

Planning

Introduction

The TEGCO Immingham Ltd Installation at Netherlands Way, Stallingborough, Grimsby, DN41 8DF is an Energy from Waste (EfW) process. The installation is designed to consume 320,000 Te/yr of Refuse Derived Fuel (RDF) based on 10 MJ/kg (LHV), producing: -

- 12 MW electrical export,
- 51 MW thermal export (60 Te/hr) as steam (no condensate return).

The installation is a Combined Heat & Power (CHP) plant sized and is designed to replace the steam and electricity currently generated by an existing CHP plant on an adjacent industrial plant. The existing CHP plant is reaching the end of its operational life and will be decommissioned when the installation is operational.

The need to continue to take waste in the event that steam and/or electricity cannot be exported (e.g. customer is shutdown), the installation is designed such that all steam generated at normal waste feed can pass through the turbine and condenser resulting in 24 MW electrical export.

A proportion of the RDF is sourced from local waste management companies and transported to the installation by road. The remaining is sourced from further afield and transported by rail to 1 of 2 local railheads and the final transfer from the railhead to the installation is by road.

The installation will operate continuously (24 hr/day & 7 day/week) for >8,000 hr/yr.

The installation consists of 2 off 20Te/hr incineration lines (combustor, boiler & feed-water system) and a single turbine and air cooled condenser.

The installation is designed not to generate any waste water from the process during normal operation.

The installation is designed to be fully compliant with the 2019 European BREF for Waste Incineration (JRC 118637) and the associated BAT Conclusions published in the Official Journal of the European Union on 3rd December 2019.

Planning History

The original planning permission was granted in 2018 with Section 73 variations granted in 2022 & 2023.

Appendix 1 contains the Delegated Report and DEC Full Approval for the original application (2018).

Appendix 2 contains the Delegated Report and DEC Full Approval for the Section 73 Application (2022).

Town and Country Planning Acts

NOTICE OF DECISION

Application Number: DM/0628/18/FUL

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address: Mr P Mycock NU Energy 139 Middleton Boulevard Nottingham NG8 1FW	Agent's Name and Address: Mr Max Jones Max Design Consultancy Max Design The White House 278 Bawtry Road Doncaster DN4 7PD
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Proposal: Partially demolish existing building and erect 20MWE waste to energy power generation facility, 65m stack and associated plant, machinery, parking and external works

Application Site: Immingham Railfreight Terminal Scandinavian Way Stallingborough Grimsby

The following decision has been made upon your application received on 25th July 2018.

Granted subject to: -

- 1 Condition
The development hereby permitted shall begin within three years of the date of this permission.

Reason
To comply with S.91 of the Town and Country Planning Act 1990.
- 2 Condition
The development shall be carried out in accordance with the following plans:
1816-01A
1816-02A
1816-03A
1816-04A
1816-05A

1816-06A
1816-07A
1816-08A
1816-09A
1816-10A
1816-11A
1816-12A
1816-13A
1816-14A
1816-15A

Reason

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

3 Condition

The hereby approved power facility shall use refuse derived fuel only (RDF). RDF comprises of pre-treated / residual waste from municipal, household, commercial and industrial sources. All as detailed in the Environmental Statement.

Reason

To ensure the proposal is consistent with the submitted details and supporting Environmental Statement to accord with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

4 Condition

At no time shall any fuel stock for the power generation facility be stored outside of the main building.

Reason

In the interest of environmental protection in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

5 Condition

Development shall not begin until details of all external materials to be used in construction of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

6 Condition

No development shall commence until a scheme for the sustainable provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed and be completed in accordance with the approved details.

Reason

To prevent an increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Policy 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

7 Condition

Prior to the development commencing, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. A Construction Management Plan can be submitted separately for the defined ground works and for the balance of the development. All development shall then proceed in accordance with the approved details. The Construction Management Plan shall contain:

- Working hours during the construction process;
- Visitor and contractor parking areas;
- Materials storage area;
- Wheel cleaning facilities;
- Noise, vibration and dust mitigation measures;
- Deliveries and servicing plan;
- Pollution control;
- Construction traffic management plan:
 - The expected number, types and size of vehicles during the entire construction period;
 - Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required;
 - Routing for all construction traffic.

Reason

In the interests of highway safety and to protect local amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

8 Condition

Before development commences detailed specifications of the type of piling/foundations to be used to support the building/structures shall be submitted to the Local Planning Authority for written approval. Included shall be a scheme to mitigate the effects of the piling with particular regard to noise and vibration to surrounding properties and pollution of the underlying chalk aquifer. The piling/foundations shall be carried out/constructed in accordance with the approved details, unless variations are first approved in writing by the Local Planning Authority.

Reason

To protect local amenity and to ensure the integrity of the underlying aquifer is not compromised in accordance with Policy 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

9 Condition

Prior to the development first coming into operation:

- (a) A scheme of landscaping showing the details of the number, species, sizes and planting positions of all trees and shrubs to be planted;
- (b) A plan including details of all trees to be retained, any to be felled, hedgerows to be retained, any sections of hedgerow or trees to be removed;
- (c) Measures for the protection of trees and hedges during any construction work;
- (d) A phasing plan for the planting of the landscaping scheme;
- (e) A future maintenance plan for the landscaping.

have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity in accordance with Policy 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

10 Condition

The scheme of landscaping and tree planting required through condition 9 of this planning permission shall be completed within a period of 12 months, beginning with the date on which development first becomes operational or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained for a period of five years in accordance with the details agreed through condition 9 and during that period all losses shall be replaced during the next planting season.

Reason

To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity in accordance with Policy 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

11 Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference SHF.1561.001.HY.R.001.B dated October 2018, compiled by Enzygo, and the following mitigation measures detailed within the FRA:

- Finished floor levels for the plant to be no lower than 300mm above ground level
- Critical equipment to be located no lower than 5.95m above Ordnance Datum
- Flood resilient construction measures to be incorporated
- Areas of safe refuge at first and second floor to be available to staff at all times
- Flood barriers to be fitted to the waste and slag bunkers

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place throughout the lifetime of the development.

Prior to the occupation and use of the development a flood evacuation and emergency plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be occupied and used in accordance with that plan.

Reason

To reduce the risk of flooding to the proposed development and future employees in accordance with Policy 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

12 Condition

Prior to any operation or occupation of the development, a detailed operational travel plan for all operational HGVs entering and leaving the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include a routing agreement. The development shall operate in accordance with the approved travel plan throughout its lifetime unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of highway safety and amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

13 Condition

Prior to occupation and use of the development a Business Travel Plan (BTP) shall be produced and submitted in writing to the Local Planning Authority for approval. The BTP should be produced in accordance with NELC Guidance and in liaison with the Business Travel Plan Officer. The BTP should be fully costed for all measures/incentives and include, but not be limited to the following:

1. Contact details of the person with responsibility for the implementation for the BTP (i.e. The Travel Plan Coordinator);
2. Details of measures and initiatives to be in place to encourage travel by sustainable modes of travel, in particular walking, cycling, and public transport use;
3. 3 and 5 year targets associated with minimising lone car occupancy travel;
4. Details of how the BTP will be monitored (e.g. results of travel surveys within 3 months of first occupation and at key stages during occupancy;
5. The 'life' of the BTP should be from first occupation to 5 years after full occupation of the development to ensure that the BTP has adequate time to become effective;
6. For the lifetime of the Travel Plan, any new employee shall be provided with one public transport voucher to the value of a one week 'taster' Megarider Plus bus pass or equivalent.
7. Promotion of a car sharing scheme such as 'liftshare' and money set aside for guaranteed taxi home if required in emergency situations;

8. Provision of a Travel Information Pack (in hard and electronic copy) to be provided to all new employees for the life of the development;

9. Implement a 'cycle to work' salary sacrifice scheme.

10. Provision of electric vehicle charging points including timing of provision.

Once approved, the BTP shall be implemented in accordance with its terms.

Reason

In the interests of sustainable development in accordance with Policy 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

14 Condition

Prior to any works commencing on the site a detailed Barn Owl Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed only in strict accordance with the approved Barn Owl Mitigation Plan.

Reason

In the interests of environmental protection in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

15 Condition

Prior to construction commencing on the development a detailed Ecological and Bio-diversity Improvement and Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. It shall include:

- Measures for bio-diversity and habitat improvement;
- An implementation plan;
- On going management plan;

The development shall then proceed in accordance with the approved detail and the area thereafter retained and managed in accordance with the approved details.

Reason

In the interests of bio-diversity enhancement and protection in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

16 Condition

Prior to the development first coming into use a minimum of 1 electric vehicle charging point (minimum 7kw) shall be provided within the parking area. Once provided it shall be maintained and retained through the lifetime of the development.

Reason

To encourage sustainable travel in accordance with Policy 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 17 Condition
Development shall not begin until management arrangements for any carriageways, footways or landscaped areas not to be adopted by the local authority have been submitted to and approved in writing by the Local Planning Authority. The carriageways, footways and landscaping areas shall be managed in accordance with the approved details thereafter.

Reason

In the interests of public safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 18 Condition
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 conditions 19 to 21 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 condition 22 has been complied with in relation to that contamination.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 19 Condition
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 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.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

20 Condition

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, 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.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

21 Condition

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 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.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

22 Condition

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 condition 19, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 20, 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 condition 21.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 23 Condition
Prior to development commencing details and timing of the installation of a flashing red light to be positioned on the highest point of the stack shall be submitted to and approved in writing by the Local Planning Authority. The light shall be installed in accordance with the details approved and shall be so retained at all times thereafter.

Reason

In the interest of air safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 24 Condition
Prior to development commencing, other than the defined ground works, the following information shall be submitted to the Local Planning Authority, who shall notify UK DVOF and Powerlines at the Defence Geographic Centre:

- a. Precise location of development.
- b. Date of commencement of construction.
- c. The proposed date of completion of construction.
- d. The height above ground level of the tallest structure.
- e. The maximum extension height of any construction equipment.
- f. Details of aviation warning lighting fitted to the structure(s)

At the earliest opportunity prior to the known final date of completion of the construction, the actual date of construction completion shall be submitted to the Local Planning Authority. There shall be no deviation from, or exceedance of the details provided to the Local Planning Authority, without the Authority's prior approval.

Reason:

In the interests of air safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Informatives:-

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or local amenity and is acceptable under all other planning considerations including highway safety and ecology. It will support the economic development of the area. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 1, 5, 6, 7, 9, 33, 36, 41 and 42.

2 Added Value Statement

Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by providing detailed pre-application advice on the proposed development and by addressing highway and ecological matters.

3 Informative

The applicant's attention is drawn to the comments of the Environment Agency dated 9th February 2018 and their reference to the need for environmental permitting.

4 Informative

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 325959).

This Notice is issued on behalf of North East Lincolnshire Planning Authority.



Signed:

Angela Blake

Official Capacity: Director of Economy and Growth - Place

Date: 20th December 2018

INFORMATION ON APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by this decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990, or for Listed Building Consent, under Sections 20 and 21 for Listed Buildings & Conservation Areas Act 1990.

If you want to appeal this application, please carefully read the information below and choose which option applies to your application:

If this is a decision to refuse planning permission for a **householder** application and you want to appeal against the decision, then you must do so within 12 weeks of the date of this notice;

If this is a decision to refuse planning permission for a **minor commercial application (e.g. shop fronts)** and you want to appeal against the decision, you must do so within 12 weeks of the date of this notice;

If this is a decision to refuse express consent for the display of an **advertisement** and you want to appeal against the decision, you must do so within 8 weeks of the date of receipt of this notice;

For all other **Full** and **Listed Building Consent** applications - If you wish to appeal against the decision, you must do so within 6 months of the date of this notice.

Appeals on Planning Applications involving Enforcement Notices

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against the decision on your application, you must do so within 28 days of the date of this notice;

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against the decision on your application, you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

All Appeals must be made using a form which you can obtain from:

Planning Inspectorate,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol,
BS1 6PN

(Tel: 0303 444 5000) or to submit electronically at <https://www.gov.uk/planning-inspectorate>.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him/her.

