

**PROPOSED ABLE MARINE ENERGY PARK**

**IPC REFERENCE: TR030001**

**STATEMENT OF COMMON GROUND**

between

**ABLE HUMBER PORTS LTD**

and

**EAST RIDING OF YORKSHIRE COUNCIL (ERYC)**

**Final Version, dated 20<sup>th</sup> JULY 2012**

SIGNED on behalf of **Able Humber Ports Ltd**

SIGNED on behalf of  
**East Riding of Yorkshire Council**

Signature

*Signatures removed*

Position Design Manager (Able UK Ltd)

Position Strategic Development Services  
Manager

Date 24<sup>th</sup> July 2012

Date 24 July 2012

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## **SECTION 1: INTRODUCTION AND SCOPE**

### **Document Structure**

1. This SoCG comprises of two sections:

Section 1: Introduction and Scope

Section 2: Statement of Common Ground between AHPL and ERYC

### **General**

2. On 12 January 2012 the Infrastructure Planning Commission ('IPC') accepted an application ('the application') that was submitted by Able Humber Ports Limited ('AHPL') for a development Consent Order ('DCO') to construct and operate a harbour capable of handling over 5 million tonnes of material per year together with associated works.
3. The application incorporates three geographically distinct areas.
  - a. A harbour and associated industrial development on the south bank of the Humber within the administrative area of North Lincolnshire ('AMEP').
  - b. An intertidal compensatory habitat site on the north bank of the Humber within the administrative area of East Riding of Yorkshire ('the compensation site').
  - c. A wet grassland, Old Little Humber Farm, site also within the administrative area of the East Riding of Yorkshire ('OLHF').
4. This document is the statement of common ground ('SoCG') between AHPL and East Riding of Yorkshire Council (ERYC) whose responsibility it is to deal with planning and associated legislation applications, pre-application enquiries and planning appeals.
5. The Infrastructure Planning (Examination Procedure) Rules 2010, defines a statement of common ground (SoCG) as, 'a written statement prepared jointly by the applicant and any interested party, which contains agreed factual information about the application'.
6. Section 87 of the Planning Act 2008 provides that when making any decision about how an application is to be examined, the Examining Authority must have regard to any guidance issued by the Secretary of State on how applications for development consent for nationally significant infrastructure projects ('NSIPs') are to be examined. In 2010, the Department for Communities and Local Government issued, 'Planning Act 2008: Guidance for the examination of applications for development consent for nationally significant infrastructure projects'. That guidance provides the following advice on the contents of a SoCG:

*'63. The statement of common ground is a written statement prepared jointly by the applicant and the main objectors, setting out the agreed factual information about the application. A statement of common ground is useful to ensure that the evidence at the examination focuses on the material differences between the main parties. Effective use of such statements is expected to lead to a more efficient examination process.'*

64. The statement should contain basic information on which the parties have agreed, such as the precise nature of the proposed infrastructure, a description of the site and its planning history. In addition to basic information about the application, agreement can often be reached on technical matters and topics that rely on basic statistical data. For example, traffic evidence can be simplified and the issues refined by agreeing matters such as traffic flows, design standards, and the basis for forecasting the level of traffic the application would generate. The topics on which agreement might be reached in any particular instance will depend on the matters at issue and the circumstances of the case.

65. As well as identifying matters which are not in real dispute, it may also be useful for the statement to identify areas where agreement is not possible. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence. Agreement should also be sought before the examination commences about the requirements that any order granted should contain.

66. How such agreement is reached will vary depending on the nature and complexity of the application and the matters at issue. Where there are only two or three major parties involved and the issues are fairly straightforward, the Examining authority might simply encourage the parties at the preliminary meeting to get together with a view to producing a statement of common ground containing agreed facts. For major applications a more formal arrangement may be necessary, particularly where several parties are expected to bring evidence of a technical nature to the examination.

67. However, the duty of Examining authority is not simply to accept the statement of common ground or to react to the evidence presented. The role of the Examining authority is to ensure that all aspects of any given matter are explored thoroughly, especially with regard to the matters fundamental to the decision, rather than seemingly accepting the statement of common ground without question.

