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# Response to Secretary of State's letter dated 29<sup>th</sup> September 2015

**The Yorkshire and Humber (CCS Cross Country  
Pipeline) Development Consent Order**

Date: 13 October 2015  
Our ref: GPIN/28185/00005  
Your ref: EN070001  
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Mr G Scott  
Head of National Infrastructure  
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Energy & Climate Change  
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**By email:** giles.scott@decc.gsi.gov.uk

Dear Sirs

**Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) –**

**Application by National Grid Carbon Limited (“The Applicant”) for an Order granting Development Consent for the Yorkshire and Humber Carbon Capture and Storage (“CCS”) Cross Country Pipeline**

**REQUEST FOR COMMENTS FROM NATURAL ENGLAND, THE ENVIRONMENT AGENCY, THE APPLICANT, CAPTURE POWER LIMITED, THE CANAL & RIVER TRUST AND DRIFFIELD NAVIGATION TRUST - EN070001**

I refer to your letter dated 29 September 2015. The Secretary of State has invited the applicant, our client, to provide any comments in relation to Natural England’s consideration of the Habitats Regulations issues as set out in your letter. Please find enclosed a letter to us from AECOM of today’s date confirming their response to this issue on behalf of the Applicant.

We understand you are now in receipt of our response to your first letter and so trust that you will have seen our submissions in relation to Network Rail and that you will have noted our submissions in relation to the Driffield Navigation Trust and the Canal and Rivers Trust which were statements agreed both with the DNT and the CRT. We also made submissions in relation to Messrs. Watts which was not an agreed statement.

Please do let us know if you require any further assistance from us.

Yours faithfully



**Berwin Leighton Paisner LLP**

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AECOM letter dated 13<sup>th</sup> October

13 October 2015

Berwin Leighton Paisner LLP  
Adelaide House  
London Bridge  
London  
EC4R 9HA

Our Ref:

Dear Sirs

**Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) –**

**Application by National Grid Carbon Limited (“The Applicant”) for an Order granting Development Consent for the Yorkshire and Humber Carbon Capture and Storage (“CCS”) Cross Country Pipeline**

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Further to your letter of 29 September 2015 I am writing to provide a response on behalf of the Applicant in relation to the question posed to Natural England in relation to the potential for cumulative effects.

Your letter states that the Secretary of State has been provided with details as to how Natural England arrived at its conclusion that there are no cumulative effects with regards to the proposed Yorkshire and Humber CCS Cross Country Pipeline and the proposed offshore pipeline and the proposed offshore storage site (and the information it had regard to in reaching this conclusion). It does not seek further information or explanation in relation to that issue, and we have not therefore rehearsed those matters in any detail in our response.

Our response is therefore confined to the request for information as to the potential for cumulative effects with regards to the proposed Yorkshire and Humber CCS Cross Country Pipeline and the White Rose CCS project.

The Applicant's assessment

There are four documents that are of particular relevance in responding to the Secretary of State's request:

1. No Significant Effects Report (Document 5.4)
2. Chapter 17 (Cumulative Effects) of the Environmental Statement (Document 6.17)
3. Habitats Regulations Assessment Report (Document 11.8)
4. Offshore Scheme Shadow Appropriate Assessment Report (Document 11.9)

### *The No Significant Effects Report*

Document 5.4 entitled “No Significant Effects Report Revision B” was submitted in support of the CCS Cross Country Pipeline on 14<sup>th</sup> November 2014. As that document explained, the screening exercise was broken down into six stages, Stages 1a to 1f, with the staged approach allowing a clear demonstration of how conclusions have been reached.

No Natura 2000 sites are located within the Onshore Scheme Application Boundary, and therefore the focus of the exercise was to consider sources of effect that could theoretically arise as a result of the Onshore Scheme, and then to look at the potential pathways through which these could have an effect on the interest features of the Natura 2000 sites. Only two interest features were taken through to stage 1f, related to the construction of the Pumping Station.

The stage 1f process included consideration of potential cumulative effects, drawing upon Chapter 17 of the Environmental Statement which included consideration of the White Rose CCS Project at Drax. It confirmed that there was no potential for, inter alia, the White Rose Project at Drax to result in in-combination effects (see paragraph 8.2.2).

The No Significant Effects Report confirmed that there was no potential for likely significant effects on European Sites as a result of the Onshore Scheme alone, as effects would be completely avoided. As there was no ‘pathway’ or ‘mechanism’ for any effects to occur, there was no need to consider the effects of the Onshore Scheme (there were none) in combination with the effects of any other ‘in combination’ Schemes, including the White Rose project. This position and approach was accepted by Natural England.

### *Chapter 17 of the Environmental Statement*

The Applicant's cumulative effects assessment follows the guidance set out in the Institute of Environmental Management and Assessment (IEMA) 'State of Environmental Impact Assessment Practice in the UK' Report and advice from PINS.

It includes consideration of inter-project effects, examining those developments which could affect receptors that are also affected by the Onshore Scheme, and identifying the potential significance of inter-project cumulative effects. Where relevant, the inter-project assessment includes consideration of the White Rose CCS Project. In all instances where there is a potential effect of both schemes on a shared receptor the cumulative effects assessment has concluded that the effects are either neutral, negligible or minor, and therefore not significant.

### *Habitat Regulations Assessment Report*

Document 11.8, entitled Habitat Regulation Assessment Report, considers the findings of work undertaken to assess the potential for likely significant effects to occur as a result of the CCS Cross Country Pipeline alone, and also taking into consideration any potential for cumulative /in combination effects with the Offshore Scheme and other offshore schemes. The report is supported by Document 11.9 Offshore Scheme Shadow Appropriate Assessment Report submitted for Deadline 2 of the examination (20<sup>th</sup> January 2015).

As the report explains, Natural England has confirmed that it is satisfied that the Onshore Scheme is not likely to have a significant effect on a European site. However, it was acknowledged that the Offshore Scheme is an integral part of the Project as a whole, and therefore further information was provided to demonstrate to Natural England that the Offshore element of the scheme was not likely to have an adverse effect on the integrity of any European Sites. It therefore presented a Habitats Regulation Assessment for the Project to provide

sufficient information to enable the Secretary of State to determine whether the Project as a whole will result in an Adverse Effect on Site Integrity.

The report concluded that, while the Offshore scheme design had yet to secure the details of avoidance and mitigation measures, it was possible nevertheless to confirm, through the further analysis undertaken, that such measures are achievable, and, as a result, that there will be no adverse effects on site integrity.

The assessment includes consideration of the potential for the Project as a whole to result in in-combination effects with other developments, which when aggregated together could result in an adverse effect on site integrity. Two developments (Dogger Bank Creyke Beck and Hornsea Offshore Windfarm) were identified as being relevant to the in-combination assessment (see section 4.4), and they did not include the White Rose CCS Project.

The reason that the White Rose CCS Project was not identified as being of potential relevance to the assessment of in-combination effects in the Habitat Regulations Assessment Report was because there were no pathways for effect between the two schemes.

The conclusion reached was that no adverse effects on the integrity of the relevant Natura 2000 sites were identified as a result of the Project or in-combination with other developments.

#### *White Rose*

The Habitat Regulation Assessment Report prepared in support of the White Rose Project included consideration of the CCS pipeline as an 'in combination' project at the Screening stage. The screening stage of the HRA confirms that there is no potential for direct likely significant effects. The report confirms that the only likely significant effects of the White Rose Project are those relating to deposition in relation to air emissions. As there are no emissions to air as a result of the operation of the CCS Cross Country Pipeline, and all other potential direct likely significant effects are avoided, there is no pathway or mechanism for any effects to occur as a result of the two projects in combination. The White Rose HRA report concludes, at the Stage 2 'Appropriate Assessment' stage, that there is no potential for adverse effects on the integrity of any of the European Sites considered. We understand that Capture Power Limited are to write to you enclosing their HRA report. We should be happy to provide it to you if they do not.

#### *Conclusion*

The effects of the White Rose CCS Project at Drax, the Onshore Scheme and the Offshore Scheme have been considered separately and in combination. The Secretary of State has sufficient information to be able to conclude that there would be no adverse effects on the integrity of any European Site from these proposed developments, either individually or in combination.

Yours faithfully

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