

East Riding of Yorkshire Council
Response to First Written Questions

**The Yorkshire and Humber Carbon Capture and Storage
Cross Country Pipeline**

**Including subsurface pipeline from Drax to Barmston, Block Valve
Installations at Tollingham, Dalton and Skerne, Pumping Station at
Barmston and temporary construction compounds**

by National Grid Carbon Ltd

LPA Reference Number: 13/00556/SOS

PINS Reference: EN070001

18th December 2014

Contact Officer: Hannah Harne



EAST RIDING
OF YORKSHIRE COUNCIL

1. Introduction

The Examining Authority has issued initial written questions and requested a response by Thursday 18th December 2014.

The Examining Authority has identified named bodies to whom the questions are directed.

The purpose of this document is to provide the Examining Authority with the response of the East Riding of Yorkshire Council to the questions which are directed to Local Planning Authorities and Local Highways Authorities.

2. Responses

Question 3.12

“Are the local planning authorities, the EA, NE, and English Heritage (EH), content that the CoCP adequately ensures all the required mitigation measures can be delivered and enforced?”

Condition 8 – ‘Scheme of ecological mitigation and reinstatement’ requires the submission of both draft and final schemes of ecological mitigation to be agreed by the LPA. It also requires the works to be undertaken in accordance with the approved schemes and provides for replacements of any failed planting. The Council may require these schemes to include an ecological clerk of works to ensure compliance with the mitigation scheme. As such the condition is considered to be adequate to ensure all required mitigation measures are delivered and enforced for the pipeline elements to which it applies. The Council does however recommend that condition 8 is amended to cover the above ground installations (AGIs) as well as the pipeline to ensure the proposed landscaping elements of ecological mitigation are delivered.

The Code of Construction Practice (CoCP) (Document 7.5) also includes a wide range of mitigation measures covering a range of different interests. Requirement 14 of the draft DCO requires the construction work to be carried out in accordance with the CoCP and as such the Council could ensure the delivery and enforcement of the measures contained within the CoCP through enforcement of requirement 14.

Question 3.20

“Can the applicant confirm whether the monitoring referred to in ES Chapter 9 Section 10 has been agreed with the relevant consultees? Are interested parties (including NE, EA, Yorkshire Wildlife Trust and the local authorities) content with the monitoring proposals?”

Chapter 9 Section 10 appears to the Barn Owl Survey which does not contain any monitoring proposals.

Question 5.2

“Para 4.4.9 of the NSER states that all main rivers and, where practicable, Water Framework Directive (WFD) designated watercourses will be crossed using non-open cut methods. Can the applicant explain EA/LPAs/IDBs have comments on this, including whether the mitigation proposed is sufficient to safeguard these watercourses?”

The pipeline will only affect watercourses within Beverley and North Holderness and Ouse and Humber Internal Drainage Board areas, and the Environment Agency are responsible for the River Hull crossing. As such the Council defers to comments from the Environment Agency and the Internal Drainage Boards on this point.

Question 8.2

“No baseline data is present in terms of ambient noise levels along the pipeline construction corridor. Instead, as described in section 4.5 of ES Chapter 13, the construction noise assessment is based on the maximum levels of construction noise during daytime hours in accordance with Annex E.2 of BS5228:2009 (70 dB(A) in rural areas). Paragraph 4.5.9 summarises that “*As the construction noise assessment is based on construction limits, it is not necessary to define the background noise levels at the NSRs*”. Can the applicant provide clarification in justifying this approach? Do the planning authorities with Environmental Health responsibilities concur with the adopted approach?”

With regard to the Environmental Statement Volume 6, Chapter 13 para 4.5.9 the Council’s Public Protection Division agree in principle with the statement regarding it not being necessary to define background noise levels at the NSR's along the pipeline construction corridor, due to the transient and short term duration of the works.

The Council would advise however that since the publication of the Environmental Statement which references Annex E.2 of BS5228: 2009 discussions with National Grid have resulted in the reduction of the construction noise thresholds. The thresholds proposed in Requirement 15(1) of the draft Development Consent Order are now 65, 55 and 45 dB(LAeq) respectively (see letter form Aecom dated 19.11.14).

Question 8.6

“ES Chapter 13 paras 8.1.22 – 8.1.26 outline the mitigation options to minimise adverse noise effects from the operation of the pumping station. These are to be secured through Requirement 3 of the DCO. Do the relevant planning authorities with Environment Health responsibilities agree that the scope and wording of the requirement sufficient to capture the extent of mitigation required as outline in the ES?”

The Council’s Public Protection Division is satisfied that Requirement 15 (2) - (4) of Schedule 3 of the draft Development Consent Order dated June 2014 (amended to include the additional wording proposed in the letter from Aecom dated the 19.11.14) is sufficient to capture the extent of mitigation required as

outlined in the Environmental Statement Volume 6, Chapter 13 paras 8.1.22-8.1.26. The additional wording includes consideration of low frequency noise.

The Council are aware that BS4142:2014 came into force on the 31.10.14 and supersedes BS4142:1997, however the Council are of the opinion that the superseded methodology is sufficient for the purposes of the condition.

Question 11.4

“Table 4 of the ES Chapter 14 presents ‘illustrative criteria’ for differentiating effects as substantial, high, moderate (all ‘Significant’), minor and negligible effects (‘not significant’). Para 4.4.46 states that the IEMA guidelines require a level of professional judgement to be applied, and table 3.4 describes how this judgement is typically applied. Can the applicant provide further justification on the appropriateness of these illustrative criteria? (For example, ‘not significant’ effects include any increase less than one month in duration and increases over 40% that are less than 3 months in duration). Can the relevant highway authorities provide agreement with the applicant’s adoption of this approach in assessing effect significance?”

As the Highways Authority a Stage 1 Road Safety Audit could be carried out. The audit would clarify the risk/effects and class them as ‘Low’, ‘Medium’ and ‘High’.

Question 12.2

“The relevant planning authority is defined as Selby DC or East Riding of Yorkshire Council or both where the relevant matter is located in the area of both. The term relevant planning authority is used in the articles and requirements and they are responsible for approval of several plans etc. It is not clear what would happen where the relevant matter is located in the area of both authorities, ie. who would the applicant apply to and who would have final say on approval? Can the applicant explain how this will work in practice where there is an overlap? Can the local planning authorities give their views on the workability of this definition?”

It is the opinion of the East Riding of Yorkshire Council that where approval of details pursuant to a requirement is necessary, applications would need to be made to the authority which would be affected. Where a requirement would affect land in both authority areas, two separate approvals will be required to be sought, one from each authority. In terms of enforcement it is considered that each authority would be responsible for taking any necessary enforcement action within their own area.

Question 12.6

“Are the street and highway authorities content with these provisions?”

The provisions are acceptable to the Highway Authority. Section 62 Agreements will be entered into and sealed in regard to any work carried out on the publicly maintainable highway and any Opening Out Orders will be covered by the New Roads and Street Works Act overseen by Dave Shepherd of Streetscene Services (Highways). The Highways Authority has been involved in pre-application discussion with the applicants.