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# Statement of Common Ground between Ouse and Humber Drainage Board and National Grid at Deadline 3

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

On 13 February 2015 at 13:13, Andrew Morritt <[Andrew.Morritt@ohdb.org.uk](mailto:Andrew.Morritt@ohdb.org.uk)> wrote:  
Anna

Thank you for the attached information, Eddy and I have reviewed the documents are happy to proceed accordingly.

Regards

Andy

Andrew Morritt *EnvDipNEBOSH FRSA*  
**Chief Executive**



**OHDB 2012**

#### **Ouse and Humber Drainage Board**

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**From:** [REDACTED] **On Behalf Of** Anna Firmin  
**Sent:** 12 February 2015 06:46  
**To:** Andrew Morritt; Eddy Allen  
**Cc:** YHCCS Doc Control; Sarah Drobac Document Control  
**Subject:** Re: Yorkshire and Humber CCS Cross Country Pipeline - DCO Hearing Thurs 29th January - IDB Byelaw Amendments

Dear Andrew / Eddy

The Hearings for the Yorkshire and Humber CCS Cross Country Pipeline have now been completed and we are looking ahead to the next Deadline 3 which is Tuesday 17th February 2015.

In the Rule 6 letter issued by the Examining Authority at the start of the Examination (please see copy attached); the Examining Authority requires an updated Statement of Common Ground to be submitted at Deadline 3.

Following on from your verbal response to the ExA's question in respect of YHCCS DCO Hearing Agenda Item 14, in our telephone conversation on 27th January 2015, I have updated the Statement of Common Ground which you will find attached for your comments. Please note changes made to Table 3, Section 5 and Section 6.

It is my understanding that there are no outstanding unresolved issues.

If you could please return your comments by this **Friday 13th February**, I would hope we could agree a mutually acceptable SoCG by next Tuesday for Deadline 3.

Thank you

Kind regards

Anna

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

Project Office 01430 810445  
[REDACTED]

On 26 January 2015 at 17:47, Anna Firmin [REDACTED] wrote:

Afternoon Paul, Andrew, Bill

In respect of the Yorkshire & Humber CCS DCO Hearing this coming Thursday, you will have seen that the detailed agenda has now been published on the PINS website ([here](#)).

In respect of Item 14 in the agenda, the ExA asks in respect of Schedule 12 Part 2 and Schedule 14 – **'Are the EA and the IDBs satisfied with the disapplication or amendments of local byelaws? Are the IDBs satisfied with the amendments to schedule 14?'**. (Q12.47 of ExAs First Written Questions).

I note that we left this matter as unresolved in our SoCG discussions and awaited your comments on proposed changes to the DCO that were forwarded to you by e-mail on 11th December 2014. Those changes have now been included in the amended draft DCO which was submitted to PINS at Deadline 2 and is available to view [Here](#)

Schedule 12 Part 2 amends certain byelaws that would otherwise impose prohibitions that conflict with activities required for the carrying out of the Onshore Scheme. The amendments to the byelaws as they apply to the Onshore Scheme mean that activities that would otherwise be prohibited by the byelaws may be carried out but would either require the consent of the relevant IDB or that certain conditions are fulfilled. All amended byelaws would require any damage to be made good to the reasonable satisfaction of the relevant IDB.

Amendments to Schedule 14 of the draft DCO provide an Appeals process under Paragraph 3 of Schedule 14 that would apply to specified consents required under specified byelaws from the relevant IDBs - this would replace the process under Byelaws 28/29 'Arbitration'.

The IDB does not need to make changes to their Byelaws via any other mechanism.

As a reminder at Deadline 1, National Grid provided an answer to question 12.47 of the ExA's First Written Questions, which can be found [here](#). (See page 138)

Please can you let me know by 10am tomorrow, if you agree with this amended approach to the IDB Byelaws and/or have any comments or observations relating to this matter, so that succinct discussions can be had at the Hearing.

Should you have any queries please let me know. Many thanks.

Kind regards

Anna

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



Project Office 01430 810445



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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 Ouse and Humber Drainage Board (OHDB) 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 Ouse and Humber Drainage Board 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 OHDB 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 OHDB regarding the Application documents in relation to the flood risk and land drainage issues covered by the OHDB.

