

**Issue Specific Hearings 1 and 2 Action Points – ERYC Response**

**ISH1**

<b>Action No.</b>	<b>Action</b>	<b>Response</b>
4	In relation to Article 11, provide a response as to whether 28 days would be a sufficient timeframe to deal with requests to discharge Requirements. If 28 days is not considered sufficient explain what time frame would be and why.	28 days is considered insufficient time to deal with requests to discharge Requirements. It is normally necessary to carry out consultations on requests and, if amendments or further discussion is needed, to allow sufficient time for that to take place. 28 days would not provide that flexibility and could result in ERYC not agreeing requests. 56 days would be more reasonable and would reflect the eight week period specified within the Requirements at Schedule 2 Part 2 (2) of the DCO.
6.	Clarify whether any other Articles are currently missing and should be included in the draft DCO. If so, provide drafting and an explanation as to why they need to be included.	ERYC have not identified any Articles currently missing.
14.	In relation to Requirement 19, confirm whether reinstatement works should be approved by regulatory body.	ERYC Flood and Coastal Risk Management team state that if there were any reinstatements within watercourses that were not in a Drainage board area, then the ERYC as Land Drainage Authority should be notified.
21.	Provide update and expected timescales on proposed NG sub-station application.	ERYC expect a planning application to be submitted within the next two months.

**ISH2**

<b>Action No.</b>	<b>Action</b>	<b>Response</b>

1	Provide comments from ERYC's Coastal Change Management Team	<p><u>Comments:</u></p> <p>Based on an extrapolation of historic coastal erosion data, the proposed substations do not lie within the Coastal Change Management Area (CCMA) and as such are not expected to be impacted by coastal change within their lifespan. However, it is expected that climate change will result in higher erosion rates in future. We would recommend that the developer consult the Environment Agency's updated National Coastal Erosion Risk Map on its release on 28 January 2025 to ensure that no infrastructure is placed within at-risk zones.</p> <p>The cables do go through all parts of the CCMA, however, within the East Riding Local Plan, development in this area may be supported where the developer can prove that the development is safe from the risks associated with coastal change for its intended lifespan, and where it can be evidenced that the development will contribute to the local economy and/or help to improve the East Ridings tourism offer.</p> <p>Table 11 under Policy ENV6 states that development within the 0-to-25-year zone will be for strictly limited to temporary uses, which includes " Nationally Significant Infrastructure, such as pipelines, and constructed to a standard that will not be impacted by coastal erosion;". Based on the information provided we do not believe that the cables will be impacted by coastal erosion within their lifespan, therefore have no objections to the proposal. We would however request that a coastal change adaptation plan is put in place, setting out how the developer will monitor the risk to their assets from coastal erosion, their response should accelerated coastal erosion result in the exposure of the cables and their plans for decommissioning the pipelines at the end of their life.</p> <p>Furthermore, as the Shoreline Management Plan policy for this location is No Active Intervention, it is critical that any works (including the creation of an emergency beach access) do not impact on natural</p>
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		<p>coastal processes. Monitoring should be undertaken to monitor this and action should be undertaken to mitigate any impacts e.g. through the manual relocation of sand.</p>
13	<p>Provide a written response to the Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement [AS-036], and whether you consider the proposed protection measures would be adequate. If you have any concerns, identify any amendments sought.</p>	<p>The loss of 3 category A trees is outlined; T012 oak, T019 oak and T021 oak. The Local Authority cannot support this loss; however, all trees are within the sub-station footprint that, we acknowledge, is located so as to minimise the impacts on the Ancient Woodland. As such, we agree that loss is unavoidable. The commitment to retaining category A T24 oak in close proximity to the substation is noted and the arboricultural detailing in section 6.2.8 of AS-036 follows best practice. Likewise, losses of category B trees are predominantly related to the substation footprint. We seek justification why the access road sheet 7 cannot be moved east to avoid impacts on Category B mature crab apple T189.</p> <p>Works 16A/B, a temporary construction compound requires the removal of category T246 sycamore.</p> <p>The detailed principles in paragraphs 129-131 of AS-036 follow best practice. Appendix 1. Tree Survey Schedule calculates the root protection areas of veteran trees in accordance with Natural England and Forestry Commission Standing Advice on Ancient Woodland, Ancient Trees and Veteran Trees. The veteran tree buffer radius is clearly stated and is appropriate. Potential incursions into the root protection areas of veteran trees are highlighted. Paragraph 96 details that impacts from temporary construction access will be avoided through micro-siting and there is sufficient space (&gt;5m) to avoid root protection areas. The requirements for Tree Protection Barriers and precautionary working methods are fully outline. Open cut trenching for the Onshore Export Cables' installation will also avoid RPAs through micro siting around Category A and B trees. HDD avoids impacts on ancient woodland. We welcome the overseeing of implementation of mitigation measures by a Arboricultural Clerk of Works and the production of Arboricultural Monitoring Reports. We consider that embedded avoidance and mitigation follows best practice.</p>

