

EAST RIDING OF YORKSHIRE COUNCIL

Report of the Executive Director of Planning and Economic Regeneration

Reported to: Planning Committee

Date: 2nd March 2023

Ward: East Wolds and Coastal
Parish: Carnaby Parish Council

Application for Construction of sub-surface cable route from Drax Power Station to Fraisthorpe Coastline with associated accesses and temporary construction compounds in association with the Scotland to England Green Link

At Cross Country Cable Route from Drax Power Station to Fraisthorpe Coastline, Bridlington Road, Fraisthorpe, East Riding of Yorkshire,
By National Grid Electricity Transmission

Application Number: 22/01990/STPLFE

1. SUMMARY AND RECOMMENDATION

- 1.1 This proposal seeks full planning permission for the construction of a sub-surface cable route from Drax Power Station to Fraisthorpe Coastline with associated accesses and temporary construction compounds.
- 1.2 Development of this type would normally fall under Permitted Development but in this case, planning permission is required because the proposed development forms Environmental Impact Assessment (EIA) development. It does not require a Development Consent Order (DCO) from the Planning Inspectorate because electricity that would be transported by the proposed cable has already been generated by existing infrastructure.
- 1.3 This proposal is part of a wider scheme for the transfer of electricity from Scotland to England (and vice versa as required) via sub-sea cables, connected to a converter station and electricity substation in each country via an onshore underground cable. It is only the 67km of High Voltage Direct Current (HVDC) underground cable (and associated works) that is under consideration as part of this planning application. This will run through the East Riding from Fraisthorpe coastline in a south westerly direction to the River Ouse south of Barmby on the Marsh village where it will cross into Selby District Council's administrative boundary.
- 1.4 A separate pending planning application is under consideration by Selby District Council for a Converter station and short distance of underground cable (approximately 2km of High Voltage Direct Current (HVDC) underground cable and 0.5km of AC underground cable) from the boundary with East Riding. Offshore cable in the North Sea beyond the Mean High Water Spring area on the beach would be considered by the Marine Management Organisation.

- 1.5 Whilst pending consideration the applicant has submitted an archaeological technical note, revised environmental statement, response to the National Farmers Union (NFU), response to Natural England consultee comments and a Habitat Regulation Assessment.
- 1.6 Cllr Gateshill has referred this planning application to Planning Committee for determination by Members on the grounds of concerns regarding soil management, horizontal directional drilling and access. An objection has also been received from Hutton Cranswick Parish Council and 26 third party (member of the public) objections have also been received.
- 1.7 National Highways have removed a holding objection on the proposal after the wording of a necessary Construction Traffic Management Plan (CTMP) condition had been agreed with the Developer and Highway Development Management.
- 1.8 Northern Gas Networks have also raised an objection due to the fact the application site is located within close proximity of Northern Gas Networks infrastructure on several locations along the cable route. However, this can be resolved by the completion of a legal agreement between the developer and Northern Gas Networks to protect the latter's infrastructure. The protection of third party equipment is not a material planning consideration and therefore the legal agreement would take place separately to the planning process and the Council are not a party to the legal agreement. Therefore it is considered that the objection from Northern Gas Networks would not justify the refusal of planning permission in this case.
- 1.9 Yorkshire Wildlife Trust, not a statutory consultee, have also raised an objection regarding the Habitat's Regulation Assessment (that has been addressed through the updated HRA and agreed with Natural England), and secondly with regard to Biodiversity Net Gain (BNG). The latter relates to how BNG will be delivered as it relates to the cable route. Providing BNG on the cable route is inappropriate due to the linear nature of the scheme and agricultural land use that the application site would be returned to post construction. Several potential off-site areas as BNG opportunities have been identified and these would be developed taking into account updated BNG calculations based on the final route design and progressed with interested parties secured by a necessary planning condition.
- 1.10 The application is considered to be acceptable when taking into account all material planning considerations. The matters of objections have been considered and assessed but do not justify the refusal of planning permission.
- 1.11 The application is recommended for **APPROVAL** with conditions as set out in the report.

2. SITE DESCRIPTION

- 2.1 There are three route sections within the East Riding of Yorkshire.
- 2.2 *Route Section One Landfall to Bainton* – The proposed route extends in a general south-westerly direction from the landfall location at Fraisthorpe across Carnaby Moor in a westerly direction north of Fraisthorpe Wind Farm, before crossing the A165 and extending southwards across open agricultural land. This section of the route avoids the proposed working area and export cable route of the Hornsea Project Four Offshore Wind Farm which is located approximately 2 km south. The route crosses the Earl's Dyke and the Burton Agnes to Paull gas pipeline west of the A165 before continuing in a south-westerly direction.

