

North Lincolnshire Council Answers to The Examining Authority's first set of written questions for the River Humber Gas Pipeline Replacement Project.

Question 6.2 Construction and Environmental Management Plan (CEMP)

Schedule 3 – Requirements 12 - CEMP – Is sufficient information known about the project from the application documentation including the [APP-084] Initial CEMP and [APP-088] Environmental Mitigation Commitments Document to control the necessary environmental mitigation identified in the ES? If there are outstanding concerns please identify them and what you would require to reduce or remove your concern(s)?

The ExA would be interested in particular for comments from Natural England, the Environment Agency and the local planning authorities who would be responsible for approving the CEMP under requirement 12 of the DCO.

Answer

The submitted Environmental Statement and appendices have been considered in detail, and North Lincolnshire Council (NLC) are content with the range of protected and priority species targeted by survey work. NLC are also happy with the survey effort deployed.

Where effects on protected or priority species are possible, a comprehensive package of mitigation has been proposed, incorporating advice given by NLC. This will be secured by the text of requirement 12, combined with the Initial Construction Environmental Management Plan and the Environmental Mitigation Commitments Document. With these documents in place, the Council considers the overall effect to be neutral or minor positive.

Overall approach to biodiversity

NLC encourages development that not only mitigates for harm to wildlife but also provides biodiversity enhancement. This reflects our commitment in policy CS17 of the North Lincolnshire Core Strategy and our duties under Section 40 of the Natural Environment and Rural Communities Act 2006. With this application, there are proposals to restore hedgerows along the construction route. North Lincolnshire Council welcomes this measure.

The Council broadly supports the approach taken to the enhancement of hedgerows. Trees and hedgerow plants may be sourced from areas south of the local seed zone (Seed zone 402), to allow for climate change. Trees and hedgerow plants used should be locally native species, to be agreed with the Council. . The CEMP incorporates the mitigation measures that NCL would expect.

Question 7.2 Noise, Disturbance and Vibration

Are you satisfied with the data supplied for baseline noise levels, the methodology for a noise impact review ahead of implementation (if necessary), the predicted impacts, the mitigation strategies proposed and the security under Schedule 2 , Requirement 13, page 39 of the draft DCO?

Has a SOCG been agreed and do any outstanding matters of concern remain?

Do you consider it appropriate that an Initial Noise Management Plan is produced (see Question 7.1)

Answer

NLC considers that it is appropriate that an Initial Noise Management Plan is produced. The applicant's approach to the assessment of baseline noise levels including noise monitoring locations and the list of potentially affected receptors at Goxhill is appropriate for the assessment. The measures described in the initial CEMP, along with the measures described in section 10.7 of the Environmental Statement, provide an appropriate outline from which to plan detailed measures for the management of noise emissions.

For predicted impacts and mitigation strategies NLC recommends that in addition to considering noise criteria based on the 12h LAeq, the applicant should also consider criteria for the control of noise based on LAeq over shorter time periods for activities that have high noise levels over short time periods, and L_{Amax} for impact noise where appropriate.

The applicant's response shown in the latest draft SoCG refers to the prediction of L_{Amax} and short-term LAeq levels, rather than to the setting of acceptable noise criteria. NLC is not asking the applicant to provide predictions of these at this stage. It is possible to set criteria for these using British Standards and WHO guidelines so as to protect residential amenity. For example, their proposals include both piling and night-time working - it is not unreasonable to consider that noise limit criteria and mitigation should include consideration of established L_{Amax} levels that are known to have significant adverse impacts.

Question 7.24 Noise, Disturbance and Vibration

Are you satisfied with the noise and vibration monitoring proposed and the means by which it is controlled in Requirements 12 and 13 of the draft DCO [APP-016]?

Answer

The CEMP does not include specific plans to show how noise and vibration will be monitored during the construction phase apart from the following statement:

"N1 - Undertake pre-construction noise monitoring survey at sensitive receptors to establish pre construction baseline for monitoring compliance with any construction noise limits that may be set"

At this stage NLC is not aware of any agreed set construction noise limits and is not aware of any plans by the applicant describing how they will check that they are meeting such limits. However, the council is satisfied that this will have to be agreed before works begins through the requirement 13.

8.17 Transportation and Traffic Question

What are your views on the suggestion (8.16) regarding upgrading of the temporary bypass as shown on [APP-07] Works Plan 1, W002?

1. *is this necessary;*

2. *could such a proposal comply with relevant highway plans, standards etc.;*

3. would it provide significant local benefit; and

4. would NLC be willing and able to adopt the new road if this was a matter agreed between the applicant and the relevant parties?

Answer

1. This would address concerns raised within the Councils Local Impact Report and written representations by Councillors and local residents about the impact of construction vehicles on the users of the local highway network.

2. Yes it is believed so, further design required and cost implications for scheme.

3. Yes both during the construction of the pipeline and thereafter it would provide a permanent beneficial legacy for the residents of Goxhill.

4. Yes, subject to satisfactory design and a Sect 38 agreement.

Question 8.20 Transportation and Traffic

[APP-070] Traffic and Transport, Table 12-4, page 8 identifies that meetings were undertaken in the development of the DCO application with the relevant local highway authorities. What is the current status of discussions with the relevant highway authorities? Do they have any outstanding concerns and if so what are they and how could they be removed or minimised?

Answer

NCL can confirm that discussions have taken place with regard to this matter and that NLC welcome further discussion to reach a satisfactory outcome. Please refer to the Councils SoCG that details discussions held so far and Highways and Transportation section of the Local Impact Report where it is concluded that:

‘The Local Planning Authority’s preference is for a permanent access road to bypass the pinch point in the village and provide a permanent beneficial legacy for the residents of Goxhill.’

Question 8.33 Transportation and Traffic

[APP-083] Paragraph 3.2.4 of the Initial Traffic Management Plan suggests that marshalling would be required for vehicles entering the Soff Lane diversion. Would additional locations such as the railway crossing and Railway Bridge require similar traffic control (lights or marshalling)?

No specific reference is made to provision of marshals in DCO Requirement 15. Should this mitigation measure be controlled through the provision of more detail within section 11the initial Traffic Management Plan [APP-083]?

North Lincolnshire Council; East Riding of Yorkshire Council – at Deadline 3 please comment on the Applicants response.

Answer

To avoid duplication NCL would advise that Network Rail should be consulted and their working methods adopted. However in addition NCL can advise that there would potentially be measures required at the junction of Ferry Road & North End. The additional marshalling would possibly be of use and such measures if considered necessary should be secured via the Traffic Management Plan.

Question 8.35 Transportation and Traffic

[APP-070] Table 12-4 Traffic and Transport Assessment - Post-Scoping Consultation page 8; at page 9 under a meeting dated 26.11.14 with NLC Highways states that 'Mitigation measures from the Initial TMP were discussed and were deemed appropriate' but feedback from NLC on proposed passing places was yet to be received.

- 1. are you satisfied with the level of detail and periods used for baseline traffic flow and that the figures transferred into the noise modelling [APP-064] reflect worst case for the ES assessment;*
- 2. has sufficient evidence been provided to support conclusions drawn in relation to impacts on non-motorised users;*
- 3. What is your current position regarding the proposed access route and mitigation measures;*
- 4. are you satisfied with the level of detail provided within the [APP-083] Initial Traffic Management Plan and has adequate survey and early design work been completed for you to confirm that the project is capable of implementation within the order limits defined and on the basis of the DCO application; and*
- 5. ERYC's position following these meetings is not clearly stated. Please also respond and confirm your current position on the application DCO and points 1-4 (above).*

Answer

1. NCL can confirm that the level of detail and periods used for baseline traffic flow are satisfactory and that the figures transferred into the noise modelling [APP-064] reflect worst case for the ES assessment
2. NCL can confirm that sufficient evidence has been provided to support conclusions drawn in relation to impacts on non-motorised users.
3. The permanent road / Haul route is an item for continued discussion. Please see SoCG and Local Impact Report.
4. Subject to the outcome of further discussions and the answers to the first set of questions NCL can confirm the level of detail provided within the [APP-083] Initial Traffic Management Plan has been submitted and adequate survey and early design work has been completed to confirm that the project is capable of implementation within the order limits defined and on the basis of the DCO application.
5. ERYC

Question 10.3 Historic Environment

Are you satisfied with the information presented in [APP-041] ES Chapter on Cultural Heritage and are there any matters that you wish to draw to the attention of the ExA?

Answer

ARCHAEOLOGY

The significance or value of heritage assets potentially affected by the development is tabulated in the ES (Table 6-12), however until the trial trench evaluation, which is currently underway, is reported on, the significance of the heritage assets at the Goxhill site and the Soff Lane Diversion cannot be adequately assessed. Once the trial trench evaluation is complete, the significance of the archaeological heritage assets can be confirmed and appropriate mitigation considered; any residual effects can then be identified. In the event that trial trenching indicates that remains of national significance would be harmed by the development, mitigation to conserve that significance may require in situ preservation, avoiding any damage to remains and potentially could require localized redesign of the site layout.

