

**RWE Dogger Bank South Wind Farms On-Shore Cable Corridor
East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum
Relevant Representation to the National Planning Inspectorate**

Interested Party Ref. No: 20049943

Comments from the East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum relate to:

Public Rights of Way Plan, Volume 2, Application Reference: 2:11, APFP Regulation: 5(2)(k), Revision: 01

Environmental Statement, Volume 7, Chapter 21 – Landuse, Application Reference: 7.21, APFP Regulation: 5(2)(a), Revision: 01

And particularly, to:

Outline Code of Construction Practice, Volume 8, Appendix C – Outline Public Rights of Way Management Plan, Application Reference: 8.9, APFP Regulation: 5(2)(q), Revision: 01

The East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum (JLAF) is a statutory body that safeguards **Public Rights of Way (PRoW)** and promotes their use for the benefit of both countryside access and public health through exercise and the enjoyment of countryside amenity. PRoW are part of the King's Highway and, as such, are protected in law.

The RWE Dogger Bank South onshore cable corridor intersects 22 PRoW (including the King Charles III England Coast Path), consisting of both footpaths and bridleways. PRoW are recorded on the Definitive Map held by the Definitive Map Team of the East Riding of Yorkshire Council.

Members of JLAF were party to detailed discussions with the Applicants during the formulation of the **Outline Code of Construction Practice Volume 8, Appendix C – Outline Public Rights of Way Management Plan, Application Reference: 8.9, APFP Regulation: 5(2)(q), Revision: 01** (Vol. 8 App. C PRoW-MP). Many of the issues concerning PRoW raised by JLAF have been considered and accommodated acceptably in Vol. 8 App. C PRoW-MP. However, several remain unresolved. Others are set out here so that the National Planning Inspector is aware of their importance to the people of the East Riding of Yorkshire and Kingston upon Hull.

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

1. The Applicant has agreed (Vol. 8 App. C PRoW-MP, paras 16 to 19, 32 to 34) to provide **specific details about PRoW diversions** where the cable corridor intersects PRoW. **Temporary diversion routes will be defined by the Applicant after consulting the East Riding of Yorkshire Council's Countryside Access Team and will be advertised both locally and elsewhere. The same procedure should be adopted for the single proposed permanent PRoW diversion** (Walkington Footpath No. 4; Vol. 8 App. C PRoW-MP, para 21). **In each and all cases, JLAF asks that diversions be in place before temporary or permanent closure is effected.**
2. **The Applicant has agreed** (Vol. 8 App. C PRoW-MP, paras 11, 12, 42, 43) **that temporary closure of each PRoW where diversion cannot be installed will be limited in time** to minimise, as much as possible, the interruption of public rights of access and the physical and mental public health benefits that accrue to countryside access. **The Applicant should liaise with the East Riding of Yorkshire Council's Countryside Access Team regarding temporary closure of PRoW.**
3. JLAF asks that the Applicant be required to give 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 PRoW from landfall to the converter stations proximal to the National Grid Birkhill Wood sub-station for the duration of the installation.
4. The Applicant is aware (Vol. 8 App. C PRoW-MP, para 20) of the alignment of **The King Charles III England Coast Path (KCIIECP) – a new National Trail** currently being established along the Holderness Coast which **intersects the planned landfall of the Dogger Bank South cable corridor**. The KCIIECP alignment agreements with cliff-top landowners allow for coastal cliff retreat (which is estimated to average long-term a rate of 2 m/year, but which can be much greater depending on tide and wave conditions). **The Applicant should consult with Natural England and ERYC's Countryside Access Team about the KCIIECP alignment and issues regarding access, especially where cable installation involves any**

activity that weakens the sea cliff or where near-shore trenching affects wave dynamics and causes an increase in cliff erosion rates.

5. **The Applicant has committed to medium-term responsibility for restoration of surface settlement where PRowS cross ground that has been disturbed** (Vol. 8 App. C PRow-MP, paras 31, 40, 41). **JLAF is particularly concerned about this issue for the good of not only current residents, but generations to come.** Given the easily-poached, heavy-clay soils of Holderness 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 PRow because of unfavourable ground conditions, particularly in winter, thereby severely reducing usage and the public health benefits of countryside access. **Responsibility for medium-term (seven years) maintenance should be extended to subsequent owners of the cables in the event of a change in ownership.**
6. **The National Planning Policy Framework (2021 Revision, para. 105) indicates that development should enhance PRow affected. JLAF therefore requests that the DCO places an obligation on the Applicant to enhance rights of way and public access** in the onshore project area. Alternatively, **JLAF asks that the Applicant is required to provide a reasonable developer contribution (eg. Section 106 or similar agreement) to East Riding of Yorkshire Council, this fund being used to deliver improvements to public rights of way and access in parishes crossed by the cable corridor, in accordance with NPPF para 105** and with Rights of Way Improvement Plan priorities in the East Riding. However, given the national discussion about compensating local communities for inconvenience (here, potentially five or six years of installation work) or loss of visual amenity during and after major infrastructure development, **the DCO should specify that there is both an enhancement of affected PRow and a monetary developer contribution benefitting local communities.**
7. JLAF draws attention to the former **Secretary of State for the Environment's extension of the deadline to the year 2031 for submission of claims of historical rights of way that are not recorded on the Definitive Map and the current government's declaration of intent to abandon the deadline.** JLAF recognises that the Applicant has already taken account of one example (Vol. 8 App. C PRow-MP, Table 4.1, Obstacle Crossing Register ID: RX-012). Were such **claims under Schedule 14 of the Wildlife and Countryside Act 1981 to emerge within the project area during the period of construction, JLAF asks that the East Riding of Yorkshire's Definitive Map Team be required by the DCO to inform the Applicant and that the Applicant be required by the DCO to make reasonable accommodation of any proven claim to PRow, whether or not involving agreed diversion of alignment, with any costs of establishing the PRow borne by the Applicant.**

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