- 2.3 The proposed route continues in this direction for approximately 6 km, passing the settlement of Gransmoor to the north and between the villages of Great Kelk (south of the route) and Little Kelk (north of the route). The proposed route crosses minor roads, PRoWs, smaller watercourses and unnamed drains until reaching Kelk Beck, a main river and tributary of the River Hull that is designated as a Site of Special Scientific Interest (SSSI) (River Hull Headwaters). After crossing underneath Kelk Beck via Horizontal Directional Drilling, the proposed route continues for approximately 4 km to the village of Wansford. The proposed route runs approximately 750 m north of the village of Wansford to avoid residential properties.
- 2.4 At Wansford the proposed route crosses the B1249, Driffield Canal and the River Hull between Whinhill Lock and Wansford Lock. South of this crossing the proposed route extends further westwards towards the village of Bainton crossing underneath the Driffield to Hull railway line and the A164 whilst bypassing the villages of Skerne and Hutton Cranswick.
- 2.5 *Route Section Two Bainton to Market Weighton* – From Bainton, as the proposed route extends south to Middleton-on-the-Wolds it enters the Yorkshire Wolds Important Landscape Area. Between Middleton-on-the-Wolds and Lund the proposed route continues south through areas of agricultural land. Dalton Hall and the associated Registered Park and Garden is passed to the west. The proposed route continues south to the crossing of the Wilberforce Way Long Distance Walking Route and Local Nature Reserve (LNR) (Etton-Gardham Disused Railway/Kiplingcotes Road Earthworks).
- 2.6 From the crossing of the Wilberforce Way, the proposed route continues for approximately 6 km in a south-westerly direction towards the town of Market Weighton. There are underneath crossings of the Yorkshire Wolds Way and two trunk roads, the A1079 and A1034, as the route passes Market Weighton to the south.
- 2.7 *Route Section Three Market Weighton to River Ouse* – This section starts to the south of Market Weighton, adjacent to Houghton Hall and the associated Registered Park and Garden, and continues south-westerly for approximately 15 km passing through agricultural land, between Holme upon Spalding Moor (north of the route) and the Tollingham industrial estate (south of the route) towards Howden. Underneath crossings are also required of the Market Weighton Canal, River Foulness and the A614 before reaching Howden.
- 2.8 The proposed route extends north of Howden before extending immediately south across the Selby railway line (ensuring a right-angle crossing) to the west of the settlement. The alignment again continues to the southwest towards Asselby, extending through agricultural and plantation (willow and fir/spruce) land and crossing the A63. The proposed route crosses Main Street to the west of Asselby village in a largely north-south direction before heading in an easterly direction to the proposed crossing point of the River Ouse.

3. KEY POLICIES AND DOCUMENTS

East Riding Local Plan Strategy Document (April 2016)

- Policy S1 Presumption in favour of sustainable development
- Policy S2 Addressing climate change
- Policy S4 Development in the Countryside
- Policy EC1 Supporting the growth and diversification of the East Riding economy
- Policy EC4 Enhancing sustainable transport

Policy EC5 Supporting the energy sector
Policy ENV1 Integrating high quality design
Policy ENV2 Promoting a high quality landscape
Policy ENV3 Valuing our heritage
Policy ENV4 Enhancing biodiversity and geodiversity
Policy ENV5 Strengthening green infrastructure
Policy ENV6 Managing environmental hazards
Policy A1 Beverley and Central Sub Area
Policy A2 Bridlington Coastal Sub Area
Policy A3 Driffield & Wolds Sub Area
Policy A4 Goole & Humber Levels sub area
Policy A6 Vale of York Sub Area

Other Documents

East Riding of Yorkshire Landscape Character Assessment (2018)

National Planning Policy and Guidance

National Planning Policy Framework
National Planning Practice Guidance
National Policy Statement EN-1 – Overarching National Policy Statement for Energy
National Policy Statement EN-3 - Renewable Energy Infrastructure

4. RELEVANT PLANNING HISTORY

4.1. None.

5. SUMMARY OF CONSULTATION RESPONSES

Hutton Cranswick Parish Council

Objection.

The Parish Council object to the application, as the proposed crossing point of the A164 is (a) too close to the Hutton Village and (b) would compromise access and highways safety at the A164, Hutton, Southburn crossroads.

Spaldington Parish Council

Comments.

- The PC have been made aware that representatives of the applicant have been visiting various local properties in the community and the Council have received complaints that the actions of said individuals could be considered inappropriate
- The PC wish to condemn the actions of these individuals and parties involved in the application process as some local members of the community feel their behaviour has been aggressive and quite intimidating.
- The PC accept that this application will proceed and probably be granted due to national importance but just ask that respect is given to local farmers and landowners.

Bainton Parish Council

No objection.

Bainton Parish Council have no objection but wish to request that any trees that are destroyed or damaged are replaced and that good traffic management is used.

Beswick Parish Council

Comment.

There is little it can add to the discussion at this time.

Carnaby Parish Council

No objection.

Etton Parish Council

No objection.

Foston on the Wolds Parish Council

No comments.

Goodmanham Parish Council

No objection.

Holme on Spalding Moor Parish Council

No comment.

Howden Town Council

No observations.

Kirkburn Parish Council

No objection.

Lund Parish Council

No objection.

Market Weighton Town Council

Recommend approval.

Wressle Parish Council

No comment.

Asselby Parish Council

No response received.

Barmby Marsh Parish Council

No response received.

Barmston and Fraisthorpe Parish Council

No response received.

Burton Agnes Parish Council

No response received.

Driffield Town Council

No response received.

Eastrington Parish Council

No response received.

Harpham Parish Council

No response received.

Kelk Parish Council

No response received.

Lissett and Ulrome Parish Council

No response received.

Middleton on the Wolds Parish Council

No response received.

Nafferton Parish Council

No response received.

North and South Cliffe Parish Council

No response received.

Sancton Parish Council

No response received.

Skerne and Wansford Parish Council

No response received.

Watton Parish Council

No response received.

Hull City Council

No objection.

To economically and efficiently transmit this energy from where it is generated to where it is needed there is a requirement to increase the capability of the electricity transmission system. The need for the proposed Scotland England Green Link 2 is based on providing additional network capability across boundaries in Scotland and England and to increase capability to accommodate (primarily) additional North-South flows on the network.

The Council is supportive of this overall scheme, given the need to transmit increased amounts of renewable energy, and raises no specific issues with the proposal subject of the application.

Highways England

No objection.

National Highways have agreed in principle to the wording of a requested Construction Traffic Management Plan (CTMP). It is up to the Local Planning Authority to refine the wording, if necessary, with an eye to enforcement if that proves necessary.

Northern Gas Networks

Objection.

Proposal may affect Northern Gas Networks infrastructure.

A separate third party agreement is necessary between the applicant and Northern Gas Networks.

Yorkshire Wildlife Trust

Objection.

In principle, Yorkshire Wildlife Trust have no objection to the rollout of cleaner energy infrastructure which contributes to the Governments targets to achieve Net Zero greenhouse gas emissions by 2050. Plans to meet these targets were laid out in the British Energy Security Strategy (2022) and did refer to the need for a better electricity transfer network to deliver renewable energy.

Yorkshire Wildlife Trust are pleased to see that the mitigation hierarchy has been applied through the assessment process, by routing the project to avoid direct impacts to SSSI's such as Kiplingcoats Chalk Pit Site of Special Scientific Interest (SSSI) and Yorkshire Wildlife Trust Reserve. This site supports nationally important habitat in the form of chalk grassland, a national priority habitat.

However, Yorkshire Wildlife Trust have concerns about the potential for indirect impacts on the Humber Estuary SPA/Ramsar through the temporary loss of functionally linked land, and the temporary disturbance of SPA qualifying species.

Yorkshire Wildlife Trust also have concerns about impacts to the River Hull Headwaters SSSI (two crossings – Wansford and Kelk). Whilst Yorkshire Wildlife Trust appreciate that Horizontal Directional Drilling (HDD) or trenchless drilling technology will be used, the potential for impacts on this site still remains in the form of habitat degradation and disturbance. Yorkshire Wildlife Trust note that the working area for the cable drilling activities at both locations will be entirely outside the SSSI boundary and located within arable habitats but the infrastructure required e.g. a temporary bridge is needed to span Kelk Beck and will remain in situ for a significant period of 2-3 years, possibly up to 5 years. It is essential that the detailed design is consulted upon.

Downstream of the Wansford crossing point, approx. 700m the planning application boundary lies Snakeholm Pastures Yorkshire Wildlife Trust (YWT) Reserve which immediately adjoins Skerne Wetlands YWT Reserve. This is nationally significant area for biodiversity. West Beck, which is part of the River Hull headwaters, passes through the reserves, recognised as nationally important by its designation as a Site of Special Scientific Interest (SSSI). This is the most northerly chalk stream system in Britain and is a haven for fauna such as brown trout, grayling, brook lamprey, water vole and kingfisher which depend on the clean, oxygen rich water, and therefore the potential for indirect impacts could be extremely damaging.

Yorkshire Wildlife Trust reserves are not considered within the Ecological Designations sections – nor are they included on Figure 7.2. None of Yorkshire Wildlife Trust reserves will be directly impacted. However, there could be indirect impacts e.g. Skerne Wetlands is downstream of River Hull Headwaters SSSI crossing points.

Yorkshire Wildlife Trust note that HDD technology has also been proposed to avoid direct impacts to Local Nature Reserves (Hudson's Way) and Local Wildlife Sites e.g. Granny's Attic Railway and Etton-Gardham Disused Railway LWS (which are located within a section of the Hudson Way Local Nature Reserve). Yorkshire Wildlife Trust support this, however, again the detailed design is critical, due to the need for offsets from the reserve boundaries.

Due to the large amount of documentation within the application, we do not have the resources to review everything in detail, and therefore Yorkshire Wildlife Trust response is based on what we expect from a linear project such as this, which would include (but is not restricted to) the following:

- A full time independent Ecological Clerk of Works (ECoW).
- Rigorous ecological assessment of any yards, lay down areas, compounds and access routes which are determined after consent has been granted.

- Updating ecological surveys to be undertaken in accordance with best practice guidelines, and appropriate walkthrough surveys undertaken prior to works in particular areas, where required e.g. badger sett walkover surveys.
- All environmental issues including protected species risks, watercourses etc. to be appropriately fenced and signposted.
- The use of trackway/bog matting to protect sensitive habitats.
- A detailed Construction Environmental Method Statement.

Yorkshire Wildlife Trust are encouraged to see that the applicant is committed to delivering 10% Biodiversity Net Gain in line with their own policy. It is noted that the project will result in the predicted gain of approximately 1% habitat units, loss of approximately 32% hedgerow units and no predicted loss or gain of river units. It is also noted that the plans to deliver 10% are still in development. Further assurances that BNG can be delivered are required prior to determination of the application by the development of a BNG strategy to include management and monitoring for the required 30 years. The following should be addressed:

- As detailed in Section 4.1 of the BNG report, on-site enhancement opportunities will be subject to third party landowner agreements and therefore it is essential that the strategy accounts for this.
- Potential off-site enhancement areas in the form of Local Wildlife Sites have been identified but these have only been subject to baseline assessment and uplift calculations based on desk-study information and not on field survey. Further work is therefore required, including an assessment of the current management of these sites, to ensure that BNG is delivering enhancement above and beyond what would otherwise already occur.
- Opportunities to undertaken off-site enhancement in advance of impacts should be explored, taking into account that on-site habitat creation/enhancement will only be possible on completion of works (or a particular phase of works). Delays in habitat creation and enhancement works can be accounted for in the metric.

In conclusion, Yorkshire Wildlife Trust feel that additional information is required for the Local Authority to be able to make an informed decision on the application. Specifically, more information is required regarding the possible impacts on designated sites along with further assurances that BNG can be delivered as part of this development.

Highway Development Management

No objection.

Four conditions requested for a Construction Traffic Management Plan (CTMP), construction traffic route, access layout for each access/crossing point directly from an A or B classified roads and Traffic Regulation Order.

This application follows informal pre-application discussions with the council and in particular with the various Highway Teams which Highway Management were part of. On

the whole the applicants and planning agent have taken highway comments into consideration and formed an acceptable scheme which mitigates the impacts within the highway.

The Development incorporates 45 access and/or crossing points from the public highway within the East Riding of Yorkshire Council boundary of which are classified and unclassified public highways. ERYC are in receipt of a Bellmouth Schedule and Construction Traffic Management Plan and a typical bell mouth access plan of which all provide acceptable approaches. The information provided within the aforementioned documents includes mitigation such as speed limit reductions and temporary traffic lights where visibility is not complaint with existing speed limits, this approach is considered acceptable by ERYC's Traffic Management team. As per conditions set out detailed access plans should be submitted for each of the classified A roads before each access is constructed.

