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Date: 4 March 2015

Dear Sir

**Application by National Grid Carbon Limited for an Order Granting Development Consent for the Yorkshire and Humber CCS Cross Country Pipeline
Document 12.5: Protocol for Delivering Biodiversity Enhancement
Submission by North Yorkshire County Council for Deadline 4**

I am sending North Yorkshire County Council's (NYCC) response to the submission by National Grid (NG) at Deadline 3 of Document 12.5: Protocol for Delivering Biodiversity Enhancement.

I can confirm that our base line position is as follows:

- NYCC is satisfied from a landscape and ecology perspective, provided that the six further proposed enhancements, as set out in the Planning Statement, are provided and secured;
- NYCC is of the view that insufficient detail has been provided in Document 12.5 to detail exactly how those enhancements are going to be delivered/secured;
- NYCC is of the view that there is insufficient clarity on the geographical scope of the enhancements; the order limits (which equate to 'the red line boundary') are referred to in paragraph 3 (ii) but 3.0.1 refers to 'land that is subject to restoration'. NYCC supports the former;
- NYCC agrees that the protocol can be used to secure those enhancements, subject to the comments below;
- Our comments on the protocol are supported by Yorkshire Wildlife Trust (YWT), who are sending a separate response. They have prepared a document for NG outlining the opportunities for enhancement at both of the reserves referred to in our comments. This demonstrates that there are genuine opportunities at the reserves and that YWT would be willing to work with NG to fulfil the enhancement requirements of the pipeline.

The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

NYCC has considered the documents provided by NG.

1. Planning Statement 7.1, Other Enhancements, 5.3.25 to 5.3.30.
2. Document 12.5 Protocol for Delivering Biodiversity Enhancement.
3. Document 10.2, Question 3.12 and 3.17.
4. Document 10.3.2 Legal Submission In Respect Of Ecological Mitigation.
5. Document 10.2.1 Schedule of Mitigation.

In document 10.2, Q3.12 is the Inspector's question to Local Authorities, Environment Agency (EA) and English Heritage about whether mitigation measures can be delivered and enforced. NG in their response to Q3.12 refer to their response to Q1.18 which is in relation to the Code of Construction Practice (CoCP). NG says they will secure mitigation through the CoCP. In their response to Q1.17 they state that their Schedule of Mitigation is in document 10.2.1. NG tackles a query that the amount of enhancement should be proportionate to the value of the project by referring to 10.3.2 Legal Submission In Respect Of Ecological Mitigation, where they make their case in 4.1.4:

4.1.4 'The value of the project (either in terms of the cost of implementing it, and/or its economic value to the promoter) does not have any obvious relevance in this respect. If the project is otherwise acceptable in planning terms, has done what is necessary to mitigate and/or compensate for its effects, and has taken advantage of the opportunities that the proposed works create to conserve and enhance biodiversity interests, a requirement or obligation to provide further enhancements could not be said to be "necessary" and would not, therefore comply with paragraphs 4.1.7 and 4.1.8 of EN-1.'

NG make the case that there is no link between the scale and value of a project and the enhancement required by law and policy, with which NYCC agrees. However, this does not address NYCC's issue, which is that not all reasonable enhancements **have been** fully investigated and therefore it is **not** acceptable in planning terms.

The six proposed 'other enhancements' set out in Planning Statement 7.1 are secured in document 12.5 Protocol for Delivering Biodiversity Enhancement.

The EA and YWT asked (in document 10.2 Q3.17) for definitive commitments and in their reply NG simply reproduced the tables from 12.5 Protocol for Delivering Biodiversity Enhancement. However, these tables only cover the Above Ground Installation (AGIs) and **not** the additional enhancements. Nor does document 10.2.1 Schedule of Mitigation detail exactly how the additional enhancements are going to be delivered/secured. These two documents relate only to enhancements within the AGIs. Regarding our concerns, NYCC is still of the view that insufficient detail has been provided.

NYCC comments on 12.5 Protocol for Delivering Biodiversity Enhancement.

We are in agreement that the protocol can be used to secure the enhancements offered in Planning Statement 7.1, subject to the following comments on 12.5 Protocol for Delivering Biodiversity Enhancement set out below:

Comments on 2.0.3

The enhancements set out for the AGIs are acceptable and have previously been agreed. With regards to the 'six additional enhancement measures' it is noted in 5.3.28 of the Planning Statement (document 7.1) that bat boxes will be included at each of the AGIs where appropriate. Currently the table only has bat boxes at one of the six AGIs. NG should commit to investigating the opportunities at the other five AGIs.

