



TWA Orders Unit  
Department for Transport  
Zone 1/18 Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Our Ref: 10015552  
Your Ref: TR030001  
Date: 15 November 2013

Dear Sir/Madam

**Application by Able Humber Ports Limited for an Order granting Development Consent for the Able Marine Energy Park**

Thank you for giving the Environment Agency an opportunity to comment on the additional submissions made by Able Humber Ports Limited (the applicant) in respect of their habitat compensation proposals.

We have considered the information submitted and have the following comments to make:

**Response to DfT letter of 28-08-2013 re Compensatory Measures**

Paragraph 5.6.7 refers to the potential to open additional sluices at the Regulated Tidal Exchange (RTE) site. This is to increase the water exchange between the main site and the RTE fields to promote warping of the fields if the rate of warping is less than anticipated. We would draw your attention to our submissions of 9 November 2012 and 23 November 2013 where we highlighted that a full assessment of the impacts of the increased flow speeds from the RTE design, (compared to the original design as presented in EX 28.3 Part 3) if significant changes were made to the sluice operating regime, had not been undertaken. However, we can confirm this issue was subsequently mitigated by the imposition of Requirement 44 in Schedule 11 of the Development Consent Order (DCO).

The applicant has concluded that there is ingress of saline flows into Keyingham Drain through the Environment Agency's tidal pointing doors. This conclusion is based on the study by the Institute of Estuarine & Coastal Studies and has been reached by a process of eliminating other sources of saline intrusion, the existence of saline-tolerant flora and fauna in Keyingham Drain and apparent photographic evidence (plate 7) showing 'Sluice at Keyingham drain with visible surface ripples from estuarine water entering the drain at high tide.' On this basis, the applicant concludes there is a 'fault' on the tidal doors, paragraph 5.8.4 (Response to DfT letter) and the response is to 'replace tidal gates' in paragraph 12 of the letter to Natural England (to Andrew Hearle 1 October 2013). Paragraph 46 states that the 'applicant will commit to undertaking such works'.

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We would recommend that before any works are carried out, further structural investigation work will be required. It should not be assumed that the pointing doors need replacing. Further investigation work will ascertain the exact mechanism through which estuarine flows are entering Keyingham Drain. For example, it could be that accumulations of silt are stopping the doors closing completely, or the doors may be closing completely but there is leakage through their structure. The surrounding tidal structure may also be leaking. We would request an opportunity to comment on the scope and outputs of this further investigation work.

If the conclusion of further investigation is that the pointing doors need replacing, we refer the applicant back to our letter to Jonathan Monk, dated 11 October 2013 (our ref: RA/2013/126620/01-L01 attached at Appendix A for information). The key points from that letter are copied below and remain entirely relevant:

- It is possible that the improvement works could be substantial in scope and cost. If for example, the existing tidal pointing doors need to be replaced, we estimate the costs being in the region of £100-150k;
- Any works carried out should not contribute to any further deterioration or failure to the water body (Keyingham Drain) and associated elements under the Water Framework Directive and should seek opportunities for improvement;
- Any works to the outfall would need to fully consider fish passage for all species, especially eels – including the implications of the eel regulations;
- The long-term maintenance implications of any new/altered structure must also be considered;
- Natural England's views should also be sought.

### **Examiner's requirement for further over compensation proposal**

The Humber Flood Risk Management Strategy (HFRMS) identifies two principal concerns with the current tidal defences along Halton Marshes frontage; there is continued erosion of the foreshore, which is undermining the defence and threatening its structural stability; and, there is a need to raise the existing defence within the next 15 to 20 years to take account of sea level rise.

The cost of maintaining and improving the existing front line defence is more expensive than alternative alignments. The Environment Agency had previously identified a lower cost option, which does not protect all the proposed new development immediately behind the defence, but did protect all the existing development within the flood cell.

However, after much deliberation over the last 2 years, North Lincolnshire Council granted planning permission for the Able Logistics Park (previously referred to as the 'Able Humber Ports Facility: Northern Area', in the applicant's October 2012 submission) in July 2013, with the condition that no building could be erected in Flood Zone 3, "until the construction of the sea wall and associated sea wall works have been completed". Unfortunately, the applicant has still not entered into an agreement (required under Section 30 of the Anglian Water Authority Act 1977) with the Environment Agency to define the scope and extent of these works.

The Able Logistics Park application includes a Memorandum of Understanding (MoU) with Natural England, which acknowledges the reliance on the improvement of the existing tidal defence. Due to the existing condition and risk of failure that the tidal defence poses to the proposed development, and in particular to the existing

developments, we support the improvement of the defence in accordance with the phasing in the MoU with Natural England.

As far as we are aware, the applicant proposes to drain the Phase 1 site of the Able Logistics Park, which lies to the south of the railway line, into the AMEP further overcompensation area (shown on Plan AME-002-00035 A). It is also our understanding that the pumping station and surface water storage area will overlay (be within) this proposed overcompensation area. The applicant was asked to advise participants of the meeting held on 24 June 2013 (unconfirmed minutes of this meeting are included in the applicant's submission - attached at Annex C to the 'Examiners' Requirements for Further Overcompensation') of the location of the pumping station (final bullet of paragraph 4.9). We are not yet in receipt of this information. We are concerned that drainage connections to the Humber are limited in this area, due to the frontage being covered by the compensation area. This drainage limitation may impact on delivery of the Able Logistics Park.

The compensation proposal will need to be compliant with the Humber River Basin Management Plan and the wider aims of the Water Framework Directive (WFD). The site will ultimately drain into the Humber Estuary (paragraph 4.3.2, Thomson Ecology Report), an area protected under national and international nature conservation law. The applicant should have regard to their obligations under the WFD to protect and prevent deterioration of the water environment via these pathways. Care should be taken to ensure that sediment does not enter the watercourse during excavation works or once the site is operational.

#### **Cherry Cobb Sands Wet Grassland detailed design**

We have provided advice to East Riding of Yorkshire Council in respect of the various planning applications, which the applicant has submitted in respect of the Cherry Cobb Sands site. In summary, we can advise that all the issues raised in respect of this site have now been resolved with the exception of the detailed pond design (Condition 7 of permission ref: 12/04154). On receipt of the further information requested in respect of the pond, we should be able to support the discharge of this planning condition. We provide a short summary and copy correspondence relating to our consultation involvement for the original planning application at this site at Appendix B and subsequent discharge of planning conditions at Appendix C for your information.

If you require any further information or wish to discuss these comments please do not hesitate to contact me.

Yours faithfully

**Annette Hewitson**  
**Principal Planning Adviser**

Direct dial 01522 785889

Direct e-mail [annette.hewitson@environment-agency.gov.uk](mailto:annette.hewitson@environment-agency.gov.uk)

## **APPENDIX A**

**Environment Agency letter to Able Humber Ports Ltd re  
Saline Intrusion at Keyingham Drain**

Mr Jonathan Monk  
Able Uk Ltd  
Able House (Billingham Reach Industrial  
Estate) Haverton Hill Road  
Billingham  
Cleveland  
TS23 1PX

**Our ref:** RA/2013/126620/01-L01  
**Your ref:** CCS  
**Date:** 11 October 2013

Dear Mr Monk,

**PROPOSED WORKS TO KEYINGHAM DRAIN IN RELATION TO A POTENTIAL  
ABSTRACTION FOR THE CHERRY COBB SANDS WET GRASSLAND.  
LAND SOUTH OF SANDS FARM, CHERRY COBB SANDS ROAD, PAULL, EAST  
RIDING OF YORKSHIRE**

In response to your email to my colleague, Annette Hewitson, dated 1 October 2013, we would like to provide the following comments:-

We acknowledge your desire to undertake further investigations in relation to saline intrusion issues on Keyingham Drain in order to facilitate your delivery of the Cherry Cobb Sands wet grassland site. We assume that any works to address this issue would be subject to a planning application to East Riding of Yorkshire Council and that we would have the opportunity to comment on the detail of any such proposals when consulted.