The developer should be aware that speed restrictions would require a Traffic Regulation Order throughout the construction phase. Due to the length of this phase a Temporary Traffic Regulation order would not be available therefore a formal TRO would be required and following construction the TRO should be altered back or removed. This should be at the expense of the developer/applicant who should contact Traffic Management as early as possible to discuss (see note below). The locations of all changes of speed limits should be provided with the detailed CTMP.

As part of the Environmental Statement Appendix 14D a traffic flow diagram has been produced for the local highway networks which identified the number of existing and additional movements likely. The anticipated number of traffic movements is not considered to increase local highway network movements significantly; the majority of the larger HGV movements will remain on the purposed built haul road, classified and local steric network highway. The local roads would see a small increase in HGV movements during the mobilisation and construction of the access and crossing points.

The outline CTMP suggests that the Contractor(s) will ensure that a road condition survey (also referred to as a dilapidation survey) is carried out prior to any enabling works or construction commencing. This will ensure that any pre-commencement remedial works are undertaken and any damage to the highway is rectified to the developer expense. This is conditioned below.

Each site compound should have sufficient access, turning and parking and detailed plans should be provided within the Detailed CTMP.

The public highway in the vicinity of the site accesses, highway crossings and temporary accesses will be inspected daily for the presence of site-related debris (mud). As detailed, regular road maintenance (including cleaning) will be carried out as standard. A wheel washing system will be implemented, this will be fitted with rumble grids to dislodge accumulated dust and mud prior to leaving the site were reasonably practicable, this should be included in any detailed access design. The Contractor will ensure there is an adequate area of hard surfaced road between the wheel wash facility and the site exit, wherever site size and layout allow to minimise the risk of tracked out of debris to the public highway. Plant and equipment washing facilities will also be provided where required to prevent the fall-off of dirt during transport off site. Road sweeping (including water jet vacuums) will be undertaken as necessary to remove any material tracked out of the site to the public highway. This may require the sweeper being continuously in use.

An inspection, monitoring and repair strategy during the construction of the English Onshore Scheme will be agreed with the relevant authority and included in the Detailed CTMP. The Detailed CTMP will also set out details for agreeing maintenance costs with the relevant authority.

Following the information received in the outline CTMP a detailed CTMP should be submitted once a contractor is in place and before the commencement of construction and per condition below.

It should be noted that the Chapter 14: Traffic and Transport of the Environmental Statement there are several road name errors which should be corrected. Throughout the document it refers to the A156 which should be the A165, Table 14-9 refers to the A614 which should be replaced with A164 and Table 14-15 refers to A1032 but should read 1A1034.

Overall, the proposal would not be considered to have a significant impact on public highway safety, nor have a severe impact on the local highway network which would therefore be in compliance with paragraph 109 of the NPPF and polices ENV1 and EC4 of the ERLP-SD.

Network Rail

No comment.

Following assessment of the details provided to support the above application, we note that the proposals include construction of the cable through operational railway land at several points on its intended route. We note that the developer has been engaging with our Asset Protection Team (ref WB70576) and subject to this engagement continuing and any agreements/licences required being entered into by the developer, we have no comment to make at this stage.

Please note that the developer will be required to enter into agreement with Network Rail for the use of railway land.

Public Protection

Environmental Control Specialist Team

No objection.

Three conditions requested regarding land contamination.

Local Air Quality – The main focus of the submitted information is on the proposed convertor station and this lies outside of the administrative boundary of the council. However there is a cable route planned which crosses the county and the construction activities surrounding this could have the potential to impact on local air quality. I have reviewed the relevant submissions by the applicant and so long as the development proceeds in accordance with the Environmental Statement (Volume 2) Chapter 18: Outline Construction Environmental Management Plan (dated May 2022) Public Protection would have no objections.

Land Contamination – The Environmental Statement (Volume 2) Chapter 18: Outline Construction Environmental Management Plan (dated May 2022) refers to a Generic Quantitative Risk Assessment (GQRA) (Contamination) to be produced leading to a Remediation Strategy if required. Public Protection therefore recommend three conditions regarding investigation and risk assessment of land contamination, remediation and managing unexpected contamination.

Trees Team

No objection.

The proposal is supported by a 'High Level Arboricultural Impact Assessment' which includes the Converter Station Site and the route for the proposed underground HVDC cable. The construction of the Converter Station will require the loss of one part tree group and one part hedge. This includes one part group categorised as Category A and one hedge identified as Category C. The trees on this site are not under any statutory protection.

It is noted that 'areas of tree cover which are likely to be of particular value (such as trees protected by Tree Preservation Order or potentially veteran trees identified via the Ecology survey) are proposed for retention where possible and where some loss is likely to be unavoidable it will be reduced to the minimum feasible following detailed assessment'.

It is also noted that 'The loss trees protected by TPO at Hutton, although in this location there is a project commitment to minimise the loss of TPO trees as far as reasonably practicable through appropriate routing of the cable trench and minimisation of the working area to allow for appropriate exclusion zones to be established around retained trees'.

There is appropriate reference to the submission of an Arboricultural Method Statement in the document (see 5.1) and given the extent and potential sensitive nature of this proposal this should be a requirement should the proposal be approved.

There is reference in Chapter 3 of the Environmental Statement and the Design and Access Statement to new tree and hedgerow planting which will be required across the area to compensate for any tree/hedgerow losses and to assist in integrating the development into the local landscape in accordance with Policy ENV2. The submission of high quality scheme of new tree and hedgerow planting is essential.

Public Rights of Way and Countryside Access

No objection.

The SEGL2 onshore cable corridor affects many PRoWs and has the potential to disrupt the network for users, especially if routes are closed. The cumulative impact of several closures can be disruptive for users of the network.

The Countryside Access Team does not object to the proposed development, but asks that the following important issues be addressed during the review and deliberation of the planning application:

The application offers little specific detail about the temporary closure/diversion of

PRoWs. Most paths appear to have no planned diversion. Whilst this may be acceptable for some, others will require crossing provisions or a convenient temporary diversion provided. The Yorkshire Wolds Way (Goodmanham fp6), for example has no diversion planned. It is essential that this popular, promoted National Trail is available through the works.

There is no duration indicated for the closure of public rights of way. Any temporary closures/diversions should be for a minimal period only, in order to minimise the impact on rights of way users, their convenience and their physical and mental health.

Countryside Access need clarification on the access for users for each of the crossings, as the information provided is insufficient to understand the impact to the network.

BAGN05/KELKB03/KELKB02/SKERF10/SKERF06/HCRAF18/HCRAF11/HCRAF12/WATTF01/LUNDF02/DHOLF03/ETTOB05/GOODF06/MWEIF11/SPALF12/HOWDF13/WRESF09/WRESF08/WRESF10/ASSEF01/ASSEF02 (*Footpath references*)

Which will be closed without a diversion? How long will they be closed? How will the public be informed they are closed or diverted? Where will diversions or crossing facility be provided and for what duration.

Should the development be a DCO application it may be that the temporary closures will be made as part of the DCO process. This needs to be clarified.

At Fraisthorpe the route has the potential to impact negatively on the England Coast Path National Trail. There appears to be no assessment of this impact. It is recommended that the applicant discusses this with Natural England.

Ramblers Association

Comment.

Previous volunteer Environment Officer for East Yorkshire & Derwent Area Ramblers, and the Area has retired and the Ramblers association is in the process of filling this post. Meanwhile, members of the Area Council and Footpath Committee are considering Planning Applications.

Joint Local Access Forum of the East Riding of Yorkshire and Kingston upon Hull

No objection.

The SEGL2 onshore cable corridor potentially intersects 67 PRoWs, a number that will presumably reduce, but still be very significant, as the route is refined.

The Joint Local Access Forum (JLAF) does not object to the proposed development, but asks that the following issues be addressed during the review and deliberation of the planning application:

1. There is a need for specific details about PRoW (Public Right of Way) diversions or extinguishment/creation where the cable corridor intersects PRoWs. Currently, there are no details. The JLAF asks that diversion routes be defined by the applicant and permissions sought from landowners. The creation of permanent PRoW diversions and

the extinguishment of existing PRoWs requires a protracted process that might involve The Planning Inspectorate if objections are received. In each and all cases, JLAF asks that diversions be in place before temporary or permanent closure is affected.

2. Temporary closure of each PRoW where diversion cannot be installed will require permission, but should be limited in time in order to safeguard, as much as possible, rights of access and the physical and mental public health benefits of such countryside access whilst acknowledging the need for limited disruption at any one of the PRoW crossings.

3. The JLAF asks that the Applicant gives an outline schedule of the way the installation will proceed. It wishes to be assured that the work will progress on a 'rolling' geographical basis i.e. that work shifts progressively along the proposed corridor in defined lengths and that there is no intention to divert or close all affected PRoWs from landfall to Drax for the duration of the installation.

4. The Applicant, and/or subsequent owners of the cables, should be required to adopt long-term responsibility for restoration of surface settlement where PRoWs cross ground that has been disturbed. Given the easily-poached, heavy-clay soils of Holderness and the Vale of York/Wallingfen and typical dilated and consolidated soil bulk densities, soil settlement is eventually likely to be around 15 - 25 cm (6 – 10 inches). This will attract pools of water and plasticise the soil, resulting, de facto, in cul-de-sac PRoWs because of unfavourable ground conditions, particularly in winter, thereby severely reducing usage and the public health benefits of countryside access. JLAF suggests a period of at least seven years to allow time for soil settlement. With regard to this matter, the cable owner would best deal with the ERYC Countryside Access Team which, ordinarily, would receive reports of access issues from members of the public and/or be aware of such issues through the field experience of its own officers. These reports and observations could be evaluated and passed directly to the company for action. When ground restoration works take place, permissions must be sought beforehand and restoration carried out to standards set by ERYC's Countryside Access Team.

National Trail

Comment.

The proposed cable route crosses the Yorkshire Wolds Way National Trail near Arras. As it is a National Trail it is vital that there is minimal inconvenience to the passage of Yorkshire Wolds Way walkers during the period of installation. National Trail would be grateful for clarification of the proposals at the crossing point of the Yorkshire Wolds Way. It appears from the submission that no diversion is required, but National Trail would appreciate confirmation of this and any details of the arrangements for the safety of walkers crossing at this point.

Yorkshire Water Services Limited

No objection.

One condition requested to protected Yorkshire Water's infrastructure within the site.

Waste Production

1.) The proposed cable laying in SPZ2 for Hutton Cranswick is approximately 480 metres

north from the site.

a.) Ground investigations show groundwater levels at 14, 17, 30 metres below ground level which will be considerably below the 1.5 metre excavation depth for the laying of the cables.

b.) There is expected to be 5 metres of glacial till (including till) covering the chalk which will be sufficient protection for the aquifer. c.) Additionally, the cable to be laid is not oil or liquid filled so is low risk for contamination of the aquifer.

2.) The Hydrogeological Risk Assessment (HRA) supports that the works are low risk to the groundwater site.

3.) A Construction Environmental Management Plan (CEMP) has been provided which covers all urgent requirements and has mitigation techniques suitable to reduce the risk of pollution during the construction phase.

a.) Therefore, the documents produced provide sufficient details for the groundwater team to accept the proposal, with an acceptable level of mitigation to avoid contamination or pollution events at the nearby Hutton Cranswick borehole abstraction.

Waste Water

1.) On the Statutory Sewer Map, there is a 100 mm diameter public combined rising main recorded to cross the site to the east of Cliffe Road at NGR 488116, 439893. It is essential that the presence of this infrastructure is taken into account in the design of the scheme.

a.) A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

Environment Agency

No objection.

Three conditions for flood risk mitigation permanent works phase, flood risk mitigation construction works phase and settlement facility to treat construction run-off.

Flood Risk – No objection subject to securing mitigation measures during construction phase and permanent phase via conditions.

Land and Water – The outline CEMP indicates that more detailed drainage plans (DMP), surface water management plans (SWaMP), Dewatering scheme and Incident Response (IRP) will be produced. Settlement facilities to treat construction run-off secured by condition.

Biodiversity – All potential impacts on protected species have been identified and adequate mitigation put in place.

Biodiversity Net Gain (BNG) – We have reviewed the Biodiversity Assessment and are pleased to see that Biodiversity Net Gain (BNG) has been included within this proposed development. It is good to see that on-site BNG gain has been identified at Wren Hall, however the difficulty of doing on-site gain when the land will be returned to landowners at the end of the project has been acknowledged.

The Environment Agency has an active partnership in East Yorkshire and is working with both the Yorkshire Wildlife Trust and the East Yorkshire Rivers Trust on a number of ongoing and potential projects. These include

- chalk stream restoration on the River Hull Headwaters SSSI

- chalk stream restoration on non-designated chalk streams,
- wetland restoration/creation at Skerne Wetlands and other locations
- wet woodland creation at several locations.

In addition, the Environment Agency is working with the RSPB and Yorkshire Water to create wet woodland at Broomfleet Tile works and at Tophill Low Nature Reserve. The scope of these could be increased to provide additional off-site BNG.

Groundwater and Contaminated Land – The Environment Agency are satisfied that the risk to groundwater has been properly considered and have no objections to the proposals. The applicant has identified the need for provision of a dewatering scheme and a piling risk assessment once ground investigation works have been completed, and designs confirmed. The Environment Agency look forward to reviewing these in due course.

Lead Local Flood Authority and Land Drainage Teams

No objection.

One condition requested for full surface water drainage details of the temporary compound and access track.

Ouse and Humber Drainage Board

No objection.

Separate Land Drainage Consent will be required for each watercourse crossing along the cable route.

Beverley and North Holderness Drainage Board

No objection.

Nine conditions requested for additional drainage work details to be agreed, restrictive rate of discharge, sustainable urban drainage system, drainage routes, 9 metre maintenance strip, 6 metre clear of culvert, 4 metre access strip, no storage of materials and crossings.

Historic England

Comments.

Generally, this proposal appears to be well thought out with reference to the Historic Environment, avoiding most of the designated heritage assets that lie along the potential routes that it could have taken.

This seem to be particularly the case with reference to those heritage assets which form a part of Historic England’s statutory remit, which seem to be unaffected by direct physical impacts from the works.

Although there will be some short-term impacts on the setting of some these sites during the construction period, after this is completed the buried cable would clearly avoid such impacts. Historic England considers that the Council is best placed to balance such short-term impacts on the setting of heritage assets and the public benefits of the scheme, as

required by the NPPF.

In addition to this statutory remit, Historic England also has a general role as the Government's advisors on the historic environment. However, for most other designated and non-designated heritage assets, we consider that expert staff from the Council are best placed to provide detailed comments on potential impacts, harm, and mitigation for these assets.

This said, one area of potential concern in the documentation is with reference to the relationship with East Riding's archaeological curators and conservation staff. In our view this needs to be fleshed out in more detail than at present, as the relationship is key to getting a good, measured, and appropriate archaeological and conservation response, particularly with reference to both further pre-determination works and post-consent mitigation.

Conservation Officer

No objection.

Having reviewed the route of the proposed cable there is a potential for impact upon a wide range of listed buildings and conservation areas throughout the East Riding. This potential heritage impact is detailed in full in the Archaeology and Cultural Heritage Chapter, and there is support for its recommendations. The report identifies that there will be an impact upon the setting of designated heritage assets during the construction periods of the proposed works but that this impact would be temporary. It is agreed that there is potential for the impact upon heritage assets but subject to the areas being made good any impact would be temporary and not result in long term harm.

For instance the proposed works runs in close proximity to Pleasant Wood Farmhouse, Wansford (List Entry No. 1084140). Internal mapping shows that the site boundary runs along the Wansford Road. The submitted archaeological report identifies that nearby works will include an open cut trench. For the short period of works there will be an impact upon the setting of the listed building but no permanent impact.

There is one recommendation to add to the application. The proposed works are in close proximity to the Grade II listed building Medieval Wayside Cross, Etton (listed entry No. 1407170). Any construction works within the area should ensure that the Cross is provided temporary means of safety.

Please defer to Archaeology and Historic England for the impacts upon Schedule Monuments.

Humber Historic Environmental Record (Archaeology)

Comments.

In general, this is a reasonable assessment of the archaeological potential of the proposed cable route within the limitations imposed by the Environmental Impact Assessment process. Humber Historic Environmental Record have two broad areas of concern, however, one, the accuracy of some of the statements made in section 9.5, and two, the application of the chosen matrix based assessment of impact on heritage significance. The former can be addressed at the evaluation/mitigation stage, but the latter is a wider issue

for the consultant's consideration. It need not be an issue for this scheme, however, as the recommendations made for evaluation and mitigation in section 9.7 are appropriate and acceptable to the Humber Archaeology partnership.

Humber Historic Environmental Record are content with AECOM's response. Whilst Humber Historic Environmental Record still consider that this EIA, in common with others, does not take sufficient notice of the results of the cultural heritage results of previous linear infrastructure projects, in part because of their lack of publication, and as a result underestimates the risk of negative impacts, Humber Historic Environmental Record do accept that this will be addressed through evaluatory trial trenching. Humber Historic Environmental Record issues are as much with the process of cultural heritage assessment as with AECOM's specific approach. They are no better or worse than anyone else, it is the process that is defective, as it seeks to accurately quantify and qualify the unknowable let alone the unquantifiable and unqualifiable. Rather than seek a level of accuracy in regard to an assessment of negative impact on heritage value, that is unobtainable, a more contextualised consideration of overall risk of negative impact would be preferable. But this is something Humber Historic Environmental Record need to address through professional discourse rather than in relation to a specific scheme.

Natural England

No objection.

One condition requested to secure mitigation measures outlined in Environmental Statement (ES) Volume 2 Chapter 7: Ecology and Nature Conservation and Chapter 18: Outline Construction Environmental Management Plan (Outline CEMP).

Natural England consider that without appropriate mitigation the application may:

- have an adverse effect on the integrity of Humber Estuary Special Protection Area (SPA)/ Special Area of Conservation (SAC)/Ramsar, River Derwent SAC, Lower Derwent Valley SAC;
- damage or destroy the interest features for which the Humber Estuary Site of Special Scientific Interest (SSSI), River Hull Headwaters SSSI, River Derwent SSSI, Melbourne and Thornton Ings SSSI and Derwent Ings SSSI has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required/or the following mitigation options should be secured:

- mitigation measures as set out in supporting documents Environmental Statement (ES) Volume 2 Chapter 7: Ecology and Nature Conservation and Chapter 18: Outline Construction Environmental Management Plan (Outline CEMP).

Natural England advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Sustainable Development – Biodiversity Officer

No objection.

The cable route has been designed to avoid impacts on Local Wildlife Sites (LWS) were possible. The only LWS which the cable route crosses are the Granny's Attic and Etton to Gardham disused railways which are also part of the Hudson Way Local Nature Reserve

(LNR). Direct impacts will be avoided through the use of Horizontal Directional Drilling (HDD). Indirect impacts upon these LWS will be avoided through a 50m buffer for the HDD works and embedded mitigation. The Environmental Statement (7.6.3.2.1) assesses the impacts on these LWS as negligible and not significant. Given the design of the scheme and mitigation, Sustainable Development (Biodiversity Officer) agree with this conclusion and therefore have no objections regarding the impacts on LWS.

The Environmental Statement listed several Invasive Non-native Species (INNS) which have been recorded in proximity to the planning application corridor. It states that these will be managed through an INNS Method Statement within the Construction Environment Management Plan (CEMP). Sustainable Development (Biodiversity Officer) consider that this approach is appropriate.

Sustainable Development – Coastal Team

No objection.

The sustainable development Coastal Team have no objections to this development based on its minimal impacts to coastal processes and its low risk from coastal erosion.

Coastal Engineer

No objection.

The supporting documents show that the cable landfall will be directionally drilled approximately 15m below the beach and exit approximately 150m inland of the MHWS tide line with no construction taking place within the intertidal zone. This Council's coastal monitoring data shows that at this location the coastline is currently eroding landward at a rate of approx. 0.37m/yr with minimal downcutting of the underlying glacial till. Hence coastal processes should not be negatively impacted by or have a negative impact on the proposed development. This being the case Coastal Engineers would not wish to object to the application.

Sport England

No comments.

Humberside Fire and Rescue Service

No objection.

National Grid Plant Protection

No objection.

Sabic - High Pressure Ethylene Pipeline

No objection.

The application site lies within the consultation zones of the High Pressure Ethylene pipeline. Any work within 50 metres of the pipeline requires approval from Sabic before work commences

Humberside Police

No objection.

Bridlington + District Civic Society

No response received.

Market Weighton Civic Society

No response received.

Nature Conservation and Ecology Officer

No response received.

Health and Safety Executive Pipelines Inspectorate

No response received.

Selby District Council

No response received.

Hedgerow Officer

No response received.

National Trails Officer

No response received.

6. PUBLICITY

6.1. Twenty six (26) third party objections have been received and the grounds raised summarised as follows:

- Proposal is one of four such offshore wind farm projects for which landfall and land crossing rights are being proposed in this part of East Yorkshire.
- Applicant has compulsory acquisition powers but it has been seeking voluntary agreements with landowners/occupiers.
- These discussions have been in respect of general corridor alignment and preliminary access for surveys.
- However not all of the content on the submitted plans as part of this application has been disclosed to landowners.
- Matters such as easement widths, working corridor widths, number and depth of cables, working practices, protection of existing services and land drainage are yet to be agreed.
- Access routes for construction traffic have not been discussed or agreed with landowners.

- Given the lack of consultation and agreement with landowners planning permission should not be granted.
- Layout – Proposal should follow field boundaries.
- Depth of Cable - a depth of 0.9 metres to the top of the protective tile which may not be deep enough to allow agricultural operations to continue unencumbered.
- Other cables for off shore windfarms have a depth of 1.2 metres. Why is this proposal different?
- One of the construction compounds has been sited next to a dwelling.
- The land affected by this scheme is good quality productive arable land.
- Pre-Construction Soil Survey and Pre-Entry Schedule of Condition (to be adopted for post construction works) should be undertaken and enforced.
- The treatment and management of soils is exceedingly important to ensure it can be reinstated to its original condition as best as possible.
- Greater detail is required including how soil is to be stripped, stored, the appropriate working and weather conditions as well as working practises to ensure that best practise is being adopted for this type of soil.
- It will not be possible to reinstate soils, which have been farmed by minimum tillage techniques for 10 years, to the condition they were prior to entry.
- Applicant fails to recognise and mitigate the potential long term impact of compacted land caused by construction traffic and heavy machinery on soil health.
- Horizontal Directional Drill (HDD) under roads could lead to a wider easement being sought at these area impacting on more agricultural land.
- Subject roads are minor roads where implementing a diversion would cause little inconvenience due the network of highways in the vicinity and should be open cut to avoid the need to impact further on good quality productive agricultural land.
- Access tracks would also reduce the amount of land available for cropping.
- Use Wressle footpath number 6 (designated footpath) from Newsholme to Brind as an access route for the construction and future maintenance of this project.
- This path is frequently used by the public and should not be used by motor vehicles.
- This path can only be accessed from the west via Newsholme.
- Newsholme is designated as unsuitable for HGV's with no footpaths to separate pedestrians from road traffic.
- Start of the designated footpath if a school bus pick up point.
- Compound shown near Newsholme can be accessed from the A63.
- Use of weight restricted roads and roads prohibited for use by HGV's will be utilised by the proposed development.
- Detrimental impact to the amenity of local residents due to additional noise and external light.
- Proposal will have a direct negative impact on the amenity of East Field Farm, Middleton-on-the-Wolds and a proposed diversification for eco-cabins and increased biodiversity due to the noise, dust, light and vibration.
- More information is required regarding the impacts of Electric and Magnetic Fields on farm machinery.
- No clarity on timescale and nature of the works.
- Further details are necessary on how the 'restoration standard' of the application site will be measured.
- Concerns about the proposals impact to existing underground field drainage

