PREESALL UNDERGROUND GAS STORAGE FACILITY, LANCASHIRE

Infrastructure Planning Commission (IPC) Application Reference Number: EN030001

STATEMENT OF COMMON GROUND BETWEEN HYDER CONSULTING (UK) LIMITED (ON BEHALF OF HALITE ENERGY GROUP LIMITED) AND THE ENVIRONMENT AGENCY ON THE TOPIC OF ECOLOGY

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1 INTRODUCTION

1.1.1 This is a Statement of Common Ground (SoCG) between Hyder Consulting (UK) Limited (Hyder) (on behalf of Halite Energy Group Limited) and the Environment Agency on the topic of Ecology.

1.1.2 Ecology has been the subject of discussions between Hyder (on behalf of Halite Energy Group Limited) and the Environment Agency at the pre-Development Consent Order (DCO) Application stage. A telephone conversation was held with Amy Heys and Georgina Fellows of the Environment Agency on 29 February 2012 at 10am to discuss the Ecology SoCG. The aim of this discussion was, where possible, to reach a common ground in relation to the following DCO Application Documents:

- Chapter 9: Ecology and Nature Conservation of Volume 1A of the Environmental Statement (ES) (DCO Application Document Reference 5.1)
- Appendices 9.1 to 9.19 of Volume 1B of the ES (DCO Application Document Reference 5.2)
- Figures 9.1 and 9.2 of Volume 2B of the ES (DCO Application Document Reference 5.4)
- Information to Support a Habitats Regulations Assessment – Morecambe Bay SAC, Liverpool Bay SPA, Shell Flat and Lune Deep cSAC (DCO Application Document Reference 3.2)
- Information to Support a Habitats Regulations Assessment – Morecambe Bay SPA and Ramsar (DCO Application Document Reference 3.3)
- The Landscape and Ecological Management Strategy Plan (LEMSP), which is presented on Figure 14.10 of Volume 2B of the ES (DCO Application Document Reference 5.4) and within Appendix 14.11 of Volume 1B of the ES (DCO Application Document Reference 5.2)

1.1.1 Following the submission of the 'Information to Support a Habitats Regulations Assessment – Morecambe Bay SPA and Ramsar' (DCO Application Document Reference 3.3), a number of matters were raised by Natural England (NE). A document containing responses to these matters was subsequently provided to NE. NE reviewed this document collectively with the above DCO Application Documents to inform their SoCG discussion (refer to the Statement of Common Ground between Hyder Consulting (UK) Limited (on behalf of Halite Energy Group Limited) and Natural England on the topic of Ecology).

2 ENVIRONMENTAL STATEMENT

2.1 Accepted Data

Assessment Methodology

2.1.1 The methodology sets out the approach to the Ecology and Nature Conservation assessment, and is presented within Section 9.3 of Volume 1A of the ES.

2.1.2 The assessment methodology is considered appropriate and agreed.

Baseline Information

2.1.3 Sections 9.4 and 9.5 of Volume 1A of the ES present the existing and future baseline information, respectively, that has been considered in relation to the Ecology and Nature Conservation assessment.

2.1.4 The baseline information is considered appropriate and agreed.

Mitigation and Enhancement Measures

2.1.5 Mitigation and enhancement measures are identified within Section 9.8 of Volume 1A of the ES.

2.1.6 During the SoCG discussion, the Environment Agency commented that it is not clear whether the ditch and associated habitat that is crossed by the Project's proposed haul road / access road has been mitigated for in the LEMSP. Hyder confirmed that the ditches are not identified as a separate receptor as the potential area of associated habitat lost to the proposed haul road / access road (approximately 85 linear metres) is less than the approximate 1,670 linear metres of ditch habitat that would be improved as part of the LEMSP, and in addition the majority of ditches were dry when surveyed. The Environment Agency confirmed that the issue is that the ES does not identify that 'new' ditch habitat will replace the habitat that is permanently lost as a result of the proposed haul road / access road, and therefore it seems a net loss. Hyder confirmed that appropriate mitigation would be proposed in association with the Flood Defence Consent.

2.1.7 Since this discussion, it has been agreed that an approximate 90 linear metre replacement ditch would be provided and therefore will be incorporated within the LEMSP. The preferred location for this ditch would be within the area of low lying arable fields away from the proposed haul road / access road and other proposed infrastructure and would tie into an existing ditch network which would be improved as part of the Project. The new ditch would be managed as an open ditch with no trees and shrubs. The precise location would be agreed with the tenant farmer and with care taken to avoid buried services.

2.1.8 During the SoCG discussions, the Environment Agency queried whether the ES proposes mitigation for the likely indirect effect upon pond levels. Hyder confirmed that standard mitigation relating to the re-grading of the land is proposed through the Construction Environmental Management Plan (CEMP),

and mitigation would be taken forward through Method Statements that would be agreed with the Environment Agency. The Environment Agency noted that although the LEMSP proposes buffering around the ponds, the connection between ponds predicted to experience indirect effects and associated mitigation should be strengthened.

2.1.9 A version of the following table was presented within Appendix 9.9: Lancashire Pond Biodiversity Surveys within Volume 1B of the ES (the IDs (pond numbers) relate to Figure A9.9 within this Appendix). A column has been added to the table outlining the proposed mitigation measures for each pond considered to be at high risk from indirect impacts. These measures would be delivered through the CEMP.

ID	Easting	Northing	Surface Area (m2)	Type	Other Comments	Potential for Impact	HIGH Risk of Indirect Impact?	Proposed Mitigation
1	332540	445250	765	SW	Fed by small stream/drain. Also located on low lying land (flat topo) with marine alluvium soils, groundwater table likely to be close to surface	Yes - feeder stream crossed by brine discharge pipeline	YES	Best practice construction methods for pollution prevention and working in/near watercourses – Environment Agency Pollution Prevention Guidelines (PPGs).
22	335660	446590	939	RR	Underlain by slowly permeable loamy over clayey soils (impeded drainage). Flat topography 5 to 6m AOD	Yes - located in close proximity to the electrical substation	YES	Best practice construction methods for surface water runoff management and pollution prevention. Minimise changes to catchment area of pond by appropriate re-grading of land following any earthworks. No works within at least 5m if possible (or 3m if not) from the top of the banks of the pond should any water vole burrows be identified.
23	335770	446600	620	RR	Underlain by slowly permeable loamy over clayey soils (impeded drainage). Flat topography 5 to 6m AOD	Yes - located in close proximity to the electrical substation	YES	Best practice construction methods for surface water runoff management and pollution prevention. Minimise changes to catchment area of pond by appropriate re-grading of land following any earthworks.
24	335880	445900	16,600	SW	Fed by Grange	Yes - feeding	YES	Best practice construction

ID	Easting	Northing	Surface Area (m2)	Type	Other Comments	Potential for Impact	HIGH Risk of Indirect Impact?	Proposed Mitigation
					Pool. Flat topography 5 to 6m AOD	watercourse is crossed by electrical cable route, access road and gas pipelines further upstream		methods for pollution prevention and working in/near watercourses – Environment Agency PPGs.
26	335370	446440	418	RR	Underlain by slowly permeable loamy over clayey soils (impeded drainage). Flat topography 5 to 6m AOD	Yes - close to wellhead compound in cavern development area and adjacent to gas pipeline	YES	Best practice construction methods for surface water runoff management and pollution prevention. Minimise changes to catchment area of pond by appropriate re-grading of land following any earthworks.
29	336180	445800	839	RR and GW?	Flooded brine well? Flat topography (5m AOD)	Yes - adjacent to electrical cable route, some potential for water quality and hydrological effects	YES	Manage excavations and dewatering activities to minimise disruption to existing groundwater flow paths/levels. Best practice construction methods for pollution prevention – Environment Agency PPGs.
37	336868	445927	458	RR and GW?	Topo is flat (5m AOD) and soils have impeded drainage	Yes - pond is located adjacent to the access road and is possibly crossed by NTS Interconnector Pipeline route, with potential for water quality and hydrological effects	YES	Manage excavations and dewatering activities to minimise disruption to existing groundwater flow paths/levels. Best practice construction methods for pollution prevention– Environment Agency PPGs.
38	337079	445904	282	RR and	Topo is flat (5m AOD) and soils	Yes - pond is adjacent to access road,	YES	Manage excavations and dewatering activities to minimise

ID	Easting	Northing	Surface Area (m2)	Type	Other Comments	Potential for Impact	HIGH Risk of Indirect Impact?	Proposed Mitigation
				GW?	have impeded drainage	potential for water quality and hydrological effects		disruption to existing groundwater flow paths/levels. Best practice construction methods for pollution prevention– Environment Agency PPGs.
45	343659	446197	1,974	RR	Very flat topography, soils have impeded drainage	Yes - pond is immediately adjacent to NTS Interconnector Pipeline route, with potential for water quality and hydrological effects	YES	Best practice construction methods for surface water runoff management and pollution prevention Minimise changes to catchment area of pond by appropriate re-grading of land following any earthworks.
51	347590	445551	479	RR?		Yes - located adjacent to application boundary, potential for water quality and hydrological effects	YES	Best practice construction methods for surface water runoff management and pollution prevention– Environment Agency PPGs. Minimise changes to catchment area of pond by appropriate re-grading of land following any earthworks
52	347638	445568	735	RR?		Yes - located adjacent to application boundary, potential for water quality and hydrological effects	YES	Best practice construction methods for surface water runoff management and pollution prevention– Environment Agency PPGs. Minimise changes to catchment area of pond by appropriate re-grading of land following any earthworks

