
Statement of Common Ground between Marine Management Organisation and National Grid at Deadline 3

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



From: McBryde, Phil (MMO) [<mailto:Phil.McBryde@marinemanagement.org.uk>]

Sent: 16 February 2015 18:22

To: Wells, Liz

Cc: Kinmond, Matthew (MMO); Snaith, Robin M (MMO); Gwilliam, Richard; Sheridan Treger; YHCCS Doc Control; Pilkington, Nigel B

Subject: RE: YHCCS - MMO and NG SoCG - Deadline III

Liz,

Thank you for sending the draft revised SOCGs through. I am happy the SOCG reflects our current understanding of the issues and with the wording for the two outstanding aspects.

Regards,

Phil

Phil McBryde

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Enabling sustainable growth in our marine area

From: Wells, Liz [<mailto:Liz.Wells@nationalgrid.com>]

Sent: 16 February 2015 16:48

To: McBryde, Phil (MMO)

Cc: Kinmond, Matthew (MMO); Snaith, Robin M (MMO); Gwilliam, Richard; Sheridan Treger; YHCCS Doc Control; Pilkington, Nigel B

Subject: YHCCS - MMO and NG SoCG - Deadline III

Dear Phil,

Further to our conversation, please find attached the following in relation to Statements of Common Ground (SoCG) for Deadline III:

- A track changed version of the SoCG reflecting our recent discussions, matters of agreement and an appendix listing the changes to DCO documentation as a result of our discussions;
- A clean copy of this SoCG that will be submitted to the ExA for Deadline 3, and on which we require your confirmation that this is a fair reflection of the current status of our discussions, particularly matters in negotiation.

By tomorrow morning, we require email approval to the clean copy of the SoCG attached that will be issued to the ExA, this will be followed with a hard version of the clean copy sent directly to you requiring your signature, to be returned to us (see address below); National Grid will then sign these copies and forward to the ExA.

Should you have any queries please do not hesitate to contact me, as advised I am contactable all day tomorrow.

Address for signed copy of Deadline 3 SoCG:

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The Marine Management Organisation (MMO)

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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 the Marine Management Organisation (MMO) 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 (PINS) encourages and expects promoters of applications for DCOs to engage 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 on those matters where there are differences between the two parties.
- 1.1.3 The MMO is an executive non- departmental public body (NDPB) established and given powers under the Marine and Coastal Access Act 2009. The MMO has a statutory responsibility for monitoring compliance and enforces the conditions within the deemed Marine Licences consented through the DCO and has the powers to vary these conditions post-consent.
- 1.1.4 Due to the nature of the consenting regime in place for the Onshore and Offshore Scheme the MMO is the competent authority for the intertidal zone (the areas between mean high water springs and mean low water springs); for the Yorkshire and Humber CCS Cross Country Pipeline project, this comprises land at the River Ouse, a tidal river, and at the landfall point where the Onshore Scheme will connect to the Offshore Scheme. National Grid and MMO agree that MMO has been consulted regularly by National Grid throughout the development of the Onshore Scheme. For elements of the project seaward of mean low water springs DECC is the competent authority.
- 1.1.5 The Centre for Environment, Fisheries and Aquaculture Science (Cefas) acts as a scientific advisor to the MMO and has through National Grid’s dialogue with the MMO been fully consulted on the DCO application, its progress to submission and its content.

- 1.1.6 The MMO understands the need for the Onshore Scheme and the consenting strategy in place for the entirety of the Project, including the Offshore Scheme.
- 1.1.7 This statement sets out the main areas of agreement and disagreement between National Grid and the MMO regarding the Application documents.
- 1.1.8 The MMO reserves the right to amend its agreed position, as stated in the SoCG, after consideration of any new information or opinions that come to light during the application process.