Comments on 3.0.3

There is a need to consider what the process will be where a landowner is already in an existing Environmental Stewardship Scheme. Any enhancements would need to be complementary to any existing Environmental Stewardship agreements and/or England Woodland Grant Schemes as double funding is not permitted for those schemes.

NYCC considers that many of the listed Entry Level Stewardship and Higher Level Stewardship options will be unsuitable for the pipeline route - especially given that NG say enhancements are likely to be restricted to field margins. A shorter list of more 'likely' options would be beneficial and this should also include measures that are not related to the Environmental Stewardship Scheme. There needs to be more emphasis on ditches, watercourses and wetland options given the nature of the landscape, much of which within NYCC, and also some parts of ERYC, is floodplain or low-lying drained farmland.

Entry Level Stewardship Measure EB14, Hedgerow restoration, should include hedge-laying as stated in 5.3.26 of the Planning Statement (document 7.1).

The document should reference other opportunities for enhancement as not all are covered by taking an Environmental Stewardship Scheme approach.

Linking back to the 'six additional enhancements' within the planning statement, we suggest the following enhancements are added:

1. Insertion of the text already published as 5.3.27 (Planning Statement 7.1)

"Both reptiles and amphibians require places of shelter, where they find secure refuge, particularly during the winter months. Piles of logs and other brash, such as will arise from the removal of sections of hedgerow and the limited felling of trees, can provide such refuge. With the agreement of landowners, log/refugia piles will be created in areas of suitable habitat; likely to be next to existing field boundaries. Species likely to benefit most are great crested newt and grass snake."

2. Insertion of part of the text already published as 5.3.28 (Planning Statement 7.1)

"Opportunities may also be present along the pipeline route to put up bat boxes in trees or on other structures within the order limits. Again, this would need to be agreed with the landowner, to ensure there was no foreseeable risk of the trees or structures being removed in the short to medium term."

NG should add in that there is a responsibility for them to advise landowners that where features are being created/restored that have the potential to support legally protected species, what the maintenance requirements are and to ensure that landowners are aware of the legal protection afforded to these species. This applies to enhancement measures but also any mitigation or compensation undertaken during reinstatement.

Comments on 3.0.4

Add in these key paragraphs from 5.3.30 (Planning Statement 7.1).

NG to investigate opportunities for working with the YWT as noted in 5.3.30 (planning statement 7.1).

"The Yorkshire Wildlife Trust (YWT) owns and manages Snakeholm Pastures, a 3.7 ha nature reserve on land between the West Beck and Driffield Canal on the edge of Wansford Village. Although the pipeline will be laid under West Beck and the Canal at this point using a trenchless technique, discussions will be held with the reserve manager to try to identify if there are any opportunities for enhancement of the site during the construction of the Onshore Scheme. For example, the grassland at the site is described as "not species rich or highly interesting in terms of flowers" and it may be possible to help improve the diversity of the existing sward through slot seeding or by adding potted plant plugs to increase the diversity of wild flowers.

Furthermore YWT has recently purchased a new reserve site located close to the Skerne AGI; Skerne Wetland. Opportunities to support proposals for the site will also be discussed with the Trust."

NYCC believes that outside of the AGI enhancements the above proposals represent the best opportunity for long term biodiversity enhancements. During discussions with YWT, NYCC considers NG should take up the opportunity of using the hydrostatic testing water as outlined in 5.3.29 (planning statement 7.1):

"On completion of the hydrostatic testing, the testing water may be available for use in the creation or enhancement of wetland habitats. The water will be clean and free of any contaminating materials, so could be a valuable habitat resource... National Grid will liaise with the Environment Agency, Natural England, Yorkshire Wildlife Trust and other organisations as appropriate to try to identify a potential use for the purposes of habitat improvement or creation."

Comments on 3.0.5-1

NG should also ask landowners whether they are in Environmental Stewardship/ Countryside Stewardship (once implemented) agreements including the level or tier of the agreement, the options agreed and timespan of current agreements

NYCC assumes that NG is already in on-going discussions with all affected landowners and therefore expects relationships have already been built up which will assist further discussion regarding enhancement. NYCC request that we are copied in to any correspondence with landowners in the North Yorkshire section.

Comments on 3.0.5-3

In bullet point ii), add 'or land otherwise agreed with the landowner', as the landowner may be willing to enhance additional land outside of the order limits.

Comments on 3.0.5-4

Definition of 'complete' is needed. We advocate that this should mean undertaking of works and 'practical completion' as defined in landscaping contracts. Further aftercare works, where required, could be done by NG or handed over to a local organisation such as North Yorkshire Groundwork for an appropriate sum of money.