## 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 OHDB, 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).

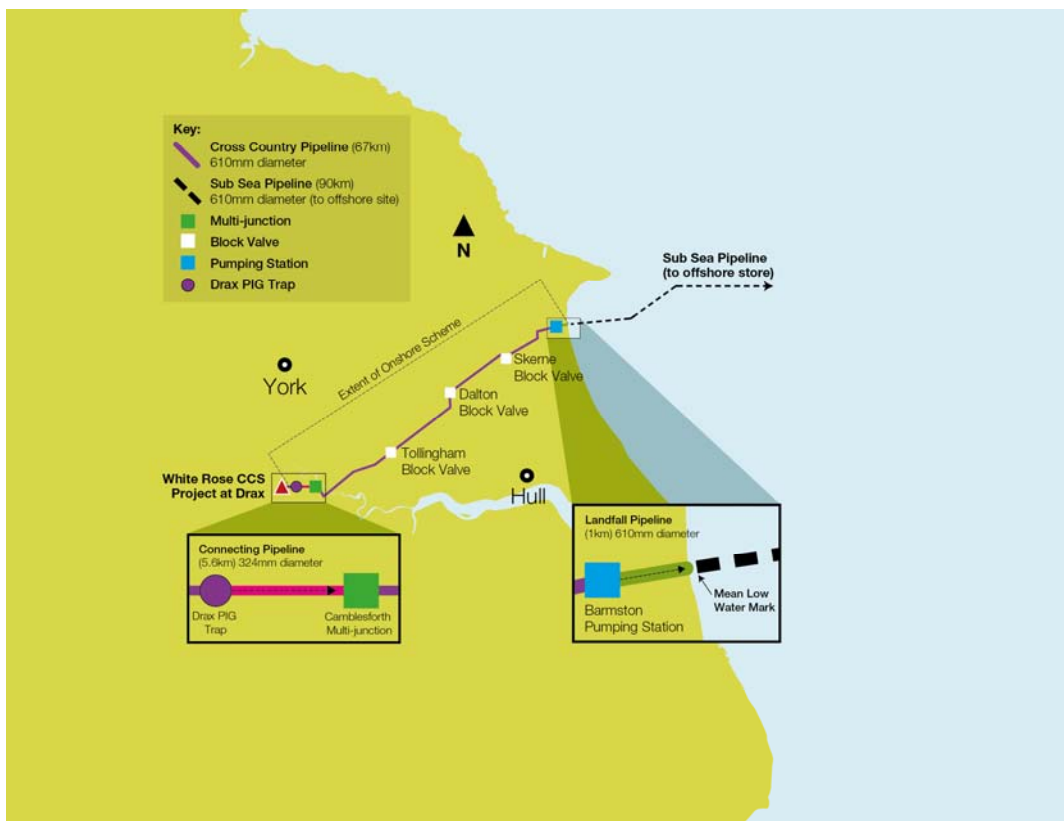


## 2 Onshore Scheme

### 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.

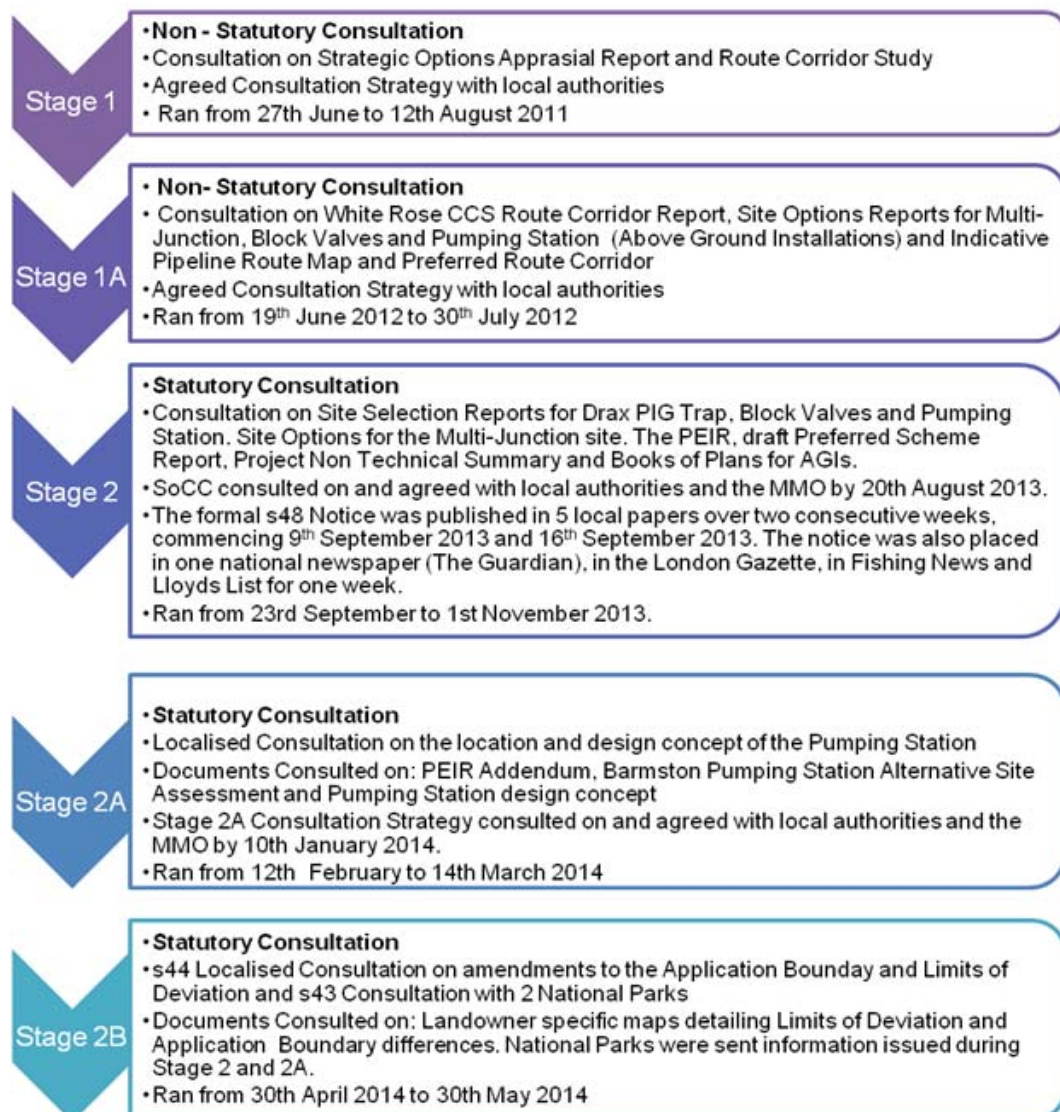
- 2.1.3 In addition to the Cross Country Pipeline the Onshore Scheme comprises six Above Ground Installations (AGIs) comprising a PIG Trap adjacent to the White Rose CCS Project, near Drax, North Yorkshire and known as Drax PIG Trap; a Multi-junction to the south of Drax Power Station near Camblesforth, 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 OHDB district the Onshore Scheme consists of approximately 22.5km of 610mm diameter cross country pipeline (from River Ouse to just West of Cliffe Road, Market Weighton) and Tollingham Block Valve; including crossing of Lowfield Drain, Fields Drain, Asselby Marsh Drain, Old Derwent, New Drain, Black Dike, Common End Drain/ Featherbed Drain, Carr Drain, River Foulness, Dunn's Drain, Main Drain, disused Market Weighton Canal and Back Delfin Drain (main river).

## 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 OHDB is summarised in Table 1 below.

<b>Table 1: Pre submission engagement</b>		
<b>Date</b>	<b>Type</b>	<b>Summary</b>
27 <sup>th</sup> 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 <sup>th</sup> June – 30 <sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup> 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)

<b>Table 1: Pre submission engagement</b>		
<b>Date</b>	<b>Type</b>	<b>Summary</b>
12 <sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup> May 2014	Presentation to IDBs	National Grid gave a presentation about the project for OHDB