68. Consequently, the Examining authority should probe the evidence thoroughly if their judgment or professional expertise indicates that either.

- all of the evidence necessary for a soundly reasoned decision has not been put before them or,
- that a material part of the evidence they do have has not been adequately tested'

### Pre-Application Consultation

7. Before submitting the application to the IPC, Able UK Ltd (acting on behalf of AHPL) held a number of consultation meetings with ERYC; these are detailed in Table 1A below.

**Table 1A: Meetings Held with the ERYC following the s42 consultation**

Date	Present	Matters discussed	Changes made
08/03/2012	Chris Ladley Shirley Ross Paul Bell	AMEP IPC application, consultation programme and SoCG process	Agreement to present to Planning officers and to work towards SoCG
01/05/2012	Ruth Atkinson ( <i>Archaeology</i> ) Steve Devey ( <i>Trees</i> )	IPC application – An overview of the development scheme and discussion on various elements	These discussions formed the content of the SoCG

Date	Present	Matters discussed	Changes made
	& Landscape) Will Park (Highway) Martin George & Vaughan Grantham (Biodiversity) Chris Ladley (Economic Development) Mike Ball & Gerry Frisby (Coastal & Land Drainage) Andrew Chudley & Gordon Grimley (PRoW) Peter Hopkins (Conservation )	of the development relevant to each individual planning officer	

### Brief Description of the Site

#### *The AMEP Site*

- The AMEP site, excluding the area of ecological mitigation, covers approximately 265 ha, of which approximately 120 ha is covered by existing consent for port related storage, 100 ha is existing arable land that will be developed for industrial use and 45 ha is reclaimed land from the estuary to provide a new quay. A further 48 ha of existing arable land will be converted to managed grassland to mitigate for the effects of the development on ecological receptors including birds that use the adjacent Humber Estuary SPA.

#### *The Compensation Site*

- The Compensation Site is located on the north bank of the Humber Estuary, within the East Riding of Yorkshire, opposite the AMEP site and some 4 km to the south-west of Keyingham. A new flood defence wall will be constructed landward of the existing flood defence to create a new intertidal area encompassing 100 ha.

#### *Old Little Humber Farm*

- The site is existing agricultural land and will be developed as wet roosting and feeding habitat for SPA bird species.

### Brief Description of the Project

- AMEP comprises a harbour development with associated land development, to serve the renewable energy sector. The harbour will comprise a quay of 1 279 m frontage, of which 1 200 m will be solid quay and 79 m will be a specialist berth. The harbour will be formed by the reclamation of intertidal and sub tidal land within the Humber Estuary.

12. Associated development is detailed in Schedule 1 of the draft DCO and includes dredging and the disposal of arisings within the estuary. Within the district of East Riding of Yorkshire it also includes the development of compensatory environmental habitat at Old Little Humber Farm and at Cherry Cobb Sands.

13. Ancillary matters on the north bank of the Humber will include:

- the diversion of a footpath that run along the shore of the Humber,
- the compulsory acquisition of land and rights in land and powers of temporary occupation of land to allow Able to carry out and operate the above development.

### Planning History of the Site

#### *The Compensation Site and Old Little Humber Farm*

14. There is one extant planning consent within the Old Little Humber Farm but none in the Compensation Site. Details of this and other nearby planning applications approved in the last 15 years are described in Table 3.

**Table 3: Extant Planning Consents within and near the Compensation Site (Source: ERYC Public Access for planning applications website)**

Planning Ref.	Location	Details	Status
08/01993/STP LFE	Humber Gateway onshore installation	Cross country cable from Easington to Saltend	Granted
96/61327/PLF	8 Cherry Cobb Sands Burstwick East Riding of Yorkshire HU12 9JU	Erection of an attached domestic garage.	Granted
98/00205/PLF	New House Farm Cherry Cobb Sands Road Burstwick East Riding of Yorkshire HU12 9JX	Erection of a general purpose agricultural storage building.	Granted
04/02377/PLF	Little Humber Farm Thorngumbald Road Paull East Riding of Yorkshire HU12 8AY	Erection of a replacement dwelling (renewal of planning permission 98/02287/PLF)	Granted
05/02858/PLF	Thorn Marsh Cottage Bellcroft Lane Thorngumbald East Riding Of Yorkshire HU12 9JR	Erection of a single and two storey extension	Granted
11/02438/OHL	OHL Replacement North West Of Little Humber Farm Newlands Lane Paull East Riding Of Yorkshire	Erection of 2no. additional poles for overhead line	No objections

## Summary with reference to Environmental Statement

15. The project comprises Schedule 1 development in accordance with Regulation 2(1) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) ('the EIA Regulations). Accordingly, the application to the IPC in respect of AMEP included an Environmental Statement (ES) and the ES referred to in this SoCG is the document accepted by the IPC on 12 January 2012.
16. In accordance with Schedule 4 of the EIA Regulations, the ES provides:
- '(a) description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long- term, permanent and temporary, positive and negative effects of the development, resulting from:*
- (a) the existence of the development;*  
*(b) the use of natural resources;*  
*(c) the emission of pollutants, the creation of nuisances and the elimination of waste,*
- and the description by the applicant of the forecasting methods used to assess the effects on the environment.'*
17. The likely significant effects of the project were initially identified by AHPL in a Scoping Report accepted by the IPC on 13 September 2010. The IPC subsequently issued their Scoping Opinion on 27 October 2010 following consultation prescribed consultees. It is agreed, nevertheless, that the Scoping Opinion does not limit the effects of the project that are to be considered and that all likely significant effects need to be assessed.
18. Chapters 25 to 27 of the ES provide a brief introduction to the project, the EIA process and the overall planning framework relating to the application. Since the completion of the ES, national planning policy has changed significantly with the publication of the National Planning Policy Framework. This publication, inter alia, revoked all Planning Policy Statements and Planning Policy Guidance documents.
19. Chapters 28 to 30 of the ES provide, respectively: a detailed description of the project; an explanation of why the project is needed and a review of the alternative sites considered by the applicant.
20. Chapters 31 to 43 report on the significant effects of the proposed development on the north bank of the river. Each chapter of the ES addresses a specific environmental issue and provides:
- d. A review of the specific planning policy context relating to the topic;
  - e. A record of the existing baseline conditions;
  - f. Identification of the receptors that are likely to be affected by the proposed development;
  - g. An assessment of the impact of the development alone on the receptors taking into account baseline conditions;

- h. An assessment of the impact of the development cumulatively with the impacts of other projects that are not yet implemented but for which planning permission has been granted, or other projects for which an application for consent has been submitted.
  - i. Proposed mitigation measures where the impact of the development when added to the baseline is sufficient to have an effect on a receptor that is significant.
- 21. 'Baseline' means the assessment of the current situation at each location. 'Impact' means the impact of the construction and operation of AMEP and the compensation site. 'Receptor' is any component of the environment (population, flora, fauna, water, air, soil, geology, geomorphology, heritage and landscape), whether specifically protected by statute or not. 'Mitigation' means the measures that are proposed in the ES to reduce the impacts to a lower level than would otherwise occur.



## **SECTION 2: STATEMENT OF COMMON GROUND BETWEEN AHPL AND ERYC**

### **Introduction**

22. This section of the SoCG reviews those chapters of the ES that are relevant to ERYC. The SoCG applies only to the content of the Environmental Statement, not to the shadow Habitats Regulations Assessment submitted as part of the application package. Accordingly, the sufficiency and function of the proposed Compensation works (at Cherry Cobb Sands and Old Little Humber Farm) are not covered within the scope of this SoCG.

### **Chapter 35 Ecology and Nature Conservation**

#### ***General***

23. This chapter discusses the potential impacts on terrestrial habitats, species and birds that may result specifically from development of the Compensation Site in combination with the development of AMEP. Where appropriate, it describes necessary mitigation measures, and assesses the residual impacts.

#### **Habitats**

##### ***Baseline***

24. It is agreed that the baseline assessments for Cherry Cobb Sands (ES Section 35.5.9) and Old Little Humber Farm (ES Section 35.6.1) provide a sound basis for the assessment of habitats present on the site.

##### ***Impact***

25. It is agreed that, as concluded in the impact assessment on the habitats at Cherry Cobb Sands (ES Section 35.8.1, 35.8.2 & 35.8.19-21) and Old Little Humber Farm (35.8.3 & 35.8.4) during the construction and operational phases of the Compensation site will be of minor negative significance.

##### ***Mitigation***

26. EYRC agrees that the ecological impact on habitat diversity arising from the loss of current habitats at Cherry Cobb Sands is at least offset, and potentially outweighed, by the creation of new habitats which have the potential to be more ecologically valuable in the context of the broader Estuary (ES Section 35.9.2).

### **Great Crested Newts**

#### ***Baseline***

27. It is agreed that the baseline assessment for Great Crested Newts at Old Little Humber Farm is sufficient for the purposes of Environmental Impact assessment, and that no further survey effort is required.
28. A Great Crested Newts survey was undertaken at Cherry Cobb Sands. No Great Crested Newts or Great Crested Newts eggs were captured or seen on any of the four survey occasions in any of the water bodies that were surveyed.

### *Impact*

29. It is agreed that Great Crested Newts are absent from all ponds and waterbodies within both Cherry Cobb Sands and Old Little Humber Farm due to the unsuitability of the habitat. It is agreed that the impact of the construction and operation of the Compensation site on Great Crested Newts will therefore be of no significance.

### *Mitigation*

30. It is agreed that mitigation measures will only be required in the case that the circumstances outlined in Section 35.8.12 of the ES are met.

*“If works encroach on the un-surveyed pond at Sands House and Great Crested Newts are found to be using the site, then measures will be put in place to avoid injuring them during construction. It may be necessary to consider erecting newt fencing to prevent Great Crested Newts that are leaving the ponds in summer to gain access to the Cherry Cobb Sands site. Such measures will only need to be considered if the design of the managed realignment encroaches further towards this un-surveyed pond as currently the risk of encountering GCN is very unlikely.”*

31. It is agreed that, should these circumstances be met, then this mitigation strategy will be applied.

## **Bats**

### *Baseline*

32. The baseline assessment for Cherry Cobb Sands and Old Little Humber Farm established that there were no Bats using the site. It is agreed that the survey and assessment is sufficient for the purposes of impact assessment, and that no further survey effort is required.

### *Impact*

33. It is agreed that, as concluded in section 35.8.13 of the ES, no bats have been found to be roosting onsite; it is further agreed that no potential bat roosts have been found on the site.
34. It is agreed that, as stated in the ES, works will be carried out during the summer months and in normal working hours (section 28.3 of the ES); the potential for negative impacts on bats feeding on the site is assessed to be negligible if they are present on site (Section 35.5.30 ES).

### *Mitigation*

35. It is agreed that the mitigation set out in Section 35.9.8 of the ES, avoidance of artificial lights, in the context of the low bat usage of the site, will result in a negligible impact on bats.

## **Water Voles**

### *Baseline*

36. It was agreed that the Phase1 Habitat Survey (ES Annex 35.1) and Cherry Cobb Sands Water Vole Survey (ES Annex 35.2) sufficiently and accurately record the baseline of water vole habitat and usage for the site, and provide a sound basis for impact assessment.

### *Impact*

37. It is agreed that, in accordance with the impact assessment in Section 35.8.14 of the ES, it has been established that water voles are present onsite only in the Cherry Cobb Sands Drain, which will remain undisturbed by the proposed works; it is agreed therefore that the creation of the Compensation Site will have a minor negative impact on any water voles at Cherry Cobb Sands.

38. There is no evidence of water voles at Old Little Humber Farm and the habitat is assessed as not suitable for this species; thus it is agreed that works at Old Little Humber Farm will have a negligible effect on Water Voles.

#### *Mitigation*

39. It was agreed that further surveys of ditches within and around the boundary of the Cherry Cobb Sands site will be undertaken to confirm the continued absence of this species in ditches to be affected by the works before any work commences.

### **Reptiles**

#### *Baseline*

40. The baseline assessment, presented in Sections 35.5.34 and 35.6.22 of the ES, noted that there was no evidence of reptiles on both Cherry Cobb Sands and Old Little Humber Farm. However, surveys do state the presence of potentially suitable habitats for grass snakes, common lizard and slow worm.

#### *Impact*

41. It is agreed that because the works will be undertaken within the summer months, when the reptiles are at their most mobile, any potential impacts are negligible, as concluded in Section 35.8.16 of the ES.

42. The creation of a realigned soke dyke at Cherry Cobb Sands will replace any former potential habitat that currently exists; it is thus agreed that there will be no impact on reptiles during the operational phase (ES Section 35.8.31).

#### *Mitigation*

43. It is agreed that further reptile surveys should be undertaken as part of the ecological management and monitoring plan, prior to the breach of the flood defence wall. Mitigation described in Section 35.9.10 of the ES, close hand strimming of current soke dyke to discourage use by reptiles, is also agreed as appropriate and sufficient in the context of the potential impact.

### **Badgers**

#### *Baseline*

44. As stated in the ES, several badger setts were recorded within Cherry Cobb Sands; however, none are considered to be main or annex setts. The baseline surveys indicate that the site is used by two social groups and whereas the activity at Cherry Cobb Sands is far less than the surrounding area, the site is thought to be used as foraging. It is agreed that the baseline data (ES Sections 35.5.35-40) provides a sound basis for the assessment of impacts on Badgers at Cherry Cobb Sands.

45. Surveys undertaken at Old Little Humber Farm indicate that the site is little used by Badgers. It is agreed that the baseline survey provides a sound basis for the assessment of badgers at Old Little Humber Farm (ES Section 35.6.17-19)

*Impact*

46. It is agreed that sett closures may be required for the construction works to take place at Cherry Cobb Sands; it is further agreed that, in this context, impacts from the loss of foraging land at Cherry Cobb Sands on badgers as assessed in Section 35.8.17-18 of the ES, will be of minor negative significance.

*Mitigation*

47. It is agreed that additional surveys (already being undertaken) to identify active setts, are necessary and appropriate to provide sufficient and up-to-date information to inform the application for a license to close Badger setts. It is agreed that, if the further survey work indicates that badger setts need to be closed, such a license must be obtained from Natural England prior to starting construction work.
48. It is agreed that works carried out under licence from Natural England will not have a significant impact on badger populations in the area.

**Breeding Birds**

*Baseline*

49. It is agreed that the baseline data provided within Section 35.7 of the ES provides a sound basis for the impact assessment.

*Impact*

50. It is agreed that the construction phase will create a minor beneficial impact on feeding ground for the breeding birds; the operational phase will displace birds to fields surrounding the newly realigned site.
51. It is agreed that the loss of foraging habitat caused by the development will not have an adverse effect on Barn Owls; because loss of habitat is insignificant in the context of the extent of farmland remaining in the area.

*Mitigation*

52. It is agreed that a 25m wide landscape strip will be created to the north and south within 10m of the toe the new flood defence bank, providing ecological benefit both to badgers using land surrounding the new compensation site, and to breeding birds.
53. It was agreed that mitigation measures set out in paragraph 35.9.3 *et seq.* in the ES will be included in the Environmental Management and Monitoring Plan for the site.

***Statement of Issues not yet agreed***

54. None

**Chapter 36 Drainage and Flood Risk**

## General

55. This Chapter relates to the impacts of the Compensation Site on drainage and flood risk. It covers how the Compensation Site will affect the hydrology, surface water drainage and flooding of the site and its surroundings.

## Baseline

56. It is agreed that the Cherry Cobb Sands Drain (highlighted in Figure 36.1) is an important feature and is not the responsibility of local Internal Drainage Boards but it is the responsibility of the riparian owner.
57. It is agreed that the study into the current flood defence wall protecting Cherry Cobb Sands is accurate. This demonstrates an existing flood protection against a 1:11 to 1:18 year flood event by 2108 ('Environment Agency South Holderness Study Tidal Flood Study', (Arup, 2011)).

## Impact

58. It is agreed that the Flood Risk Assessment Annex 36.1 correctly identifies that the number of properties at risk from flooding, both before and after construction. Table 4, below is taken from Explanatory Note EX 36.3 and shows the amount of properties which lie within each hazard zone for the existing and proposed realignment:

**Table 4: Numbers of properties in flood hazard zones**

HAZARD ZONE	EXISTING	REALIGNED DEFENCE
Danger to All	2	13
Danger to Most	11	3
Danger to Some	6	3
Total	19	19

*Explanatory Note EX 36.3*

## Mitigation

59. It is agreed that the design of the new flood defences outlined in section 36.6.7 (a SoP of 1 in 200 years [0.5% AEP] after taking account of 100 years of sea level rise at the rate recommended by NPPF) is correct (in accordance with the Environment Agency standard design) and sufficient.

## Chapter 37 Transport

### General

60. Chapter 37 provides an assessment of the impacts on traffic and transport which are expected during construction of the Compensation Site.

### **Baseline**

61. It is agreed that a Transport Statement will be provided to ascertain what mitigating measures, if any, would be required in consequence of the traffic associated with the construction phase of the development using the surrounding highway network and to elevate any road safety issues.
62. .
63. It is agreed that deliveries of plant and materials during construction will be made via the routes for inbound and outbound deliveries outlined in Fig 37.2.

### **Impact**

64. It is agreed that whilst the relatively low traffic volumes are not anticipated to cause damage to the fabric of the roads, a pre and post examination of the road conditions is necessary. A photographic baseline survey will be undertaken prior to the construction phase commencing in conjunction with representatives from Streetscene Services (Highways), and repaired to their satisfaction.

### **Mitigation**

65. It is agreed that the current access routes to the development site are narrow and restrictive for the use of Heavy Goods Vehicles. Therefore temporary passing places can be constructed and used as stated in section 37.8.3.
66. It is agreed that a Traffic Management Plan will be developed and it is a pre requisite of the Development Consent Order (requirement 16) and that this plan will sufficiently address and mitigate any perceived transport risks.
67. It is agreed that a 30mph temporary speed restriction will be imposed on traffic associated with the development of the Cherry Cobb Sands site. Currently no speed restrictions are in place.

## **Chapter 38 Noise**

### **General**

68. Chapter 38 provides a summary of information relating to the noise impacts expected from construction of the Compensation Site in combination with AMEP, upon nearby noise sensitive receptors.

### **Baseline**

69. It is agreed that the baseline spot measurement survey (Section 38.5 of the ES) has characterised the Noise Environment of the compensation site and provides a sound basis for the impact assessment.

## **Impact**

### *Construction Noise – Cherry Cobb Sands*

70. It is agreed that the noise impact during construction will arise from the movements of HGVs and earthmoving equipment.

### *Road Traffic Noise*

71. It is agreed that road traffic, associated with construction, will be restricted to Monday to Friday 07.00-19.00 and Saturday 07.00-17.00 as per Paragraph 38.6.6 of the ES. It is agreed that there will be a short term increase in disturbance during the delivery and removal of 17 items of plant at the beginning and end of construction.

72. It is agreed that deliveries will not exceed 10 per day during the 6 month construction phase.

### *Old Little Humber Farm*

73. It is agreed that works at Old Little Humber Farm will have a similar noise impact as the current agricultural works. There will be no deliveries or removal from site other than plant (2 bulldozers)

### *Operational Noise*

74. The conclusion in Section 38.6.14 of the ES “Due to the nature of the Compensation Site, there will be no operational impacts associated with noise” is correct.

## **Mitigation**

### *Construction Phase*

75. It is agreed that the various noise impact mitigation measures, outlined in section 38.8, are sufficient provided they are adhered to.

### *Road Traffic Noise*

76. It is agreed that the mitigation set out in Sections 38.8.8 – 38.8.9 are sufficient. A traffic management plan will be produced prior to works commencing.

## **Chapter 39 Air Quality**

### **General**

77. Chapter 39 addresses the potential impacts on air quality, specific to the Compensation Site, and the methods used to assess these impacts.

### **Baseline**

78. It is agreed that the baseline assessment, presented in Section 39.5 of the ES provides a sound basis for assessing the impacts of the Compensations Site (construction and operational phases) and Old Little Humber Farm on the local area.

## **Impact**

### *Construction – Cherry Cobb Sands*

79. The potential for dust generation is low and that with minimal deliveries per day, the temporary impact classification of ‘minor negative effect’. It is agreed that the impact assessment set out in Section 39.6.1 to 39.6.7 of the ES is an accurate assessment for the construction phase of the Compensation Site.

### *Construction – Old Little Humber Farm*

80. It is agreed that the impact assessment on air quality during the construction phase at Old Little Humber Farm (Section 39.6.8 – 39.6.9) is accurate.

### *Operational Phase*

81. It is agreed that due to the nature of the Compensation Site and the temporary site at Old Little Humber Farm, there will be no operational impacts associated with air quality.

## **Mitigation**

82. It is agreed that the dust management strategy is robust and that the dust suppression techniques outlined in 39.8.2 are sufficient.

83. The management strategy for dealing with Lime is outlined in Section 39.8.3 of the ES. It is agreed that this strategy is robust and acceptable for the site.

## **Chapter 40 Historic Environment**

### **General**

84. Chapter 40 provides a summary of information relating to the historic environment of the relevant parts of the Humber Estuary and its hinterland that will be affected by the Compensation Site. The term “historic environment” has been defined in NPPF.

### **Baseline**

85. It is agreed that all known heritage assets within and adjacent to the Compensation Site are summarised in Table 40.4 and shown on Figure 40.1 and Figure 40.4 (detail of Old Little Humber farm site) of the ES and it is exhaustive.

## **Impact**

86. It is agreed that the Cherry Cobb Sands site has no further investigative potential.



87. It is agreed that the Old Little Humber Farm site has further archaeological investigative potential which should be explored as part of the development process.
88. It is agreed that the scheme has no significant permanent impacts on non-archaeological heritage assets.

## **Mitigation**

89. It is agreed that the further surveys outlined in section 40.5.45 and to be set out in two Written Schemes of Investigation (WSI's) are sufficient to allow for the preservation of archaeology and if adopted will be satisfactory. These Written Schemes of Investigation will detail the further survey works and archaeological management works and construction good practice that will be followed during construction, and will be agreed with the relevant planning authority prior to the commencement of works. It is the applicant's intention to agree and implement these WSI's prior to determination where possible; the text of the DCO will be amended to require that they are agreed and implemented as far as specified within the WSI's before commencement of works.
90. It is agreed the setting assessment for designated monuments in Table 40.2 is suitable and accurate.

## **Chapter 42 Socio-Economics**

### **General**

91. Chapter 42 assesses the potential impacts of the proposed Compensation Site on socio-economic factors in the local area during construction and operational phases.

### **Baseline**

92. It is agreed that the baseline assessment provides a sound basis for the impact assessment.

### **Impact**

93. It is agreed that allowing a permitted PRoW to run along the top of the new flood embankment could create potential disturbance to the bird activity on the Cherry Cobb Sands compensation site.
94. It is agreed that the realignment of the PRoW to the landward toe of the flood defence wall will lead to a reduction in the open views currently enjoyed by the users of the PRoW. Able has proposed that this reduction in amenity can be mitigated by the provision of three bird hides along the flood defence embankment providing views across the compensation site without material disturbance to protected bird species.
95. It is agreed that the proposed realignment route of the PRoW (along the base of the new flood embankment) provides sustainable route access all year round for walkers and provides the highest opportunity to mitigate disturbance impact on the bird species.

## **Mitigation**

96. It is agreed that the mitigation for socio-economic impacts (other than those resulting from the realignment of the PRow) set out in Section 42.8 is sufficient and proportionate.

## **Statement of Issues not yet agreed**

97. ERYC suggests a secondary (seasonal) PRow is provided along the top of the new flood embankment and is closed as necessary for part of the year to protect wetland birds at sensitive times.
98. ERYC suggests that 460m of the existing footpath running along the flood embankment south-easterly from the proposed breach is kept open to the public as it provides a walk to a point of interest
99. Able has considered the additional routes that ERYC suggest but shares Natural England's view that users of the footpath would disturb protected bird species that are anticipated to utilise the site following creation of the intertidal habitats. Habitat Creation is the principal reason for the development at Cherry Cobb Sands and the potential risks from providing greater interests of the public threaten the functionality of the development.