It is noted in the ES that the exact form of the mitigation will be finalised following the completion of the trial trench evaluation, but would likely include discrete areas of open excavation (6.7.3). An archaeological watching brief would be maintained across all other areas of the Goxhill site where soil stripping would take place to allow for any as yet unknown archaeological remains to be identified and recorded (6.7.4). The HER agrees in principle that these suggested measures are likely to be appropriate for both the Goxhill and potentially the Soff Lane sites, however, we also require the details of methodology and extent of open area excavations before being able to assess whether the impacts will be satisfactorily mitigated.

A detailed Written Scheme of Investigation (WSI) should therefore be prepared and submitted for consideration by the ExA; it is important that the local authority is satisfied with the proposed treatment of the archaeological remains that are within our remit prior to agreeing that the impacts identified in the ES and by the current evaluation can and will be adequately mitigated.

BUILT HERITAGE

With regard to the impact of the development on the significance of the built heritage assets, and the contribution made by their settings, we note that Goxhill Medieval Hall, a Grade I Listed Building situated within the Scheduled Monument of Goxhill Moated Site adjacent to the 17th century house known as Goxhill Hall (listed Grade II*) has not been assessed. These three designated heritage assets share a setting and the contribution that this shared setting makes to the significance of each of the individual assets needs to be further assessed in the context of the Soff Lane Diversion.

The medieval chamber block is a first floor hall with undercroft, designed to reflect the status of the landholder and impress the visitor. The hall has windows to the first floor east elevation that were designed to afford views across the landscape where the Soff Lane Diversion is proposed. The assessment will need to establish whether there is any visibility with the proposed road from this upper level; a photographic visualisation from this view would be useful to enable the council to assess any impact.

Question 12.1 Design, Landscape and Visual Impact

The detailed design of above ground works within the AGIs at Goxhill and Paull are subject to final approval by the Local Authority under [APP-016] draft DCO, Schedule 3, requirement 4;

1. Are you satisfied that adequate design information has been provided at application stage for an order to be granted that ensures the mitigation set out in the ES is delivered?

2. Do you consider that Work No 6, Work No 9 (temporary road access improvements), Work No 10 (temporary spoil), Work No 11 (temp environmental mitigation) and Work No 12 (temporary abstraction hose and pumps) should be included within requirement 4?

Answer

North Lincolnshire Council are satisfied that Requirement 4 of Schedule 3 of the Draft DCO provide sufficient control for the details to be submitted prior to the commencement of works and that there is sufficient detail to enable proper consideration of the likely environmental effects in accordance with the 'Rochdale Envelope Principle' including assurance that the mitigation set out in the ES is delivered.

North Lincolnshire Council are satisfied that Work No 6, Work No 9 (temporary road access improvements), Work No 10 (temporary spoil), Work No 11 (temp environmental mitigation) and Work No 12 (temporary abstraction hose and pumps) should be included within requirement 4 of Schedule 3 of the Draft DCO.

Question 14.15 Draft DCO

Article 9 – Street Works. Is the drafting agreed, in particular the expanded definition of apparatus at (4)?

Answer

NLC can confirm that discussions have been held about road crossing and the majority of the work is within private land with discussions are on-going.

Question 14.17 Draft DCO

Articles 10(4) creates a power to remove bus shelters without Highways approval is this actually necessary and has this been agreed with the relevant highway authorities?

Answer

NLC are not aware of any bus shelter removal within NLC administrative boundary, although discussions can be held with Public Transport Operators / Internal Team if required.

Question 14.38 Draft DCO

Schedule 3 Requirement 4(1), Detailed Design Approval lists at (a) to (e) various defined 'Works' that are subject to detailed design approval by the relevant local planning authority before commencement. However, Works 6 & 9 - Temporary Road Works (involving works to hedgerows and trees), Work 10 - Temporary Spoil, Work 11 - Temporary Environmental Mitigation and Work 12 –

Temporary Abstraction Hoses and Pumps are excluded from the drafting? Should these works also be subject to detailed design approval?

Answer

To avoid duplication North Lincolnshire Council have no further comments to make on this matter other than those made in answering question 12.1.

Question 14.44 Draft DCO

Schedule 3, Requirement 15 (2), Draft DCO, - Should the list of requirements include a 'Communications Plan' – a method of notifying Parish Council's and affected parties of changes to the plan during the project (e.g. bad weather results in need to delay abnormal load delivery) and a mechanism for the feedback of complaints and concerns should they arise?

Answer

North Lincolnshire Council consider that the initial CEMP at 3.4 Community Liaison and Complaints provides a mechanism for complaints and responses generally. Schedule 3, Requirement 12 of the Draft DCO provides for the approval by Relevant Authorities of the CEMP which applies to all construction activities. However a mechanism for notifying Parish Council's and affected parties of changes to the scheduling and timing of movements and details of abnormal loads during the project would be of benefit to the local community.