Based on the information provided and our understanding of the existing structures on Keyingham Drain, we are unlikely to have any objection in principle to Able UK carrying out investigation and improvement works to reduce saline intrusion into Keyingham Drain through the existing tidal outfall structure. However, we need to make you aware of several factors that you will need to take into account as you progress any such proposals:-

It is possible that the improvement works could be substantial in scope and cost. If for example, the existing tidal pointing doors need to be replaced, we estimate the costs being in the region of £100-150k;

Any works carried out should not contribute to any further deterioration or failure to the water body (Keyingham Drain) and associated elements under the Water Framework Directive and should seek opportunities for improvement;

Any works to the outfall would need to fully consider fish passage for all species, especially eels – including the implications of the eel regulations;

The long-term maintenance implications of any new/altered structure must also be considered;

Natural England's views should also be sought.

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Cont/d..

We encourage further detailed discussions to fully identify opportunities and constraints associated with these proposed works.

A Flood Defence byelaw consent would be needed from the Environment Agency for any such works.

Yours sincerely

**Mr Sam Kipling**  
**Sustainable Places Planning Specialist**  
**Direct dial 0113 819 6386**  
**Direct fax 0113 819 6299**  
**Direct e-mail [sam.kipling@environment-agency.gov.uk](mailto:sam.kipling@environment-agency.gov.uk)**

## **APPENDIX B**

**Summary and consultation correspondence to East Riding  
of Yorkshire Council in respect of the Cherry Cobb Sands  
wet grassland site planning application**

## **Summary - ERYC Planning Application (Ref. 12/04154)**

**Application consultation received on 8 November 2012** for the excavation of land to create lagoons, islands and water storage to include the abstracting of water from Keyingham Drain by means of 4 no. 10 metre high wind pumps.

Response provided on 6 December 2012 (Appendix B1) – We lodged an initial objection as insufficient analysis of flood risk and drainage had been provided with the application, to satisfy us that the proposals would not increase flood risk elsewhere. Our concerns related to impacts on the structural integrity of Keyingham Drain, concern about impacts on the relationship between groundwater and the drain, and concern about the impact of raising the embankment of the drain. We sought further clarity that the potential impacts on the local drainage regime and nearby development were properly understood. We also provided comments on the Water Framework Directive, water resources and waste.

**Follow up consultation on the revised flood risk assessment (FRA) received on 12 February 2013** – Following review of the revised FRA we were able to withdraw our objection in our reply of 26 February 2013 (Appendix B2), subject to the inclusion of conditions covering the provision of a Water Level Management Plan, a detailed pond design, a scheme for managing flood flow routes, and a Construction Environment Management Plan.

**Planning Permission was granted on 30 May 2013 with our recommended conditions included as conditions 5, 6, 7 and 8.**

## APPENDIX B1

Mrs Shirley Ross  
East Riding of Yorkshire Council  
Planning & Development Control  
County Hall Cross Street  
Beverley  
North Humberside  
HU17 9BA

**Our ref:** RA/2012/123648/01-L01  
**Your ref:** 12/04154  
**Date:** 6 December 2012

Dear Mrs Ross

**EXCAVATION OF LAND TO CREATE LAGOONS, ISLANDS AND WATER STORAGE TO INCLUDE THE ABSTRACTING OF WATER FROM KEYINGHAM DRAIN BY MEANS OF 4 NO. 10 METRE HIGH WIND PUMPS. LAND SOUTH OF SANDS FARM, CHERRY COBB SANDS ROAD, PAULL, EAST RIDING OF YORKSHIRE.**

Thank you for consulting us on the above proposal, which links to the Development Consent Order application by Able UK for a Marine Energy Park at Killingholme. The application is currently being considered by the National Infrastructure Planning unit at the Planning Inspectorate. In order to make the proposed Marine Energy Park compliant with the Habitats Regulations, Able UK have proposed the works set out in this application. They are needed to compensate for the functional loss of habitat at North Killingholme Marshes. Marine Energy Park's compliance with the Habitats Regulations is therefore reliant upon the outcome of this planning application.

In its current form we must **OBJECT** to the application as there is insufficient analysis of flood risk and drainage in the submitted documentation. More information is required for it to be transparently demonstrated that these proposals will not increase flood risk to the site or to others.

### **Flood Risk**

We advise that our concerns about flood risk would be best addressed in a dedicated site-specific Flood Risk Assessment (FRA). We have particular concerns that require addressing in the FRA:-

1. The impacts of the proposals on Keyingham Drain Main River. It must be clearly demonstrated that the artificial impoundment of water on the site does not affect the structural integrity of Keyingham Drain. In paragraph 3.4.2. of the Planning Statement, it is stated that groundwater on the site is in hydraulic continuity with the Humber Estuary. The risks of increased and sustained amounts of groundwater seeping into Keyingham Drain or establishing a flow route between the drain and the field must be addressed.

2. The impacts of raising the existing western embankment of Keyingham Drain. There is currently confusion in the submitted documents over whether or not the height of land adjacent to Keyingham Drain will be increased. In Planning Statement 2.1, section 3, it is stated that embankments will be raised 0.1-0.8 metres above existing ground level. Then in Section 4 a contradictory statement reads "no part of the site will exceed the current height of the small embankment alongside the Keyingham Drain".

Then Part 4: Wet Grassland and Roosting Site includes cross-sections in drawing NABL104/11294/1 that clearly show the raising of embankments next to Keyingham Drain.

We will not accept the wholesale raising of the western embankment next to Keyingham Drain, as these works have the potential to artificially displace flood flows from the Drain elsewhere. This matter is of significance given the existence of various properties to the east of the Drain. We suggest that one possible solution would be for the embankment to be raised along a series of sections while other sections are left at the same height to ensure flood flows can still access the field should Keyingham Drain overtop. We would however give consideration to any potential solution proposed.

3. The potential flood impacts of the proposed drainage works (creating a new ditch; blocking others; installing sluices) must be fully understood. For example, normal drainage into Cherry Cobb Sands (CCS) Drain is being reduced by the blocking of drains, but, as stated in section 5 of Planning Statement 2.1, excess water will be drained into CSS Drain. Further information should identify any associated impacts, especially as this drain is adjacent to existing dwellings.

4. This proposal is of sufficient magnitude to qualify as a reservoir under the Reservoirs Act 1975. Therefore, the full implications on design and management need to be acknowledged and considered by the applicant.

5. We also require clarity on the proposed number of water pumps - 2 or 4 are referred to in various submitted documents.

Please note that any permanent or temporary works within 8 metres of Keyingham Drain will require the prior written Consent of the Environment Agency under the Yorkshire Land Drainage Byelaws 1980 or the Water Resources Act 1991.

### **Water Framework Directive (2000/60/EC)**

We would expect the proposal to be compliant with the Humber River Basin Management Plan and the wider aims of the Water Framework Directive. The site will drain into the Humber Estuary, an area protected under national and international nature conservation law. The applicant should have regard to their obligations under the WFD to protect and prevent deterioration of the water environment via these pathways. Care should be taken to ensure that sediment does not enter the watercourse during excavation works or once the site is operational.

Should our above **objection** be overcome, we would therefore recommend the

inclusion of the following **condition** on any permission granted:-

**CONDITION:** No development shall be commenced until a Construction Environment Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter proceed only in strict accordance with the agreed plan.

**REASON:** To reduce the risk of pollution to the water environment. To ensure compliance with Water Framework Directive objectives.

When producing the CEMP the applicant should make reference to the Environment Agency's Pollution Prevention Guidance "Works In, Near or Liable to affect Watercourses".

### **Water Resources**

As highlighted in the Planning Statement, an Abstraction License may be required in order for the applicant to take water from Keyingham Drain. The blocking of existing drains and the use of sluices may also require an Impoundment License.

Please see the Environment Agency's guidance [Low Risk Impoundment – Our regulatory position and guidance on when you need to apply for an impoundment licence](#).