ID	Easting	Northing	Surface Area (m2)	Type	Other Comments	Potential for Impact	HIGH Risk of Indirect Impact?	Proposed Mitigation
58	346850	445759	225	RR?		Yes - located within the application boundary and is **potentially crossed by the NTS Interconnector Pipeline**	YES	Route NTS Interconnector Pipeline to avoid direct crossing and maintain as large a buffer as possible. Apply best practice construction methods for surface water runoff management and pollution prevention– Environment Agency PPGs.
NP10	334930	446870	288	RR		Yes - pond located in close proximity to construction works, some potential for water quality and hydrological effects	YES	Best practice construction methods for surface water runoff management and pollution prevention– Environment Agency PPGs. Minimise changes to catchment area of pond by appropriate re-grading of land following any earthworks.
NP14	335980	446270	322	RR	Pond located in area of sloping topo likely capturing runoff from slopes above it	Yes - pond located adjacent to the access road and gas pipeline, construction works have potential for water quality impacts	YES	Best practice construction methods for surface water runoff management and pollution prevention– Environment Agency PPGs.
NP24	335670	443980	150	RR		Yes - electrical cable route passes in close proximity to the pond and pond is located due south of the construction works, with potential for water	YES	Best practice construction methods for surface water runoff management and pollution prevention– Environment Agency PPGs.

ID	Easting	Northing	Surface Area (m2)	Type	Other Comments	Potential for Impact	HIGH Risk of Indirect Impact?	Proposed Mitigation
						quality impacts		
NP26	336020	443700	590	RR	Soils have impeded drainage	Yes - electrical cable route passes in close proximity and pond is located due south of the construction works, with potential for water quality impacts	YES	Best practice construction methods for surface water runoff management and pollution prevention– Environment Agency PPGs.
NP37	340520	446630	not on OS	RR & GW	Very flat topography, soils have impeded drainage	Yes - pond located within application boundary and is **potentially crossed by NTS Interconnector Pipeline**	YES	Route NTS Interconnector Pipeline to avoid direct crossing and maintain as large a buffer as possible. Apply best practice construction methods for surface water runoff management and pollution prevention– Environment Agency PPGs.
NP38	341340	446570	not on OS	RR & GW	Very flat topography, soils have impeded drainage	Yes - pond located adjacent to the NTS Interconnector Pipeline route, potential for water quality impacts	YES	Best practice construction methods for pollution prevention.

RR = Direct Rainfall and Catchment Runoff, GW = Groundwater Fed, SW = Fed by Stream or Ditch

2.1.10 During the SoCG discussions, the Environment Agency recommended that all matters relating to the reinstatement of land temporarily removed for the construction of the NTS Interconnector Pipeline across the Pilling Moss Biological Heritage Site (BHS) should be progressed in conjunction with the Lancashire County Council (LCC) ecologist John Jones. Hyder confirmed that consultation with John Jones was ongoing.

2.1.11 The mitigation and enhancement measures (including those within the above table) are agreed.

Assessment Findings

2.1.12 Section 9.7 of Volume 1A of the ES presents the Potential Effects on Ecology and Nature Conservation as a result of the Project without consideration of the proposed mitigation and enhancement measures. Section 9.9 of Volume 1A of the ES presents the Residual Effects, i.e. with incorporation of the proposed mitigation and enhancement measures.

2.1.13 The findings of the assessment are agreed.

3 INFORMATION TO SUPPORT A HABITATS REGULATIONS ASSESSMENT – MORECAMBE BAY SAC, LIVERPOOL BAY SPA, SHELL FLAT AND LUNE DEEP CSAC (DCO APPLICATION DOCUMENT REFERENCE 3.2)

3.1 Accepted Data

3.1.1 The Environment Agency defers to the opinion of NE in relation to the 'Information to Support a Habitats Regulations Assessment – Morecambe Bay SAC, Liverpool Bay SPA, Shell Flat and Lune Deep cSAC'.

4 INFORMATION TO SUPPORT A HABITATS REGULATIONS ASSESSMENT – MORECAMBE BAY SPA AND RAMSAR (DCO APPLICATION DOCUMENT REFERENCE 3.3)

4.1 Accepted Data

4.1.1 The Environment Agency defers to the opinion of NE in relation to the 'Information to Support a Habitats Regulations Assessment – Morecambe Bay SPA and Ramsar'.

5 LANDSCAPE AND ECOLOGICAL MANAGEMENT STRATEGY PLAN

5.1 Accepted Data

5.1.1 The LEMSP has been submitted as part of the DCO Application. The principles underlying the LEMSP have been agreed.

5.1.2 Since the DCO Application was submitted, further discussions with the Environment Agency on the LEMSP have taken place. Following the conclusion of these discussions, a slightly modified LEMSP has been produced. This is presented in the SoCG between Hyder (on behalf of Halite Energy Group Limited) and the Environment Agency on the topic of the Landscape and Ecological Management Strategy Plan.

6 DATA NOT ACCEPTED

6.1.1 There are no elements of the documents identified within Section 1.1.2 of this SoCG that are not agreed.

STATEMENT OF COMMON GROUND

This Statement of Common Ground on the topic of Ecology has been prepared by Hyder Consulting (UK) Limited, on behalf of Halite Energy Group Limited, and agreed by the Environment Agency.

Signed: 

David Hoare

on behalf of Hyder Consulting (UK) Limited

Date: 4 May 2012

Signed:

Amy Heys

on behalf of the Environment Agency

Date: 3.5.2012