1.2 MATTERS ADDRESSED WITHIN THIS DOCUMENT

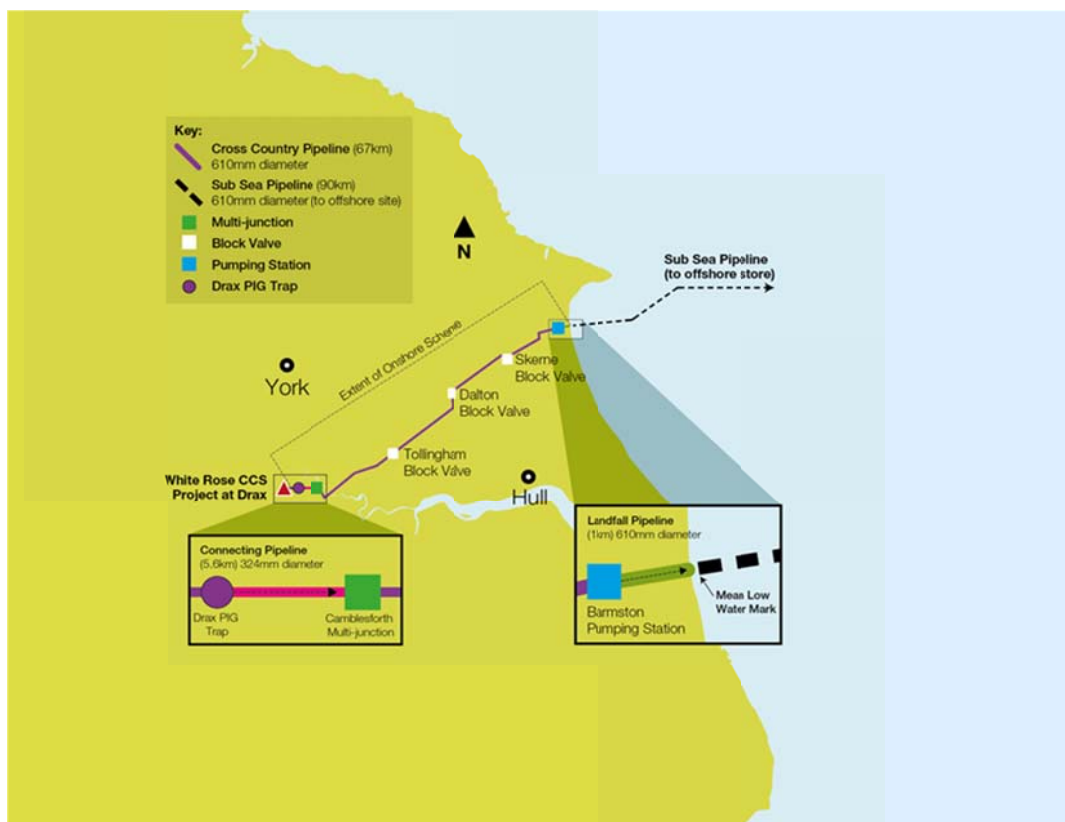
- 1.2.1 Discussions and responses to consultation, to date cover the following topics which form the basis of this Statement of Common Ground.
- Draft DCO and Requirements
 - Draft Deemed Marine Licence
 - Planning Statement
 - Code of Construction Practice
 - Geology, Hydrogeology and Ground Conditions
 - Ecology and Nature Conservation
 - Cumulative and Combined Effects
- 1.2.2 National Grid has aimed to address all the points raised by the MMO, 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 application are referenced the application document reference is given in brackets e.g. DCO (Document 3.1).

2 Development Description

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 on 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 Mean Low Water Springs 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.

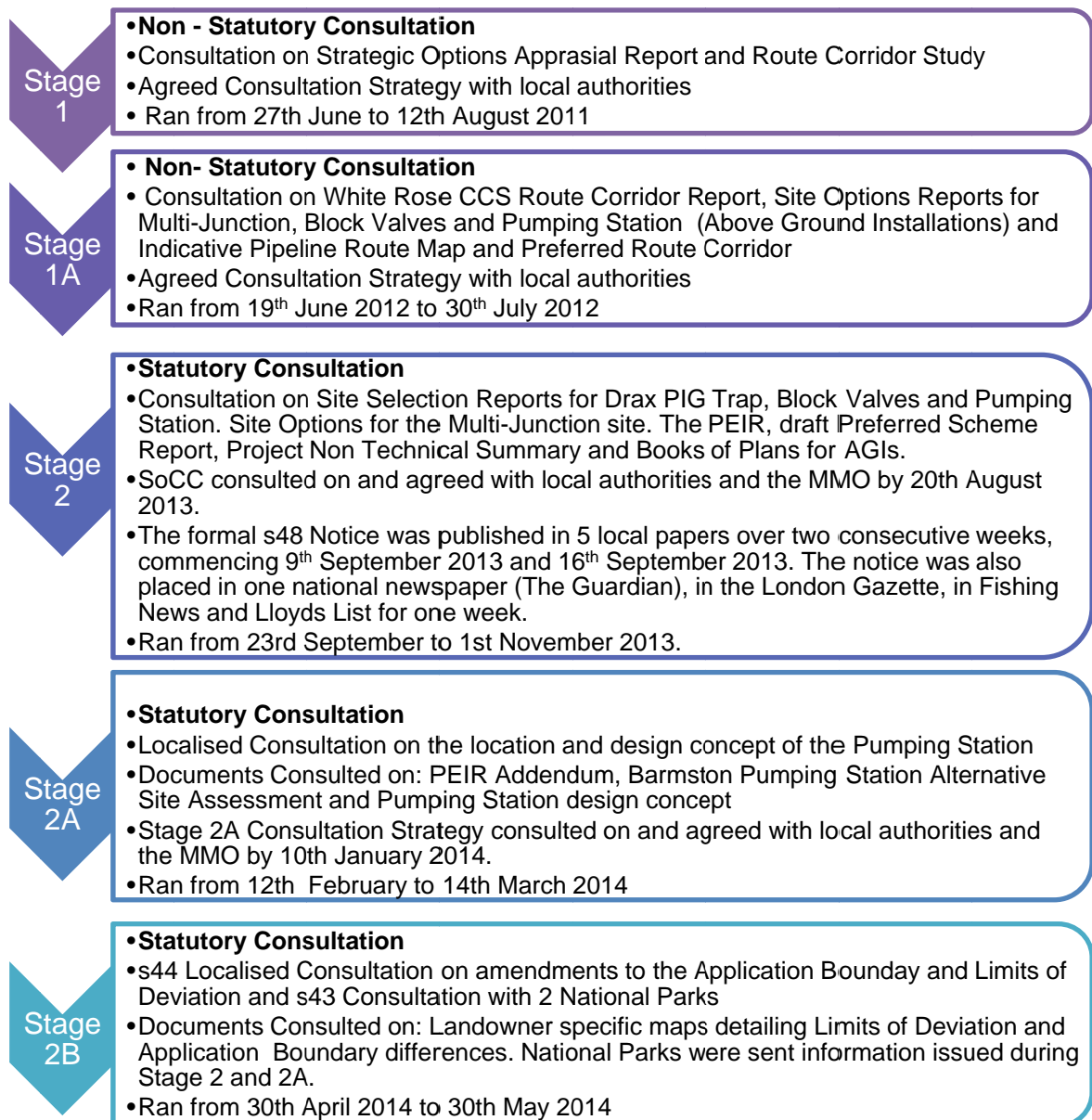
- 2.1.3 In addition to the Cross Country Pipeline the Onshore Scheme comprises six Above Ground Installations (AGIs) comprising a PIG Trap adjacent to the White Rose CCS Project, near Drax, North Yorkshire and known as Drax PIG Trap; a Multi-junction to the south of Drax Power Station near Camblesforth, 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 Environmental Statement (ES) (Document 6.3).
- 2.1.5 A Deemed Marine Licence, upon which the MMO has been consulted, includes three areas of the Onshore Scheme, as shown in the Deemed Marine Licence Coordinates drawing (Document 2.7). These are:
- 2.1.6 Intertidal land to implement the pipeline crossing of the River Ouse;
- 2.1.7 Intertidal land to facilitate short term hydrostatic testing at the River Ouse; and
- 2.1.8 Intertidal land to lay the cross country pipeline at the landfall point.

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 on Figure 2 below:

Figure 2: Consultation



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

3.2 SCHEDULE OF ENGAGEMENT WITH THE MMO

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

Table 1: Pre submission engagement		
Date	Type	Summary
15 th February 2011	Meeting	MMO attended a roundtable stakeholder meeting to discuss the project and strategic routeing options
29 th March 2011	Letter	Letter from the MMO received regarding consideration of strategic options.
14 th September 2012	Application submitted to MMO through the Marine Case Management System	Application for MMO Licence for beach boreholes. Application Reference MLA/2012/00394.
4 th October 2012	Meeting (Hosted by National Grid)	Offshore Stakeholder Meeting to provide project briefing.
1 st November 2012	Marine Licence issued to National Grid through the Marine Case Management System	MMO issue of Marine Licence for boreholes.
9 th November 2012	Email to National Grid	Confirmation from the MMO that conditions of borehole marine licence had been fulfilled.
13 th March 2013	Meeting	Meeting with the MMO to provide project update.
18 th March 2013	Letter to PINS	MMO comments on the Scoping Report.
23 rd April 2013	Site Visit	National Grid accompanied MMO on a site visit to the landfall site and proposed Pumping Station location.

Table 1: Pre submission engagement		
Date	Type	Summary
23 rd July 2013	Email to MMO	Formal comments sought by National Grid on draft Statement of Community Consultation (SoCC)
15 th August 2013	Letter to National Grid	MMO response to SoCC and PEIR tables
9 th September 2013	Letter to MMO	From National Grid to MMO advising of launch of statutory Stage 2 consultation.
16 th September 2013	Meeting	Meeting with the MMO to provide briefing on forthcoming statutory consultation
23 rd September 2013	Letter to MMO	MMO were consulted under Section 42 (identified under section 42(1) (aa) on the proposed Onshore Scheme, which included the PEIR and Non Technical Summary.
31st October 2013	Letter to National Grid	MMO response to statutory Stage 2 Consultation
13 th December 2013	Conference Call	To provide feedback on the outcome of Stage 2 statutory consultation and briefing the forthcoming localised stage 2A consultation
18 th December 2013	E-mail to MMO	MMO consulted on Draft DCO and requirements and Environmental Management Plan
23 rd December to 10 th January 2014	Email to MMO	Comments sought on the Stage 2A Consultation Strategy.
6th January 2014	Email to MMO following feedback on the Stage 2A Consultation Strategy	Confirming that that the proposed re – siting of the Pumping Station would not affect the alignment of the intertidal Pipeline or the landfall site. As such it was suggested by National Grid that the Stage 2A consultation strategy was not amended. MMO confirmed agreement to this response

Table 1: Pre submission engagement		
Date	Type	Summary
15th January 2014	Email	Requested that the MMO reviewed Appendices A and I of the draft NSER.
27 th January 2014	Letter to MMO	Notification Letter regarding Statutory Stage 2A consultation
10th February 2014	Letter	MMO provided comments on Appendix A which suggested relative sizes of other cofferdams in the Yorkshire and Humber region were included for comparison and clarification on how any trapped sediment will be moved. The MMO had no comments on Appendix I.
11 th February 2014	Letter to MMO Statutory Consultation Stage 2A	Statutory Stage 2A Consultation letter including CD of consultation documents. MMO were consulted on the outcome of the Stage 2 statutory consultation and 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.
18 th February 2014	Letter to National Grid	MMO's response to Stage 2A Statutory Consultation
11th April 2014	Letter to MMO	Letter to the MMO formerly responding to comments raised during statutory Stage 2 and Stage 2A consultation.
8th May 2014	Teleconference	A teleconference was held with the MMO and Natural England to discuss comments received on the NSER as well as the Statement of Combined Effects.

