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North and East Yorkshire

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Branch Chair
Mrs Jan Arger

Authority: East Riding of Yorkshire Council

Type of consultation: Planning Consultation

Full details of application/consultation: 21/04544/STPLFE - Hybrid Application consisting of:

- a) Full Planning Permission for the erection of a biomass and waste wood processing building with curtilage hardstanding, creation of an open storage area with stockpiling pens/bays, erection of fire pump house and installation of a weighbridge, construction of access and service road with associated parking and creation of reed bed and rainwater harvesting lagoons, planting of a woodland block and associated landscaping and boundary treatments and enclosures; and
- b) Outline Planning Permission for the erection of up to 4 vertical farming units, a bio-refinery, creation of up to 2 rainwater harvesting lagoons and 1 attenuation pond with associated works (Northern Development Parcel), installation of 1x 4MW electrolyser unit, hydrogen storage tanks, up to 6 CO2 storage tanks and up to 40 battery storage units, creation of an access road, hardstanding's, 1 attenuation pond and associated works (Southern Development Parcel), construction of underground and overground pipelines and electrical power cabling, construction of a 11kV substation and a high voltage substation with associated landscaping, hedgerows, fencing and wildlife habitats (All Matters Reserved)

At land at: GB Bio Limited, Hull Road, Aldbrough, East Riding Of Yorkshire, HU11 4RE

Type of response: Objection

Date of Submission: 25th March 2022

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North and East Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



KVA Planning Consultancy
Katie Atkinson, BA (Hons), Dip TP, MA
MRTPI
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Comment

CPRE North and East Yorkshire ('CPRENEY') welcomes the opportunity to comment on this hybrid application to construct a large-scale extension to the existing biomass Tansterne power plant as detailed in the description on the frontispiece.

The application covers both sites - outline application for proposed ancillary bioproduction Park at Tansterne and detailed application for biomass storage facility, the latter of which is proposed to the north of the site. The applicant's documents also show other land to the south of the existing and proposed outline site that is within the applicant's control but not subject to either proposal. In total the combined application sites extends to circa 50Ha (123.5acres).

CPRENEY **object** to this application on the following grounds:

- detrimental impact on the character and openness of the agricultural landscape and loss of visual amenity at this location;
- the impact of the scale and massing of infrastructure proposed in combination with other large-scale developments within the 5km radius of the site;
- the detrimental impact on the highway safety of vulnerable road users;
- the rural road network surrounding the site is completely unsuitable for this type of development; and
- the detrimental impact on users of adjacent Public Rights of Way.

Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The National Planning Policy Framework ('NPPF') was updated in July 2021 and sets out the government's planning policies for England and how these are expected to be applied. The NPPF is, therefore, a material consideration which should be taken into account when plan-making and determining applications.

The Development Plan that this application should be determined against consists of the following documents:

- The East Riding Local Plan Strategy Document (adopted April 2016).
- The East Riding Local Plan Allocations Document (adopted July 2016); and
- The Hull City Council and East Riding Joint Minerals Plan (adopted 2019).

The NPPF aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) *'approving development proposals that accord with an up-to-date development plan without delay,*

The Council have recently completed a consultation on the first full draft of the updated East Riding Local Plan. Whilst no weight can be attributed to the 'Update' draft at this time due to the early stage in the formation of the document, several policies have remained unchanged following the review, including the minerals policies. Consequently, in conformity with paragraph 11 of the NPPF and section 38(6) of the 2004 Act, full weight should be attributed to the policies contained within the Development Plan and any relevant material considerations.

CPRENEY are aware from members and residents local to the site, that the existing site was commissioned in

2018 and as yet has laid dormant and not produced any renewable energy. As such, those residents are understandably anxious that such a large-scale proposal will also not be productive and could detrimentally impact their residential and recreational amenity with increased detrimental impacts if it is operated.

There appears to be conflict between the documents submitted in support of the application with some stating that there will be 60 employees working across shifts, whilst others state 45 or 30. Clarification should be sought prior to determination as this could impact the predicted impact – especially on highway related matters.

Both parts of the application are assessed mainly as one application and split out where differences exist. The outline application is shown as a broad area with indicated areas for the proposed development, however, no information is provided regarding the detailed of the outline elements of the application – although an indicative illustrative masterplan is shown within the Design and Access Statement. No information is provided regarding the dimensions or proposed elevations of the ‘outline’ part of the proposals including the 4 hydroponic system buildings other than the fact that the land take for these units alone is 4.13Ha.

The proposed site lies wholly within National Character Area 40 (Holderness) (‘NCA’) which describes the area as *‘from the dip slope of the Yorkshire Wolds, views are extensive in this predominantly flat, open and gently undulating plain. High-quality agricultural land used predominantly for large-scale arable cultivation and some livestock farming.*

Traditional farmstead, houses and other buildings characterised by red brick and pantiles. There is a low density of public rights of way but minor roads and quiet lanes link settlements, enabling walking, cycling and horse-riding activities.’

Two of the main ‘landscape opportunities’ set out within it are (inter alia) *‘protect the open, exposed and low-lying landscape in rural areas and on the coast with its long views’*; and, *‘protect quiet rural areas by encouraging sensitive development, respecting long and open views, strong rural character of the area and local vernacular’*.

