

The Infrastructure Planning Commission  
Temple Quay House  
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Bristol  
BS1 6PN

**Our ref:** RA/2014/129706/06-L01  
**Your ref:** EN070001  
**Our ID:** 10029788  
**Date:** 04 March 2015

Dear Sir/Madam

**DEADLINE 4 SUBMISSIONS  
YORKSHIRE & HUMBER CARBON CAPTURE AND STORAGE (CCS) PROJECT -  
DEVELOPMENT CONSENT ORDER CCS ROUTE FROM DRAX TO BARMSTON,  
EAST RIDING OF YORKSHIRE.**

We would like to provide the following Deadline 4 submissions, providing comments on National Grid's Deadline 3 submissions: 'Protocol for Delivering Environmental Enhancement' (Document 12.5); 'Draft DCO Rev C' (Document 3.1); and 'Code of Construction Practice Rev C' (Document 7.5).

**Protocol for Delivering Environmental Enhancement (Document 12.5)**

We welcome the submission of this document. We understand that the protocol will become an appendix to the Code of Construction Practice which in turn is secured by requirement 14.

Section 2 now provides the previously absent clarity and commitment regarding the enhancement opportunities which will be taken at the AGIs.

Section 3 however remains vague and uncommitted and may result in no enhancement being delivered. As such it is unclear how much weight can reasonably be given to these measures when considering the project's compliance with policy EN-1.

We acknowledge National Grid's desire to return much of the pipeline route to farmland and for National Grid not to have long-term commitments to the upkeep of enhanced areas. We also acknowledge that National Grid are reliant upon third-party land-owners to agree to the delivery of such measures. We are surprised however, that the document fails to recognise that detailed discussions have already taken place between National Grid and the Yorkshire Wildlife Trust (YWT) regarding enhancement opportunities at the River Hull / Driffield Canal crossing. YWT have made plain both that

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opportunities are available in this location and that they are willing and able to fully support the delivery of such opportunities. In this particular case it appears possible to achieve a similar degree of clarity and commitment as that now provided for the AGI-related opportunities. That would allow appropriate weight to be afforded to these enhancement measures in determining the project's compliance with policy EN-1.

We would also like to request further clarification regarding sub-paragraph 3 of paragraph 3.05 in the protocol:

**i) It must not require any third party approvals**

Further clarity should be provided regarding what is meant by 'third party approvals'. We take this to refer to the need for a planning permission or other types of permit or licence. It could however, be interpreted to mean the approval of other parties with an interest in the land such as tenants etc.

In our view the need for third party approvals should not in itself preclude the delivery of enhancement measures, provided there is reasonable certainty that any such approvals can be secured. We would therefore suggest a re-word along the lines of the following – 'There must be reasonable certainty of obtaining any necessary third party approvals (e.g. planning permission)'.

**ii) It must be able to be carried out on land within the order limits and with the consent of the affected landowner**

Whilst we accept that it is logical to give priority to those enhancement opportunities available within the order limits, it is unclear to us what precludes the delivery of enhancement opportunities either partially or wholly outside the order limits, provided any necessary third party approvals are secured. Couldn't any such measures simply be secured by way of a Grampian-style requirement and/or a side agreement?

Given that National Grid have concluded that opportunities specifically within the order limits are severely constrained, it does not seem unreasonable to expect the net to be cast beyond the order limits, particularly where there is clear connectivity between the project order limits and the enhancement opportunities - as is the case at the River Hull / Driffield Canal crossing. We suggest that sub-section ii) be deleted.

**iii) It must not give rise to any likely significant adverse environmental effects**

We agree with the inclusion of this paragraph, but suggest that the phrase 'likely significant adverse environmental effects' is cross-referenced to the EIA Regulations such that its meaning is unambiguous.

**iv) National Grid considers the EIS to be practicable and commercially prudent to implement.**

We are concerned that this sub-section is unclear and open to misinterpretation. The protocol should clearly define the terms 'practicable' and 'commercially prudent'. It seems to us that for National Grid to deliver any biodiversity enhancement measures beyond those which are expressly required by the DCO would, by very definition, be commercially imprudent and would therefore fail this test.

Given that National Grid are acting as arbiter for these tests, it is essential that they are clearly and precisely framed to avoid any ambiguity in interpretation, implementation or enforcement.

As drafted, there appears to be such a high likelihood that any identified opportunities would fall foul of one or more of the proposed four tests, it would seem inappropriate for

any weight to be afforded to the section 3 opportunities in determining compliance with policy EN-1.

We strongly recommend that the enhancement opportunities highlighted in some detail by YWT are properly secured through the DCO such that appropriate weight can be afforded to them in any subsequent decision.

**Revised DCO (Document 3.1)**

We have no further comments in relation to the revised DCO. Our previously agreed additions/amendments appear unchanged and are acceptable.

**Code of Construction Practice Rev C (Document 7.5)**

We acknowledge reference within the document to the proposed Protocol for Delivering Environmental Enhancement (Document 12.5) in paragraphs 10.4.1 and 10.4.2. Given that both documents are proposed to be secured by the single DCO requirement 14, we assume that it will become necessary for current document 12.5 to be absorbed within document 7.5, such that it is properly secured by requirement 14.

Should you require any additional information or clarification, please don't hesitate to contact me on the details below.

Yours faithfully

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