

National Infrastructure
Directorate
Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: RA/2015/132060/03-L01
Your ref: Feeder 9
Our ID: 10031562
Date: 28 September 2015

RELEVANT REPRESENTATION SUMMARY

Dear Sir/Madam,

A REPLACEMENT HIGH-PRESSURE GAS PIPELINE WITHIN A BORED TUNNEL BENEATH THE HUMBER ESTUARY AND ASSOCIATED DEVELOPMENT, INCLUDING A CONNECTING PIPELINE, MINOR MODIFICATIONS TO PAULL ABOVE GROUND INSTALLATION AND ASSOCIATED TEMPORARY LAY DOWN, WORKING AND MITIGATION AREAS. FROM PAULL, EAST RIDING OF YORKSHIRE TO GOXHILL, NORTH LINCOLNSHIRE.

We would like to provide the following summary of our Relevant Representation.

1.0 Groundwater

1.1 We have very serious concerns that the project is not currently supported by adequate information about its impacts on groundwater.

1.2 In order to construct the proposed drive-pit, groundwater management will be needed to draw-down the water table. The Hydrogeological Impacts Assessment is not currently supported by adequate site investigation and therefore does not form a suitable basis on which to assess the proposed design, its environmental effects or the mitigation proposed.

1.3 A full pump test must be undertaken to provide accurate characterisation of the aquifer and, following that, the Hydrogeological Impact Assessment (and any other related chapters) updated. Without this information, predictions made about the extent and length of dewatering necessary, the resultant impacts and the suitability of mitigation, cannot reasonably be relied upon.

1.4 Depending on the spatial and temporal extent of dewatering needed, this will result in a zone of influence. Of key interest within this zone of influence will be understanding the impacts on:

- 1) Other users of water in the area, including local food-related industry, public drinking water supplies and small-scale private abstractors;
- 2) Flows within East Halton Beck and other surface watercourses – including their related ecology; and
- 3) The intrusion of saline water from the estuary into the otherwise freshwater aquifers.

1.5 The groundwater management is likely to need an abstraction licence from the Environment Agency if either:

- 1) Dewatering becomes a licensable activity between now and the project being constructed (this is currently due to be implemented in October 2015); or
- 2) Any abstracted water is utilised for other uses, e.g. for hydrostatic testing or cement production.

Even if the proposed activities would not fall under the abstraction licensing regime, we will still seek to apply the spirit of the licensing regime through the DCO process.

1.6 There is currently a limit on abstraction licences in the Humber South Bank area due to the chalk aquifer being over abstracted.

1.7 We will only be in a position to support the proposals, either through our role as a statutory planning consultee to the DCO or through our role as regulator under the Water Resources Act, if the application is supported by robust evidence demonstrating that, as a result of the proposed groundwater management:

- 1) Other licensed and lawful unlicensed water users (including small-scale, private abstractors) will not be unacceptably impacted;
- 2) Unacceptable saline intrusion will not occur; and
- 3) Flows in East Halton Beck and other surface watercourses (including their related ecology) will not be unacceptably impacted.

1.8 We feel it is essential that comprehensive pump-testing is undertaken at the earliest opportunity and that this informs an updated Hydro-geological Impact Assessment. In our view, this will provide the certainty needed to finalise the construction design, assess its environmental effects and demonstrate that the mitigation strategy will be effective and deliverable.

2.0 Flood Risk

2.1 The Flood Risk Assessment (FRA) is inadequate as it does not make use of the best available information and is unclear and inconsistent on certain matters. In particular:

- 1) It does not take account of the latest interim tidal levels for the Humber. Its assessment may substantially underestimate the risk;
- 2) There are inconsistencies in the FRA and other documentation regarding the the drive and reception pit flood bunds. These should be clarified;
- 3) We have concerns that in the event of tunnel collapse during construction, the tunnel would act as a conduit allowing water from the estuary to flow into the floodplain in which there is critical infrastructure;
- 4) We disagree with the applicant that climate change needs not be considered;
- 5) Insufficient minimum cover is proposed for Works 1A as these are in a location where the Environment Agency is proposing a managed realignment site which will involve land lowering to encourage tidal inundation;
- 6) There has been insufficient assessment of risk following a breach in the tidal defences. The information should be used to inform the Emergency Warning and Flood Incident Response Plan;

- 7) The FRA identifies that flood depths from fluvial flooding will be increased as a result of the development. However, insufficient assessment has been made of the potential receptors for this;
- 8) The 'Indicative Paull Site Layout' shows an area denoted as the 'water discharge work area' which appears to coincide with the existing flood defence and Thorngumbald Pumping Station outfall. More detail is requested;
- 9) Any mitigation measures deemed necessary in a suitably updated and approved FRA will need to be secured in the DCO.

3.0 Biodiversity

3.1 Further to the concerns we have raised regarding groundwater, a potential receptor for these impacts is water voles and their habitat within various ditches and watercourses which may be affected by groundwater dewatering. The lack of certainty over these groundwater impacts, therefore extends to the project's predicted impacts on water voles.

3.2 The project's biodiversity impacts generally will need to be re-visited in light of an updated Hydrogeological Impact Assessment, reflecting any revised understanding of the nature and extent of the project's predicted impacts on groundwater.

3.3 There also appears to have been no investigation of potential opportunities to provide ecological enhancement through the scheme, as is required by EN-1 and other local policies. We request that the applicant provides an assessment of all potential opportunities to contribute to ecological enhancement, and reasoned justification as to whether or not the scheme could assist with the delivery of this enhancement. This should be accompanied by a detailed schedule of committed enhancements which are secured through the DCO.

3.4 We would also like to highlight that we have recently delivered a flood defence managed realignment site at Paull Holme Strays which was necessary compensation to ensure that our flood risk management activities in the estuary are compliant with the Habitats Regulations (as set out in our Humber Flood Risk Management Strategy and its associated Habitat Regulations Assessment). The function of this site must be safeguarded from the proposed development, particularly in relation to the disturbance of birds (but may also include vegetation, benthic invertebrates, topography etc). It is therefore essential that there is appropriate mitigation and monitoring.

4.0 Pollution Prevention

4.1 We are generally content that the pollution mitigation measures proposed in relation to surface water are sufficiently robust to ensure that any potential impacts can be minimised. However, we would like to see some minor amendments to the CEMP.

5.0 Waste

5.1 The application states that some material (tunnel arisings) would be left on site for possible reuse in infilling etc, around the laid pipe. This would be acceptable in most circumstances, however further information would be needed as to what the material would consist of, how long it would be stored and how it is intended to be stored, before determining whether the activity would require an Environmental Permit.

6.0 Land Interest

6.1 We have land interests that may be affected by the project. We have various points of clarification and requests for minor amendments to the book of reference.

7.0 Disapplication & Draft DCO

7.1 We note that the draft DCO includes disapplication of various aspects of the Yorkshire Land Drainage Byelaws 1980. Whilst we do not object in principle to this, we will need to enter into negotiations regarding the inclusion of protective provisions. Only when appropriate protective provisions have been agreed will we be able to confirm our acceptance of the proposed disapplication.

7.2 We note that the above byelaws apply solely to the north bank of the Humber and that no equivalent request for the south bank byelaws has been made.

Should you require any additional information or clarification, please don't hesitate to contact me on the details below.

Yours faithfully

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