If the applicant intends to abstract more than 20 cubic metres of water per day from a surface water source (e.g. stream or drain) or from underground strata (via borehole or well) for any particular purpose, then they will need an abstraction licence from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

If the applicant intends to fill and/or maintain the proposed lake with water from a surface source (e.g. stream or drain) or from underground strata (via borehole or well) then they are likely to need an Abstraction Licence. There is no guarantee that a licence will be granted. A licence is not required if the applicant intends to excavate and allow the lakes to fill naturally to existing groundwater levels.

### **Waste**

The documents submitted do not contain any reference to site waste or how this will be managed during the construction phase. Although the excavated material are proposed to be redistributed across the re-profiled site, we would expect the applicant to detail how they will manage other types of site waste in a sustainable manner. Should any excavated soils need to be disposed off-site, they would need to be taken to a suitably authorised facility.

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction.

Should you require any additional information or clarification, please do not hesitate to contact me on the details below.

Yours sincerely

**Mr Sam Kipling**

**Planning Liaison Technical Specialist**

**Direct dial 0113 819 6386**

**Direct fax 0113 819 6299**

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## APPENDIX B2

Mrs Shirley Ross  
East Riding of Yorkshire Council  
Planning & Development Control  
County Hall Cross Street  
Beverley  
North Humberside  
HU17 9BA

**Our ref:** RA/2012/123648/02-L01  
**Your ref:** 12/04154/STPLF  
**Date:** 26 February 2013

Dear Mrs Ross

**EXCAVATION OF LAND TO CREATE LAGOONS, ISLANDS AND WATER STORAGE TO INCLUDE THE ABSTRACTING OF WATER FROM KEYINGHAM DRAIN BY MEANS OF 4 NO. 10 METRE HIGH WIND PUMPS. LAND SOUTH OF SANDS FARM, CHERRY COBB SANDS ROAD, PAULL, EAST RIDING OF YORKSHIRE.**

Following the submission of a revised Flood Risk Assessment completed by JBA Consulting, dated February 2013 addressing our previous concerns, we are able to **withdraw** our **objection** on flood risk grounds, subject to the imposition of the following **CONDITIONS** on any planning permission granted:-

**CONDITION:** No development shall commence until a Water Level Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. The development shall thereafter proceed only in strict accordance with the approved Water Level Management Plan.

**REASON:** To ensure that any discharges of surface water from the scheme are controlled so as not to impact adversely on others. In accordance with Section 5.2 of the approved Flood Risk Assessment (FRA) completed by JBA Consulting, dated February 2013 (ref: 2013s6853).

**CONDITION:** No development shall commence until a scheme for the detailed design of the proposed pond has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. The scheme shall include:-

- a) Results of a detailed ground investigation to inform the design;
- b) Details of how the pond will be provided with an impermeable liner so as to prevent seepage.

The development shall thereafter proceed only in strict accordance with the approved scheme.

**REASON:** To ensure that seepage of water from the scheme does not impact upon the flows and structural integrity of Keyingham Drain. In accordance with section 3.2 of the approved Flood Risk Assessment (FRA) completed by JBA Consulting, dated February 2013 (ref: 2013s6853).

**CONDITION:** No development shall commence until a scheme for the management of flood flow routes has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. The scheme shall include:-

- a) Further detailed work to identify potential flood flow routes;
- b) The deposit of material alongside Keyingham Drain to a level that does not exceed the existing crest level of the banktop of the drain to allow any overtopping of the drain to occur;
- c) The provision of gaps in the screening bund alongside Cherry Cobb Sands Road and along the northern embankment to allow any floodwaters to escape the site, as they would now;
- d) The retention of existing potential flood flow routes.

Development shall thereafter proceed only in strict accordance with the approved scheme.

**REASON:** To prevent flooding elsewhere by ensuring that existing flood flow paths are not impacted upon. In accordance with Section 4.3 of the approved Flood Risk Assessment (FRA) completed by JBA Consulting, dated February 2013 (ref: 2013s6853).

We also request the following **INFORMATIVES** are included on any permission granted:-

**INFORMATIVE:** Any temporary or permanent works in, over or under Keyingham Drain will require the prior written consent of the Environment Agency under the Water Resources Act 1991.

**INFORMATIVE:** Any temporary or permanent works within 8 linear metres of the top of the slope batter of Keyingham Drain will require the prior written consent of the Environment Agency under the Yorkshire Land Drainage Byelaws 1980.

#### **Water Framework Directive (2000/60/EC)**

We would expect the proposal to be compliant with the Humber River Basin Management Plan and the wider aims of the Water Framework Directive. The site will drain into the Humber Estuary, an area protected under national and international nature conservation law. The applicant should have regard to their obligations under the WFD to protect and prevent deterioration of the water environment via these pathways. Care should be taken to ensure that sediment does not enter the watercourse during excavation works or once the site is operational.

We therefore request the inclusion of the following **CONDITION** on any permission granted:-

**CONDITION:** No development shall be commenced until a Construction Environment Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter proceed only in strict accordance with the agreed plan.

**REASON:** To reduce the risk of pollution to the water environment. To ensure compliance with Water Framework Directive objectives.

When producing the CEMP the applicant should make reference to the Environment Agency's Pollution Prevention Guidance "Works In, Near or Liable to affect Watercourses".

### **Water Resources**

As highlighted in the Planning Statement, an Abstraction License may be required in order for the applicant to take water from Keyingham Drain. The blocking of existing drains and the use of sluices may also require an Impoundment License.

Please see the Environment Agency's guidance [Low Risk Impoundment – Our regulatory position and guidance on when you need to apply for an impoundment licence](#).

If the applicant intends to abstract more than 20 cubic metres of water per day from a surface water source (e.g. stream or drain) or from underground strata (via borehole or well) for any particular purpose, then they will need an abstraction licence from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

If the applicant intends to fill and/or maintain the proposed lake with water from a surface source (e.g. stream or drain) or from underground strata (via borehole or well) then they are likely to need an Abstraction Licence. There is no guarantee that a licence will be granted. A licence is not required if the applicant intends to excavate and allow the lakes to fill naturally to existing groundwater levels.

### **Waste**

The documents submitted do not contain any reference to site waste or how this will be managed during the construction phase. Although the excavated materials are proposed to be redistributed across the re-profiled site, we would expect the applicant to detail how they will manage other types of site waste in a sustainable manner. Should any excavated soils need to be disposed off-site, they would need to be taken to a suitably authorised facility.

Should you require any additional information or clarification, please do not hesitate to contact me on the details below.

Yours sincerely

**Mr Sam Kipling**  
**Sustainable Places Planning Specialist**  
**Direct dial 0113 819 6386**  
**Direct fax 0113 819 6299**  
**Direct e-mail [sam.kipling@environment-agency.gov.uk](mailto:sam.kipling@environment-agency.gov.uk)**

## **APPENDIX C**

**Summary and consultation correspondence to East Riding of Yorkshire Council in respect of the Cherry Cobb Sands wet grassland site discharge of planning conditions**

## **Summary - ERYC Planning Application (13/30303/CONDET)**

**Discharge of Conditions consultation received on 24 July 2013** – Formal submission of details required by Condition 5 (Environment Management Plan), Condition 6 (Water Level Management Plan), Condition 7 (Pond Design) of planning permission 12/04154/STPLF. Excavation of land to create lagoons, islands and water storage to include the abstracting of water from Keyingham Drain by means of 4 no. 10 metre high wind pumps. We replied on 21 August 2013 (Appendix C1) and were able to support the discharge of conditions 5 (CEMP) and 6 (Water Level Management Plan). We were unable to recommend the discharge of condition 7 (Pond design), as insufficient information had been provided on ground conditions

**Discharge of Conditions consultation received on 5 August 2013** - Formal submission of details required by Condition 8 (flood flow routes) of planning permission 12/04154/STPLF. We replied on 28 August 2013 (Appendix C2) supporting the discharge of the condition based on the submission of satisfactory information.

This discharge of conditions application is yet to be determined.

**Further consultation in respect of Condition 7 received on 2 September 2013** - Despite further information being provided, we were still not able to support the discharge of this condition and confirmed this in our response dated 24 September 2013 (Appendix C3). We are currently awaiting the submission of further information, which will enable us to support the discharge of this condition in due course.

This discharge of conditions application is yet to be determined.

## APPENDIX C1

Mrs Shirley Ross  
East Riding of Yorkshire Council  
Planning & Development Control  
County Hall Cross Street  
Beverley  
North Humberside  
HU17 9BA

**Our ref:** RA/2013/125922/01-L01  
**Your ref:** 13/30266

**Date:** 21 August 2013

Dear Mrs Ross,

**SUBMISSION OF DETAILS REQUIRED BY CONDITION 5 (ENVIRONMENT MANAGEMENT PLAN), CONDITION 6 (WATER LEVEL MANAGEMENT PLAN), CONDITION 7 (POND DESIGN) OF PLANNING PERMISSION 12/04154/STPLF. EXCAVATION OF LAND TO CREATE LAGOONS, ISLANDS AND WATER STORAGE TO INCLUDE THE ABSTRACTING OF WATER FROM KEYINGHAM DRAIN BY MEANS OF 4 NO. 10 METRE HIGH WIND PUMPS. LAND SOUTH OF SANDS FARM, CHERRY COBB SANDS ROAD, PAULL, EAST RIDING OF YORKSHIRE.**

Thank you for consulting us regarding the discharge of conditions 5, 6 and 7.

### **CONDITION 5: ENVIRONMENT MANAGEMENT PLAN**

We have no objection to the discharge of Condition 5.

### **CONDITION 6: WATER LEVEL MANAGEMENT PLAN**

A Water Level Management Plan has been submitted in respect to this condition. The Plan is thorough and clearly sets out, albeit when read in conjunction with the Detailed Design document, how surface water from the scheme will be controlled so as to not adversely impact on others. We can therefore recommend that this condition be discharged.

We remind the applicant of the relevant notes included in the Notice of Decision for DC/12/04154/STPLF/STRAT PP-02218937 which require further actions – see notes A to H. In particular the applicant must urgently investigate the need for abstraction and impoundment licences and apply for the necessary Flood Defence Consent.

### **CONDITION 7: POND DESIGN**

This condition specifies that the scheme for the detailed design for the pond should include results of a detailed ground investigation to inform the design. The results of any such investigation have not been included in the applicant's submission. We therefore cannot currently recommend the discharge of this condition.

The Water Level Management Plan submitted to satisfy condition 6 does have a very

short section (6) on existing site conditions, but this is not based on any site investigation but an expectation of soil types based on the Soil Survey of England and Wales. Table 1 shows an expected soil profile but to only 750 mm depth. The open water area will be excavated to 1.7 metres deep (1.4m max depth plus 0.3 m over-digging for lining installation).

The scheme must also include details of how the pond will be provided with an impermeable liner to prevent seepage. Paragraph 5.1.5 in the Detailed Design document provides sufficient detail regarding the proposed bentonite clay liner for this part of the condition to be satisfied.

### **OTHER CONDITIONS**

We also draw your attention to Condition 8, which does not form part of this tranche of condition discharges. However, we note that Detailed Design document includes sufficient detail to satisfy parts 'b' and 'c' of this condition. We look forward to seeing further details in due course.

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

Yours sincerely

**Mr Sam Kipling**  
**Sustainable Places Planning Specialist**  
**Direct dial 0113 819 6386**  
**Direct fax 0113 819 6299**  
**Direct e-mail [sam.kipling@environment-agency.gov.uk](mailto:sam.kipling@environment-agency.gov.uk)**

**APPENDIX C2**

Mrs Shirley Ross  
East Riding of Yorkshire Council  
Planning & Development Control  
County Hall Cross Street  
Beverley  
North Humberside  
HU17 9BA

**Our ref:** RA/2013/126016/01-L01  
**Your ref:** 13/30303/CONDET  
**Date:** 28 August 2013

Dear Mrs Ross

**SUBMISSION OF DETAILS REQUIRED BY CONDITION 8 (FLOOD FLOW ROUTES) OF PLANNING PERMISSION 12/04154/STPLF: LAND SOUTH OF SANDS FARM, CHERRY COBB SANDS ROAD, PAULL**

Thank you for consulting the Environment Agency regarding this discharge of condition application.

**We can recommend the discharge of this condition** based on the satisfactory details provided in David Stark of JBA's letter dated 30 July 2013, ref: DCS\2013s6853-S-L004-1.doc.

If you have any queries regarding the above please contact myself using the details provided.

Yours sincerely

**Mr Jonathan Kendall**  
**Sustainable Places - Planning Advisor**

Direct dial: 0113 8196257  
Direct e-mail: jonathan.kendall@environment-agency.gov.uk

## APPENDIX C3

Mrs Shirley Ross  
East Riding of Yorkshire Council  
Planning & Development Control  
County Hall Cross Street  
Beverley  
North Humberside  
HU17 9BA

**Our ref:** RA/2013/125922/02-L01  
**Your ref:** 13/30266  
**Date:** 24 September 2013

Dear Mrs Ross

**SUBMISSION OF DETAILS REQUIRED BY CONDITION 5 (ENVIRONMENT MANAGEMENT PLAN), CONDITION 6 (WATER LEVEL MANAGEMENT PLAN), CONDITION 7 (POND DESIGN) OF PLANNING PERMISSION 12/04154/STPLF. EXCAVATION OF LAND TO CREATE LAGOONS, ISLANDS AND WATER STORAGE TO INCLUDE THE ABSTRACTING OF WATER FROM KEYINGHAM DRAIN BY MEANS OF 4 NO. 10 METRE HIGH WIND PUMPS - ADDITIONAL INFORMATION REGARDING DESIGN (CONDITION 7) LAND SOUTH OF SANDS FARM, CHERRY COBB SANDS ROAD, PAULL, EAST RIDING OF YORKSHIRE**

I refer to the additional information provided in your email dated 2 September 2013. The appended correspondence dated 21 August 2013 does not alter our previous comments, set out in our letter of 21 August 2013, which I have copied below for your convenience:-

### **CONDITION 5: ENVIRONMENT MANAGEMENT PLAN**

We have no objection to the discharge of Condition 5.

### **CONDITION 6: WATER LEVEL MANAGEMENT PLAN**

A Water Level Management Plan has been submitted in respect to this condition. The Plan is thorough and clearly sets out, albeit when read in conjunction with the Detailed Design document, how surface water from the scheme will be controlled so as to not adversely impact on others. We can therefore recommend that this condition be discharged.

We remind the applicant of the relevant notes included in the Notice of Decision for DC/12/04154/STPLF/STRAT PP-02218937 which require further actions – see notes A to H. In particular the applicant must urgently investigate the need for abstraction and impoundment licences and apply for the necessary Flood Defence Consent.

## **CONDITION 7: POND DESIGN**

This condition specifies that the scheme for the detailed design for the pond should include results of a detailed ground investigation to inform the design. The results of any such investigation have not been included in the applicant's submission. We therefore cannot currently recommend the discharge of this condition.

The Water Level Management Plan submitted to satisfy condition 6 does have a very short section (6) on existing site conditions, but this is not based on any site investigation but an expectation of soil types based on the Soil Survey of England and Wales. Table 1 shows an expected soil profile but to only 750 mm depth. The open water area will be excavated to 1.7 metres deep (1.4m max depth plus 0.3 m over-digging for lining installation).

The scheme must also include details of how the pond will be provided with an impermeable liner to prevent seepage. Paragraph 5.1.5 in the Detailed Design document provides sufficient detail regarding the proposed bentonite clay liner for this part of the condition to be satisfied.

## **OTHER CONDITIONS**

We also draw your attention to Condition 8, which does not form part of this tranche of condition discharges. However, we note that Detailed Design document includes sufficient detail to satisfy parts 'b' and 'c' of this condition. We look forward to seeing further details in due course.

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

Yours sincerely

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