19	Submit the written statement ERYC had prepared on archaeological matters at Deadline 1.	<p><u>Statement:</u></p> <ul style="list-style-type: none"><li>• Meetings and correspondence between the archaeological consultant and Humber HER have taken place over the past four years. These have included Cultural Heritage Expert Topic meetings held since 2022 and these have formed the basis of a Statement of Common Ground document, the latest version of which was accepted by Richard Newman in December 2024 (see attached for your information). This document reflects the current status of discussions between the HER and the Applicants and may be modified during the examination phase.</li><li>• In terms of the archaeological work that has taken place, non-intrusive techniques such as geophysical survey have been employed. There has also been some trial trenching in key zones such as the landfall, the new connector station and areas close to the Scheduled Monument at Nunkeeling. This means that large lengths of the route are still waiting to be subjected to trial trenching and it is these areas that will be undertaken in Phase 3 of the trial trenching plan. An agreement for the location etc. of the phase 3 trenches was agreed earlier this week and we would expect this work to take place in the near future.</li><li>• From the latest version of the Statement of Common Ground document it appears that we have been broadly happy with the archaeological approach so far and are content that the archaeological potential of the onshore aspects of the development will be adequately defined and that this will enable suitable mitigation strategies to be implemented, as are outlined in the Outline Onshore Written Scheme of Investigation Volume 8 (June 2024).</li><li>• The only element of the archaeological scheme that I believe is not currently agreed is the use of a Protocol for Archaeological Discoveries(PAD), which the HER objected to in March 2024. It was noted that we had concerns that the PAD could be inappropriately used</li></ul>
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		to replace formal archaeological investigation works. We confirmed that we would only agree to the use of a PAD strategy in areas where it can be shown that any archaeological remains have been destroyed or that will not be impacted during the soil stripping. The applicants position is that the PAD will not supersede or replace any formal archaeological investigations and whilst this matter is not currently agreed, the outcome of the approach taken is not considered to result in a material impact to the archaeological assessment conclusions.
25	As the Council's water specialist was not available to attend the Hearing, they are requested to listen to agenda item 11 and respond in writing on any points that they would have responded to if they had attended. Confirmation of no comment on any of the matters raised under this agenda should be submitted, as applicable.	The ERYC drainage engineer has listened to the recording of the Hearing and confirmed no further comments to add relating to Agenda 11.
27	Investigate how the Level 1 SFRA flood risk spatial data can be provided to the Applicants	The request for the Level 1 SFRA data has been forwarded to the Flood Risk Asset Team.
37	Seek a response from ERYC's Ecologists as to the acceptance of the proposed works at the Beeford – Dunnington Road Local Wildlife Site (LWS). In addition, provide any correspondence and agreements reached with the Applicants.	<p>We accept the identified impacts on Nunkeeling Lane Local Wildlife Site (LWS) and Beeford-Dunnington Road Verge. The majority of impacts are being avoided by use of trenchless crossings; small sections, however, will be affected by the construction of a temporary Haul Road crossing.</p> <p>The applicant states in table 18-14 that "All LWS habitat will be reinstated following construction in consultation with ERYC and the Yorkshire Wildlife Trust". There has been no detailed discussion on this matter.</p>
57	Provide an update on the outcome of the meeting with ERYC that is due to be held on 23 January 2025 regarding discussions about proposed construction hours.	<p>The meeting took place on 27/1/25. Comments following that meeting are:</p> <p>ERYC Environmental Control is satisfied that the proposed construction operating hours shall generally be Monday - Saturday:</p>

		<p>07:00 - 19:00, unless the location/section of the works at any time would benefit from an agreed amendment to these times.</p> <p>It is understood that details shall be provided in the Construction Code of Practice of the procedure involved to deal with sections of work which may warrant amended operating times or mitigation measures, either due to the remoteness of the work, or conversely, the location of nearby receptors. In these circumstances, the developer may either seek prior approval for extended operating hours where appropriate, or submit details of the mitigation measures to be employed to prevent unreasonable adverse impact from noise and vibration on the nearest noise-sensitive receptors.</p> <p>It is also understood that the developer may choose to submit section 61 agreements under the Control of Pollution Act 1974, for prior consent to conduct works in noise-sensitive areas or which requires deviation from the Construction Code of Practice.</p>
58	Provide detailed comments from ERYC's Public Protection Team in relation to noise and vibration.	<p>Comments received:</p> <p>I am happy with the monitoring regime undertaken, methodology proposed for the risk rating of sensitivity and magnitude of impact at the nearest sensitive receptors due to noise and vibration. I consider that appropriate British Standards have been used and referenced and believe that this project can be constructed with minimal impact on residential properties along the cable route and at the onshore convertor station including operational use when complete. Further details will be submitted in a Code of Construction Practice but I have no objections and believe that residential amenity will be protected.</p>