8 <sup>th</sup> July 2014	E-mail to IDBs	Notifying IDBs that Application has been submitted and requesting meeting to progress a Statement of Common Ground
10 <sup>th</sup> 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.

<b>Table 2: Post submission engagement</b>		
<b>Date</b>	<b>Type</b>	<b>Summary</b>
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 <sup>th</sup> December 2014	E-mail	Updated Statement of Common Ground for IDBs agreement

<b>Table 2: Post submission engagement</b>		
<b>Date</b>	<b>Type</b>	<b>Summary</b>
January / February 2015	Various	Discussions with OHDB regarding proposed amendments to certain OHDB byelaws and appeals process to be applied to the Onshore Scheme; and updated Statement of Common Ground

## 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 OHDB.

### 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 OHDB 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 OHDB for activities that require consent under these byelaws:

Title	Byelaws requiring consent
Ouse and Humber Drainage Board Byelaws 2013	3, 6, 10, 16, 17

<b>Table 3: Matters of Agreement</b>			
<b>Statement or topic area</b>	<b>DCO document references</b>	<b>National Grid</b>	<b>OHDB</b>
<b>Drainage (Water Resources and Flood Risk)</b>			
National Grid and the OHDB agreed that the OHDB has been consulted by National Grid during the development of the Onshore Scheme and as part of the environmental impact assessment (EIA).		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
<b>IDB Controlled Watercourses</b>			
It is understood that the OHDB does not own any watercourses, however some watercourses within their district are maintained by the OHDB. The OHDB 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



<b>Table 3: Matters of Agreement</b>			
<b>Statement or topic area</b>	<b>DCO document references</b>	<b>National Grid</b>	<b>OHDB</b>
<b>Land Drainage Byelaws</b>			
The OHDB understands 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.	Document 3.1 Schedule 12 Part 2	Agreed	Agreed
Under Schedule 12 Part 2 of the draft DCO it is proposed to revise the following byelaws: Ouse and Humber Drainage Board Byelaws 2013 Byelaws 4, 7, 14, 15, 24, 25  OHDB is satisfied with the proposed changes to these byelaws as they would apply to the Onshore Scheme.	Document 3.1 Schedule 12 Part 2	Agreed	Agreed
OHDB agrees to the application of the appeals procedure in Schedule 14 of the DCO to IDB byelaw consents and directions.	Document 3.1 Schedule 14	Agreed	Agreed
<b>IDB Consents</b>			
The OHDB does <u>not</u> agree to the removal of the requirement for a consent under section 23 of the Land Drainage Act 1991		Agreed	Agreed

<b>Table 3: Matters of Agreement</b>			
<b>Statement or topic area</b>	<b>DCO document references</b>	<b>National Grid</b>	<b>OHDB</b>
as permitted under section 150 of the Planning Act 2008.			
National Grid and the OHDB agree that for watercourses within IDB control, National Grid will apply to the relevant IDB for Land Drainage Consents under section 23 of the Land Drainage Act 1991 and 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 OHDB 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 prepared during detailed design and submitted to the OHDB as required as part of the post-DCO consenting process.		Agreed	Agreed
National Grid and the OHDB 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 agrees to apply for the necessary consents and the OHDB agrees that consent will not be unreasonably withheld or delayed.		Agreed	Agreed

<b>Table 3: Matters of Agreement</b>			
<b>Statement or topic area</b>	<b>DCO document references</b>	<b>National Grid</b>	<b>OHDB</b>
<b>Draft Development Consent Order</b>			
<p>The OHDB 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.</p> <p>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.</p>	Document 3.1	Agreed	Agreed
<p><u>Requirement 9 - Water</u></p> <p>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.</p>	Document 3.1 Schedule 3	Agreed	Agreed
<p><u>Requirement 16 – Land Drainage</u></p> <p>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

<b>Table 3: Matters of Agreement</b>			
<b>Statement or topic area</b>	<b>DCO document references</b>	<b>National Grid</b>	<b>OHDB</b>
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.	Document 7.7	Agreed	Agreed
<b>Code of Construction Practice</b>			
The Code of Construction Practice (CoCP) (Document 7.5) has been developed as a minimum requirement to which National Grid’s contractors must adhere. 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.	Document 7.5	Agreed	Agreed
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.	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 OHDB, 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 Previous concerns raised by the OHDB about the disapplication of IDB byelaws as part of the DCO, as they would apply to the Onshore Scheme (authorised development), have now been resolved. 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. The amendments to the byelaws as they apply to the Onshore Scheme would be made under Schedule 12 Part 2 and Schedule 14 of the draft DCO (the OHDB does not need to make changes to their Byelaws via any other mechanism).

5.3.2 There are no outstanding unresolved issues.

## 6 Conclusions

### 6.1 SUMMARY OF ISSUES DISCUSSED

- 6.1.1 OHDB has been consulted by National Grid during the development of the Onshore Scheme. As part of the EIA, assessment methodologies applied for the Water Resources and Flood Risk chapter of the ES and the Flood Risk Assessment (FRA) have been discussed with the OHDB.
- 6.1.2 The OHDB has also been consulted on the consents that will be required from the Board, separately from the DCO, to carry out the Onshore Scheme. It has been agreed that for ordinary watercourses within the OHDB district, National Grid will apply to the OHDB for Land Drainage Consents under section 23 of the Land Drainage Act 1991; and for watercourses within OHDB control National Grid will apply to the OHDB for consents required for activities under the Drainage Byelaws created under section 66 of the Land Drainage Act 1991. In addition under the DCO Schedule 12 Part 2 amendments have been made to Byelaws 4, 7, 14, 15, 24 and 25 which mean that additional consents may be required from the OHDB to carry out certain activities that would otherwise have been prohibited under the byelaws. Where consent is required from the Board, OHDB has agreed to the application of the appeals procedure in Schedule 14 of the draft DCO to OHDB byelaw consents and directions.
- 6.1.3 The provisions and requirements of the draft Development Consent Order and the control measures included in the Code of Construction Practice that are of relevance to the IDB have also been discussed with the OHDB to obtain agreement that the measures proposed are appropriate and adequately secured through the DCO.

## 6.2 SIGNATURES

.....

**ON BEHALF OF OUSE AND  
HUMBER DRAINAGE  
BOARD**

NAME:

TITLE:

DATE:

.....

**ON BEHALF OF NATIONAL  
GRID CARBON LTD**

NAME:

TITLE:

DATE: