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**Sent:** 18 December 2014 15:37  
**To:** YorksHumberCCSPipeline  
**Cc:** Helen Robinson1; Carl Bunnage; josullivan@selby.gov.uk  
**Subject:** Application by National Grid Carbon Limited for a DCO for the Yorkshire and Humber Carbon Capture Storage and Transportation Cross Country Pipeline

Your Ref: EN070001  
Our Ref: YHPL-AFP006

Dear Mr Mead

Further to the Rule 8 letter in relation to the above application, I attach North Yorkshire County Council's response to the ExA's First Round of Written Questions. The County Council has prepared a Local Impact Report jointly with Selby District Council, which is being submitted to you by Selby DC.

Yours sincerely

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## **YORKSHIRE AND HUMBER CCS PIPELINE**

### **THE EXAMINING AUTHORITY'S (EXA'S) FIRST WRITTEN QUESTIONS AND REQUESTS**

#### **RESPONSE FROM NORTH YORKSHIRE COUNTY COUNCIL (NYCC)**

**Q1.13 – It is noted that Area B of the Camblesforth multi-junction (an outline area providing capacity for a further three PIG Traps that would be needed to accommodate future connections to the pipeline but will be grassed in the meantime (para 4.2.1 of ES Chapter 3)) and Barmston pumping station are being applied for at outline level. Parameter plans have been produced for each of these project components which include the maximum dimensions of buildings. Can the applicant and local planning authorities consider whether the DCO is sufficiently detailed for these components and how would these “reserved matters” be controlled?**

PINS require a view from us as to future impact of future development at the Camblesforth Multi Junction (CMJ). This is primarily a matter for Selby as LPA to comment on as they will be responsible for dealing with reserved matters of the DCO. However, The County Council has the following comments in relation to potential highway/landscape impacts that we feel may arise.

It is considered that the proposed improvements to the junction of Wade House Lane up to the access to the multi-junction site will be suitable to accommodate the vehicle movements associated with the creation of future PIG Trap connections.

From the landscape perspective, the DCO information is adequate for Area B, but the unknown factors are the three potential pipeline routes which they would serve, for which no information is available. It is questioned why the PIG traps need to be dealt with as reserved matters, rather than be part of future NSIPs dealing with future pipeline applications?

**Q1.18 - Should the Code of Construction Practice (CoCP) be updated prior to construction commencing given the requirement within the CoCP to update surveys prior to construction and to apply mitigation as appropriate? Can the applicant consider how can this be secured in the DCO? Do interested parties such as NE, EA, Yorkshire Wildlife Trust and the local authorities agree the content of the CoCP and do they agree that the CoCP is consistent with the schedule of mitigation?**

It will be necessary for The Public Access and Transport Management section of the CoCP to be reviewed and updated regularly in order to be responsive to any traffic management issues that arise during the works. This is identified within the CoCP and will be undertaken in consultation with the local Highway Authority. As such the LHA are satisfied with the content of the CoCP.

From the landscape perspective the CoCP seems to be adequate. It covers LVIA in chapter 12, and refers to minimisation and avoidance of impact in the first place. A condition survey is to be made 'before commencing works' - it can be assumed that it is partly so any damage can be compared with the baseline state. Trees at risk of removal are to be surveyed prior to construction. TPO trees are not to be felled. Landscape features, soft and hard, to be

removed or damaged are to be reinstated, generally to match existing, but mature trees lost will be replaced 4:1. Landowner wishes will be taken into account. Planting schemes are provided for AGIs. Lighting will be minimised. The CoCP does not take the issue of the easement constraining future land use into account (but it couldn't).

The Authority has, to date not had sight of a Schedule of Mitigation, and so cannot compare it to the Code of Construction Practice. Section 8 in document 6.11 (LVIA) says that "*The mitigation measures detailed within this section will be secured through the DCO as a requirement (Document 3.1, Schedule 3) or within the Code of Construction Practice (CoCP) (Document 7.5).*" However there is no schedule in the chapter.

**Q3.12 – 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?**

NYCC has considered whether we think that the required mitigation identified can be delivered and enforced. We have considered the proposed mitigation in the CoCP and whether this can be delivered and enforced adequately as it stands in the DCO.

The Traffic Management Plan will be prepared in consultation with the Local Highway Authority and the Emergency Services. A mechanism for responding to any traffic management issues arising during the works will be addressed through a joint consultation approach with the LHA. As such we are satisfied that mitigation can be addressed where necessary.

The landscape mitigation measures proposed by the Applicant, and contained within the Code of Construction Practice for AGIs would be deliverable and enforceable.

However, NYCC would direct the Examining Authority to Section 7 of the Authority's Local Impact Report for additional requirements of the Authority for enhancement/compensation.

Along the pipeline route, landowner wishes have to be considered, but generally no problems would be anticipated. DCO Requirements refer to approved plans and details. Requirements 10 and 11 ask for details of work to trees and hedgerows, hard landscape and drainage to be approved by the LPA before work starts. Requirement 8 asks for a scheme of ecological mitigation and reinstatement to be provided, approved before the relevant pipeline stage commences, which would include soft landscape features. It should include an implementation timetable. Reinstatement of hard landscape features such as stone walls and fences is covered under each Work stage.

The mitigation measures proposed generally cover reinstatement/neutralisation/minimisation of effects rather than enhancement or compensation.

**Q3.20 – Can the applicant confirm whether the monitoring referred to in ES Chapter 9 Section 10 has been agreed with relevant consultees? Are interested parties (including NE, EA, Yorkshire Wildlife Trust and the local authorities) content with the monitoring proposals?**

This monitoring refers to ecology and is actually Chapter 11. This is primarily a matter for SDC as they are the monitoring authority but the NYCC Ecology team is aware of the monitoring proposals and agrees with them. They are reasonable, adequate and deliverable from a NYCC point of view.

**Q3.23 – With regard to the Lower Derwent Valley SPA, Table 5.4 of the No Significant Effect Report (NSER) (Document 5.4) states that mallard (part of the assemblage qualification for the site) has been recorded within or adjacent to the application site. However, no justification is provided as to why a significant effect is considered not likely and the feature is screened out of further assessment. Can the applicant explain why?**

The Applicant is asked why mallard duck has been screened out of further assessment.

While the mallard is a part of the bird assemblage for the Lower Derwent Valley SPA, its occasional presence on or adjacent to the site is not surprising as this is a common and widespread bird, which frequently turns up in suitable habitat which can be almost any pond or body of water. Occurrences will be insignificant compared to the large numbers which make up the LDV population.

**Q6.2 – Do the LPAs accept that there are no settings of heritage assets which would be adversely affected by the AGIs or the pipeline?**

NYCC would direct the Examining Authority to its Local Impact Report (LIR), particularly in relation to the setting of Drax Priory and the Fish Ponds. These issues are considered in Sections 7 and 14 of the LIR.

NYCC does not accept that there are no settings of heritage assets which would be adversely affected by the AGIs or pipeline.

It is considered by NYCC that the Drax Pig Trap will adversely impact on the legibility of the historic landscape setting of the former Drax Abbey (also known as Drax Augustinian Priory) site which partly overlaps with Drax Abbey Farm steading. A country house named Drax Abbey, adjacent to the farm, was demolished in 1953, but gardens, orchards and trees were associated with it, including trees still present. The setting of the Drax Abbey site and Drax Abbey Farm and their approach along Pear Tree Avenue (formerly Ave Maria Lane as shown on the 1<sup>st</sup> edition OS map) would be compromised by construction of the pipeline to west, north and east of the site, and the temporary construction area to the south.

Paras 7.3.3 and 9.2.2 in the Archaeology and Cultural Heritage section of the Environmental Statement conclude that the magnitude of change in respect of setting is 'negligible adverse' in Environmental Impact Assessment terms. However, this has been assessed only in

relation to the Scheduled Monument (SM) site itself, whereas from the landscape perspective the whole grouping is relevant. The existing perception of the SM and farm-steading site - integrated both historically and visually, is that it lies perceptibly above the general level of the floodplain. Chapter 10, para 6.6.65 states: "This is the site of Drax Priory which, as a Scheduled Monument, is considered to be of high value (CT22). Such sites were often located near rivers and in relatively isolated positions, and as such their setting contributes to their significance".

The mature trees on the Drax Abbey/Farm site and along Pear Tree Avenue are of landscape value despite the presence of the nearby power station, and the landscape setting is locally sensitive because of the historic associations (although the LVIA para 9.6.2 does not recognise it as having any particular importance). The proposed Drax Pig Trap site reduces the existing buffer of open agricultural land that preserves something of the Abbey and farm's former isolation, as viewed from local roads and PROW. Due to the presence of new industrial infrastructure and security fencing, the PIG Trap site will add to the perception of urbanisation.

**Q11.4 – Table 4 of 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?**

We are satisfied with this approach in relation to the impact on the route within North Yorkshire.

**Q11.9 - Para 8,1,5 of ES Chapter 14 confirms that a Construction Traffic Management Plan (CTMP) will be prepared and implemented in accordance with Requirement 18 of the DCO and confirms it will include “*Measures for the monitoring of the traffic management plan to ensure compliance from drivers and appropriate actions in the event of noncompliance.*” Can the applicant elaborate on what these measures may comprise?**

**Q11.10 – Table 12 of ES Chapter 14 (Summary of Traffic and Transport Assessment) identifies an Environmental Management Plan (EMP\_ as part of the suite of mitigation measures. However, no reference is made to an EMP in the earlier text of ES Chapter 14. Could the applicant explain how the EMP will be used as part of the suite of mitigation measures for traffic and transportation issues?**

These are not really questions specific to NYCC, however there are transport elements contained in them in relation to the Traffic Management Plan and Traffic and Transport

Assessment. NYCC considers it useful to provide a view on these issues in advance of any discussion at hearing.

Q11.9 – NYCC can't answer this. It is for the Contractor to identify a proposal which is acceptable to us as to how he will monitor the Traffic management which will be in place.

Q11.10 – No roads within North Yorkshire have been identified as requiring mitigation

**Q12.2 – The relevant planning authority is defined as Selby DC or East Riding 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, i.e. 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?**

This is an issue for SDC.

**Q12.6 – Articles 10, 11, 12, 13 and 14: Are the street and highway authorities content with these provisions?**

*Article 10 – Street Works*

Although this grants NG statutory rights to do the work in accordance with the New Road & Street Works Act, NYCC has a procedure for registering works on the national street works gazetteer through a Noticing procedure. We would still expect any works to be registered in this way. We requested that this requirement should be secured through the DCO and be referred to in the Statement of Common Ground. This has been agreed in the SoCG and the DCO, which states that it will only override certain subsections of the HRSWA – but does not apply to the notice requirement.

*Article 14 – Temporary stopping up of streets and public rights of ways*

This grants NG statutory rights to temporarily close streets/rights of way without the need for a TRO. NYCC would require advance warning of the closure and agreement on the alternative routes and signing. This has been agreed in the SoCG. We have asked for it also to be included in the DCO.

*Article 18 – Agreements with street authorities*

This makes provision for the street authority to carry out any function under this Order. However we would expect NG to undertake works through an approved Contractor under a Section 278 Agreement, we wouldn't agree to undertake these works on behalf of NG and

this point has been made at previous meetings. We have asked for this to be addressed in the SoCG.

**Q12.33 – Relevant highway authority is defined as North Yorkshire County Council or East Riding of Yorkshire Council, or both. Can the applicant explain how decisions will be made if the relevant matter is within the administrative area of both?**

SDC is the local planning authority. The issue is that in terms of highways, NYCC are responsible. This ties in the with DCO response that whilst it is a matter for the LPA and it falls within SDC's boundary, any highways issue will be done in consultation with the LHA (which is NYCC).

**Q12.47 – Part 2 relates to local bye-laws. The Explanatory Memorandum says that local byelaws are modified and excluded but the DCO as presently drafted does not appear to expressly provide for this. Can the applicant explain what is intended and amend the DCO as appropriate? Can the local authorities and local drainage boards give their views on the acceptability of dis-applying them?**

Byelaws are dealt with at district council level and Selby DC will have discretion as to whether they enforce a byelaw or not.