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

Table 2: Post submission engagement		
Date	Type	Summary
29th July 2014	Meeting	To provide an update on the DCO submission and discuss Statement of Common Ground Matters.
16 th September 2014	Conference Call	MMO comments on initial draft of SoCG prior to Preliminary Meeting.
27 th January 2015	Conference Call	To provide an update to the MMO on changes made to Deadline 2 DCO that reflect MMO changes sought through their Relevant Representation and responses to first round of Written Questions.
16 th February 2015	Conference Call	To discuss Article 9 (transfer of benefit) and Vertical LOD.

4 Matters of Agreement

4.1 MATTERS OF AGREEMENT

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

Environmental Statement

4.1.2 The MMO has been consulted on the scope of the Environmental Statement (Volume 6) and on specific issues arising from survey and assessment results prior to the submission of the application.

Draft DCO and Deemed Marine Licence

4.1.3 The MMO has been consulted upon the draft DCO for the Yorkshire and Humber CCS Cross Country Pipeline (Document 3.1) and its contents prior to the submission of the application.

4.1.4 The MMO will be the competent authority responsible for discharging the conditions set out in the Deemed Marine Licence (Schedule 10) and will also be consulted, as appropriate, by the relevant planning authority when discharging those Requirements set out in Schedule 3 of the draft DCO.

Table 3: Matters of Agreement			
Statement or topic area	DCO document references	National Grid	MMO
Environmental Statement			
Agreement that the range of surveys undertaken for the Ecology and Nature Conservation chapter of the ES is appropriate to inform the marine baseline of the EIA.	Document 6.9 Documents 6.9.2 - 6.9.11	Agreed	Agreed
Agreement that the data sources that have been used for the ES are appropriate to inform the baseline of the EIA, and that the scope of the baseline information used is correct. Specifically Chapter 6 Water	Documents 6.6, 6.7 and 6.9 Document 6.21	Agreed	Agreed

Table 3: Matters of Agreement			
Statement or topic area	DCO document references	National Grid	MMO
Resources and Flood Risk, Chapter 7 Geology, Hydrogeology and Ground Conditions, Chapter 9 Ecology and Nature Conservation and document 6.21 Statement of Combined Effects			
Agreement to the marine receptors identified for the ES as they relate to the Onshore Scheme and the extent of the MMO jurisdiction and responsibilities for these.	Documents 6.6, 6.7 and 6.9 Document 6.21	Agreed	Agreed
Agreement with the findings of the intertidal survey (reported in ES Appendix 6.9.11) are accurate in the following ways: 1) That the main beach biotope could be classified as barren littoral coarse sand (LS.LSa.MoSs.BarSa). 2) That the lower shore could be described as Polychaetes in littoral fine sand (LS.LSa.FiSa.Po), although abundances of characteristic species (e.g. <i>Nephtys cirrosa</i> , <i>Arenicola marina</i>) were low. 3) These habitats (and particularly barren littoral coarse sand) are naturally resilient to physical disturbance, and rapid recovery from pipeline landfall construction can be predicted.	Document 6.9.11	Agreed	Agreed
Agreement that the general methodology used for the EIA, as reported in Chapter 5, is appropriate.	Document 6.5	Agreed	Agreed
Agreement that the mitigation proposed in Chapter 6 Water Resources and Flood Risk, Chapter 7 Geology, Hydrogeology and Ground Conditions, Chapter 9 Ecology and Nature Conservation and document	Document 6.9 and Document 7.5	Agreed	Agreed

Table 3: Matters of Agreement			
Statement or topic area	DCO document references	National Grid	MMO
6.21 Statement of Combined Effects is appropriate and proportionate to minimise the ecological effects identified.			
Agreement that the residual effects reported in the Chapter 6 Water Resources and Flood Risk, Chapter 7 Geology, Hydrogeology and Ground Conditions, Chapter 9 Ecology and Nature Conservation and document 6.21 Statement of Combined Effects are accurate based on the baseline developed and the committed mitigation measures.	Documents 6.6, 6.7 and 6.9	Agreed	Agreed
Document 6.21 Agreement that the residual effects reported in the Chapter 6 Water Resources and Flood Risk, Chapter 7 Geology, Hydrogeology and Ground Conditions, Chapter 9 Ecology and Nature Conservation and document 6.21 Statement of Combined Effects are accurate based on the baseline developed and the committed mitigation measures.	Documents 6.6, 6.7 and 6.9	Agreed	Agreed
Code of Construction Practice			
That the MMO agree that the mitigation as set out in the Code of Construction Practice is appropriate to mitigate the effects of the Onshore Scheme in the intertidal zone.	Document 7.5	Agreed	Agreed
The approach to the management of construction activities promoted in the Code of Construction Practice adequately secures (through Requirement 14) mitigation measures proposed in the Environmental Statement that are not secured by other measures within the DCO.	Document 7.5	Agreed	Agreed

Table 3: Matters of Agreement			
Statement or topic area	DCO document references	National Grid	MMO
Development Consent Order and Deemed Marine Licence (Document 3.1)			
Deemed Marine Licence			
It is agreed that the definition of maintenance, as provided in Schedule 10 Part 1 of the DCO is appropriate to cover the works included within the DML.	Document 3.1 Schedule 10	Agreed	Agreed
It is agreed that the draft deemed marine licence (as amended in accordance with Appendix 1) is appropriate to manage the implementation of the Onshore Scheme in the intertidal zone. The requirements and conditions included in the DML provide appropriate opportunity for the MMO to regulate and be informed about those areas where there are licensable activities and where construction methods are to be developed further.	Document 3.1 Schedule 10	Agreed	Agreed, subject to the DCO amends submitted for Deadline 2 and Deadline 3.
It is agreed that, whilst the MMO retains an interest in the following areas with respect to the provisions set out in the DCO and DMLs, the MMO has no comments to make in relation to shipping and navigation, ornithology, marine mammals, impacts on European protected sites, nature conservation, marine archaeology and ordnance, aviation, military and communications.	Document 3.1	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 MMO, this chapter sets out the outstanding issues, provides a summary of the discussions held and why there has been no resolution.

5.2 MATTERS IN NEGOTIATION

5.2.1 The following items remain in negotiation between National Grid and the Marine Management Organisation.

Statement or topic area	DCO document references	National Grid	MMO
Development Consent Order			
<u>DCO Article 9</u> Matters regarding consultation and notification in respect of transfer of benefit are in ongoing discussion. Seeking to achieve agreement at Deadline 4	Document 3.1	In discussion	
<u>Provision 6 (4) Vertical Limits of Deviation</u> Discussions are ongoing in respect of the wording of Deemed Marine Licence condition 10, levels of material to be excavated and ES assessment thresholds. Seeking to achieve agreement at Deadline 4	Document 3.1	In discussion	

6 Conclusions

6.1 SUMMARY

6.1.1 To be completed once SOCG has been finalised with MMO

6.2 SIGNATURES

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**ON BEHALF OF MARINE
MANAGEMENT ORGANISATION**

NAME: Phil McBryde / Matthew
Kinmond

TITLE: Senior Marine Licensing
Manager / Marine
Licensing Manager

DATE:

.....

**ON BEHALF OF NATIONAL
GRID CARBON LTD**

NAME: Richard Gwilliam

TITLE: Senior Consents Officer

DATE: