

## **APPENDIX 2.2**

### **ISSUES RAISED IN THE ADOPTED SCOPING OPINION**

## Appendix 2.2: Issues Raised in the Adopted Scoping Opinion

Issue	ES Chapter
<p><u>Content of the ES</u></p> <ul style="list-style-type: none"> <li>• The ES should report on how consultation responses have been addressed by the EIA including any justifications for scoping any issues out.</li> <li>• The EIA should identify all possible environmental impacts that the development project might cause,</li> <li>• Its methodology should use both qualitative and quantitative information to identify significant environmental impacts including potential positive, negative, direct, indirect and cumulative impacts.</li> <li>• Where significant environmental effects have been identified, the EIA should propose mitigation and monitoring measures.</li> <li>• The Applicant is advised to include the information referred to above within any ES submitted in support of an application.</li> <li>• Information within the ES relating to impacts and their prediction shall include:               <ul style="list-style-type: none"> <li>- Impact prediction;</li> <li>- Methodology;</li> <li>- Assumptions and underlying rationale;</li> <li>- Fact, interpretation of facts, opinions and judgments based on facts;</li> <li>- Confidence limits associated with the prediction;</li> <li>- The characteristics and dimensions of the impacts – i.e. nature, magnitude, extent, timing, duration, reversibility, likelihood and significance;</li> <li>- Impact uncertainty;</li> <li>- Worse case;</li> <li>- Impact range; and</li> <li>- Risk assessment.</li> </ul> </li> <li>• Any significance criteria should be established on a transparent methodology, based on official standards, legislation, policy and expert opinion.</li> <li>• Mitigation measures proposed within the ES should be detailed within a schedule of environmental commitments that could assist in the consideration of the proposed draft conditions and or Section 106 agreements. It is advised therefore that the Applicant adopts a hierarchical approach to the development of mitigation measures by:               <ul style="list-style-type: none"> <li>- Avoiding adverse impacts;</li> <li>- Minimising or reducing impacts to as low as possible;</li> <li>- Remedying or providing compensative measures where adverse impact that are unavoidable.</li> </ul> </li> <li>• It is important that potential positive and negative residual effects remaining after mitigation measures have been identified and accounted for within the ES in order to assess their significant and acceptability. Consequently, each environmental issue should relate to a Table of Residual Effects.</li> <li>• An ES needs to demonstrate that it is objective, transparent while being well written, scientifically rigorous, well assembled and easy to read.</li> <li>• It is expected that the final ES will include all necessary information as outlined in Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.</li> <li>• It will be important for any assessment to consider the potential cumulative effects of this proposals, including all supporting infrastructure, with other similar proposals and a thorough assessment of the '<i>in combination</i>' effects of the proposed development with any existing developments and new applications. A full consideration of the implications of the whole scheme should be included in the ES.</li> </ul>	<p>Chapter 2 (EIA Methodology) and Chapters 7-17</p>
<p><u>Consideration of Alternatives</u></p>	