systems and how they will be reinstated.

- Attenuation ponds and other infrastructure is shown on land that landowners had no prior notification off. Detail of the impact to landowners is lacking and off great concern.
- Land drainage concerns.
- Irrigation concerns.
- Private water supply concerns that could be impacted by the proposed development.
- Appointment of an Agricultural Liaison Officer (ALO) by the developer during the proposed development and up to one year after restoration as a point of contact for landowners and manage concerns/restoration.
- Concerns about the reduced productivity of the land within the application site and surrounding wider area.
- Plan show a number of 'nodules' along the pipeline and clarity is required regarding what they are.
- Concerns about how the site will be accessed and the impact this is having on farming and future planning / management of the farms and land along the proposed development route.
- Concerns about restrictions on land use within the boundary of the site during and post construction.
- Concerns about health and safety requirements and the impact this will have on land owners during and post construction.
- Planning process has not been followed correctly with no attempt to correspond with landowners that will host the proposed development.
- No attempt by the applicant to address the concerns raised by landowners.
- Lack of publication from the Council. Objectors found out about the proposal from neighbours.

6.2. An objection has also been received from the National Framers Union (NFU) that has raised the following grounds:

- Lack of communication with landowners.
- Discussions regarding voluntary/ optional agreements between the landowners and developers only started to take place in October/November 2022 whilst this planning application has been pending consideration.
- Construction best practice should be followed at all times and should be conditioned if planning permission is granted.
- Two matters of particular interest are field drainage and soils.
- Cable depth of 0.9 metres is a concern. Cables must be at a depth of at least 1.20m to ensure there is sufficient distance between the cables and farming operations. i.e. field drainage is generally laid at 0.90m and mole drainage at 0.65m. This is the depth that has been agreed on similar schemes.
- Timing of construction has not been confirmed and further clarity is required including a working methodology.
- Cables should be laid in parallel to mitigate the impact on farming business, disruption and unnecessary damage to the land, environment and general locality.
- It is understood the cables will be installed by open trenching or HDD.
- It is unclear if the cables will be ducted. If so further details are required on how the cables will be pulled including working methodology, location and area of land

required for the pulling and timings of each cable pull through. i.e. will each cable be pulled at the same time or will one cable be pulled with a gap before the second cable is pulled?

- Due to the above lack of communication, negotiation and detail regarding the scheme the NFU believes strongly that planning permission should not be granted for the scheme until the issues highlighted above are addressed, more detail is forthcoming and voluntary agreements are agreed.

7. PLANNING ASSESSMENT

Principle of Development

- 7.1 Policy S1 of the East Riding Local Plan Strategy Document (ERLP-SD) confirms the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy S2 of the ERLP-SD addresses climate change and how this will be achieved through reduction of greenhouse gas emissions and adaptation to the expected impacts of climate change. This is delivered through a suite of policies in the Strategy Document and those relevant to this application are policies S4, A5, EC1, EC4, EC5, ENV1, ENV4, ENV5, ENV6.
- 7.2 The proposal site is located in an area that is defined as being in the ‘Countryside’ in the ERLP. Policy S4 (A) sets out that development will be supported to help maintain the vibrancy of Villages and the Countryside where it: (1) is of an appropriate scale to its location taking into account the need to support sustainable patterns of development; (2) encourages the re-use of previously developed land, where appropriate, and; (3) does not involve a significant loss of best or most versatile agricultural land.
- 7.3 Third parties (members of the public) have raised the use of agricultural land and reduction in productivity as grounds of objection to this planning application. During construction activities, there will be the temporary loss of approximately 297.8 ha of agricultural land of which 258.8 ha comprises of Best Most Versatile (BMV) agricultural land. However, the loss is only for a temporary period and the land will be reinstated to its previous condition and returned to its previous use after the cable has been installed secured by a necessary planning condition. Therefore it is considered that the proposal would not lead to an unacceptable loss of BMV in accordance with Part A of Policy S4 of the ERLP.
- 7.4 Part (C) of Policy S4 lists the types of development that will be supported in the Countryside, where proposals respect the intrinsic character of their surroundings. This includes: (9) energy development and associated infrastructure. Paragraph 4.50 of the supporting text to S4 (C) also describes how proposals for energy development are also considered against policy EC5 of the ERLP SD, the main policy relating to the energy sector in the East Riding.
- 7.5 Policy EC5 supports proposals for the energy sector where any significant adverse impacts are addressed satisfactorily and the residual harm is outweighed by the wider benefits of the proposal. This also states that developments and associated infrastructure should be acceptable in terms of: (1) the cumulative impacts of the proposal and other energy sector developments, (2) the character and sensitivity of landscapes to accommodate energy development and (3) the effects of the development on (i) local amenity, (ii) biodiversity, (iii) the historic environment, (iv) telecommunications and other networks, (v) transport, (vi) flood risk and (vii) land stability, contamination and soil resources. This also requires developments to include provision for decommissioning at the end of their operational