We would emphasise that our comments on the protocol are supported by YWT, who are sending a separate response. There are genuine opportunities at the reserves and we are aware that YWT would be willing to work with NG to fulfil the additional enhancement requirements of the pipeline. There is opportunity for NG to guarantee delivery. We attach a YWT list of costed proposals.

We would request that our comments are given proper regard and that the changes are incorporated in the final consent.

Yours faithfully



Rachel Wigginton
Senior Policy Officer



West Beck Habitat Restoration, Creation & Mitigation Works

The following list of potential works have been compiled by J Traill, Living Landscape Manager in November 2014 and are listed as an upstream to downstream programme – river restoration should start at the headwaters and work downstream.

All the work outlined is within 2km of the proposed pipeline route. If more detailed costings and plans are needed these can be worked up.

Snakeholm Pastures: Fen creation works on 15 acres of land adjacent to the West Beck. Work could commence 2015/16 or anytime thereafter. Works to include site preparation (grazing infrastructure, topsoil stripping), green hay or seed collection from a donor site, seed sowing or green hay spreading and minimum 3 years aftercare (weed control, establish grazing or sward mgmt).

Indicative cost: £110k

Copper Hall fields: Wet grassland restoration across 17 acres of land adjacent to West Beck. Work could commence 2015/16 or anytime thereafter. Works to include site preparation (grazing infrastructure, weed control, scarifying), seed collection from a donor site, seed sowing and minimum 3 years aftercare (weed control, establish grazing or sward mgmt.)

Indicative cost: £90k

Copper Hall wetlands: Restoration and creation of mosaic wetland complex across 12 acres of former fish farm adjacent to West Beck. Work could commence 2015/16 or anytime thereafter. Currently a derelict fish farm consisting of 30 ponds and associated fish farm infrastructure (pumps, sheds, bridges), a design is being drawn up by YWT (in partnership with consultants).

It is the intention to turn the uniform ponds into a mosaic wetland consisting of open water, reedbed, fen and ditch network. Works to include landforming using heavy plant machinery, ditch mgmt., infill of some water bodies (to create shallower areas) and opening up other areas to join current ponds together

Indicative cost: £120k

Skerne wetlands: Creation of mosaic wetland habitat across 35 acres of former fish farm adjacent to West Beck. Work could commence 2015/16 or anytime thereafter. This area was a commercial fish farm until 2012 when YWT took ownership. Design work is being undertaken to look at the hydrology and water



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movement across this very complex and over-engineered system (to make it function as a fish farm). The intention is to create areas of fen and wet grassland, interspersed with open water and ditches. Works to include landforming using heavy plant machinery, ditch mgmt., site preparation, seed or green hay collection from a donor site, seed sowing or green hay spreading and minimum of 3 years aftercare (weed control, establish grazing or sward mgmt.)

Indicative cost: £180k

West Beck SSSI: Restoration works along a 4km stretch of the chalk stream (from Wansford Bridge d/s to Skerne Wetlands). Work could commence 2015/16 or anytime thereafter. A range of green engineering techniques have already been used successfully to improve the in stream habitat and reduce siltation. These include river narrowing using coir logs, hazel fagots and berm creation. Flow deflectors and installation of coarse and large woody debris has also been used, with materials sourced from the nearby areas through prudent tree management of willows and alders. At Copper Hall a programme of bank repair along a 1km stretch is needed and at Skerne Wetlands there are plans to re-meander an over-straightened and homogenous channel.

Indicative cost: from £15k (small scale works) up to £220k (larger scale re-meandering)

Ongoing works: Year on year work is also needed to retain and enhance existing habitat. These include the following –

1. Weed mgmt. through sensitive hand cutting to create a mosaic growth pattern of the ranunculus beds (water crowfoot). **Indicative yearly cost: £6k**
2. Bankside tree mgmt. to ensure over-mature willows have their life prolonged through pollarding and selective pruning/thinning. Other smaller trees need pollarding/coppicing and judicious tree planting in appropriate areas. **Indicative yearly cost: £5k**
3. Reedbed mgmt. to maintain open water habitats for fish and target species including water vole, bittern, marsh harrier and water rail. **Indicative yearly cost: £3k**
4. Grassland and fen mgmt. to maintain sward diversity and height for a range of target plant species.

Indicative yearly cost: £5k

Bespoke works: YWT are hoping to create a wetland plant nursery using some of the former trout rearing ponds at Skerne with an aim of having local provenance wetland plants available for other sites along with the possibility of growing plants for other people from other northern regions (a northern wetland plant hub). We also want to provide areas for the growing of threatened and scarce wetland plants including greater water parsnip and marsh pea (both plants formerly more common and now v scarce both in East Riding but also nationally). **Indicative costs: Start up costs £20k and yearly on costs of £6k.**