
Statement of Common Ground between Selby Area IDB and National Grid at Deadline 1

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

From: Paul Jones [<mailto:Paul.Jones@shiregroup-idbs.gov.uk>]
Sent: 16 December 2014 15:02
To: Anna Firmin
Cc: nigel.everard@selbyareaidb.org.uk; Wells, Liz; Drobac, Sarah; Gwilliam, Richard
Subject: RE: YHCCS SoCG with Selby Area IDB - Revised

Anna,

Please take this email as approval of the clean copy for submission to the Examining Authority based upon our discussions to date.

The final version to be provided to Selby Area IDB for signing in in the New Year.

Kind regards,

For and on behalf of the Shire Group of Internal Drainage Boards,

Paul Jones BSc (Hons) MSc (Eng)
Engineer to the Board
Lead Water Level Management Engineer

From: anna.firmin@gmail.com [<mailto:anna.firmin@gmail.com>] **On Behalf Of** Anna Firmin
Sent: 16 December 2014 14:57
To: Paul Jones
Cc: nigel.everard@selbyareaidb.org.uk; Liz Wells; Sarah Drobac Document Control; Gwilliam, Richard
Subject: Re: YHCCS SoCG with Selby Area IDB - Revised

Paul

Apologies - please find amended clean copy of the SoCG attached. I hope this is now acceptable to you for submission to the Examining Authority.

Kind regards

Anna

Anna Firmin
Project Environmental and Consents Advisor
on behalf of National Grid

Project Office 1430 810445

On 16 December 2014 at 14:25, Paul Jones <Paul.Jones@shiregroup-idbs.gov.uk> wrote:

Anna,

The added comments are welcomed. Please could you refer to Selby Area IDB rather than OHDB.

Kind regards,

For and on behalf of the Shire Group of Internal Drainage Boards,

Paul Jones BSc (Hons) MSc (Eng)

Engineer to the Board

Lead Water Level Management Engineer

From: anna.firmin@gmail.com [mailto:anna.firmin@gmail.com] **On Behalf Of** Anna Firmin

Sent: 16 December 2014 13:00

To: Paul Jones

Cc: nigel.everard@selbyareaaidb.org.uk; Liz Wells; Sarah Drobac Document Control; Gwilliam, Richard

Subject: Re: YHCCS SoCG with Selby Area IDB - Revised

Paul

Thank you for your prompt response. The SoCG has been updated in response to your comments see tracked changes attached. Please confirm your acceptance of the attached clean copy for submission to the Examining Authority.

Kind regards

Anna

Anna Firmin

Project Environmental and Consents Advisor

on behalf of National Grid

Project Office 1430 810445

On 16 December 2014 at 11:33, Paul Jones <Paul.Jones@shiregroup-idbs.gov.uk> wrote:

Anna,

Section 4.2.2 outlining the Selby Area IDB byelaws requiring consent is acceptable.

Table 3, p.14 refers to consent required for watercourses within IDB control. Consent will be required for all ordinary watercourses within the Drainage District (whether or not under the control of the IDB) under Section 23. Byelaw Consent is related to those within IDB control.

Section 5 the main consent applications (as referred to in s.4.2.2) cover flow, works within 7 metres and access, which from my point of view covers the main aspects of works.

The remainder of the byelaws are reserved by the IDB to take appropriate action if necessary within the District. As discussed I do not believe that the IDB has the power to change or alter those byelaws without Defra approval or consultation.

I do not foresee a need for any further consents from the remaining byelaws.

Signature the deadline for the signature is 5th January. The document may require signing by the Clerk or Chairman. To allow reasonable time it is likely that the document would be signed 15th January 2015.

Kind regards,

For and on behalf of the Shire Group of Internal Drainage Boards,

Paul Jones BSc (Hons) MSc (Eng)

Engineer to the Board

Lead Water Level Management Engineer

From: anna.firmin@gmail.com [mailto:anna.firmin@gmail.com] **On Behalf Of** Anna Firmin

Sent: 16 December 2014 10:52

To: Paul Jones

Cc: Liz Wells; Sarah Drobac Document Control; Gwilliam, Richard

Subject: Fwd: YHCCS SoCG with Selby Area IDB - Revised

Paul

Further to our e-mails sent last Thursday 11 Dec with the revised Statement of Common Ground and proposed approach to IDB byelaws amendments as they would apply to the YHCCS Onshore Scheme; I was wondering if you had had the chance to look through the SoCG so that we can submit a version which we are both happy reflects the status of discussions to date.

We need to have a copy agreed today so that it can be sent to the Examining Authority by Deadline 1 this Thursday 18/12/14.

Kind regards

Anna

Anna Firmin

Project Environmental and Consents Advisor

on behalf of National Grid

Project Office 01430 810445

----- Forwarded message -----

From: **Anna Firmin** <anna@af-associates.fsnet.co.uk>

Date: 11 December 2014 at 19:39

Subject: YHCCS SoCG with Selby Area IDB - Revised

To: Paul Jones <Paul.Jones@shiregroup-idbs.gov.uk>, info@shiregroup-idbd.gov.uk

Dear Paul

Following a request from Beverley and North Holderness IDB we have prepared individual Statements of Common Ground for each of the Internal Drainage Boards. Please note amendments have also been made to Section 5.3 and Table 3.

We have been asked by the Examining Authority to submit SoCG with the IDBs for the Yorkshire and Humber CCS DCO examination Deadline 1 (18.12.14), please find attached the following in relation to Statements of Common Ground (SoCG):

- A track changed version of the SoCG reflecting our recent discussions, matters of agreement, matters that remain in negotiation and matters of disagreement;
- A clean copy of this SoCG that will be submitted to the ExA for Deadline 1, and on which we require your confirmation that this is a fair reflection of the current status of our discussions.

By close of business this **Friday (12.12.14)**, we **require email approval** to the clean copy of the SoCG attached that will be issued to the ExA, this will be followed (w/c 22nd Dec) with a hard version of the clean copy sent directly to you requiring your signature by 5th Jan 2014, to be returned to us (see address below); National Grid will then sign these copies and forward to the ExA.

Work on these documents will then progress in the following manner:

1. Dialogue will continue with you regarding 'matters in negotiation'
2. If agreed amends to the DCO documentation as set out in the e-mail sent earlier today will be submitted to the ExA for Deadline 2; and
3. An updated SoCG to reflect steps 1 and 2 will be submitted to the ExA for Deadline 3.

Please provide your feedback on the attached documents so that we can work together to achieve submission of a mutually acceptable working draft for submission on 18th December (Deadline 1).

Should you have any queries please do not hesitate to contact me.

Kind regards

Anna

Anna Firmin

Project Environmental and Consents Advisor

on behalf of National Grid

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<http://www.nationalgrid.com/corporate/legal/registeredoffices.htm>

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1 Introduction

1.1 PURPOSE OF THE DOCUMENT

- 1.1.1 This is a Statement of Common Ground (SoCG) between National Grid Carbon Limited (referred to in this document as “National Grid”) and Selby Area Internal Drainage Board (IDB) in respect of National Grid’s application (the Application) for a Development Consent Order (DCO) for the Yorkshire and Humber Carbon Capture and Storage Cross Country Pipeline (the Onshore Scheme) (given reference EN070001 by the Planning Inspectorate).
- 1.1.2 The Planning Inspectorate encourages and expects promoters of applications for DCOs to negotiate with interested parties and key consultees and, where possible, provide Statements of Common Ground setting out where they agree and disagree with the information and assumptions contained in the application. This will help to focus the examination process to those matters where there are differences between the two parties.
- 1.1.3 Selby Area IDB is a democratically elected public body responsible for providing land drainage, flood risk and habitat management services for a district through and within which the Onshore Scheme will be implemented and as such representatives have been consulted by National Grid as part of the development of the project.
- 1.1.4 Selby Area IDB understands the need for the Onshore Scheme and has no objection to it in principle.
- 1.1.5 This statement sets out the main areas of agreement and disagreement between National Grid and the IDB regarding the Application documents in relation to the flood risk and land drainage issues covered by the IDB.

1.2 MATTERS ADDRESSED WITHIN THIS DOCUMENT

- 1.2.1 Discussions and responses to consultation, to date cover the following topics, which form the basis of this Statement of Common Ground.
- Water Resources and Flood Risk Assessment
 - IDB controlled watercourses
 - Land Drainage Byelaws

- IDB Consents
- Draft DCO
- Construction practises

1.2.2 National Grid has aimed to address all the points raised by the IDB, where there has not been agreement this statement sets out the outstanding issues and explains why there has been no resolution.

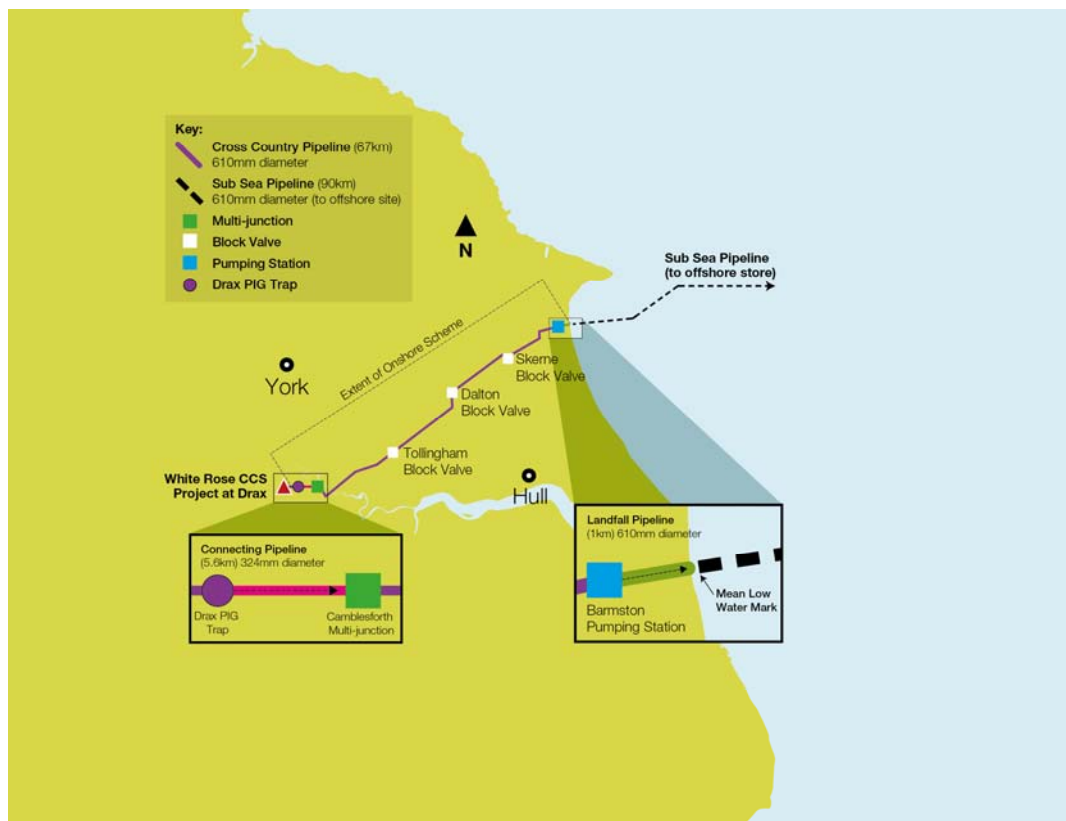
1.2.3 Where documents that form part of the DCO Application are referenced the application document reference is given in brackets e.g. (Document 3.1).

2 Onshore Scheme

2.1 SUMMARY OF THE ONSHORE SCHEME

2.1.1 The Onshore Scheme will transport Carbon Dioxide captured from the proposed White Rose CCS Project at Drax, near Selby, through a Cross Country Pipeline and associated infrastructure including a Pipeline Internal Gauge (PIG) Trap, Multi-junction, three Block Valves and a Pumping Station, to join a sub-sea pipeline (subject to separate consent) at the Mean Low Water Spring Mark on the Holderness Coast north of Barmston. The Onshore Scheme is illustrated in Figure 1 below:

Figure 1 Onshore Scheme Schematic



2.1.2 The onshore transportation element of the Onshore Scheme requires a new buried welded steel high pressure Cross Country Pipeline of approximately 67 km in length and three 'local' pipelines, one from Drax PIG Trap into the White Rose CCS Project Gas Processing Unit, one from Drax PIG Trap to the Multi-junction and one from the Pumping Station to the Mean Low Water Spring Mark respectively with a combined total length of approximately 74 km. The direction

of flow of Carbon Dioxide would be from south west to north east in the direction of the East Yorkshire / Holderness coast.

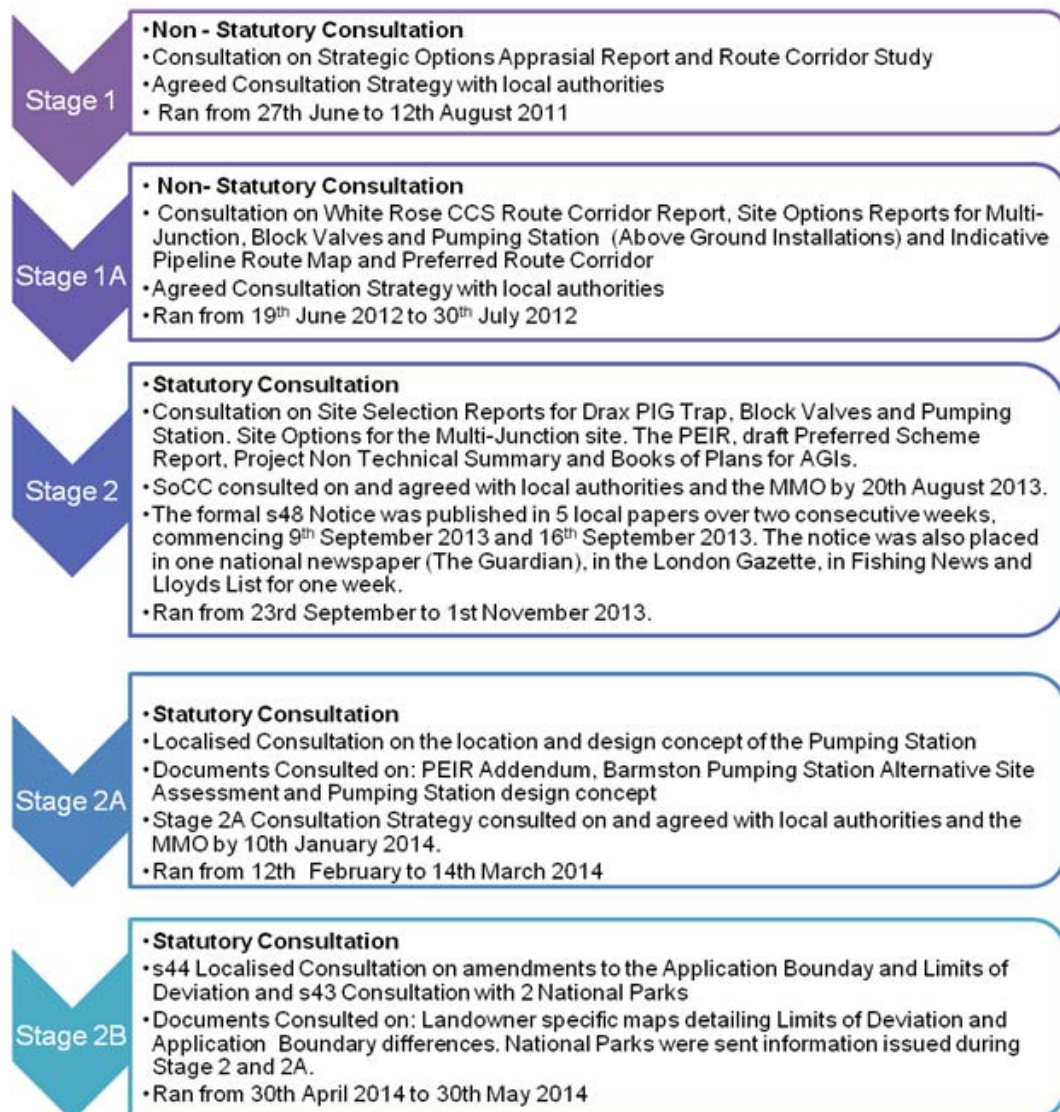
- 2.1.3 In addition to the Cross Country Pipeline the Onshore Scheme comprises six Above Ground Installations (AGIs) comprising a PIG Trap adjacent to the White Rose CCS Project, near Drax, North Yorkshire and known as Drax PIG Trap; a Multi-junction to the south of Drax Power Station near Camblesforth, North Yorkshire known as Camblesforth Multi-junction; three Block Valves known as Tollingham Block Valve, near Holme upon Spalding Moor, East Riding of Yorkshire, Dalton Block Valve, near South Dalton, East Riding of Yorkshire, and Skerne Block Valve, near Skerne, East Riding of Yorkshire; and a Pumping Station to the north of Barmston, East Riding of Yorkshire known as Barmston Pumping Station.
- 2.1.4 A detailed description of the Onshore Scheme is provided in the Application in Chapter 3 of the ES (Document 6.3).
- 2.1.5 Within the Selby Area IDB district the Onshore Scheme consists of 9.1km of pipeline (250m of process pipeline, 5.6km of 324mm diameter connecting pipeline and 3.2km of 610mm diameter cross country pipeline), the Drax PIG Trap and Camblesforth Multi-Junction; including crossing of Carr Dike, Lendell Drain, Willow Row Drain and River Ouse.

3 Summary of Consultation

3.1 INTRODUCTION

3.1.1 Since 2011 National Grid has been consulting on the Onshore Scheme, this consultation was divided into two broad stages as illustrated in Figure 2 below:

Figure 2: Consultation



3.1.2 In addition to the stages illustrated above consultation has taken place throughout with the development of the Onshore Scheme. The full details of consultation are presented in the Consultation Report (Document 5.1) and Chapter 4 EIA Consultation of the ES (Document 6.4).

3.2 SCHEDULE OF ENGAGEMENT WITH INTERNAL DRAINAGE BOARDS

3.2.1 The pre submission consultation and engagement which has taken place with the IDB is summarised in Table 1 below.

Table 1: Pre submission engagement		
Date	Type	Summary
27 th April 2012	Meeting	Initial Water Environment Thematic Group Meeting to provide overview of project and discuss scope of EIA water environment assessment. (Minuted) Attended by York Consortium, Lower Aire IDB and Ouse & Humber WMP. Apologies from Shire Group and Thorntrees IDB.
19 th June – 30 th July 2012	Non-Statutory Stage 1A Consultation	Internal Drainage Boards were consulted on Preferred Route Corridor and Site Options Appraisals for Above Ground Installations.
September 2013	Statutory Consultation (Stage 2)	Internal Drainage Boards were consulted under Section 42, Section 44 and Regulation 9, as appropriate, on the proposed Onshore Scheme and the PEIR.
28 th October 2013	Meeting	Meeting with Selby IDB and Beverley & North Holderness IDB (Ouse & Humber IDB sent apologies) to provide an update on the Project, discuss IDB Byelaws and Consents; Construction works and progress with the EIA and Flood Risk Assessment (Minuted)
17 th January 2014	Meeting	Meeting with Environment Agency, Ouse & Humber IDB and ERYC Drainage representatives to provide an update on the Project, discuss IDB Byelaws and Consents; Construction works and progress with the EIA and Flood Risk Assessment (Minuted)

Table 1: Pre submission engagement		
Date	Type	Summary
12 th February 2014	Statutory Consultation Stage 2A	The IDBs were consulted on the alternative location for the Barmston Pumping Station and associated design concept, which included revised pipeline routing to and from the alternative Pumping Station site. A PEIR Addendum was provided as part of this consultation.
19 th February 2014	E-mail to IDBs	Details of IDB Byelaws National Grid propose to dis-apply for the purposes of the Onshore Scheme- inviting feedback; example of ditch crossing cross section; photographs of typical vehicle accesses for information.
20 th May 2014	Presentation to IDBs	National Grid gave a presentation about the project for OHDB
8 th July 2014	E-mail to IDBs	Notifying IDBs that Application has been submitted and requesting meeting to progress a Statement of Common Ground
10 th July 2014	Letter to IDBs	Letter sent to Selby IDB (Shire Group), OHDB and Beverley & North Holderness IDB (York Consortium) with copy of the Application documents on DVD.

3.2.2 The post submission engagement which has taken place with IDBs is summarised in Table 2 below.

Table 2: Post submission engagement		
Date	Type	Summary
9th October 2014	Meeting	To discuss the post submission DCO process and issues to be covered in a Statement of Common Ground between National Grid and IDBs
11 th December 2014	E-mail	Updated Statement of Common Ground for IDBs agreement

4 Matters of Agreement

4.1 MATTERS OF AGREEMENT

4.1.1 The statements in Table 3 are the key agreed positions between National Grid and the IDB.

4.2 LAND DRAINAGE BYELAWS

4.2.1 Under the DCO, provision can be made to dis-apply local enactments and byelaws that would be inconsistent with the exercise of a power conferred by the Order. As such, provision can be made to dis-apply the IDBs' Land Drainage Byelaws as they apply to the Onshore Scheme. The IDB has been consulted on this issue and following feedback from IDB representatives the following approach is proposed.

4.2.2 It is not proposed to dis-apply byelaws that do not conflict with the activities to be carried out by National Grid and it is not proposed to dis-apply byelaws that required IDB consent. National Grid therefore agree to apply post – DCO to the relevant IDBs for activities that require consent under these byelaws:

Title	Byelaws requiring consent
Selby Area Internal Drainage Board Byelaws 1999	3, 6, 10, 16, 17

Table 3: Matters of Agreement			
Statement or topic area	DCO document references	National Grid	Selby Area IDB
Drainage (Water Resources and Flood Risk)			
National Grid and the IDB agreed that the IDB has been consulted by National Grid during the development of the Onshore Scheme and as part of the environmental impact assessment.		Agreed	Agreed
Agreement that the assessment methodologies applied for the Water Resources and Flood Risk chapter of the ES and the Flood Risk Assessment (FRA); the appropriateness of mitigation identified and the assessment of residual effects are appropriate for a project of this nature.	Document 6.6 Document 5.2 and Document 5.2.1	Agreed	Agreed
IDB Controlled Watercourses			
It is understood that the IDB does not own any watercourses, however some watercourses within their district are maintained by the IDB. The IDB need to retain access to these watercourses for maintenance.		Agreed	Agreed
It is agreed that all pipeline crossings of Main Rivers and Water Framework Directive watercourses will be by trenchless methods (except Bracken Beck which is outside of the IDB districts).	Document 7.5	Agreed	Agreed

Table 3: Matters of Agreement			
Statement or topic area	DCO document references	National Grid	Selby Area IDB
Land Drainage Byelaws			
Currently unresolved see Section 5.3			
IDB Consents			
The IDB do <u>not</u> agree to the removal of the requirement for a consent under section 23 of the Land Drainage Act 1991 as permitted under section 150 of the Planning Act 2008.		Agreed	Agreed
National Grid and the IDB agree that for ordinary watercourses within IDB district, National Grid will apply to the relevant IDB for Land Drainage Consents under section 23 of the Land Drainage Act 1991; separately from the DCO. For watercourses within IDB control National Grid will apply to the IDB for consents required for activities under the Drainage Byelaws created under section 66 of the Land Drainage Act 1991; separately from the DCO.		Agreed	Agreed
It is agreed that the detail of crossing methods and vehicle accesses will be prepared during detailed design and submitted to the IDB as part of the post-DCO consenting process.		Agreed	Agreed
De-watering will be required in some areas to allow excavations to be carried out in dry conditions. It is agreed that the location and design of de-watering activities will be		Agreed	Agreed

Table 3: Matters of Agreement			
Statement or topic area	DCO document references	National Grid	Selby Area IDB
prepared during detailed design and submitted to the IDB as required as part of the post-DCO consenting process.			
National Grid and the IDB agree that the need to apply for section 23 and section 66 Land Drainage Consents post-DCO would not be an impediment to the Onshore Scheme. National Grid agree to apply for the necessary consents and the IDB agree that consent will not be unreasonably withheld or delayed.		Agreed	Agreed
Draft Development Consent Order			
The IDB notes that under Article 19 Discharge of Water National Grid may use any watercourse or public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the Onshore Scheme and is satisfied with the terms of that article, which reflect the wording of the Model Provisions. This provision does not exclude or dis-apply IDB Land Drainage Byelaws and National Grid must still apply for consents under Sections 23 of the Land Drainage Act and IDB Land Drainage Byelaws.	Document 3.1	Agreed	Agreed
<u>Requirement 9 - Water</u> Requirement 9 states: A Water Management Plan and Pollution Prevention Plan must be submitted and approved by relevant planning authority before the start of construction. This requirement is appropriate for the management of water.	Document 3.1 Schedule 3	Agreed	Agreed

Table 3: Matters of Agreement			
Statement or topic area	DCO document references	National Grid	Selby Area IDB
<p><u>Requirement 16 – Land Drainage</u> Requirement 16 states: the development must take place in accordance with the “drainage strategy” certified by the Secretary of State for the purposes of the Order. This requirement is appropriate for the management of land drainage.</p>	Document 3.1 Schedule 3	Agreed	Agreed
<p>Agreement that the approach to land drainage works as set out in the Drainage Report (Document 7.7) is appropriate for a scheme of this nature and should form the “Drainage Strategy” to be certified by the Secretary of State and secured through Requirement 16.</p>	Document 7.7	Agreed	Agreed
Code of Construction Practice			
<p>The Code of Construction Practice (CoCP) (Document 7.5) has been developed as a minimum requirement to which National Grid’s contractors must adhere.</p> <p>Agreement that the content of the Code of Construction Practice (Document 7.5) provides an appropriate mechanism for managing construction practices and is adequately secured through requirement 14.</p>	Document 7.5	Agreed	Agreed
<p>Agreement that the water management and pollution control measures in the Code of Construction Practice Section 9 and environmental commitments in Figures 2.1 – 2.10, secured through Requirement 14 and Requirement 9 are appropriate and adequate mitigation for the Onshore Scheme.</p>	Document 7.5	Agreed	Agreed

5 Matters Not Concluded

5.1 INTRODUCTION

5.1.1 This chapter covers matters raised and unresolved/un-concluded in respect of each identified DCO submission document/ topic discussed. Where there has not been agreement National Grid has endeavoured to address all the points raised by the IDB, this chapter sets out the outstanding issues, provides a summary of the discussions held and why there has been no resolution.

5.2 MATTERS NOT AGREED

5.2.1 To be completed if there is anything not agreed.

5.3 MATTERS UNRESOLVED

5.3.1 The IDB has raised concerns about the disapplication of IDB byelaws as part of the DCO as they would apply to the Onshore Scheme (authorised development). National Grid have proposed amendments to certain byelaws that would otherwise impose prohibitions that conflict with activities required for the carrying out of the Onshore Scheme in an e-mail dated 11th December 2014. The amendments to the byelaws as they apply to the Onshore Scheme would be made under the DCO via amendments to Schedule 12 Part 2 and Schedule 14 of the draft DCO (the IDB does not need to make changes to their Byelaws via any other mechanism).

5.3.2 The following issues are currently unresolved:

Statement or topic area	DCO document references
Land Drainage Byelaws	
<p>National Grid propose that certain Internal Drainage Board byelaws which impose prohibitions that conflict with activities required for the carrying out of the Onshore Scheme (authorised development) but which do not provide scope for consent would be revised by the DCO as they would apply to the Onshore Scheme.</p> <p>Selby Area IDB note that the main consent applications (as referred to in Section 4.2.2) cover flow, works within 7 metres and access, which covers the main aspects of the works. The remainder of the byelaws are reserved by the IDB to take appropriate action if necessary within the District.</p>	<p>Document 3.1 Schedule 12 Part 2</p>
<p>Under Schedule 12 Part 2 of the draft DCO it is proposed to revise the following byelaws which constitute absolute prohibitions / requirements with no scope for consent:</p> <p>Selby Area Internal Drainage Board Byelaws 1999 Bye-laws 4, 11, 14, 15, 23, 24</p> <p>Selby Area IDB do not foresee a need for any consents from these byelaws.</p>	<p>Document 3.1 Schedule 12 Part 2</p>
<p>National Grid awaits the IDB's comments on / agreement to the application of the appeals procedure in Schedule 14 of the DCO to IDB byelaw consents and directions.</p>	<p>Document 3.1 Schedule 14</p>

6 Conclusions

6.1 SUMMARY OF ISSUES DISCUSSED

To be completed once SOCG has been discussed with IDB

6.2 SIGNATURES

.....
**ON BEHALF OF SELBY
AREA INTERNAL
DRAINAGE BOARD**

NAME:

TITLE:

DATE:

.....
**ON BEHALF OF NATIONAL
GRID CARBON LTD**

NAME:

TITLE:

DATE: