

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Regulation 5(2) [a]

Document reference: TR030001/APP/14b




Applicant's Comments on Local Impact Report East Riding of Yorkshire Council

24th July 2012

Revision: 0

Able UK Ltd

	APPLICANT'S COMMENTS ON LOCAL IMPACT REPORT EAST RIDING OF YORKSHIRE COUNCIL	JULY 2012
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1 INTRODUCTION

1.1 East Riding of Yorkshire Council submitted a Local Impact Report (LIR) in accordance with the advice and requirements set out in the Planning Act 2008 and the Advice Note One: Local Impact Reports issued by the Infrastructure Planning Commission in March 2010.

1.2 The Advice Note states that a Local Impact Report (LIR) is a "*Report in writing giving details of the likely impact of the proposed development on the authority's area*". The LIR should be prioritised and indicate where the local authority considers the development to have a positive, negative or neutral effect on the area along with any topics that they consider to be relevant to the impact of the development on their area. Typical topics include:

- Details of the proposal including site description and location;
- Relevant planning history, development plan policies, supplementary planning guidance or documents, development briefs or approved master plans and an appraisal of their relationship and relevance to the proposals;
- Cumulative and in-combination projects;
- Landscape and visual impact;
- Designated sites and conservation sites;
- Local transport patterns and issues;
- Socio-economic and community matters;
- Development consent obligations and their impact on the local authority's area; and
- Comments on the development consent obligations and any relevant representations.

1.3 Able UK Ltd (Applicant) has reviewed the LIR and submits the following response. The matters raised in the LIR are only discussed in summary here, further detail on specific topics are dealt with in the Statement of Common Ground (SoCG) between East Riding of Yorkshire Council and the Applicant.

2 TITLE

2.1 The title erroneously refers to a 'biomass plant' this was withdrawn from the application post the Section 42 consultation and was not part of the submission to the (then) Infrastructure Planning Commission on 17th December 2011.

3 POLICY CONTEXT

3.1 It is noted that in broad policy terms the development is deemed to be 'acceptable' (LIR Paragraph 4.1.7).

4 LANDSCAPE AND VISUAL IMPACT

- 4.1 It is noted that the Landscape and Visual Impact (LIR Section 4.2) would not have a detrimental impact.

5 BIODIVERSITY AND ECOLOGY


- 5.1 It is noted that it is for Natural England (NE) to make comments regarding wider ecological implications of the scheme. (LIR Paragraph 4.3.1)
- 5.2 The comments are noted regarding the potential of the scheme not to produce a suitable and sustainable quantity of mudflat – a factor that, at the time of writing, and based upon the original scheme and design, is acknowledged by the Applicant, it's principal advisor (Black & Veatch) and by NE. Indeed the propensity of mudflat to accrete in to saltmarsh is a subject that – as a consequence of the Application – has produced new data and increased understanding. The Applicant, along with its advisors, and with the co-operation NE is investigating an improved design that it believes will successfully address the issues of quantum and sustainability of mudflat. (LIR Paragraph 4.3.8)
- 5.3 Comments regarding Old Little Humber Farm (LIR Paragraph 4.3.11) conclude that the mitigation site would not support a significant population of Black-tailed Godwits through the relevant time of year, on the basis of what East Riding of Yorkshire Council considers to be achievable soil moisture values on the size. A more detailed design document for the Old Little Humber Farm proposal has been included in the application in the volumes of supplementary environmental information as Report EX 28.2; this document seeks out how the targets referred to are achievable. The Old Little Humber Farm proposals are presently subject to a request for a screening opinion from East Riding of Yorkshire Council.

6 PUBLIC RIGHTS OF WAY

- 6.1 Whilst the Applicant can empathise with the Council's comments and suggestions regarding Public Rights of Way it has found itself in a situation where the main regulator, NE, has been unable to approve any solution that does not afford maximum protection for roosting birds. As such the Applicant has concluded that it has little option other than to accept that advice and footpaths will be behind, rather than on top of, new flood defences. Similarly the existing flood defence – to be removed in part – cannot be maintained as a footpath again due to the likely disturbance of roosting and feeding birds. (LIR Section 4.4).

7 HIGHWAY ISSUES

- 7.1 It is noted that a Traffic Assessment is not required. (LIR Paragraph 4.5.2)
- 7.2 The Applicant would add that in subsequent communication with East Riding of Yorkshire Council (Will Park, Principal Highway Management Officer) it has been agreed that a Traffic Statement be produced. This will ascertain what mitigating measures, if any, would be required in

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consequence of the traffic associated with the construction phase of the development using the surrounding highway network and to elevate any road safety issues. After the completion of the works and in conjunction with representatives from Streetscene Services (Highways) any impacts will be repaired to their satisfaction.

8 FLOOD RISK

- 8.1 It is noted that East Riding of Yorkshire Council has not considered it necessary to comment on Flood Risk measures (LIR Section 4.7).

9 CONSERVATION

- 9.1 It is noted that the East Riding of Yorkshire Council Conservation Officer states that the impacts of the overall development will 'imperceptible to minor adverse' (4.8.1). The Applicant notes the comments regarding the historic environment (4.9) and has agreed appropriate mitigation with East Riding of Yorkshire Council. To this end a further Written Scheme of Investigation will be prepared. This will detail 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.

10 RECOMMENDATION

- 10.1 The Recommendation (LIR Section 10) includes two items not previously referred to within the Local Impact Report:

Cherry Cobb Sands Adjoining Farmland

- 10.2 Impacts on adjoining farmland at Cherry Cobb Sands and what the Applicant has subsequently learnt to be specifically the impact on 'growing potential'. Given that there will be an overall improvement in flood defence provision and a reduction in the amount of sea spray there will be no impact on the growing potential of surrounding farmland.

Impacts on Humber Cockle Beds

- 10.3 Chapter 12 of the Environmental Statement concludes that none are present within the locality. In addition the hydrodynamic effects of the site will not result in any erosion to the mudflats close to the site. The Applicant is creating more intertidal zone and with it more intertidal biomass, including cockles. It is not envisaged that a Licence would be granted for a cockle fishery within an SAP/SAC/Ramsar site.