Whilst the site itself is not within a national or locally designated landscape, the Council’s LCA 19D sets out clearly that there is a *‘medium/high sensitivity’ to commercial/industrial development.’*

The applicant has considered viewpoints based predominantly within a 2km zone where they consider the impacts to be at their most significant on landscape and visual amenity. However, they have also chosen to include Burton Constable Hall and Gardens for heritage reasons in their LVIA – which are 4-5km away from the site. Missing from the assessment are two planning applications which were in the public domain at the time of the submission of this approval both of which are located at West Newton. The oil extraction sites will require several large pieces of equipment which are likely to be on each site at the same time (except for the 55m drill rig) – but includes 60m crane, 37m work over rig and other tall infrastructures necessary for the activity. The LVIA for the WNA application included an image looking towards the existing plant at Tansterne but no such similar consideration appears to have been undertaken as part of this proposal. Nor has the applicant considered the existing windfarm at Withernwick which has also submitted a new (previously lapsed) application for an extension of height to blade tip for the existing turbines. The existing site at Tansterne consist of large infrastructure including a 55m cooling tower. As such CPRENEY consider the proposals individually and cumulatively with the other large, committed developments will significantly impact this low-laying open rural area and dominate the landscape resulting in an ever increasing industrialisation which is totally incongruous with its rural location.

The application states that a new woodland and other habitat will be created, but the original 2015

application stated woodland, trees and hedging would be planted, however CPRENEY are aware that very little planting has been undertaken and whilst net gains for biodiversity should be delivered across all sites – CPRENEY are concerned regarding the likelihood of delivery.

It is therefore, considered that the proposals are fundamentally not in conformity with Local Plan Policies S4, EC5, ENV1, ENV2 and Paragraphs 174 of the NPPF.

Having considered the proposals, the applicant has not highlighted the parking area on the proposed plans and drawings nor does the Transport Statement (TS) reveal how many spaces are to be provided. As such CPRENEY believe that the Council can adequately ascertain that the anticipated demand from employees, deliveries or visitors can be accommodated within the site boundary.

CPRENEY are aware of several crucial flaws within the submitted TS which mean that the Council cannot state categorically that the substantial extension is safe or suitable at this location in line with the tests set out in the transport section (9) of the NPPF. The TS does not appear to have undertaken a planning policy review so CPRENEY cannot see how the applicant has determined within the document that the '*site location is acceptable*'.

The NPPF seeks to ensure the provision of sustainable transport modes access (other than by private vehicles) is provided and gives priority to pedestrian and cycle movements. It also seeks to enable EV charge points amongst other matters. The TS focuses on travel to the site by private vehicle thus failing to demonstrate the site is in an accessible location with good access to sustainable transport options.

Furthermore, whilst there are two separate parts to the hybrid planning proposal, the transport matters relating to both the outline and full application details have been combined in the applicants TS. The applicant has not considered the lack of footway to the roadside for pedestrian access from the B1238 or along the access road to the site. Whilst not explicit, CPRENEY assume that the applicant considers that potential pedestrians will use the public rights of way (PROW) which pass through the centre of the site – including over the access road, although no details regarding how this will be managed has been given to protect and prioritise pedestrians. However, as stated in the TS these follow a hedge boundary. They are not lit and employees will be working shifts. It is unlikely therefore that these will be considered safe enough for use during a 12 month, 24hour period. Furthermore, the applicant assumes car sharing will be taken up, however, no information regarding where workers will be arriving from to enable this mode of transport is provided, meaning that it should not be relied upon.

The applicant states that the B1238 is a '*single carriage way two-way road, subject to the national speed limit*'. CPRENEY are concerned that the road is not suitable for the proposed number of trips to be generated by the proposal at this location – both during construction and operation. The applicant's TS states that in the past 5-year period there have been 160 collisions within the 16.5km study area – 43 being considered severe with 3 fatal. This is without the traffic proposed by this application or other proposals which have recently been approved by the Council within a 5km radius of the site which will see a further large increase in large (HGV and OGV2) vehicles using part of the same road. Traffic associated with the two wellsites at West Newton (WNA and WNB) have not been considered by the applicant which CPRENEY feels is a fundamental flaw as cumulatively these will impact the strategic and local road networks and impact the safety of vulnerable road users.

The NPPF sets out clearly at paragraph 110 that it should be ensured that '*safe and suitable access to the suite can be achieved for all users*' and '*any significant impacts from the development on the transport network (in terms of capacity and congestion) , or on highway safety, can be cost effectively mitigated to an acceptable degree.*' It goes on to say at paragraph 111 that '*development should only be refused on highways grounds if*

there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Finally, paragraph 112 clearly sets out that 'within this context' (CPRENEY emphasis) applications for development should (inter alia):

- a) *'Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; [...];*
- c) *Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter and responds to local character and design standards...'*

As such, **CPRENEY consider the proposals are contrary to the tests set out in the NPPF and should be refused in line with paragraph 111.** The proposals do not allow safe and suitable access to the site, do not give priority to pedestrians and other road users, and independently and in combination with other committed schemes will detrimentally impact the rural road network in this location. **Furthermore, the proposals are contrary to Local Plan Policies EC4, EC5 (which also considers the transport impacts of cumulative developments in an area),**

Conclusion

CPRENEY welcomes the opportunity to provide ERYC with a written representation objecting to the hybrid application to substantially extend the Tansterne Biomass Plant.

For the reasons and details set out above, CPRENEY supports our members and the numerous residents who have contacted us expressing concerns about the proposals at this location in terms of imposing a detrimental impact on the character and openness of the agricultural landscape and loss of visual amenity at this location; the sheer scale and cumulative impact of the tall infrastructure at this and other sites within a 5km radius including the Withernwick Windfarm, WNA and WNB wellsites which will dominate the skyline and industrial the landscape; the detrimental impact on users of the adjacent public rights of way; the detrimental impact on the highway safety of vulnerable road users; and, the rural road network surrounding the site, which is completely unsuitable for this type of development.

CPRENEY reserve the right to comment further should additional information be consulted upon in support of the development in this location.