Issue	ES Chapter
<p>The following should be considered and explained: Route options and alternatives considered; Reasoning and justification for the divergence of the main pipeline from Wellsite to Knapton Power Station and the pipeline from Knapton to the existing NTS.</p>	
<p><u>Ecology</u></p> <ul style="list-style-type: none"> <li>• The NYMNP A ecologist should be consulted on the ecological work to be undertaken.</li> <li>• The ‘Cumulative’ impacts are to be assessed particularly if the Hurrell Road, Thorton le Dale gas processing plant is given permission on appeal.</li> <li>• The ES should include sufficient information to allow the LPA to make the judgements required of them under the Habitats Regulations.</li> <li>• The applicant is encouraged to talk with Natural England during the production of the ES to seek our advice and input into the specifics of this proposal to ensure that opportunities for compensation and enhancement to the natural environment are maximised.</li> <li>• The potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Institute of Ecological and Environmental Management (IEEM) and are available on their website.</li> <li>• The ES should aim to address the principles of ‘The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests’ and ‘Five Point Approach to Planning Decisions for Biodiversity’ to help the LPA identify whether they have been met by the proposals.</li> <li>• The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.</li> <li>• The ES will need to consider the impact of the proposals on: <ul style="list-style-type: none"> <li>- Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites and Sites of Special Scientific Interest). Should a likely significant effect on a European/Internationally designated site be identified, the LPA may need to prepare an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010) in addition to consideration of impacts through the EIA process;</li> <li>- Protected species were consideration should be given to the wider context of the site including bats, badgers, otter, water vole and great crested newts;</li> <li>- Bird populations including the potential impact of the proposals on bird flight lines, breeding and wintering populations and high tide roosts.</li> <li>- Non-statutory sites e.g. Local Wildlife Sites (LoWS), Local Nature Reserves (LNR) Ancient Woodland Inventory (AWI) sites, Sites of Importance for Nature Conservation (SINC) and Regionally Important Geological and Geomorphological Sites (RIGS).</li> <li>- Habitats and species listed in the UK Biodiversity Action Plan.</li> </ul> </li> <li>• Following the initial desk based assessment, site surveys should be carried out comprising extended Phase 1 habitat survey and protected species surveys to make an assessment of the potential impact of the proposed development upon nature conservation. Surveys should be undertaken at the appropriate time of year to ensure accurate results.</li> <li>• Given the nature of the proposed development, in addition to identifying and mitigating any on site impacts it is important to consider potential off site impacts as a result of hydrology impacts.</li> <li>• The development should seek enhancements for biodiversity that are over and above measures identified as mitigation and/or compensation. Enhancement measures could be undertaken on and/or off site taking into consideration surrounding habitats.</li> </ul>	<p>Chapter 7 (Ecology)</p>

Issue	ES Chapter
<p><u>Landscape and Views</u></p> <ul style="list-style-type: none"> <li>The ES should address in an appropriately broad and detailed way any impacts on the landscape as well as access and recreation assets. This assessment should include thorough consideration of any impacts on National Parks, Areas of Outstanding Natural Beauty, Heritage Coasts and National Trails.</li> <li>The methodology of consideration of landscape impacts should reflect the approach set out in the Guidelines for Landscape and Visual Impact Assessment (the Landscape Institute, 2002), the Landscape Character Assessment Guidance for England and Scotland (Scottish Natural Heritage and the Countryside Agency, 2002) and good practice.</li> <li>The assessment should also include the cumulative effect of the development with other relevant existing and proposed developments in the area including those proposals currently at Scoping stage.</li> <li>The assessment should refer to the relevant National Character Areas, The Fringe of the Moors Area of High Landscape Value within Ryedale Local plan area and to existing landscape character assessment and guidelines within 'The Landscapes of Northern Ryedale' (Gillespies, August 1999)</li> <li>Landscape and visual effects on Open Access Land, whether direct or indirect should be included in the ES.</li> <li>Reasoning and justification is to be provided for the pipeline construction working widths and whether impacts due to hedgerow and woodland severance can be reduced at key locations.</li> </ul>	<p>Chapter 8 (Landscape and Views)</p>
<p><u>Access and Recreation</u></p> <ul style="list-style-type: none"> <li>The ES should include a thorough assessment of the development's effects upon public rights of way and access to the countryside and its enjoyment through recreation.</li> <li>Opportunities for improved or new public access provision on the site should be considered including linking existing public rights of way and/or providing new circular routes and interpretation. Relevant Right of Way Improvement Plans (ROWIMP) should be referenced to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.</li> </ul>	<p>Chapter 8 (Landscape and Views) Chapter 11 (Transport)</p>
<p><u>Air Quality</u></p> <ul style="list-style-type: none"> <li>The air quality work is to include odours at the wellsite and draws attention to a number of private water supplies in the locality to be taken into account when the water resources work is undertaken.</li> <li>All potential air pollution sources should be assessed from the wellsite through to the gas processing facility especially in associated with potential from odour at the wellsite during times of venting or workovers on the site.</li> <li>The gas processing plant is a new activity on the permitted site and will require a permit variation of environmental permit HP3038LA.</li> <li>Air emissions from this plant along with odour will be major considerations during the permit variation process. The operator will be required to demonstrate that the method of gas processing is BAT for the scale of operation.</li> </ul>	<p>Chapter 9 (Air Quality)</p>
<p><u>Noise and Vibration</u></p> <ul style="list-style-type: none"> <li>The gas processing plant is a new activity on the permitted site and will require a permit variation of environmental permit HP3038LA.</li> <li>Noise from the plant will be major considerations during the permit variation process. The operator will be required to demonstrate that the method of gas processing is BAT for the scale of operation.</li> </ul>	<p>Chapter 10 (Noise and Vibration)</p>
<p><u>Transport</u></p> <ul style="list-style-type: none"> <li>Traffic management plans should be produced for where the pipeline crosses the highway network.</li> <li>A full Transport Assessment should be prepared and consider the construction element of the works in some detail.</li> <li>Consultation should be undertaken with the Public Rights of Way officer to explore ways of avoiding or mitigation proposals that may prevent use of the numerous rights of way the pipeline crosses.</li> <li>The pipelines from the wellsite to Knapton Power Station and from the Power Station to the NTS will need to pass beneath Network Rail Infrastructure in the vicinity of Knapton Power Station. Consultation should be undertaken with the Mining Team and Asset Protection Team in Network Rail, York.</li> </ul>	<p>Chapter 11 (Transport)</p>

Issue	ES Chapter
<p><u>Flood Risk, Hydrology and Drainage</u></p> <ul style="list-style-type: none"> <li>• The proposed development should ensure that the any water or sewerage infrastructure laid within the pipeline route is properly protected.</li> <li>• Consultation should be undertaken with Yorkshire Water.</li> <li>• Flood Risk at the site should be looked at in sequential manner and look to site all development wholly within flood zone 1 and outside of flood zones 2 and 4 where possible.</li> <li>• Any development in flood zone 1 greater than a hectare in size will require a Flood Risk Assessment (FRA) which should pay particular attention to drainage.</li> <li>• Any development within flood zones 2 and 3 (regardless of the site area) will require a full and detailed FRA.</li> <li>• There must be no raising of ground levels within the flood plain.</li> <li>• All excess spoil must be removed from the flood plain.</li> <li>• There must be no increase in surface water runoff form the site. As a minimum we would want to see any surface water discharge restricted to the existing Greenfield runoff rate. If not calculated, then the Greenfield runoff from a 1 in 1 year storm (1.4l/s/ha) should be used. For any brownfield areas within the development, we would want to see as a minimum a 30% reduction in surface water discharge, this is as a consequence of climate change and recommendations in the Pitt Review.</li> <li>• The applicant must also provide sufficient attenuation and long term storage at least to accommodate a 1 in 30 year storm. The design should also ensure that storm water resulting from a 1 in 100 year event, plus 30% to account for climate change, and surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse.</li> <li>• SuDS should be used to tackle water run-off problems at source using features such as soakaways, permeable pavements, grassed swales, infiltration trenches, ponds and wetlands, and green roofs to attenuate flood peak flows, produce water quality improvements and environmental enhancements.</li> <li>• The developer is to submit detailed investigations such that the used of SuDs has been fully explored.</li> <li>• It is the applicant's responsibility to ensure that their operations do not cause or exacerbate flooding problems and/or erosion problems for others as a result of their works.</li> <li>• Any works in, under, over or within 8m of a main river and/or a flood defence will require the formal consent of the Environment Agency.</li> <li>• Any works affecting non main rivers (ordinary watercourses) within an IDB area may also require formal consent from the IDB. The applicant should note that as of the 6<sup>th</sup> April 2012 any works affecting non main rivers outside an IDB area will fall under the remit of the Lead Local Flood Authority (LLFA).</li> <li>• The proposed pipeline is likely to cross the private supply pipe from High Scammeridge spring (GR 48980 (E) 487700 (N) to Givendale Head Farm and the new borehole (GR 488950 (E) 489054 (N) which supplies Jingelby Thorn, Addison Field and the field at GR 489300 (E) 488800 (N)</li> </ul>	<p>Chapter 12 (Hydrology and Hydrogeology)</p>
<p><u>Archaeology and Cultural Heritage</u></p> <ul style="list-style-type: none"> <li>• The Desk Based Assessment search radius should be increased to 1km.</li> <li>• The Desk Based Assessment should be followed by a walkover survey and additional archaeological evaluation including geophysical survey and trial trenching as required.</li> <li>• The development could, potential have an impact upon a number of designated heritage assets and their settings in the area around the site (up to 10 km). In line with the advice in the NPPF, the Environmental Report should contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significant of these assets.</li> <li>• The Environmental Report should consider the potential impacts which the proposals might have upon those heritage assets which are designated. These ought to be included as heritage assets designated or otherwise as they are valued components of the historic environment.</li> </ul>	<p>Chapter 13 (Archaeology and Cultural Heritage)</p>

Issue	ES Chapter
<ul style="list-style-type: none"> <li>• The Conservation Officer at RDC and NYMNPA and the archaeological staff at NYMNPA and NYCC should be consulted in the development of this assessment.</li> <li>• The Assessment should be designed to ensure that all impacts are fully understood. Section drawings and techniques such as photomontages are a useful part of this. English Heritage would welcome the opportunity to be involved in agreeing suitable view points for these.</li> <li>• Consideration should be given to undertaking a practical exercise with either a crane or balloons erected at the height of the proposed structures so that all parties are better able to understand the landscape impact of the proposals.</li> <li>• The assessment should also take account of the potential impact which associated activities (such as construction activity, servicing and maintenance, and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets in the area.</li> <li>• Assessment should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits, and can also lead to subsistence of buildings and monuments.</li> <li>• The Vale of Pickering is a rich archaeological resource of national importance, exhibiting considerable, well preserved evidence from the Early Mesolithic to the modern period with particular 'hot spots' in the Mesolithic, Bronze Age and early Anglo-Saxon periods. Environmentally rich archaeological deposits are also known in the Vale. Therefore the Assessment needs to pay particular regard to the wealth and complexity of the archaeological resource in this area.</li> <li>• Given the number of designated and undesignated heritage assets within the area, we would welcome early discussions with you in order to agree the key sites and setting issues which will need to be addressed with this EIA&gt;</li> </ul>	
<p data-bbox="383 823 819 847"><u>Ground Conditions and Contamination</u></p> <ul style="list-style-type: none"> <li>• Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land.</li> <li>• Effects on soil resources should be considered.</li> <li>• Source Protection Zones associated with public drinking supplies are situated in the vicinity, along with a number of abstractions used for various uses.</li> <li>• The underlying geology is Corallian Limestone, which is designated as a Principal Aquifer. The Corallian Limestone is regionally important for public drinking supplies, and is extremely vulnerable to any potentially polluting activity.</li> <li>• The EIA should fully assess the risks to the potable abstractions, Corallian Limestone and surface waters, particularly the headwaters of the River Derwent, and any other potential receptors from the proposed gas wells, the proposed pipelines and the gas processing facility. This should include an assessment of risk for each phase of development. The EIA should also detail any mitigation measures which may be necessary.</li> <li>• The additional development wells proposed will need to satisfy Section 199(2) of the Water Resources Act. The risks associated with each phase of development will need to be considered and included in the EIA.</li> <li>• The Applicant should consider the requirements of the Water Framework Directive within the scope of the EIA report, to ensure they address their obligations under this important piece of European legislation.</li> </ul>	<p data-bbox="1794 823 1982 930">Chapter 15 (Ground Conditions and Contamination)</p>