

TOWN AND COUNTRY PLANNING ACT 1990

FULL PLANNING PERMISSION

APPLICATION NO: PA/2018/918

Address/Agent:

Mr Jake Barnes-Gott
DWD
6 New Bridge Street
LONDON
EC4V 2AU



Applicant: Mr Marvin Seaman, VPI Immingham

North Lincolnshire Council hereby gives notice that the application received on 11/05/2018 for:

Planning permission to construct a new gas-fired power station with a gross electrical output of upto 49.9 megawatts at VPI Immingham Energy Park A Limited, Rosper Road, Immingham, North Lincolnshire, DN40 3DZ (TA 168 175)

and the environmental assessment which accompanied it, have been considered and that permission for this development in accordance with the plans and written particulars submitted has been granted subject to the following conditions and reasons:

1.
The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.
The development hereby permitted shall be carried out in accordance with the following approved documents and plans:

- Environmental Statement dated May 2018
- Planning, Design and Access Statement dated May 2018 (v2)
- Site Location Plan, Ref: Plan 2.1
- Planning Application Boundary Plan, Ref: Plan 2.2
- Parts of the Site Plan, Ref: Plan 3.1

and shall not exceed the limits identified in the Environmental Statement, May 2018, Table 4.1 "*Maximum dimensions of the main structures common to all Indicative Layouts*", Table 4.2 "*Maximum dimensions of the main structures specific to Indicative Layout 'A' only (7 x 7.5MW gas engines)*", and Table 4.3 "*Maximum*

dimensions of the main structures specific to Indicative Layout 'B' only (33 x 1.5MW gas engines)".

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

Other than site preparation and clearance works, no development shall take place until details of the materials to be used to construct the gas engines and other buildings, including colour and finish, have been submitted to and approved in writing by the local planning authority. Only the approved materials shall be used, unless otherwise agreed in writing by the local planning authority.

Reason

To ensure that the buildings are in keeping with their surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

The approved power station shall not be brought into use until suitable vehicle access, parking, turning and servicing areas have been completed in accordance with details to be submitted to and approved in writing by the local planning authority. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

5.

No development, other than site preparation and clearance works, shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

6.

No development, other than site preparation and clearance works, shall take place until a Construction Environmental Management Plan ('CEMP') has been submitted to and approved by the local planning authority. The submitted CEMP must be in accordance with the details set out in the framework CEMP submitted as part of the planning application (Environmental Statement, May 2018, Volume 3 – Appendix 4A) and the other documents comprising the Environmental Statement. The development shall be carried out in accordance with the approved plan unless otherwise agreed with the local planning authority.

Reason

To protect the amenity of local residents and other sensitive receptors in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

The total rating level of the noise emitted from the operation of the installation shall not exceed existing background levels by more than 3 dB at any residential property. The assessment of rating level shall be as described in BS4142:2014.

Reason

For the protection of residential amenity in accordance with local plan policy DS1.

8.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 3 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

In the event that unacceptable contamination is identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

In the event that unacceptable contamination is identified, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

9.

No development, other than site preparation and clearance works, shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and based upon the submitted Environmental Statement - Volume 1, Chapter 13 and the Environmental Statement, Volume 3, Appendix 13A Flood Risk Assessment dated May 2018. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site. It shall also include details of how the resulting completed scheme is to be maintained and managed so that flood risk, both on and off the site, is not increased. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document and the applicant must provide appropriate design (surveys, ground investigations, drawings, network details, calculations and modelling showing critical storm details) in support of any surface water drainage scheme, including details on any attenuation system and its discharge rates, and investigation into the proposed arrangements for any new outfall.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

10.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 9 above, shall be completed prior to the power station being brought into operation, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

11.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) contained within appendix 13A of the Environmental Statement, dated April 2018, Project Number 60547702 and compiled by AECOM Limited, incorporating the mitigation measures detailed within section 7.1. The mitigation measures shall be fully implemented prior to occupation and shall subsequently remain in place.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

12.

Piling or investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that proposed piling, or intrusive investigations that may penetrate through the superficial clay deposits into the chalk bedrock, does not harm groundwater resources.

13.

No development shall take place until a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the local planning authority. The WSI shall include details of the following:

- (i) measures to ensure the preservation by record of archaeological features of identified importance
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

14.

The approved WSI shall be implemented in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

15.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at North Lincolnshire's Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

16.

No development, aside from site preparation and clearance works, shall take place until a landscaping and biodiversity management plan in accordance with the enhancement measures set out in the Chapter 10 of the Environmental Statement has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of measures to avoid harm to water voles and nesting birds during vegetation clearance and construction works;
- (b) details of nesting sites to be installed to support a variety of bird species;
- (c) restrictions on lighting to avoid impacts on bird nesting sites and sensitive habitats;
- (d) prescriptions for the creation and management of pockets of brownfield habitats in undeveloped areas of the site;
- (e) prescriptions for the creation of log pile refuges in undeveloped parts of the site to create ecological niches for reptiles, amphibians and terrestrial invertebrates;
- (f) prescriptions for the planting and aftercare of trees, shrubs and wildflowers of high biodiversity value;
- (g) prescriptions for the planting and aftercare of trees to enhance the appearance of and provide screening of the development; and
- (h) proposed timings for the above works in relation to the completion of the power station.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

17.

The landscaping and biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained for at least a five year period thereafter, unless otherwise approved in writing by the local planning authority. Prior to the operation of the approved power station, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

Dated: 7/9/2018

Signed: 

Shaun Robson

Group Manager – Development Management and Building Control

Informative 1

There are known to be a number of pipelines in the immediate area which have the potential to be impacted by the proposed development. The applicant's attention is directed to the consultation responses from Cadent, Fisher German LLP and Phillips 66 Ltd which provide further details in respect of existing infrastructure in the vicinity of the application site and of the relevant legislation protecting this infrastructure. The applicant is advised to make contact with these bodies to ensure that all relevant legislation is complied with during construction of the approved development.

Informative 2

Planning permission is hereby granted after full consideration of the Environmental Impact Assessment (EIA) submitted as part of the planning application in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017.

Informative 3

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

WARNING

THIS DOCUMENT DOES NOT CONSTITUTE ANY
APPROVAL UNDER THE BUILDING REGULATIONS 1985

WARNING

1. This is a PLANNING PERMISSION ONLY. It does NOT convey any approval or consent required under any enactment, byelaw, order or regulation other than those referred to in the heading of this notice. It is IMPORTANT that you should read the notes concerning APPEALS below.
2. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Planning Inspectorate, in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice. Appeals must be made on a form which is obtainable from The Planning Inspectorate, Room 304A Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN .

The Planning Inspectorate has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Planning Inspectorate is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provision of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

3. If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Planning Inspectorate, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council in whose area the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
4. In certain circumstances a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Planning Inspectorate on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.