

**Our ref: 12.04.09.04/3C**

**Deemed Planning Permission under Section 90 of the Town and Country Planning Act 1990 Relating to Works Between Mean Low Water Mark at Tunstall in the County of the East Riding of Yorkshire and an Electricity Sub-station at Salt End near Hull, and the Sub-station itself**

The Secretary of State for Energy and Climate Change (the “Secretary of State”) in exercise of the powers conferred on him by Section 90 of the Town and Country Planning Act 1990 hereby directs that planning permission is deemed to be granted subject to the conditions below, for:

- (a) underground cabling between the Mean Low Water Mark and an electricity sub-station at Salt End, near Hull, in the County of the East Riding of Yorkshire;
- (b) an electricity sub-station on a site at Staithes Road Bridge, Salt End; and
- (c) associated works [for example excavation, trenching, screening, tree planting].

which form ancillary elements (the “Ancillary Development”) to the development (Figures 1- 3) consented today under section 36 of the Electricity Act 1989 (the “Development”).

**Amenity**

1. The Ancillary Development shall not commence until such time as a construction management plan (“the Plan”) detailing the operation, with particular reference to the mitigation of noise and dust, has been submitted to and approved in writing by the East Riding of Yorkshire Council (“the Council”). The plan shall identify:

- (i) areas on site, designated for the storage of heavy-duty plant and equipment, including vehicles and car parking facilities for construction site operatives and visitors;
- (ii) activities such as earth moving, on-site aggregate mixing, crushing screening, piling etc. and on-site storage and transportation of raw material;
- (iii) working practices to control fugitive emissions of dust arising from on-site activities, for example, wheel-washing facilities; and,
- (iv) working practices for protecting nearby residential dwellings, including measures to control noise and vibration arising from on-site activities, such as piling, as set out in British Standard 5228 Part1: 1997 – Noise and Vibration Control on Construction and Open Sites.

The Plan will also include:

- (i) a scheme of dust suppression;

- (ii) an identification and management scheme for construction waste
- (iii) details of temporary construction roads and their restoration [after construction works have been completed];
- (iv) pollution prevention measures; and,
- (v) details of construction lighting that may be required.

Reason: to protect the amenity of nearby properties from adverse effects due to dust and noise.

2. Unless otherwise agreed in writing by the Council, construction of the Ancillary Development and deliveries to the site where works are taking place shall only take place between the hours of 07.00 and 19.00 Monday to Friday and from 07.00 to 13.00 on Saturday with no workings or deliveries on Sundays or Bank Holidays.

Reason: to protect residential amenity.

3. No open burning of any waste material shall be permitted within the site. Any inadvertent fire should be treated as an emergency and extinguished immediately.

Reason: to protect the amenity of local residents from the adverse effects of smoke nuisance.

4. The Ancillary Development shall not commence until a report has been submitted to and approved in writing by the Council giving details of the existing background noise levels in the area, and the predicted noise levels, including low frequency noise, at the site boundary of the sub-station and the boundary of the nearest noise sensitive premises arising from the proposed development. The information should cover night time as well as day time periods, and should be undertaken by a competent acoustic consultant using a recognised methodology. The report shall detail a scheme of noise attenuation methods to be used to prevent noise being a problem if identified by the report. The Ancillary Development is to be carried out in accordance with the approved scheme. A further survey shall be undertaken when the scheme has been completed to compare the actual noise levels against the predicted noise levels to ensure that there has been no loss of amenity at the nearest noise sensitive dwellings.

Reason: to protect the amenity of nearby properties from adverse effects due to noise nuisance.

5. Prior to the construction of the sub-station, a scheme for landscape mitigation to screen the sub-station shall be submitted to and agreed in writing by the Council. The scheme shall be implemented in accordance with the agreed details.

Reason: to ensure that relevant parts of the Ancillary Development are properly landscaped before works commence in the interests of the visual amenity of the locality.

**6.** If within a period of five years from the date of the planting of any tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted, destroyed or dies (or becomes, in the opinion of the Council, seriously damaged or defective) another tree or shrub of the same species, size and maturity as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: to ensure that any landscaping necessary to screen the Ancillary Development is maintained even if some of the mitigation measures fail for whatever reason.

### Ecology/Environmental

**7.** Prior to the commencement of any part of the Ancillary Development, a badger walkover survey shall be undertaken by a competent person or persons and all working drawings shall be updated with the data collected. The updated drawings shall be submitted to and approved in writing by the Council prior to the commencement of the Ancillary Development .

Reason: to ensure that information about the location of badger setts is up to date before construction commences.

**8.** No development shall commence until an Environmental Management Plan has been submitted to and approved in writing by the Council. Thereafter, development shall be carried out in accordance with the approved Environmental Management Plan. The Environmental Management Plan shall incorporate mitigation measures identified in the Environmental Statement and recommended by Natural England, including Great Crested Newt Mitigation Measures.

Reason: to ensure the development does not have a detrimental impact on ecology, birds and protected species.

**9.** All areas of habitat disturbed during construction in areas not required for permanent works shall be fully restored on completion of works, including the re-seeding of pastureland and replanting of hedges. Hedges and replacement planting shall be carried out during the first appropriate planting season following the restoration.

Reason: to ensure the protection of landscape features which contribute to the landscape value of the area and to protect existing habitats and to safeguard bat foraging routes.

**10.** All new planting, including trees, seed and other plant material to be used on site shall consist of native species from within the Yorkshire region and be of local provenance.

Reason: to ensure the ecological interest of the site is maintained.

## Archaeology

**11.** No construction of the Ancillary Development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the developer and approved by the Council.

The scheme shall provide for:

- (i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area;
- (ii) an assessment of the impact of the proposed Ancillary Development on the archaeological remains;
- (iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in site wherever feasible;
- (iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (ii) above is completed prior to the commencement of the Ancillary Development in the area of archaeological interest; and,
- (v) notification in writing to the Curatorial Office of the Humber Archaeology Partnership of the commencement of archaeological works and the opportunity to monitor such works.

Reason: to ensure that any archaeological remains that might be impacted by the Ancillary Development are subject to proper consideration.

## Transport/Highways

**12.** Development shall not commence until a Traffic Management Plan comprising of:

- (i) details conforming to Chapter 8 of the Traffic Signs Manual [produced by the Department of Transport];
- (ii) confirmation of haulage routes and provision of temporary signing associated with these agreed routes; and
- (iii) the timing of all HGV movements to and from the site have been submitted to and approved in writing by the Council. The Ancillary Development shall be carried out in accordance with the approved Traffic Management Plan.

Reason: to ensure that all vehicle movements associated with the construction and operation of the plant and cabling is in accordance with the agreed Traffic Management Plan thereby reducing any adverse effects these vehicle movements will have on the safety and use of other highways users.

**13.** The sub-station, National Grid and DONG Energy compounds shall not be brought into use until the vehicular accesses – access roads, vehicle parking and manoeuvring facilities – have been constructed in accordance with details to be submitted to and approved in writing by the council.

Reason: to ensure that demand for vehicle parking and servicing can be met within the site as vehicles having to park, load, unload or manoeuvre on the public highway would adversely affect the safety of other highway users.

**14.** Where the cable route would cross a public highway, the developer must ensure that trenchless horizontal direction drilling is used.

Reason: to ensure disturbance to highways users is minimised.

**15.** Details of the precautions to be taken to prevent the deposit of mud on the public highways by vehicles travelling from the site during construction of the Ancillary Development shall be submitted to and approved by the Council before the Ancillary Development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Council. These precautions shall be made available before commencement of the Ancillary Development and be kept available and in full working order until such time as the Council agrees in writing to their withdrawal of the completion of the Ancillary Development.

Reason: to ensure highway safety during the construction process.

**16** The Ancillary Development shall not begin until the Council has approved in writing details of all the proposed vehicular access/egress points on to the publicly maintainable highway; and no construction shall commence until these vehicular crossing points have been constructed in accordance with the approved details.

Reason: to secure an adequate and safe access to the proposed works in the interests of road safety.

**17.** No cable shall be laid until the details of the temporary compounds incorporating the vehicle parking, loading, off-loading and manoeuvring facilities have been submitted to and approved in writing by the Council. The compounds shall be retained in accordance with the approved details for the duration of construction works.

Reason: to ensure that the demand for vehicle parking and servicing can be met within the site as vehicles having to park, load, unload or manoeuvre on the public highway would adversely affect the safety of other highway users.

## Flood Risk/Watercourses

**18.** All main river crossings must use trenchless crossing techniques with a minimum cover of 2 metres between bed level and cable. This 2 metre cover must extend a minimum of 3 metres horizontally beyond the banks or defences of the watercourse.

Reason: to minimise the environmental damage and flood risk to main rivers.

**19.** All cable crossing points must be clearly marked using posts on both sides of the main river crossings.

Reason: to ensure any future maintenance of the watercourse is not restricted.

**20.** All construction staff must be fully informed of the evacuation procedures in the event of a flood and places of safety above 5 metres AOD must be provided where required.

Reason: to ensure all staff are fully aware of the flood risk to the site and are aware of places of refuge nearby.

**21.** Excavated spoil must be interspersed with suitable gaps to allow floodwaters to flow unimpeded.

Reason: to ensure flood risk is not increased due to blockages caused by the excavated soil.

**22.** Finished floor levels of the sub-station shall be set no lower than 1.1 metres above existing ground level.

Reason: to reduce the risk of flooding for part of the Ancillary Development and future occupants.

**23.** If the sub-station compound areas are brought above flood level by ground raising, a scheme for compensatory storage to accommodate the loss of flood plain storage on a like-for-like basis shall be submitted to and approved in writing by the Council prior to commencement of development of the sub-station compound. The approved scheme shall be implemented.

Reason: to prevent flooding in areas away from the Ancillary Development by ensuring that compensatory storage of flood water is provided.

**24.** Surface water run-off shall be limited so as not to exceed the run-off from the undeveloped site.

Reason: to prevent flooding by ensuring the satisfactory disposal of surface water from the site.

**25.** No development on the sub-station site shall commence until a safe route into and out of the site to an appropriate place of safety has been identified and provided. The route and place of safety shall be maintained.

Reason: to ensure safe access to and egress from the site.

**26.** A formal flood warning and site evacuation scheme shall be designed and implemented prior to the commencement of use of the sub-station and for the operational life of the sub-station.

Reason: to ensure that all staff on site are alerted to a flood event and are able to leave the site for a place of safety in a careful manner.

**27.** Unless otherwise agreed in writing by the Council, no building or other obstruction shall be located over or within 5m either side of the centre line of any sewage pumping main which crosses the sub-station site.

Reason: to allow sufficient access for maintenance and repair work at all times.

**28.** The sub-station site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: to promote satisfactory and sustainable drainage.

**29.** No piped discharge of surface water from the sub-station site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Council before the commencement of development.

Reason: to ensure the sub-station site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

**30.** The Ancillary Development shall be carried out in general accordance with measures set out in the Flood Risk Assessment submitted by S. M. Foster Limited on behalf of DONG Energy.

### Contamination

**31.** If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise, agreed in writing with the Council), shall be carried out until the developer has submitted to the Council a remediation strategy detailing how unsuspected contamination shall be dealt with and the strategy has been agreed in writing. The Ancillary Development shall be carried out in accordance with the approved strategy.

Reason: to ensure that potentially harmful materials uncovered during construction are dealt with in an appropriate manner.

## General

**32.** The Ancillary development shall be begun before the expiration of five years from the date of this permission.

Reason: to comply with the provisions of section 91 of the Town and Country Planning Act 1990.

Date: 29 November 2011

Giles Scott  
Head, Development Consents and  
Planning Reform  
Department of Energy and Climate Change