We are generally content that the pollution mitigation measures proposed in relation to surface water are sufficiently robust to ensure that any potential impacts can be minimised. However, we would like to see some minor amendments to the CEMP, as set out Appendix 4.</p> <p><b>5.0 Waste</b> (also see Appendix 5)</p> <p>5.1 The application states that some material (tunnel arisings) would be left on site for possible reuse in infilling etc, around the laid pipe. This would be acceptable in most circumstances, however further information would be needed as to what the material would consist of, how long it would be stored and how it is intended to be stored, before determining whether the activity would require an Environmental Permit under the Environmental Permitting Regulations.</p> <p><b>6.0 Land Interest</b> (also see Appendix 6)</p> <p>6.1 We have land interests that may be affected by the project. We object to the interference with certain of these. These objections are set out in Appendix 6, along with various points of clarification and requests for minor amendments to the book of reference.</p> <p><b>7.0 Disapplication &amp; Draft DCO</b> (also see Appendix 7)</p> <p>7.1 We note that the draft DCO includes disapplication of various aspects of the Yorkshire Land Drainage Byelaws 1980. Whilst we do not object in principle to this, we will need to enter into negotiations with the applicant regarding the inclusion of suitable protective provisions. Only when appropriate protective provisions have been agreed will we be able to confirm our acceptance of the proposed disapplication.</p> <p>7.2 We note that the above byelaws apply solely to the north bank of the Humber and that no request has been made to disapply the equivalent byelaws on the south bank. The applicant has indicated that they now wish to disapply all byelaws on both north and south bank. We await confirmation of this and revised wording for the DCO.</p> <p>7.3 We have provided some draft Protective Provisions to the applicant and will continue to liaise with them to finalise the wording, accounting for any changes to the DCO in respect to disapplication.</p> <p>7.4 Article 16(5) of the DCO provides that 'the undertaker must not, in carrying out or maintaining works pursuant to this article, damage or interfere with the bed or banks of any watercourse forming part of a main river unless otherwise authorised under the provisions of Part 3 (for the protection of the Environment Agency) of Schedule 10 (protective provisions) of this Order.' It does not specify that a Flood Defence Consent also has to be complied with, which it should be as section 109 of the Water Resources Act 1991 has not been disapplied in the DCO.</p> <p>7.5 Requirement 5 of the DCO needs to say 'a site water management plan has been submitted' rather than 'site water management plan have been submitted'.</p> <p>7.6 We note that Requirement 9 does not currently have a clause requiring compliance with the approved agricultural land drainage scheme.</p> <p><b>8.0 Appendix 1 - Groundwater</b></p> <p>8.0 Outside of the formal DCO process, we have been sent a revised HIA Addendum, the results of a mini pump test undertaken in August 2015 and a response to comments we made about a previous HIA Addendum. This information is yet to be provided to the ExA. We will continue to work with the applicant and will provide formal comments to the ExA in due course, once these documents are finalised and submitted.</p> <p>8.1 The Hydrogeological Impact Assessment (HIA)(6.13.3 Appendix 13.3) is an important document. The principal purpose of this document is to identify what groundwater-related impacts could arise in the surrounding area and how mitigation measures could</p>	<p><b>6.0 Land Interest and Appendix 6</b></p> <p>Negotiations on heads of terms are progressing well with the Environment Agency for the pipeline easement, abstraction lease and freehold acquisition of kiosk land and subject to settlement of some minor commercial matters agreements in principle should be forthcoming by deadline 4.</p> <p>A meeting has been agreed to be held with the EA on Wednesday 4 November 2015 to resolve any outstanding matters.</p> <p>Items 13.1 – 13.8 of Appendix 6 have been replicated from the EA's Relevant Representation and we refer to our comments on these in Doc 8.8 submitted at deadline 2 on 12 October 2015.</p> <p>In relation to the new items:</p> <p>13.9 Permanent right of access is required over plots 23, 25 &amp; 26 because the kiosk is proposed to be located outside the boundary fence line of AGI. The AGI fence line is designed to high security specification and cannot be compromised to incorporate the kiosk.</p> <p>13.10 There has never been a suggestion that the tunnel may be sublet and it is not permitted within the scope of the DCO or the lease. The tunnel will be flooded with water on completion for cathodic protection and it will be physically impossible to re-open and insert new infrastructure into the tunnel. The EA's assertion that the width of the tunnel somehow suggests an intention to sublet is entirely specious. A detailed engineering justification for the diameter of the tunnel is provided in National Grid's comments on the EA's response to question 15.14 (Doc 8.13).</p> <p>13.11 Temporary rights sought over plots 20, 21, 22, 24, 28 or 29 to lay hoses for water discharge into the estuary are an integral part of the construction process and subsequently require stronger security of tenure than that offered by a terminable licence agreement. The proposed use of the hoses includes means of bridging to allow for unrestricted access or use of the operational flood defences. The protective provisions included in the latest draft order (Doc 3.1A) ensure access to the EA's assets for the duration of construction. It is therefore misleading and specious to suggest that National Grid is proposing 'restrictions' on the EA's use of the flood defences.</p> <p>A meeting is proposed on 4 November 2015 to conclude these matters.</p> <p>13.12 See comments on 13.11 above.</p> <p>13.13 The protective provisions included in the latest draft order (Doc 3.1A) ensure access to the EA's assets is maintained for the duration of construction and provide for provision of alternative access if required. The temporary footpath closures will be of such short duration (3 days) it is not anticipated that there will be any interference with the EA's access or carrying out its undertaking which cannot be agreed and accommodated well in advance by co-operation between the parties.</p> <p>13.14 The protective provisions included in the latest draft order (Doc 3.1A) ensure that the EA's access to its assets is maintained for the duration of construction and that it will be consulted if any new access work is proposed within the vicinity of the tidal defences (which it is not).</p> <p><b>7.0 Disapplication, Draft DCO and Appendix 7</b></p> <p>Protective provisions for the EA have been included in version 3.1A of the order. Amendments have also been included in relation to the disapplication provisions to apply them to both the north and south banks, and it is agreed that the protective provisions for the Environment Agency will apply in lieu of the disapplied bye-laws.</p>

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		<p>reduce this impact. Information in the HIA draws on data provided in accompanying reports such as '6.8 Geology and Soils' and 'Appendix 8.5 Chalk Report'. It uses this information to describe how the proposed drive pit and reception pit may affect the water environment and the stability of surface structures. The report identifies that the construction phase of the drive pit and reception pit could have wide ranging impacts on surface water and groundwater.</p> <p>8.2 For this reason the report proposes mitigation measures and explores how these could reduce the impact. The mitigation proposed is to pile at the drive and reception pits, then to dewater before excavations commence. The hypothesis is that the combination of piling and groundwater dewatering within the piled area would minimise groundwater draw-down (i.e. the lowering of groundwater levels) and therefore limit adverse effects on the surrounding environment.</p> <p>8.3 Examples of adverse impacts include:</p> <ul style="list-style-type: none"> <li>• Saline intrusion - the movement of estuary water into the freshwater chalk aquifer from works at the drive pit;</li> <li>• Reduced groundwater levels;</li> <li>• Reductions in groundwater level or quality and a resultant impact on licensed and unlicensed groundwater users;</li> <li>• Reduced flows in surface watercourses (including drainage ditches) and potential effects on ecology.</li> </ul> <p>8.4 The report provides a summary of sensitive water features in the surrounding area. These are licensed and unlicensed abstractions, surface water features and any other pertinent water feature. This information has been gathered from information requests to relevant authorities in the area. This information is important as it seeks to identify the receptors for any potential adverse impacts.</p> <p>8.5 The chalk and sand and gravels are the main water-bearing units that will be encountered during the drive pit and reception pit works. How this water is managed is key to minimising impacts on the water environment. The characteristics of the chalk and sand and gravels are based on information that has been gathered from the site investigation, literature search and professional opinion and has been presented within the HIA. This information is important because it has been used to infer certain assumptions about how the water environment could behave during the construction phase. The conceptual model and subsequent computer modelling use these hydrogeological characteristics - of the chalk at the drive pit and of the sand and gravels at the reception pit. How the mitigation is predicted to work relies on this evidence. Being confident in this information is therefore critical to being able to assess and agree the suitability of the mitigation proposed.</p> <p>8.6 The results of computer modelling, as presented in the HIA, are that up to 70 cubic metres per day of groundwater for 35 days will need to be abstracted during the drive pit works. It also suggests that 149 cubic metres per day of groundwater will need to be abstracted for the reception pit over 39 days. We consider that there is significant uncertainty about these figures, both in respect to the quantities of groundwater abstraction and the duration of the proposed works. We strongly recommend that pump tests are undertaken to provide more appropriate site-specific evidence to confirm and substantiate the findings of the HIA.</p> <p>8.7 During pre application discussions with consultants for National Grid, we recommended that work should be done to characterise the chalk aquifer. Specifically pump tests should be used to obtain site specific information on chalk permeability. It was felt that this information was key to establishing confidence in the proposed method of drive pit construction. This is because the proposed method of mitigation, by piling around the drive pits, relies on the chalk having horizontal permeability but relatively</p>	

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		<p>little vertical permeability. The main zone of the groundwater movement in the chalk aquifer is generally felt to be in the top 50 metres. With piling proposed to a depth of 28 metres, if there is a strong element of vertical permeability then dewatering within the piled excavation may necessitate significantly more abstraction than currently predicted. This could also lead to delays in the period excavation would take, as well as resulting in significant changes to the nature and extent of the predicted impacts. It is therefore critically important to be confident about the chalk characteristics prior to the granting of any consent.</p> <p>8.8 The Ground Investigation Report identifies and discusses differences between in situ permeability tests and feedback from drilling operations. The report identifies significantly differing (orders of magnitude) permeability between the tests and feedback. The report continues that, "it is considered that a greater understanding of the permeability will only be possible when full scale pumping tests have been completed as part of the Phase 2 ground investigation."</p> <p>8.9 Secondly, the driller's logs that have been provided as part of this submission identify much weak chalk, with some losses of core during drilling. This indicates soft, weak chalk that has the potential to provide vertical permeability.</p> <p>8.10 Based on the information gathered to-date, the indication is that adverse impacts would be insignificant and any residual impacts would be for the short duration of excavation and concrete base placement. The predicted pump rate relies on the data gathered so far on chalk characteristics. The additional pump test information would inform the proposed method of drive pit excavation as well as the groundwater conditions to be encountered by the Tunnel Boring Machine. This evidence should provide the confidence needed on whether the proposed method is feasible and whether or not impacts in the area can be adequately mitigated. Without this information to support the proposed methodology we cannot be confident that the proposal will not have significant and unacceptable impact on the wider environment.</p> <p>8.11 We would also like to highlight that no new groundwater licences are currently available from the Environment Agency in the South Humber Bank area. Whilst dewatering is not yet a licensable activity, DEFRA have been looking to make it licensable for some time. There is therefore a possibility that by the time construction commences a licence (for groundwater abstraction above 20 cubic metres per day) would be needed in any case. However, even if dewatering remains an unlicensed activity, if dewatered groundwater is stored and used for other purposes on site - which has been proposed - a licence would be needed regardless. There are similar licensing constraints on the surface water system in the South Humber Bank area, however this is not the case in the North Humber Bank area.</p> <p>8.12 Paragraph 2.3.12 of the Scheme Description states that for the drive pit and reception pit, groundwater control is likely to be achieved by combining four approaches:</p> <ul style="list-style-type: none"> <li>• Cut off walls (secant and sheet piling);</li> <li>• Deep well dewatering;</li> <li>• Sump pumping; and</li> <li>• Passive relief wells within the base of the pit.</li> </ul> <p>Although no dimensions are presented in this section, from previous correspondence it is understood that the drive pit will be advanced into the chalk aquifer while the reception pit will remain within the superficial deposits. As a result, we consider that there are likely to be fundamental differences in the behaviour of groundwater at the drive pit compared with the reception pit. It is the behaviour of groundwater which needs to be clearly understood before substantial and irreversible decisions are made on the principle and methodology of pit construction.</p>	



