

The Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: RA/2014/129706/07-L01
Your ref: EN070001
Our ID: 10029788
Date: 16 April 2015

Dear Sir,

**RULE 17, 8(3), 9 LETTER RESPONSE
YORKSHIRE & HUMBER CARBON CAPTURE AND STORAGE (CCS) PROJECT -
DEVELOPMENT CONSENT ORDER
CCS ROUTE FROM DRAX TO BARMSTON, EAST RIDING OF YORKSHIRE.**

In response to your letter dated 8 April 2015, we would like to provide the following comments.

Outstanding Matters

We can confirm that we do not expect the outstanding matter, listed in the Statement of Common Ground between ourselves and National Grid as '*Agreement of interpretation of EN-1 regarding the provision of biodiversity enhancements and consequently the enhancements proposed*', to be resolved before the end of the examination period. We have effectively agreed to disagree with National Grid on this point.

I would therefore refer you to our previous representations on this matter:

- Deadline 4 submission dated 4 March 2015 – comments on Ecological Enhancement Protocol;
- Hearing Attendance Supplementary letter dated 27 January 2015 - see answer to question 6;
- Hearing Attendance letter dated 23 January 2015 – see Enhancement section;
- Written Representation dated 12 December 2014 – see Enhancement section;
- Relevant Representation dated 10 September 2014 – see sections 1.6-1.12.

In summary, our position on this issue is as follows:

- Those ecological enhancement measures committed at AGIs are inadequate in the context of the scale of the overall project;
- Those measures proposed on land outside National Grid's operational control are vague, uncommitted and highly likely to fall foul of the tests set out in the Ecological Enhancement Protocol as drafted. Little or no weight should therefore be afforded to them;

- National Grid have failed to properly consider and secure the significant opportunities for enhancement available at the River Hull/Driffield Canal crossing, despite the existence of a willing and cooperative land-owner in the Yorkshire Wildlife Trust, and the availability of draft enhancement proposals. There is no justification for deferring consideration of these opportunities when they could be secured now.
- National Grid have ruled out all enhancement opportunities lying outside the order limits. There appears to be no policy or legal basis for this approach. In our view, there is nothing which would preclude the securing of off-site enhancement measures through a Grampian condition and/or an appropriate side agreement, especially where there is a clear link between the project and the opportunities available: as is the case at the River Hull/Driffield Canal crossing;
- We ask only that the Inspector avails himself of these opportunities and gives full consideration to the appropriateness of imposing a legal mechanism which would require National Grid to deliver these enhancement opportunities as part of the project.

In order to assist the Inspector, a condition of the following form may be an appropriate way of more robustly securing the delivery of enhancement measures at the River Hull/Driffield Canal crossing.

REQUIREMENT: No development shall commence until a scheme for ecological enhancement on Yorkshire Wildlife Trust land in proximity to the River Hull / Driffield Canal crossing, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency and the Yorkshire Wildlife Trust. The scheme shall include:

- Details of the enhancement measures to be delivered which may include delivery of a project or projects as set out in the Appendix to Yorkshire Wildlife Trust's deadline 4 submission letter dated 4 March 2015;
- A timetable for implementation.

The approved scheme shall be implemented in full in accordance with the timetable embedded within it, unless Yorkshire Wildlife Trust do not grant National Grid the necessary access to their land.

REASON: In or to comply with National Policy Statement EN-1. To deliver ecological enhancement opportunities available as a result of the project.

Statutory Undertakes

In relation to your question regarding our representations about land ownership under s127 (1)(b) of the PA2008, we are not currently in a position to withdraw these representations. Negotiations with National Grid and a third party continue. We can however assure the Examining Authority that we will do everything we can to complete these negotiations before the examination closes and, in any case, we will provide a written update before the end of 19 May 2015.

Non-Material Amendments

We do not have any comments to make in relation to the proposed non-material amendments.

Revised Code of Construction Practice (Doc 7.5 Rev E)

We provided details comments on the Ecological Enhancement Protocol in our Deadline 4 submission dated 4 March 2015, which is now appended to the CoCP. Some but not all of our suggested changes have been incorporated in the protocol. Please also refer to our above more general comments about Ecological Enhancement.

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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