

**From:** Kipling, Sam [mailto:SAM.KIPLING@environment-agency.gov.uk]  
**Sent:** 28 January 2015 08:50  
**To:** YorksHumberCCSPipeline  
**Subject:** EA Hearing Attendance Notification Supplementary

Dear Sir or Madam,

Please find attached supplementary Hearing Attendance Notification letter, following the publishing of the relevant agendas.

Kind regards

Sam Kipling

**Sustainable Places - Planning Specialist**  
**Environment Agency Yorkshire Area**  
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I split my time between Coverdale House in York and Lateral in Leeds. Please direct any post to our York office.

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[www.gov.uk/government/consultations/draft-flood-risk-management-plans](http://www.gov.uk/government/consultations/draft-flood-risk-management-plans)

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The Infrastructure Planning Commission  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

**Our ref:** RA/2014/129706/05-L01  
**Your ref:** EN070001  
**Our ID:** EA 10029788  
**Date:** 27 January 2015

Dear Sir/Madam,

**HEARING ATTENDANCE SUPPLEMENTARY  
YORKSHIRE & HUMBER CARBON CAPTURE AND STORAGE (CCS) PROJECT -  
DEVELOPMENT CONSENT ORDER.  
CCS ROUTE FROM DRAX TO BARMSTON, EAST RIDING OF YORKSHIRE.**

Following our recent letter of 23 January 2015, agendas have been published for the upcoming hearing sessions. The agendas include various questions asked by the Inspector, some of which are directed at the Environment Agency. We thought it would be useful to provide a written response to these questions to clarify our position as far as possible. Our position remains as set out in our initial Hearing Attendance Notification Letter.

**Hearing on the Draft Development Consent Order**

**Q14. Schedule 12 Miscellaneous Controls** – How are local byelaws to be treated in the DCO? Are the EA and the IDBs satisfied with the dis-application or amendments of local byelaws? Are the IDBs satisfied with the amendments to schedule 14? (12.47)

**Answer to Q14** – Please also refer to our comments 5.1, 5.3 and 5.4 in our Relevant Representation. The Environment Agency is the consenting body for Main Rivers only. Ordinary watercourses and IDB watercourses are the consenting responsibility of the Lead Local Flood Authority (East Riding of Yorkshire council) and the relevant Internal Drainage Board respectively.

Those sections of the Yorkshire Land Drainage Byelaws proposed to be dis-applied (5, 6, 10 & 15) are not generally used by the Environment Agency to consent works. For Main Rivers we are content that the proposed works will be adequately controlled either under the Water Resources Act or those remaining sections of the Yorkshire Land Drainage Byelaws. The IDB and Lead Local Flood Authority should be asked to comment on this in respect to Ordinary Watercourses and IDB watercourses.

**Hearing on Construction Operations**

**Q4 Code of Construction Practice: i)** Winterisation measures; **ii)** Protection of flows in

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Cont/d..

West Beck; **iii**) Slippage.

**Answer to Q4(i)** – We are generally content that the Water Management Plan and Pollution Prevention and Control Plan secured by requirement 9, provide sufficient control over this matter. This could be made more explicit through the addition of additional sub-clauses to requirement 9(2) and 9(3) reading ‘details of winterisation measures’.

**Answer to Q4(ii)** – Please refer to our following previous representation: Answers to First Written Questions 3.13 and 5.10; The section of our Written Representation under the heading ‘River Hull/Driffield Canal Crossing’, and; The section titled ‘River Hull/Driffield Canal Crossing’ of our Hearing Attendance Notification letter of 23 January 2015 . These comments clarify that the new requirement requested under section 4 of our Relevant Representation, is no longer needed. In its place we have agreed to an amendment to the Code of Construction Practice (section 10.3.17) in conjunction with existing requirement 14 which secures the implementation of the CoCP.

This position has been discussed and agreed with Natural England and National Grid and is reflected in the amended Development Consent Order and Code of Construction Practice submitted by National Grid at Deadline 2. We have confirmed in our Hearing Attendance Notification letter that we are content that this issue has been satisfactorily resolved.

**Answer to Q4(iii)** – Please refer to our comments in our Hearing Attendance Notification letter. National Grid made further submissions about this issue in their comments on our Written Representation. These comments propose amendments to sections 1.4.6 and 9.3.4 of the Code of Construction Practice – an amended version incorporating these changes was submitted by National Grid at Deadline 2. The proposed changes are acceptable to us and serve to address our outstanding concerns on this matter.

#### **Q5 Construction Water Management Plan and Pollution Prevention and Control Plan**

**Answer to Q5** – We would certainly expect to be fully involved with the assessment and approval of both plans. Whilst we are content with the current proposed wording of requirement 9, i.e. submissions to the relevant planning authority with the EA being consulted, we would have no specific objection to the Environment Agency acting as the sole approval body in this case.

We are content that the Spillage Emergency Response Plan and the Silt Management Plan are secured adequately in the proposed wording of requirement 9. Should the Inspector decide to include a specific requirement to secure these plans, we would have no objection to acting as the approval body for them. As above, the current wording of requirement 9, which requires submission to and approval by the LPA, in consultation with ourselves, is also acceptable.

#### **Q8 Bank Stabilisation**

**Answer to Q8** – We are content that this matter will be adequately controlled for Main Rivers through the relevant consent under the Water Resources Act or Yorkshire Land Drainage Byelaws. In addition, the controls secured in the CoCP (requirement 14) and the Construction Water Management Plan and Pollution Prevention and Control Plan (requirement 9) will provide broader control over this matter. We do not consider that additional controls are necessary on this matter.

### **Q9 Hydrostatic Testing**

**Answer to Q8** - As per our Deadline 2 submission (responses to comments on Relevant Representation) we are now satisfied with the additional information and assessment provided by National Grid. We therefore do not wish to make any further representations on this matter.

### **Q9 Flood Risk and Drainage Requirements**

**Answer to Q9** – We can confirm that we are content with the proposed revised wording for requirements 5, 6 and 11 included within the revised DCO submitted by National Grid at deadline 2. We are also content with the additional sections 5-10 of requirement 9. We are therefore content that flood risk and drainage measures are adequately secured.

### **Hearing on Biodiversity**

#### **Q4 - Groundwater Management at the River Hull/Driffield Canal Crossing**

**Answer to Q4** – Please see our above answer to Q4 of the construction hearing sessions.

In relation to whether the proposals would be satisfactorily monitored and controlled, we can confirm that requirement 14 adequately secures the implementation of the CoCP. The gauging data from our Snakeholme gauging station is readily available to National Grid, and the Environment Agency would already be well aware if water levels are approaching the Q95 level, as such we are content that there is no need to secure additional monitoring of this matter.

### **Q6 - Environmental Enhancements**

**Answer to Q6** – Please see our comments on this matter in our Written Representation and in our Hearing Attendance Notification Letter. The enhancement opportunities available at the River Hull / Driffield Canal crossing are not currently secured. We have encouraged National Grid to take these opportunities and have asked that the Inspector gives full consideration to whether it would be appropriate to include legal mechanisms to secure them. Any such legal mechanisms should be discussed with the land-owner (Yorkshire Wildlife Trust) and the relevant LPA.

Should you require any additional information or clarification, please don't hesitate to contact me on the details below.

Yours faithfully

**Mr Sam Kipling**

**Sustainable Places Planning Specialist**

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