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		<p>8.13 Paragraph 2.3.10 of the Scheme Description states that the tunnel, drive pit and reception pit would be kept reasonably dry during the construction of the tunnel and installation of the pipeline by controlling groundwater in-flow. Key to this is whether or not groundwater can be controlled. Our view is that the nature of the geology and the potential for significant groundwater ingress must be explored through pump testing, prior to the principle and construction methodology being established. Without suitable pump testing being undertaken, we cannot be confident that the proposed mitigation would be effective or what the residual magnitude of impact on the wider environment could be.</p> <p>8.14 Paragraph 2.4.34 of the Scheme Description states that the pipeline test sections for the Goxhill side require water to be pumped in or out. Paragraph 2.4.38 states that there are three alternative sources. The preferred source is presented in paragraph 2.4.42 and relates to groundwater. The paragraph described that dewatered groundwater from the drive pit and reception pit could be stored on site for use in the hydrostatic testing. We would like to highlight that the quantity of water required for hydrostatic testing may not match the water produced. Secondly, no new licences are available on the Goxhill side of the works due to the Catchment Abstraction Management Strategy status of the area. It is unclear whether storage of up to and over 5.5 million litres of water has been allowed for in the design proposal.</p> <p>8.15 Paragraphs 2.4.73 to 2.4.76, of the Scheme Description describe the decommissioning proposals of the Goxhill construction Site. The decommissioning or infilling of the drive pit will require special consideration as this will be particularly challenging due to the groundwater conditions. There is no mention of this aspect in the report. Similarly Paragraphs 2.5.37 to 2.5.39 of the Scheme Description do not consider the decommissioning of the reception pit at Paull in any detail.</p> <p>8.16 With regard to the methodology section of the Geology and Soils chapter (6.8), paragraph 8.3.2 states that the Water Resources Chapter only considers the construction phase of the Scheme as PINS agreed in their Scoping Opinion that operational impacts are unlikely given the nature of the development and could be scoped out of this chapter. In our view, based on the information currently available, the “reconfining” of the chalk aquifer after construction, may present a major challenge with the potential for medium and long term management of groundwater required in and around the sheet piled trench. This issue should be addressed.</p> <p>8.17 Paragraph 8.3.7 of the Geology and Soils chapter states that the study area includes the area within the application boundary plus a buffer zone of 250 metres. The study area for this topic is stated as being agreed with the Local Authorities and the Environment Agency (Appendix 8.1 - document 6.8.1). It should be noted that the study zone for the hydrogeology is considerably larger at around 4km.</p> <p>8.18 Paragraph 8.4.33 of Chapter 6.8 states that hydrogeology is discussed in detail within Chapter 13. Paragraphs 8.7.1 and 8.10.2 state that once constructed and in operation the pipeline would be buried and all land use returned to its former use with vegetation reinstated. The report considers that there would be no significant effects on the geology and soils during the operational phase. It should be remembered that secant piling and the concrete slab for the trenching works would remain in place and there is uncertainty regarding the post construction monitoring and maintenance of groundwater within the chalk aquifer. This should be considered in Chapter 13, with any necessary monitoring and/or maintenance secured in the DCO.</p> <p>8.19 Paragraph 8.8.5 of Chapter 6.8 states that geology and soils are considered to have a ‘low’ value. In our view this conclusion is incorrect. The chalk geology is a principal aquifer and due to its groundwater bearing capacity and importance for water resources, its value should not be assigned as ‘low’.</p> <p>8.20 Paragraph 8.10.10 of Chapter 6.8 states that, based on the information available to date and the environmental design and enhancement measures proposed, the potential</p>	

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		<p>significant effects that could arise from construction of the scheme are considered to be negligible. The effects for geology are not considered to be negligible and the hydrogeological impacts associated with this are discussed in Chapter 13. This Chapter should cross-reference and account for the potential significant effects on hydrogeology.</p> <p>8.21 We have some concerns about chapter 6.8.5, Appendix 8.5: Chalk Report in relation to the cross referencing of photographs with driller’s logs to confirm the succession of chalk geology. Chapter 7 page 16 recommends that density classifications on the core logs need to be supported by the descriptive evidence (e.g. breaking by hand or with a geological hammer). The outcome of this could be fed into Chapter 13 on hydrogeology as the evidence may be useful in understanding the vertical and horizontal components of groundwater flow, which are crucial to understanding the potential impacts of dewatering of the trench.</p> <p><b>9.0 Appendix 2 - Flood Risk</b></p> <p>9.1 We note that a FRA Addendum has been submitted at deadline 1. We will provide comments on this at deadline 3. As we are not yet in a position to take it into account, the comments made in our RR are repeated below. We request the provision of an updated FRA addressing the following points:</p> <p>9.2 The FRA does not take account of the latest interim tidal levels for the Humber, which are now available. An initial comparison shows that the interim 0.5% Annual Exceedence Probability (AEP) levels are between approximately 300 and 500 mm higher than those levels stated in the FRA. This new information may have implications for many aspects of the FRA and need to be taken account of.</p> <p>9.3 The flood bunds mentioned in Section 6.1.5 of the FRA are not shown on Indicative Goxhill and Paull Site Layout drawings. Given the detail and complexity of these drawings which show fencing, spoil bunds and the like, we would expect the flood bunds to have been included. This drawing should be updated to include the bunds so that their relationship with other site features can be seen.</p> <p>9.4 Sections 5.6.4. and 6.1.2/6 of the FRA contain contradictory statements in terms of the provision of 1.4 m high (3.3 to 3.4 mAOD) flood bund around the drive and reception pits. The former states bunds are not required and the latter say they will be provided. Some of the plans don’t show a continuous bund around the drive pit. Definitive clarification of what is proposed is requested.</p> <p>9.5 Section 7.6.5 of the FRA discusses the issue of settlement of defences at Paull and distinguishes between historic settlement and settlement attributable to the proposed project. It is worth stating that the settlement detected by the Environment Agency and our consultants in 2014 is some distance to the west of the proposed corridor. The defence immediately above the corridor was not found to have settled historically since construction in the early 2000s.</p> <p>9.6 We disagree with the applicant that climate change need not to be considered. Climate change must be considered for the lifetime of the development and the essential infrastructure elements (kiosks stated as having a design life of 40 years in s6.1.8) tested against the extreme water levels arising from the 0.1% and mitigation specified. The FRA states that the document has been produced in accordance with the Overarching National Policy Statement for Energy EN-1 which states ‘While climate change mitigation is essential to minimise the most dangerous impacts of climate change, ... If new energy infrastructure is not sufficiently resilient against the possible impacts of climate change, it will not be able to satisfy the energy needs as outlined in Part 3 of this NPS.’ It further states that this [mitigation or adaptation] should cover the estimated lifetime of the new infrastructure. Section 5.7.5 further supports our requirement that the extreme 0.1% scenario should be tested for the most sensitive (essential infrastructure i.e. kiosk) components of the development over its lifetime and states that a FRA should ‘consider if there is a need to be safe and remain operational during a worst case flood event over the development’s lifetime’. Furthermore, no details of the mitigation for the kiosks,</p>	

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		<p>deemed essential infrastructure, have been provided, other than to advise that they are flood resilient. We cannot advise on the suitability of approach without these details.</p> <p>9.7 Although the FRA states that the 'less vulnerable' aspects of the development such as generators will be located on raised platforms, the height of the platforms has not been quantified, so we are unable to advise on their suitability. The mitigation proposed for the temporary welfare/office facilities should also be specified. If these facilities are solely reliant on a Flood Warning and Evacuation Plan this should be identified so we can advise.</p> <p>9.8 In addition, the Scheme Description Figure 2.3 'Indicative Paull Site Layout' shows an area denoted as the 'water discharge work area', which appears to coincide with the existing flood defences and Thorngumbald pumping station outfall. There is no explanation of the nature and purpose of this area in the accompanying text or any assessment of potential interactions with this existing infrastructure. Additional explanation is needed to understand the impacts on the flood defence/outfall and Paull Holme Strays designated area.</p> <p>9.9 Document 5.5, 'Details of other consents and licences' refers to the disapplication of Environment Agency Yorkshire Land Drainage Byelaws (6H). It should be noted that the Yorkshire Land Drainage Byelaws do not extend to the Goxhill side of the project. It should also be noted that, as stated elsewhere in the submitted documentation, the Yorkshire disapplication refers to three particular byelaws: numbers 11, 12 and 20 - applicable to Main Rivers &amp; Sea banks.</p> <p>9.10 We note that a minimum cover of 1.2m below existing land levels is proposed for the onshore section at Goxhill (Works 1A). We have previously advised that the Goxhill onshore length falls within or in extremely close proximity to an area identified as a future realignment site. It is usual practice for such sites to win material locally for realigned tidal defences and scrapes and channels are often created to encourage tidal inundation and more rapid evolution of the habitats that realignment sites seek to create. Whilst we welcome the proposal that the tunnel will be filled with water upon commissioning to address the risk of the tunnel floating, the lowering of existing land levels would place the proposed tunnel at risk of being exposed in this area.</p> <p>9.11 The exact location and extent of any realignment site is not yet known but we would like to see the limits of deviation amended in this location, to provide additional protection for the pipeline and for the proposed realignment site. We would not wish the presence of the tunnel to hinder the future delivery of realignment in this area as this would negatively impact on flood risk to third parties by impacting on our delivery of wider flood risk management schemes in the middle Humber Estuary, which is an area containing a wide range of critical infrastructure. We therefore request that the vertical limit of deviation for Works 1A is amended from 1.2m to 1.7m in order to provide this additional protection.</p> <p>9.12 We welcome the proposed pre and post construction survey of the defences to monitor for the effects of settlement. We request that a requirement is included within the draft DCO to secure this measure. Any such requirement should ensure consultation with the Environment Agency and must secure the implementation of remedial works should settlement be detected. The standard of protection afforded by the existing defences must not be compromised as a result of the works.</p> <p>9.13 At the decommissioning stage (depending on the exact location and development of the proposed realignment site at Goxhill) we are likely to request that the tunnel end is suitably capped to avoid any future collapse passing under the alignment of flood defences at that time. It may be necessary to include a requirement to cover the need for submission and approval of a pipeline decommissioning scheme, such that this detail may subsequently be agreed.</p> <p>9.14 We recommend that the ExA takes advice on the Emergency Warning and Flood Incident Response Plan, as the Environment Agency does not fulfil these roles in an</p>	

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		<p>emergency. We are therefore not best placed to provide comments or advice. We suggest that the Humber emergency planners at East Riding of Yorkshire Council are contacted.</p> <p>9.15 We maintain that the proposed bunds of 1.4m (3.3mAODN) which are not indicated on any of the plans and would need continuity to provide any degree of protection from inundation, are not sufficiently high. In the event of tunnel collapse during construction, the tunnel would act as a conduit allowing water from the estuary to flow into the floodplain in which there is existing critical infrastructure and ports which are reliant on the defences. In such an event, the flow of water through this route would not require a significant tidal flood event to cause a problem, as the land levels in the floodplain are lower than normal daily astronomical tides. This indicates that outflow into the floodplain would be for long durations each day.</p> <p>9.16 The applicant has presented some evidence that tunnel collapse is very unlikely. However we are not in a position to critique this assessment as tunnel construction is a specialist matter on which we have no remit or direct expertise. We are clear however, that the consequence of such an event could be severe, thereby resulting in an overall risk which we feel should be more robustly mitigated. We advocate that if the applicant continues to refuse to bund the drive pit to a height equivalent to the adjacent defences, then an alternative means of closing the tunnel entrance, should failure occur, should be proposed.</p> <p>9.17 It should also be noted that whilst the proposed bunds could be reasonably expected to offer a degree of protection to the works from fluvial inundation, they would not be expected to be sufficient to provide protection following the effects of a breach in the tidal defences given that depths of water are expected to be between 1.5- 1.75m in some areas of the site in the current day. Our hazard mapping has been previously supplied and remains the 'best available' information in relation to the consequences of a breach. The ExA should satisfy itself that the proposed Emergency Warning and Flood Incident Response Plan is sufficient to address the risk of a breach of the tidal defences, in consultation with the relevant emergency planners.</p> <p>9.18 The FRA identifies a temporary (duration 35months) displacement of river waters, quantified to be in the region of a 10cm uplift in flood depths during a 1% fluvial flood from the undefended East Halton Beck and 6cm increase in depths from the higher probability 4% fluvial flood. It would be advisable for the FRA to identify whether there are any flood risk receptors in the location where an increase in flood risk is predicted.</p> <p>9.19 Please be advised that as of 15 April 2015, Lead Local Flood Authorities became statutory consultees on all major development proposals, thereby taking over the Environment Agency's role in relation to surface water. We have therefore not considered the temporary works for managing and storing surface water on the site. We also note that the DCO does not allow for the LLFA to pick up this element of technical advice. We recommend that advice is sought on this matter from the two Lead Local Flood Authorities (North Lincolnshire Council and East Riding of Yorkshire Council). We also suggest that consultation with the LLFAs is also added to requirement 5.</p> <p>9.20 Works 4D in the DCO describe a "temporary groundwater discharge point at East Halton Beck (Skitter Drain)". This section should be amended to make clear that a discharge will only be acceptable in the flushing basin, or downstream in Skitter Drain. Discharge above this point is unlikely to be acceptable because of the salinity of the water in question. Any such discharge may also require an Environmental Permit under the Environmental Permitting Regulations.</p> <p><b>10.0 Appendix 3 - Biodiversity</b></p> <p>10.1 We have serious concerns over the lack of certainty regarding water vole impacts associated with the scheme. Paragraph 7.8.61 of the Ecology and Nature Conservation chapter (Document 6.7) states that potentially up to 3.5km of ditch habitat may be temporarily lost through dewatering activities at Paull and Goxhill (please also see our</p>	

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		<p>detailed comments regarding groundwater impacts). Presently the local hydrogeological conditions are not fully understood, which is accepted by the applicant. Therefore, there is no certainty that dewatering activities will only impact upon 3.5km of watercourse. The mitigation for this loss outlined in paragraph 7.8.62 is to allow water voles to disperse into neighbouring watercourses. Given the likely groundwater connectivity between watercourses in the area, there is no certainty that dewatering will not impact upon neighbouring watercourses, therefore eliminating their potential as water vole refuges. Furthermore, as has been detailed elsewhere in our response, there exists a level of uncertainty over the timescales for dewatering and construction of the drive and reception pits, which could seriously extend the periods of low flow in nearby watercourses.</p> <p>10.2 In order to address this, the applicant should provide a more comprehensive water vole mitigation plan (informed by the additional hydrogeological information requested above), incorporating implementable actions to mitigate for habitat loss, especially given that works proposed to take place over times of peak water vole activity. In addition, the project's biodiversity impacts generally will need to be re-visited in light of any updated hydrogeological information, reflecting any revised understanding of the nature and extent of the project's predicted impacts.</p> <p>10.3 Paragraph 7.7.8 of the Ecology and Nature Conservation chapter states that there will be some habitat improvement in Field 26 at Paull. However, there is no confirmation of the amount of habitat improvement to be provided, or timescales for the work. More fundamentally, there appears to have been no investigation of potential opportunities to provide ecological enhancement through the scheme. The requirement to provide enhancements is enshrined within national and local policy. 5.3.4 of EN-1 states that "the applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests". Furthermore, ENV4 of the emerging ERYC Local Plan Strategy states: "To optimise opportunities to enhance biodiversity, proposals should seek to achieve a net gain in biodiversity where possible".</p> <p>10.4 We would expect the applicant to have produced an assessment of all potential opportunities to contribute to ecological enhancement, and reasoned justification provided as to whether or not the scheme could deliver this enhancement. This should accompany a detailed schedule of enhancements to enable the ExA to determine whether or not the scheme is compliant with 5.3.4 of EN-1 and relevant local policies.</p> <p>10.5 Opportunities for enhancement are likely to grow with the scale of schemes. Therefore we would suggest that the level of ecological enhancement should be commensurate with the scale of the proposed development. Given the location of the proposed pipeline, and the scale of the project, we would expect to see significant enhancement delivered through the scheme, and would strongly urge National Grid to investigate all reasonable opportunities to achieve this, to provide detail on this in the ES, and to provide commitments to delivery through suitable DCO requirements.</p> <p>10.6 We note that there have been relevant submissions on this matter at deadline 1. We will review these and provide comments at deadline 3.</p> <p><b>11.0 Appendix 4 - Pollution Prevention</b></p> <p>11.1 We are generally content that the pollution mitigation measures proposed in relation to surface water are sufficiently robust to ensure that any potential impacts can be minimised, or that a response to contain any emerging issues can be put in place, via the proposed requirements.</p> <p>11.2 We would however ask that following minor additional contingencies/clarifications are included within an amended CEMP:</p> <p>1) Con D17: Any contaminants produced using wet cleaning methods should be contained. Dispersant chemicals must not be used in conjunction with any washdown of</p>	

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		<p>the affected areas to disperse any residue, unless all contaminants and contaminated materials are to be contained in readiness for correct offsite disposal;</p> <p>2) We also ask that in relation to section 6.1.3 of the Initial CEMP, namely the reporting of accidental releases to watercourse to the Environment Agency, our 24 hour Incident Hotline Number 0800 807060 is incorporated into the CEMP to facilitate this.</p> <p><b>12.0 Appendix 5 - Waste</b></p> <p>12.1 The application states that some material (tunnel arisings) would be left on site for possible reuse in infilling etc, around the laid pipe. This would be acceptable in most circumstances, however further information would be required as to what the material would consist of, how long it would be stored and how it is intended to be stored, before determining the need for regulation under the Environmental Permitting Regulations. Lengthy and or incorrect storage of these materials could pose an environmental risk and hence may require regulation.</p> <p>12.2 To remove any waste, specifically tunnel arisings, from the scope of regulation, consideration should be given to the implementation of the relevant "Codes of Practice" (CL:AIRE) or Quality Protocols ("WRAP"). This would include soils and subsoils being used on site or being removed from site and used elsewhere.</p> <p>12.3 Tunnel arisings not classed as soils or subsoils are likely to be excluded from the Definition of Waste Code of Practice so further investigation into the possible reuse of these arisings would be needed.</p> <p>12.4 It is likely that any material removed from site and stored elsewhere would require an Environmental Permit or Exemption.</p> <p>12.5 If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.</p> <p><b>13.0 Appendix 6 – Land Interest</b></p> <p>13.1 Yorkshire Wildlife Trust became the tenants of most of the Environment Agency's land at Paull Holme Strays as of Friday 25 September 2015. Their leasehold interest will need to be added to the book of reference against plots 21, 22, 23, 24, 25, 26, 28, 29, 53 and 54.</p> <p>13.2 The book of reference currently lists the Environment Agency as owner and occupier of plots 17 and 44. We have no interest as owner or occupier in either of these plots as shown on the Land Maps. However, the description of plot 44 in the book of reference does not correspond with the location shown on the Land Map. We need National Grid to clarify this apparent anomaly.</p> <p>13.3 The Environment Agency has a right-of-way over the track crossing plots 30 and 19. These rights need adding to the book of reference.</p> <p>13.4 "Flood defence" needs adding to the description of plot 20.</p> <p>13.5 "Flood defence and intertidal nature reserve" needs adding to the description of plot 54.</p> <p>13.6 The Land Map (sheets 3 and 4) state that a leasehold interest is required over plots 53 and 54. We would like to query the accuracy of this statement, as we understand that an easement or deed of grant is required. We would have no objection in principle to the granting of an easement or deed of grant, subject to the details being agreed and provided they relate solely to below-ground works.</p> <p>13.7 In relation to the temporary works affecting plots 19 to 30 (inc), National Grid must ensure that the Environment Agency has full, free and uninterrupted vehicular access to Thorngumbald Pumping Station at all times. We ask that this be reflected in the DCO.</p>	

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		<p>13.8 We currently have access along the sea defences from East Halton Skitter North and along the access track from East Halton Skitter northerly. We will need to retain a degree of access from East Halton Skitter to the North which should be appropriately referenced within the DCO.</p> <p>13.9 In relation to plots 23, 25 and 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 recently received details from the applicant/agent relating to acquisition of the kiosk land and associated right of way, and it does not appear to be a major concern. However, we would like the applicant to clarify the need for permanent rights of way over plots 23, 25 and 26 rather than taking access to the kiosk through the existing gas compound.</p> <p>13.10 We have also provided an answer to the ExA's questions 15.2 and 15.4 in relation to whether the minimum necessary rights have been sought. We would like to seek clarification as to why the tunnel diameter is proposed at around 4 metres. The proposed diameter appears to be significantly larger than the pipeline it is designed to accommodate yet we can find no explanation of why this is the case in the supporting documentation. Given that the tunnel diameter may have a bearing on the necessary size of such other features as the drive and reception pits, about which we have concerns, it would be useful to receive clarification on this point. This matter may have a bearing on our land negotiations with the applicant, as the applicant appears to be seeking rights to sublet surplus space within the tunnel, to which we would object.</p> <p>13.11 In relation to Articles 21, 25 and 26 we would be concerned if the undertaker took temporary "possession" of the surface of any land on plot 54 (wildlife habitat and operational flood defences where the undertaker is seeking an easement to bore and maintain an underground pipeline tunnel). Similarly, we would be concerned if they took "possession" of any land comprised in plots 20, 21, 22, 24, 28 or 29 (operational flood defence land, where the undertaker is seeking rights to lay hoses to discharge surplus water. We have made clear in our negotiations that we will only be willing to grant such rights by way of a licence. However, on 2 October 2015, National Grid's agents sent us the heads-of-terms for a temporary (3 year) easement of the land, as an alternative to a lease. Despite this, we remain unsatisfied with the restrictions they propose to place on our use of these operational flood defences. We therefore object to the granting of a lease or easement affecting the above plots, and request that the rights to their "possession" in the draft DCO are removed.</p> <p>13.12 Our understanding from discussions to date is that National grid simply require rights to lay a hose or hoses over the surface of the land at plots 20, 21, 22, 24, 28 and 29, and that these hoses can be moved from time to time within the abstraction area, so as not to compromise our use and operation of the flood defences. Based on this information, our position is that a licence to lay hoses over the land would be the most appropriate form of agreement in this case.</p> <p>13.13 Articles 11/12 describes the stopping up of footpaths (A-B and B-C shown on rights of way map 7). The Environment Agency uses these tracks to gain access to Thorngumbald pumping station. We request that the provision for these stopping up orders should either be removed, or protective provisions added to ensure that the EA's access is retained, or appropriate alternative access provided - at all times. We are currently awaiting comments from the applicant on the draft protective provisions we have provided them.</p> <p>13.14 Part 2 Works Provisions, Article 13 appears to allow the provision of new access routes (or the alteration of existing access routes), including along the tidal flood defences if approved by the LPA. We wish to see a restriction included in the DCO through the addition of protective provisions to ensure that new accesses affecting the tidal flood defences cannot be delivered under this clause</p> <p><b>14.0 Appendix 7 – Disapplication</b></p>	

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		<p>14.1 Our approach to this matter is that where a DCO seeks to disapply our regulating legislation (as is the case in this instance – Yorkshire Land Drainage Byelaws) for managing flood risk, we will only agree to this disapplication where appropriate protective provisions can be agreed within the DCO. Protective provisions will be needed to ensure that works which would have previously been consentable, will require our prior approval and be subject to reasonable conditions. No such protective provisions are currently included so we will need to enter negotiations with the applicant.</p> <p>14.2 We have provided some draft Protective Provisions to the applicant to assist with this matter. We are awaiting the applicant’s comments and will continue to liaise with them to agree the final wording.</p> <p>14.3 We note that the current request for disapplication applies solely to the north bank byelaws. No formal request has been made to disapply the equivalent byelaws on the south bank, although the applicant has indicated verbally that they may now be considering the disapplication of all the byelaws for both north and south bank, and that protective provisions will be inserted as a consequence. The equivalent byelaws are the Anglian Region Land Drainage and Sea Defence Byelaws. The most relevant sections are likely to be 6C and 6H. The applicant should be asked to confirm their intentions in this respect.</p>	
5	Royal Society for the Protection of Birds (RSPB)	<p><b>2. THE RSPB’S CONCERNS</b></p> <p>2.1. Having established that the Project will involve no construction works or land-take from within the Humber Estuary itself nor its intertidal habitats (ES Document 6.7, paragraph 7.4.7, p23), the RSPB’s principal concerns over the Project and its impacts on the Humber Estuary SPA relate to the potential habitat loss, disturbance and displacement impacts associated with the establishment and operation of the Project’s construction compounds.</p> <p><b>The Project’s construction compounds</b></p> <p>2.2. The construction of the Project will involve the establishment of two construction compounds on opposite banks of the Humber: one near to Goxhill on the south bank and one near to Paull on the north bank.</p> <p>2.3. The Goxhill compound lies to the north-east of Goxhill village, within the Goxhill Marshes area, and is situated c.500m from the Humber Estuary SPA. The Paull compound lies to the southeast of Paull village and c.200m from the boundary of the Paull Holme Strays managed realignment site and therefore also c.200m from the boundary of land which must be treated as part of the Humber Estuary SPA. (see paragraphs 2.22 and 2.23 for further detail on this matter).</p> <p><b>The bird survey methods used to inform the assessments</b></p> <p>2.4. As detailed in the HRA (DCO Document 5.4 HRA Part 1 of 2, paragraphs 5.3.3 to 5.3.11), a suite of bird surveys were undertaken between October 2013 and September 2014 to investigate bird usage of the proposed construction compound locations and their surroundings.</p> <p>2.5. The RSPB’s Relevant Representation (RR) referred to concerns over two elements of the bird surveys undertaken: the spring passage survey effort and the nocturnal survey effort. On the former of these points, the applicant has provided clarification to the RSPB over the spring passage surveys, confirming that two surveys per month were undertaken during this time. The RSPB is therefore now satisfied that the spring passage survey effort was sufficient to inform the necessary assessments in this case.</p> <p>2.6. In contrast, the RSPB continues to have concerns over the nocturnal survey effort and, at this time, this remains a matter of discussion between the RSPB and the Applicant. The rationale for the RSPB’s concerns and therefore the basis for the ongoing discussions are outlined below.</p>	<p>National Grid have provided further information in a Technical Note (appended to the Statement of Common Ground with the RSPB (Doc Ref 8.1.6A)), which addresses many of these issues. This was submitted to RSPB on 14 October 2015.</p> <p>A further meeting was held with Natural England and the RSPB on 21 October 2015 to discuss these outstanding issues. During this meeting it was agreed that the noise contours provided in the Technical Note (Doc Ref 8.1.4A) demonstrated that significant effects of noise disturbance would not be experienced by birds beyond the Paull and Goxhill works areas. Natural England and RSPB did state, however, that they feel mitigation would be required to off-set the temporary loss of Fields 5 and 6 during the construction phase, and in their opinion that the retention of the remainder of Field 5 as set-aside land would not achieve this. National Grid is currently considering additional mitigation measures proposed by Natural England and the RSPB which would alleviate their outstanding concerns.</p> <p><b>The bird survey methods used to inform the assessments</b></p> <p>The nocturnal surveys undertaken as part of the baseline surveys for the Scheme identified the presence of golden plover, lapwing and curlew (refer to Appendix 5 of the HRA (Doc Ref 5.4)). The potential impacts on all three of these species was therefore considered in the impact assessment (refer to Section 8.3 of the HRA (Doc Ref 5.4)).</p> <p>Therefore, even if night time surveys using night vision equipment had been undertaken (as proposed in the teleconference 22<sup>nd</sup> September 2015 by RSPB), given that the nocturnal surveys had already identified the presence of these species, this would not have changed the assessment. Hence, using dawn / dusk surveys (rather than night time surveys) has provided sufficient information to inform the impact assessment.</p> <p>Therefore, National Grid does not believe that additional ‘precautionary’ mitigation is required or justifiable (especially given the more realistic noise contours set out in the Technical Note). However, this was discussed in the meeting on 21 October 2015, and it was clarified by RSPB that if National Grid commit to additional mitigation in relation to Fields 5 and 6 (as discussed above), there would be no further concerns over the nocturnal surveys.</p>



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		<p>2.7. The HRA states (DCO Document 5.4 HRA Part 1 of 2, paragraphs 5.3.9 to 5.3.10) that nocturnal surveying was undertaken as a result of the potential presence of golden plover in the vicinity of the Paull construction compound, with the surveys extended to cover the vicinities of both construction compounds. However, the methodology used, of undertaking surveys starting 30 minutes before dawn or dusk and finishing 30 minutes after dawn or dusk, is not true nocturnal surveying as it offers no coverage of periods between dusk and dawn.</p> <p>2.8. The applicant has stated their view (Document 8.1.6 Draft Statement of Common Ground with the RSPB, Table 3-1, p5) that, because of the difficulties of undertaking nocturnal surveys – principally identifying species, health and safety concerns and the potential for disturbance of birds – it was agreed with Natural England (NE) that dawn and dusk surveys, such as described in the paragraphs referenced above, would provide sufficient information to inform the assessments.</p> <p>2.9. The RSPB recognises the challenges associated with nocturnal surveying but does not consider any of the difficulties identified above to be insurmountable. To illustrate: nocturnal surveying, including for waders such as golden plover, forms part of standard survey methodology guidance for onshore wind farm developments, with guidance from NE8 including descriptions of potential equipment options.</p> <p>2.10. The RSPB’s concerns over the lack of nocturnal surveying are based principally on studies of nocturnal usage by plovers (i.e. golden plover and lapwing) of farmland habitats in Norfolk. The following findings of these studies demonstrated the need for and importance of nocturnal surveying for plovers when attempting to accurately understand plover usage of arable habitats:</p> <ul style="list-style-type: none"> <li>• Fields used by plovers during the day are also likely to be used by night</li> <li>• Fields are used on average three times more often at night than in the day</li> <li>• Birds use more fields within an area at night than during the day</li> <li>• No conclusions about the numbers of birds that will use fields at night can be drawn from surveys of the same fields during the day</li> <li>• The vast majority of arable farmland usage by plovers at night is for feeding</li> <li>• Plovers feeding at night obtain up to 50% more food than during the day</li> <li>• Feeding at night may be the preferred strategy for plovers</li> </ul> <p>2.11. In a more local context, the broad principle of nocturnal use of farmland habitats by plovers is supported by radar work conducted for a proposed wind farm development on the north bank of the Humber. This showed significant evening, inland movements of birds from the Estuary to adjacent agricultural habitats, clearly demonstrating nocturnal usage of farmland by these species around the Humber<sup>11</sup>, building on the evidence cited in paragraph 1.11.</p> <p>2.12. When combined, the above evidence strongly indicates that the surveying used to inform the HRA is highly likely to have underestimated the regularity, extent, profitability and importance of feeding by golden plover and lapwing of the Humber Estuary SPA on the fields within and adjacent to the construction compounds. As a result, the HRA is likely to have underestimated the fitness and survival implications for golden plover and lapwing of the potential habitat loss and disturbance impacts resulting from the Project.</p> <p>2.13. Returning to the points raised over the difficulty of nocturnal surveying (paragraph 2.8 above), the evidence described above from the Norfolk studies clearly demonstrates the feasibility of collecting useable data on nocturnal usage of farmland by plover species, with these studies successfully employing night vision equipment to record both numbers and behaviour of golden plover and lapwing.</p> <p>2.14. As identified in paragraph 2.6 above, the lack of nocturnal surveying and how this could be addressed in the assessments continues to be a matter of discussion between</p>	

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		<p>the RSPB and the Applicant. The RSPB's view is that it does not necessarily have to be a barrier to consent but that this will require a suitably precautionary approach to assessing impacts and devising mitigation.</p> <p>2.15. Without a sufficiently precautionary approach, it is the RSPB's view that the lack of nocturnal surveying is a significant issue, to the extent that insufficient information would be available to properly assess the potential impacts of the Project, as required by the provisions of the Habitats Regulations described in paragraph 1.14. This forms the basis</p> <p><b>Disturbance to non-breeding birds of the Humber Estuary SPA, Ramsar site and SSSI</b></p> <p>2.16. The RSPB's RR referred to our concerns over the potential noise disturbance impacts at both the Goxhill and Paull construction compounds and potential visual disturbance works associated with the tunnel flooding works. On the latter issue, the RSPB and the Applicant have now agreed that the tunnel flooding works will not lead to significant visual disturbance to SPA birds. Possible additional measures to further limit the likelihood of any disturbance of the current discussions between the RSPB and the Applicant but will have no bearing on the HRA.</p> <p>2.17. In relation to the potential noise disturbance impacts, the RSPB recognises that both noise monitoring and predictive noise modelling have been undertaken to inform the assessments. Discussions between the RSPB and the Applicant are currently ongoing, with the Applicant committed to providing further information on the baseline noise levels, the predicted maximum noise levels resulting from the construction activities, the predicted effectiveness of the embedded mitigation measures aimed at reducing noise impacts (principally the use of bunding and closed board fencing; DCO Document 5.4 HRA Part 1 of 2, paragraph 3.4.1, p41), and how this has been captured in the relevant assessments.</p> <p>2.18. At this stage, the RSPB's principal concern in relation to noise impacts is that the predictive noise modelling provided (DCO Document 5.4 HRA Part 2 of 2, Figures 12 and 13) indicates that the construction activities will lead to increases over baseline in both maximum and average noise levels in the vicinity of both Goxhill and Paull construction compounds.</p> <p>2.19. The RSPB's view is that consideration of predicted noise levels against baseline noise levels is of more value than consideration of predicted noise levels against a "threshold" such as the proposed 70dB (DCO Document 5.4 HRA Part 1 of 2, paragraph 8.3.19, p80). Uses of such thresholds take no account of existing, background noise levels and therefore offer no context against which the predicted noise levels can be considered. The reference cited in the HRA (DCO Document 5.4 HRA Part 1 of 2, paragraph 8.3.19, p80) of Cutts et al. (2003) is unknown to the RSPB and not listed in the references, but is assumed to refer to a report published in 2008 and revised in 200912. This review proposed the threshold of 70dB but this was on the basis of a single set of studies undertaken on the Humber by the authors, as opposed to the outcomes of the wider literature review component of the report. It must also be noted that the report's conclusions and recommendations for the 70dB are as follows:</p> <p>"Construction noise levels should be restricted to below 70 dB (A), birds will habituate to regular noise below this level. Where possible sudden irregular noise above 50 dB (A) should be avoided as this causes disturbance to birds. However, data are generally poor."  [Emphasis added]</p> <p>2.20. In light of these factors, and as indicated above, the RSPB does not consider the 70dB "threshold" to be supported by sufficiently robust evidence and therefore recommends comparisons of predicted noise against baseline noise, with the aim of ensuring that the former does not exceed the latter. Where this is not possible, and noise levels are expected to exceed background, it is the RSPB's view that mitigation measures will be required, as is the case here. As described in paragraph 2.17, the RSPB is</p>	<p><b>Disturbance to non-breeding birds of the Humber Estuary SPA, Ramsar site and SSSI</b></p> <p>National Grid have provided further information on the potential noise impacts of the Scheme in a Technical Note (appended to the Statement of Common Ground with Natural England (Doc Ref 8.1.4A)). This was submitted to Natural England on 14<sup>th</sup> October.</p> <p>As discussed during the teleconference call on 22 September 2015, the Technical Note (Appendix B of the Statement of Common Ground (Doc Ref 8.1.6A)) provided a more realistic picture of the potential noise levels during the construction phase of the Scheme (rather than a worst case scenario which was presented in the Habitats Regulations Assessment (HRA) (Doc Ref 5.4)). The noise contours illustrated in the Technical Note showed levels of LAmax and LAeq generated from the construction sites (at both Goxhill and Paull) reaching adjacent habitats would be comparable to, or less than, those which the birds are currently habituated to. Therefore, National Grid maintain that there would be no effects resulting from noise disturbance that would be significantly detrimental to the fulfilment of the conservation objectives for the SPA, or that would affect the ability of the populations of SPA species to survive at their current conservation status.</p> <p>However, a further meeting was held with Natural England and RSPB on 21 October 2015 to discuss these outstanding issues. During this meeting it was agreed that the noise contours provided in the Technical Note (Appendix B of the Statement of Common Ground (Doc Ref 8.1.6A)) demonstrated that significant effects of noise disturbance would not be experienced by birds beyond the Paull and Goxhill works areas. It was also confirmed to RSPB that the contours did relate to October 2018, and also that this would be the worst-case month, and that remaining months would show similar noise contour patterns, though would be quieter.</p>

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		<p>awaiting further information from the Applicant on the effectiveness of the embedded noise mitigation measures. Subject to the provision of this material, the RSPB's current view is that the proposed construction works at both Goxhill and Paull will lead to elevated noise levels that have the potential to disturb and displace SPA birds from adjacent habitats.</p> <p>2.21. In understanding potential noise impacts, it is vital to not only understand the noise levels likely to be generated but also the potential exposure of birds to these noise levels. As identified in the HRA (DCO Document 5.4 HRA Part 1 of 2, paragraph 6.2.13), it is typically considered that areas of functionally-linked land supporting more than 1% of the population of a SPA species are significant. Fields within and adjacent to the footprint of the Goxhill construction compound meet or exceed this criterion for golden plover (Field 6) , black-tailed godwit (Field 4), and curlew (Fields 1, 2, 4, 5, &amp; 6) when considered against the respective latest 5 year peak mean populations for the Humber Estuary<sup>13</sup>. The predicted noise plots provided in the HRA (DCO Document 5.4 HRA Part 2 of 2, Figures 12 &amp; 13) show that the noise modelling predictions include noise levels elevated above baseline, at both maximum and average levels, for these fields. There is therefore potential at Goxhill for significant numbers of SPA birds to be exposed to, and therefore disturbed and displaced by, increased noise levels as a result of the proposed construction activities.</p> <p>2.22. At Paull, based on the same HRA figures, the elevated noise levels will potentially affect the intertidal habitats of the managed realignment at Paull Holme Strays. As described above, Paull Holme Strays was created in 2003 by the Environment Agency to provide cost-effective flood risk management and compensatory habitat for the adverse effects (habitat losses to flood defence schemes and coastal squeeze) on the Humber Estuary SPA/SAC resulting from implementation of the Humber Flood Risk Management Strategy (HFRMS).</p> <p>2.23. The elevated noise levels therefore have the potential to disturb and displace qualifying species of the SPA (including golden plover, bar-tailed godwit, avocet, ruff, shelduck, redshank, dunlin, black-tailed godwit, wigeon, teal, ringed plover, lapwing, curlew and turnstone) from habitats within areas that must be treated as part of the designation, effectively reducing the extent of habitat available to these species within the SPA. This is clearly contrary to the Conservation Objectives of the SPA detailed in paragraph 1.10.</p> <p>2.24. Based on the concerns outlined in the preceding paragraphs, the RSPB does not consider that it is currently possible to rule out adverse effects on the integrity of the Humber Estuary SPA, as a result of noise disturbance and displacement of birds from habitats both adjacent to (Goxhill) and within (Paull) the SPA. As identified in paragraph 2.17, discussions on these matters between the RSPB and the Applicant are ongoing.</p> <p><b>Disturbance to breeding birds of the Humber Estuary SPA, Ramsar site and SSSI</b></p> <p>2.25. As referenced in the RSPB's RR, the ground investigation works undertaken to inform the Project identified the presence of nesting marsh harrier in the SPA in the vicinity of the Goxhill construction compound. The Applicant has confirmed that nesting was recorded, with the nesting area reported to be over 500m from the construction compound (Document 8.1.6, Draft Statement of Common Ground with the RSPB, Table 3-1, p9).</p> <p>2.26. Marsh harriers typically show strong fidelity to nest sites, although nests are rarely located in the same precise location, but in the same area<sup>15</sup>. Based on the information provided by the Applicant, and the status of marsh harrier as both a Qualifying Feature of the Humber Estuary SPA and a species afforded special protection from disturbance through its listing on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) ("the WCA"), it is the RSPB's view that a mitigation strategy should be devised at this point, which can be implemented in the event of marsh harriers nesting in the proximity of the construction compound. Without the production of such a strategy at this stage,</p>	<p><b>Disturbance to breeding birds of the Humber Estuary SPA, Ramsar site and SSSI</b></p> <p>An additional commitment has been added to the Initial Construction Environmental Management Plan (Doc Ref 7.3A) which states Pre F11 'Pre-construction surveys for breeding marsh harrier would be undertaken to determine if marsh harrier are attempting to breed within the reedbed. Depending upon the results of the survey, a mitigation strategy may be required that needs to be developed in consultation with Natural England and the RSPB to avoid adverse effects on this species.' In addition, an outline mitigation strategy for marsh harriers will be drafted (in consultation with Natural England and RSPB). Should breeding marsh harrier be found to be present during the pre-construction surveys, the outline mitigation strategy would be finalised in consultation with Natural England and the RSPB. It was agreed in the meeting on 21 October 2015 that at this stage this only needs to be 10-12 bullets setting out the</p>

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		<p>there is not sufficient certainty to conclude that the proposed construction works will not lead to disturbance of nesting marsh harriers, the associated adverse effect on the integrity of the Humber Estuary SPA and potentially offences under the WCA.</p> <p>2.27. The RSPB's view is that the mitigation strategy should be sufficiently detailed, with appropriate criteria to trigger its implementation, that appropriate avoidance of disturbance impacts can be established and recorded within the HRA for the Project. These principles form the basis of the ongoing discussions on this matter between the RSPB and the Applicant.</p> <p><b>The loss for the duration of the project of land with functional links to the SPA</b></p> <p>2.28. As identified in paragraph 2.21 above, fields within and adjacent to the footprint of the Goxhill construction compound meet or exceed the 1% significance criterion for golden plover (Field 6), black-tailed godwit (Field 4), and curlew (Fields 1, 2, 4, 5, &amp; 6) when considered against the respective latest 5 year peak mean populations for the Humber Estuary. According to Figure 2.2 of the ES (ES Document 6.2), those fields that lie within the footprint of the works compound, either wholly or partially, are Fields 5 and 6.</p> <p>2.29. Fields 5 and 6 are both long, linear fields with their long boundaries (perpendicular to the Humber) formed by intact, species-poor hedgerows (ES Document 6.7, Figure 7.3). Within both fields there are areas that will be physically lost to the formation of the construction compound. However, , the effective habitat loss will be larger than this as a result of the presence of the compound, its noise, light, etc. and the deterring effect that this will have on bird usage. This effect is illustrated by studies of the effects of various construction activities in Cardiff Bay, across an 11 year period, including the construction of a barrage, new housing, a hotel, a new highway and land claim. During this period, densities of five of seven species studied (including curlew) were significantly reduced adjacent to construction work<sup>16</sup> . This builds upon a body of evidence<sup>17,18,19</sup> that identifies preferences among the species in question, particularly golden plover and curlew, for large fields with open views. As a result of this combined package of evidence of species preferences and effects of construction, it is the RSPB's view that the presence of the construction compound will lead to the effective loss of both Fields 5 and 6 as habitat functionally available to SPA birds.</p> <p>2.30. In considering the potential impacts of this loss against the Conservation Objectives, it is necessary to consider its potential impacts on all relevant Qualifying Features. This includes the Waterbird Assemblage, which the Applicant correctly "screens in" to the Appropriate Assessment (DCO Document 5.4 HRA Part 1 of 2, paragraph 8.1.1, p74). While subsequent sections of the HRA provide some analysis of the potential impacts on the constituent species of the Waterbird Assemblage, the RSPB is concerned that the constituent species are not explicitly considered on a species-by-species basis. This is critical to properly understanding the potential impacts of the Project on the Waterbird Assemblage. The assemblage is protected for both its overall numbers and its species diversity, i.e. all species which contribute to the assemblage as a whole. Assemblage species, and the potential impacts that they will experience, must therefore be considered on a species-by-species basis to ensure that their contribution to the assemblage both in terms of their numbers (i.e. population) and diversity are properly protected.</p> <p>2.31. The Applicant's conclusions on the potential impacts of temporary (up to 35 months) habitat loss at Goxhill are detailed in the HRA (DCO Document 5.4 HRA Part 1 of 2, paragraphs 8.3.47 to 8.3.49, p86-87) and so are not repeated here. However, the conclusions of "no effects" – taken by the RSPB to equate to a conclusion of no adverse effects on the integrity of the SPA – appear to be based on the view that the SPA birds displaced from any habitat lost will be able to relocate to alternative habitats elsewhere, with no impacts on the individuals nor the SPA's Conservation Objectives. The RSPB disagrees with these conclusions; the rationale for this is outlined below.</p>	<p>principles, with a commitment to get the detailed strategy signed off by Natural England / RSPB prior to commencement of the works. This will be provided in Appendix C of the Statement of Common Ground (Doc Ref 8.1.6A).</p> <p><b>The loss for the duration of the project of land with functional links to the SPA</b></p> <p>With regard to the assessment of the water bird assemblage, Natural England agrees with National Grid's approach.</p> <p>National Grid maintains that the potential impacts of temporary (up to 35 months) habitat loss at Goxhill are not significant, especially given the noise and lighting mitigation and the provision of the field to the north as mitigation for the duration of the works.</p> <p>National Grid understands the issues relating to habitat availability and energetic stress, but does not believe that birds would not be subject to reductions in individual fitness and therefore considers that the HRA (Doc Ref 5.4) correctly assessed the impacts as not significant.</p> <p>Nevertheless as mentioned above National Grid is currently considering additional mitigation measures proposed by Natural England and the RSPB which would alleviate their outstanding concerns.</p>

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		<p>2.32. Overall, the RSPB agrees that the quantum of temporary habitat loss is likely to be similar to that identified by the Applicant for the Goxhill site, which is 34ha, although it appears that the basis for this figure differs between the Applicant and the RSPB. The RSPB's estimate is 38ha, based on the functional loss of Fields 5 and 6, whereas the Applicant's comes from the area lost to the footprint of the construction compound.</p> <p>2.33. That there may be displacement of SPA species does not appear to be a point of difference between the RSPB and the Applicant. The Applicant states, "Whilst it is certainly possible that, on occasion, relatively large numbers of birds might be disturbed and potentially displaced from the fields close to the scheme..." (Document 8.1.6 Draft Statement of Common Ground with the RSPB, Table 3-1, p12). Rather, the key points of difference between the RSPB and the Applicant seem to relate to the potential effects of this on the SPA species in question (golden plover, black-tailed godwit and curlew) and how this should be addressed via the Appropriate Assessment.</p> <p>2.34. The RSPB's view is that the approach adopted by the Applicant – of relying on relocation to alternative habitats and of no consequent impacts – is not supported by the evidence currently presented. In the RSPB's view, the evidence available indicates that such relocations have the potential to impact upon both the fitness of individual birds (and therefore potentially populations of the affected species) and the distribution of birds within the SPA; both issues of fundamental importance to the Conservation Objectives. Further information to support this position is provided in the following paragraphs.</p> <p>2.35. Species, such as golden plover, curlew and black-tailed godwit, that make use of farmland surrounding the SPA do so under the influence of complex interactions between a range of environmental factors including, as examples, tidal state, weather, predation pressure, prey availability, etc 20 . In such a context, the importance of an individual site, and the impacts of disturbance upon that site and the birds it holds, can be considerably greater at a given time than simple considerations of bird count data and total areas of habitat can indicate. Fundamentally, the approach adopted by the Applicant gives no consideration to condition of individual birds at the time of disturbance; the presence of other existing pressures on the populations; habitat quality of both the site of disturbance and its surroundings; the availability of different habitat areas, and the interactions between these factors.</p> <p>2.36. In light of the above, the potential impacts of displacement via habitat loss may be considerably greater than may initially be apparent. While apparently suitable habitat may be available in the immediate vicinity, without understanding the quality of this habitat, its availability and value to the birds under the various environmental conditions, it is simply not possible to conclude that it is indeed suitable alternative habitat without the type of understanding outlined in the preceding paragraph. As such, the required relocations by the displaced birds may be considerably greater than predicted or, under certain sets of conditions, unavailable. Similarly, if relocation to adjacent habitat does occur then it can result in the birds being obligated to make use of lower quality habitat.</p> <p>2.37. In terms of the impacts of these issues on foraging and roosting, this would have the same consequence: lower energetic gains, and potentially energetic losses, from any given cycle of foraging and roosting with potentially consequent effects on individual fitness, if the birds in question cannot compensate for this impact via increased feeding rates16 . The importance of the availability of fields around the Humber in providing supplementary foraging sites and therefore in supporting or increasing survival rates has been demonstrated for curlew and indicated for other species including black-tailed godwit.</p> <p>2.38. If effects such as those outlined above are experienced over a sufficient duration of time, or lead to relocations of sufficient distances, then the effects may be enough to impact upon how a given species uses the matrix of roosting and feeding sites that exist within the SPA and its surrounding habitats. Essentially, forcing birds to relocate for an extended period, or to make longer movements than previously, has the potential to lead</p>	

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		<p>to birds altering their distributions within the SPA in order to minimise flight distances between feeding and roosting sites, access available habitat outside the SPA and meet their daily energy requirements.</p> <p>2.39. In light of the above, the RSPB disagrees with the Applicant’s assertion that temporary habitat loss will have no impacts on fulfilment of the Conservation Objectives for the SPA. Reductions in individual fitness, such as those described above, have the potential in turn to impact upon populations, contrary to the Conservation Objective of maintaining or restoring the population of each of the Qualifying Features. Similarly, the potential for changing distributions of birds within the designation is clearly contrary to the Conservation Objective of maintaining or restoring the distribution of the Qualifying Features within the SPA.</p> <p>2.40. Based on the concerns detailed above, the RSPB is of the view that mitigation is required to address the impacts identified. The RSPB’s concerns over the current mitigation proposals and a proposed way forward are provided in the sections below. These form the basis of ongoing discussions between the RSPB and the Applicant. Insufficient mitigation and enhancement measures for both breeding and non-breeding SPA birds.</p> <p><b>Insufficient mitigation and enhancement measures for both breeding and non-breeding SPA birds.</b></p> <p>2.41. In the preceding sections, the RSPB has identified three core issues that demonstrate the need for mitigation in order to conclude no adverse effects on the integrity of the Humber Estuary SPA:</p> <ul style="list-style-type: none"> <li>i. Disturbance to non-breeding birds</li> <li>ii. Disturbance to breeding birds</li> <li>iii. Habitat loss</li> </ul> <p>2.42. As identified in paragraph 2.17, the Applicant has committed to providing the RSPB (and others) with further information on the predicted noise impacts of the Project. As described in paragraph 2.24, based on the information currently available, the RSPB has concerns over the potential for adverse impacts on the integrity of the SPA from noise disturbance and in the absence of the additional information to be provided, is therefore of the view that mitigation is required. To properly devise an appropriate mitigation strategy, it is first important to understand the potential impacts. It is the RSPB’s view that this cannot be achieved until the additional information is provided by the Applicant and the effectiveness of the current mitigation properly understood.</p> <p>2.43. The RSPB’s views on potential mitigation for disturbance to breeding birds has been identified in paragraphs 2.26 to 2.27 and forms the basis for ongoing discussions between the RSPB and the Applicant over this matter.</p> <p>2.44. On the issue of habitat loss, the Applicant has identified an area of Field 6 at Goxhill to be left as set aside “to compensate for the loss of habitat under the main work area” (DCO Document 5.4 HRA Part 1 of 2, paragraph 9.1.3, p89). However, this is described as “embedded mitigation” (DCO Document 5.4 HRA Part 1 of 2, paragraph 9.1.1, p89) as opposed to mitigation provided to address potential adverse effects. Whatever the purpose of the mitigation, the RSPB does not consider it sufficient to address the potential impacts of the Project resulting from habitat loss. Indeed, based on the evidence cited in paragraph 2.29, the RSPB would question whether there can be confidence that the identified part of Field 6 would receive any significant usage by SPA birds, as the identified field size of 7.6ha (Document 4.1 Statement of Reasons, paragraph 4.3.5, p11) would be suboptimal when considered against the identified</p>	<p><b>Insufficient mitigation and enhancement measures for both breeding and non-breeding SPA birds</b></p> <p>National Grid has now provided the additional information requested, in the Technical Note (appended to the Statement of Common Ground with the RSPB (Doc Ref 8.1.6A)), and considers that this addresses the noise impact issue, to the extent that no additional mitigation is considered necessary regarding this issue.</p> <p>Whilst National Grid maintain that the temporary loss of these fields would not have a significant effect on the integrity of the SPA, it is currently considering additional mitigation measures proposed by Natural England and the RSPB which would alleviate their outstanding concerns.</p>

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		<p>habitat preferences of the species in question and the type of impacts described in paragraph 2.29.</p> <p>2.45. In all mitigation, it is necessary to demonstrate that the proposals will minimise the potential adverse impacts to a level where it can be demonstrated that the potential for adverse effects on the integrity of the SPA have been removed. For habitat loss this means, in the simplest terms, that an area of replacement habitat of sufficient size and quality to offset the impacts should be provided. The RSPB's view is that, for temporary habitat losses such as here, the simplest and most effective approach to attaining this aim is through the provision of an area of habitat of at least the same size and higher quality (based on sound ecological evidence), in close proximity to the impacted areas but outwith any area of likely disturbance, as that to be impacted upon by the Project.</p> <p>2.46. The proposal to provide stubbles as alternative habitat (DCO Document 5.4 HRA Part 1 of 2, paragraph 9.1.3, p89) has some merits. However, evidence on habitat usage by birds along the south bank of the Humber indicates that this may only be of significant value to golden plover and black-tailed godwit, and of very limited use to curlew<sup>24</sup>. As can be seen from the data on habitat usage provided in Table 1 below, this would only be the case for dragged stubbles with taller, less managed stubbles being of little to no value.</p> <p><b>Table 1: Use of terrestrial habitat by relevant SPA species in North and North-east Lincolnshire</b></p> <table border="1" data-bbox="608 926 1584 1230"> <thead> <tr> <th rowspan="2">Species</th> <th colspan="9">Proportion of birds recorded using habitat between September and April (%)</th> </tr> <tr> <th>Ploughed</th> <th>Oilseed rape</th> <th>Winter cereals</th> <th>Sown</th> <th>Permanent Pasture</th> <th>Dragged Stubbles</th> <th>Stubbles</th> <th>Industrial site</th> <th>Rough grass</th> </tr> </thead> <tbody> <tr> <td>golden plover</td> <td>1</td> <td>7</td> <td>7</td> <td>31</td> <td>7</td> <td>46</td> <td>1</td> <td>-</td> <td>-</td> </tr> <tr> <td>black-tailed godwit</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>47</td> <td>45</td> <td>-</td> <td>7</td> <td>1</td> </tr> <tr> <td>curlew</td> <td>1</td> <td>2</td> <td>1</td> <td>1</td> <td>72</td> <td>3</td> <td>6</td> <td>10</td> <td>4</td> </tr> </tbody> </table> <p>Source: Catley, 2011.</p> <p>2.47. In light of the above, the RSPB's view is that, in this case, appropriate mitigation for habitat loss would be the provision of enhanced stubbles and pasture habitat, across a total area equivalent to that which is predicted to be lost (i.e. c.38ha) for the same duration as the construction works, including all site establishment, demobilisation, etc. These principles form the basis of the ongoing discussions between the Applicant and the RSPB.</p> <p><b>3. CONCLUSION</b></p> <p>3.1. Based on the issues described above, the RSPB's view is that the application does not currently comply with the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) nor the Wildlife and Countryside Act 1981 (as amended). As such, the RSPB does not consider it possible for consent to be granted on the basis of the material currently in front of the Examining Authority. However, the RSPB's view is that there are practical and deliverable solutions to these issues – outlined in the preceding paragraphs - and we are therefore committed to continuing to work with the Applicant to address these matters.</p>	Species	Proportion of birds recorded using habitat between September and April (%)									Ploughed	Oilseed rape	Winter cereals	Sown	Permanent Pasture	Dragged Stubbles	Stubbles	Industrial site	Rough grass	golden plover	1	7	7	31	7	46	1	-	-	black-tailed godwit	-	-	-	-	47	45	-	7	1	curlew	1	2	1	1	72	3	6	10	4	
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6	Mr and Mrs Burn	<p>With reference to the above planning application we have a number of concerns to bring to your attention.</p> <p>We have notices that our property has been assessed as a single storey property when it is in fact two storeys</p>	<p><u>Two Storey Property</u></p> <p>National Grid accepts that the property is a two-storey property. National Grid has considered the impact of this on the assessment and conclusions in Chapter 9:</p>																																																	

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		<p><b>Air Quality</b></p> <p>As it has been identified that construction activities etc have the potential to generate dust admissions which have the potential to affect human &amp; ecological receptors in the vicinity of the project and as we know that the local soil levels are high in arsenic. What safeguards would be put in place to protect us and a number of beehives in our garden which is situated only 0.146km from the proposed construction site.</p> <p><b>Traffic</b></p> <p>In the traffic surveys commissioned, the traffic data analysis has suggested that the volume of generated construction traffic would be significant &amp; would have a major adverse effect due to the increase of HGV's. We could see no mention of the school buses on the survey and there are at least 3 double decker school buses making return journeys per day, plus an extra late bus twice a week which travels along a route from Hedon – Paull – Thorngumbald</p> <p>Is there sufficient road parking for construction traffic within the scheme? Who will enforce that the allotted parking will be used? Our experience of every project up to date is that the contractors have parked on the side of the road, in the passing places and machinery that has been delivered to the site is off loaded on to the road.</p> <p>No consideration has been given to break &amp; lunch times traffic when construction workers will visit the nearest shops in Thorngumbald.</p> <p>The sighting of a No Entry sign at Paull Holme would not be effective.</p> <p>The bridge next to Lakes farm is not wide enough for two way traffic.</p> <p>In 7.2 initial Traffic Management Plan – volume 7 DOC Document – 7.1.4 talks about potentially using Paull Holme Quarry. This Quarry has not been used for years &amp; we understood that it had been transferred back to the farmer. On speaking with East Riding Council it is not marked up on their records as a landfill site. Again no traffic analysis has been produced to show the impact if this site were to be used.</p> <p>It is also stated that the Construction Traffic Management Plan would remain a live document that is regularly updated throughout construction, so who is responsible for overseeing this, as we fear that when work is underway things like this get over looked and these 'live documents' are only reviewed when an incident happens.</p> <p><b>Landscape</b></p> <p>Our property is slightly higher than the site therefore we look down into it which no one seems to have taken account of.</p> <p>We hope that when the project is finished suitable landscaping will occur, after one project the roadways were not removed and remained for 20 years.</p> <p><b>Noise and Vibration</b></p> <p>We have lived in this property for over 36 years &amp; have experienced vibration from other pipeline developments. We note that there is going to be some vibratory piling. On Table 10.56 we are the highest estimated level of vibration from the tunnel boring machine. How will this affect us? Nation Grid have agreed to survey our property but no date has been given which is another concern due to the fact of the exploratory work that is been carried out now.</p> <p>We are not sure of the working hours on the site except for the 2 week 24hr working period at Paull during installation, so are concerned about excess lighting &amp; noise for the rest of the time as Table 10.51 states that we have the highest estimated noise level any way. Have prevailing wind directions been taken into account? Are we going to be monitored?</p> <p><b>Water</b></p>	<p>Landscape and Visual Amenity (Doc Ref 6.9) however it is considered that the findings of effects as negligible remains unchanged.</p> <p><b>Air Quality</b></p> <p>A dust risk assessment (Doc Ref 6.5.1) has been undertaken in accordance with best practice guidance in order to determine appropriate dust mitigation measures. These measures ensure that air quality impacts as a result of construction dust would not be significant, and have been included in the Initial Construction Environmental Management Plan (CEMP), which is Schedule 3, Requirement 12 of the DCO (Doc Ref 3.1A). Compliance with the Initial CEMP would be audited by National Grid. The Initial CEMP (Doc Ref 7.3A) requires the Main Works Contractor to undertake monthly audits in conjunction with National Grid and weekly environmental site inspections to ensure compliance with the Project Environmental Management Plan, environmental procedures and Method Statements.</p> <p><b>Traffic</b></p> <p>The Initial Traffic Management Plan (TMP) (Doc Ref 7.2.1A), states a number of environmental design measures which would minimise potential effects of the Scheme – including the use of Rose Hill Farm track for two way construction traffic. The Initial TMP, which will become the Construction TMP following appointment of the Main Works Contractor is secured in the DCO (Doc Ref 3.1A) through Schedule 3, Requirement 15. Bus routes would not be significantly affected due to the mitigation measures outlined in the Initial TMP (Doc Ref 7.2.1A) and there are no planned amendments to bus services or facilities. It is noted that reference to School bus services was omitted from Table 4-10 of the Traffic Assessment (Doc Ref 7.2) and Table 12-13 of Chapter 12: Traffic and Transport (Doc Ref 6.12) this will be corrected in the Errata and Amendments Document (Doc Ref 8.6B).</p> <p>ES Chapter 12: Traffic and Transport (Doc Ref 6.12), the Site Layout Plans (Doc Ref 2.4B) provide sufficient off road parking for all construction traffic. In addition, the Initial TMP (Doc Ref 7.2.1A) mandates (Section 13.6) there would be 'No parking on roadside verges'.</p> <p>The Drivers Pack within the Construction TMP would include construction traffic routes which would be issued to all members of staff. Direction signing will also be provided to ensure construction traffic follow designated routes. The TMP would be regularly audited by National Grid throughout the construction works to ensure compliance.</p> <p>Thorngumbald Road has good forward visibility to the bridge next to Lakes Farm. There will also be temporary access works to Thorngumbald Road at this location as shown on the Works Plans (Doc Ref 2.2A).</p> <p>Paull Holme Quarry was just one option under consideration as a potential landfill site during the early stages of the Scheme. The appointed Main Works Contractor would review options for waste management from the Goxhill side of the Scheme.</p> <p>The Main Works Contractor will develop the Construction TMP in consultation with North Lincolnshire and East Riding of Yorkshire Councils. It has been agreed with Highways England that if any works would affect the strategic route network during the construction phase National Grid would consult them. This is outlined in the Initial TMP (Doc Ref 7.2.1A). In addition, National Grid would oversee the development of the document and monitor any updates.</p> <p><b>Landscape</b></p> <p>The visual effects on the property have been considered in Table 9-15 of ES Chapter 9: landscape and Visual Amenity (Doc Ref 6.9). The visual assessment is based on a site visit and the view from the road immediately in front of the property and therefore the assessment takes account of its slightly elevated position in relation to the site. It is accepted that the property is slightly higher than the site but in terms of its context in</p>



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		<p>We understand that the Thorngumbald Drain outlet to the Humber Estuary is via a pumping system not tidal gates as mentioned in the documents.</p>	<p>the landscape is still considered to be low lying i.e. as opposed to being on a ridge or upper slope. The construction site will be reinstated to its present land use on completion of the construction work.</p> <p><u>Noise and Vibration</u></p> <p>Although Table 10-56 (of ES Chapter 10: Noise and Vibration (Doc Ref 6.10) identifies Mr and Mrs Burns' property would experience the highest vibration levels their property would be subject to an independent pre-construction inspection. This is outlined in the Initial CEMP (Pre A5) which is secured by the DCO Schedule 3, Requirement 12 (Doc Ref 3.1A).</p> <p><b>Working Hours</b></p> <p>ES Chapter 2: Scheme Description (Doc Ref 6.2) states in paragraph 2.6.3 that '<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>' However, as stated in the Scheme Description (Doc Ref 6.2) 24 hour working would only last '<i>for two weeks at Paull</i>'.</p> <p>A worst case noise and vibration assessment has been undertaken and is presented in Chapter 10: Noise and Vibration (Doc Ref 6.10). However, the modelling procedure does not allow for prevailing wind direction although it does allow for other worst case parameters.</p> <p>Noise monitoring would be undertaken pre-construction and during construction at Mr and Mrs Burns' property. As above this is secured through the the Initial CEMP (Doc Ref 7.3A) (Pre I2, Con I8 and Con I9). Note as above the Initial CEMP is secured in Schedule 3, Requirement 12 of the DCO (Doc Ref 3.1A). We have also outlined in the Initial CEMP (Doc Ref 7.3A) that noise limits would be established within the local authority. Please note monitoring at the property was omitted from Chapter 9: Noise and Vibration (Doc Ref 6.10) however, this has been corrected in the ES Errata and Amendments Document (Doc Ref 8.6B).</p> <p><u>Water</u></p> <p>The Environment Agency confirmed that the Thorngumbald Drain discharges to the Humber Estuary by gravity, immediately south of the Paull site. There is also a Pumping Station which lifts water to the Humber Estuary when the drain is tide-locked (Flood Risk Assessment (Doc Ref 5.2) paragraph 3.3.4).</p>
7	Royal Mail	<p>In exercising its statutory duties, Royal Mail uses on a daily basis all the roads that will be affected by the construction of the River Humber Gas Pipeline Replacement Project.</p> <p>The construction of the proposed River Humber Gas Pipeline Replacement Project may cause operational disruption to Royal Mail operations through any traffic delays on the local highway network, with traffic being generated by construction staff, civil and mechanical works traffic and abnormal loads.</p> <p>Construction traffic routing to Paull would inevitably have to pass through Kingston upon Hull on the A1033 and A63 which will increase traffic volumes and could add to congestion. Construction traffic to Goxhill is likely to be less sensitive given the more rural locality and linkage to the A15.</p> <p>There are several other NSIP proposals in the area (including A63 Castle Street Improvements, Hull and A160 / A180 Port of Immingham Highway Improvements) and in assessing highways impact full regard will need to be had to risk of cumulative impact of these and other major development proposals alongside the construction of the River Humber Gas Pipeline Replacement Project. It is noted that both these other NSIP</p>	<p>A Transport Assessment (Doc Ref 7.2) for the Scheme has been undertaken which selected the proposed construction routes to both the Goxhill and Paull sites. The suitability of each road located on the construction route was reviewed and potential effects associated with construction traffic were identified. Although the number of construction vehicles travelling to and from the site is relatively low (during both peak and average construction periods), it was found that there would be an impact on all road users. However, National Grid has proposed a package of mitigation measures to reduce impacts on road users. An Initial Traffic Management Plan (Doc Ref 7.2.1A) has been produced which outlines all mitigation measures for the scheme along the construction route. The proposed mitigation will provide a reduction in the impact on driver delay will minimal disruption to traffic flow on the local highway network.</p> <p>In both Paull and Goxhill, the proposed construction routes to the work sites avoid villages. The roads selected for the construction route were deemed the most appropriate as they would have less impact on road users. At Paull, a two-way construction route has been proposed which utilises private trackways to minimise the use of public highway. At Goxhill, a one-way construction route (except for abnormal</p>

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		<p>proposals are included in the list of Major Planned Developments set out in Figure 5 and section 4.11 of the ES Non-technical summary.</p> <p>If traffic disruption were to occur during the construction phase, the local Royal Mail operational properties that would be most susceptible to disruption through traffic delay during the construction phase are:</p> <ol style="list-style-type: none"> <li>1. Hull Mail Processing Unit, Malmo Road, Hull HU7 0AA</li> <li>2. Hull Central Delivery Office, St Peter Street, Hull HU9 1AA</li> <li>3. Immingham Delivery Office, Middleplatt Road, Immingham DN40 1BL</li> </ol> <p>Royal Mail supports the principle of the proposed River Humber Gas Pipeline Replacement Project, but is concerned about the potential for disruption to its mail collection, transport and delivery during the scheme's construction period. Any such disruption on the surrounding highway network, could affect Royal Mail's future ability to provide an efficient mail sorting and delivery service to the public in accordance with its statutory obligations. Clearly, this presents a risk to Royal Mail's business.</p> <p>In order to address this identified risk to its business, Royal Mail requests that in advance of construction works taking place National Grid Gas plc should fully consult with all major road users, including Royal Mail. Royal Mail requests that these consultations should cover traffic management proposals and ensure the provision of advance information on programmed construction activities to enable Royal Mail to instigate contingency measures, if required.</p> <p>To conclude, until such a time as it can be shown that either Royal Mail operations will not be adversely affected by the construction of the River Humber Gas Pipeline Replacement Project together with the other NSIP proposals and major development proposals in the area, or the construction impact on Royal Mail's operations can be fully mitigated through appropriate consultation and traffic management measures, then Royal Mail's objection will be maintained.</p> <p>Royal Mail reserves the right to alter its position or make further representations in due course once the above highlighted issues have been addressed by National Grid Gas plc and, if required, an opinion is provided by Royal Mail's consultants on whether the action taken satisfactorily addresses its above stated concerns.</p> <p>Royal Mail requests that this brief representation is taken into account by the Examination in determining National Grid Gas plc's DCO application.</p>	<p>loads) has been proposed to reduce the number of construction vehicles travelling along the local highway Furthermore, where there are single lane track roads along the construction route, passing places will be provided or improved to ensure two-way HGV movements are not hindered (Doc Ref 2.2A). The Scheme would not result in road closures and traffic flow would be maintained, with minimal traffic management at site entrances.</p> <p>National Grid has been in ongoing discussions with both the Local Highway Authorities and Highways England regarding planned works on both the local and strategic road network surrounding the Scheme. They have confirmed that they do not consider that the scheme will have a material impact upon the operation of the highway network either side of the Humber Estuary. The proposed daily increase in traffic flow is low in comparison to the baseline traffic currently using these roads and would not adversely increase congestion. However, both the Local Highway Authorities and Highways England have requested that they are involved in the agreement of the final construction Traffic Management Plan for the Scheme, to further ensure there would be a negligible impact.</p> <p>National Grid therefore considers that Royal Mail deliveries and worker trips would not be adversely affected by the proposed Scheme.</p>
8	DDM Agriculture	<ul style="list-style-type: none"> <li>• Your letter refers to Mr Shepherdson whereas the Book of Reference refers to a Mr Shepardson. Confirmation of which spelling is correct would be helpful. Mr Shephardson is the correct spelling.</li> <li>• Your letter refers to Tetney Fields whereas the Book of Reference refers to Totney Fields. Confirmation of which spelling is correct would be helpful. Totney Fields is the correct spelling.</li> <li>• You list Mr M Golland and Mr B Leach in your letter as being affected persons, however they do not appear in the Book of Reference. Confirmation of which plots are related to these parties and the provision of evidence of their interest in that land would be helpful. With regard to Mr B Leech, having investigated his Title it has come to light the Land Registry Title plan is incorrect. Mr Leech has instructed his solicitor to rectify the position. We have the agreement of Mr T Shephardson to do this as it is his Title that currently identifies some of Mr Leech's land. A letter from Mr Leech will be with you shortly. Mr M</li> </ul>	<ul style="list-style-type: none"> <li>• The revised book of reference to be submitted for deadline 4 will incorporate this change.</li> <li>• The revised book of reference to be submitted for deadline 4 will incorporate this change.</li> <li>• National Grid is aware of Mr Leech's interest and the revised BOR and land plans submitted for deadline 4 will incorporate these changes. National Grid is also in the process of negotiating on heads of terms and these are progressing well for the new lease, and subject to settlement of some minor commercial matters agreements in principle should be forthcoming by deadline 4.</li> <li>• National Grid is considering these representations and will provide comments to the Examining Authority as soon as possible.</li> <li>• National Grid is considering these representations and will provide comments to the Examining Authority as soon as possible.</li> </ul>

No.	Party	Written Representation	National Grid Comments
<p>PLEASE NOTE THAT NATIONAL GRID HAS NOT REPLICATED ALL TEXT FROM EACH WRITTEN REPRESENTATION BELOW. WE HAVE ONLY INCLUDED TEXT WHERE WE BELIEVE A RESPONSE FROM NATIONAL GRID IS REQUIRED OR WHERE AN ISSUE IS BEING PICKED UP IN ANOTHER DOCUMENT SUCH AS A STATEMENT OF COMMON GROUND. WE HAVE ALSO NOT INCLUDED SUMMARIES TO WRITTEN REPS AS WE ASSUME THESE WILL NOT CONTAIN ANY ISSUES NOT ALREADY ADDRESSED IN THE MAIN WRITTEN REPRESENTATION.</p>			
		<p>Golland, please see attached plan relating to the land required by NGG. Please let me know if you require further information.</p> <ul style="list-style-type: none"> <li>• If Mr B Tull, Mr J Harrison and Mr and Mrs Wathen wish to be request to become Interested Parties (IP), the s102A form on our website will need to be completed. If these individuals complete the form on their own behalf, then they will also need to provide written confirmation that you are to act on their behalf. If however you complete the form on their behalf, their written confirmation will not be necessary. All three parties are sending their objections in the post along with S102A forms completed.</li> <li>• Mr P Stancer is an IP and has made a Relevant Representation, and Ms C Mills has completed the s102A form and made her own s102A request. The ExA will therefore require confirmation from these individuals that they have requested you to act on their behalf. Please see letters of instruction attached</li> </ul>	