The Planning Inspectorate has introduced an online appeals service which you can use to make your appeal online at <https://www.gov.uk/planning-inspectorate>. The Inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party, please ensure you have

their permission to do so. More detailed information about data protection and privacy is available on the Planning Inspectorate web site.

NB. Any approval in this notice of decision refers only to that required under the Town and Country Planning Acts and does not include any consent under any other enactment, bylaw, order, building or other regulation.

IF YOUR APPLICATIONS HAS BEEN REFUSED:

If you decide to resubmit, your application will not be subject to a fee under the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 2002 provided the new application:-

- a) Is submitted as a valid application within one year of the date of the decision
- b) Is development of the same character and description as submitted previously.
- c) Relates to the same site area or part of the same site and does not include additional land
- d) Is submitted by the same applicant
- e) The applicant may only benefit from the fee exemption once for any site

Prior to any resubmission, it is strongly recommended that you discuss the revised scheme with the development management team so that any issues can be identified quickly and solutions to any barriers to achieving a planning permission discussed with you.

DELEGATED REPORT

ITEM: **RECOMMENDATION: Approval
with Conditions**

APPLICATION NO: DM/0628/18/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Immingham Railfreight Terminal, Scandinavian Way,
Stallingborough, Grimsby, North East Lincolnshire, DN41 8DT

PROPOSAL: Partially demolish existing building and erect 20MWE waste to
energy power generation facility, 65m stack and associated plant, machinery,
parking and external works

APPLICANT:
Mr P Mycock
NU Energy
139 Middleton Boulevard
Nottingham
NG8 1FW

AGENT:
Mr Max Jones
Max Design Consultancy
Max Design
The White House
278 Bawtry Road
Doncaster
DN4 7PD

DEPOSITED: 25th July 2018

ACCEPTED: 6th September 2018

TARGET DATE: 6th December 2018

PUBLICITY EXPIRY: 16th November 2018

AGREED EXTENSION OF TIME DATE:
21st December 2018

CONSULTATION EXPIRY: 1st October
2018

CASE OFFICER: Richard Limmer

PROPOSAL

The proposed development is to construct a 20MW energy from waste power plant. The plant itself would, at the largest points, measure 80m by 62m with the main building being up to 29.7m high. The scheme includes a 65m high chimney. The main power generation building includes offices, control space and employees facilities. Around the main building would be car parking for employees and visitors, hgv parking and waiting space for

deliveries, a weighbridge, an attenuation pond and landscaping. Part of the existing building would also be retained for storage.

The proposed power plant would present an investment of some £100M, provide enough energy to power 50,000 homes and employ 34 full time staff at the site. It would also sustain significant job numbers in the transport and logistics to fuel the site and employ a significant number of people through the construction period.

To feed the plant at full capacity it would require circa 320,000 tonnes of refuse derived fuel (RDF) per year. This breaks down to 39 HGV deliveries per day, based on a 16hr delivery period. When combined with other HGV movements associated with the plant, it totals 96 HGV movements in and out of the site per day.

The proposal is Schedule 2 development in the EIA Regulations and has been submitted with a detailed and comprehensive Environmental Impact Assessment.

SITE

The site sits on the Kiln Lane Industrial Estate, an allocated and well established industrial area with good road connections to the A180 and Immingham dock. The site has an existing building on it which would be partially demolished and part retained as storage for the proposed development. To the north of the site is North Beck Drain. The site and the surrounding area is allocated on the NELLP 2018 as Employment Land. The site has an extant consent for energy from waste and food energy from waste under DC/1579/06/IMM and for waste tyres to energy under DM/0333/17/FUL.

RELEVANT PLANNING HISTORY

DC/1579/06/IMM - Construct a food waste to energy power plant (25mw) - approved

DM/1004/13/FUL - Remove condition 2 (waste stream) from DC/1579/06/IMM to allow a broader waste stream to be used - approved

DM/0333/17/FUL - Construct waste tyre to energy plant (cira 15mw) - Approved

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (July 2018)

- NPPF2 - Achieving sustainable development
- NPPF6 - Building a strong, competitive economy
- NPPF9 - Promoting sustainable transport
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.

North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

PO1 - Employment land supply
PO5 - Development boundaries
PO6 - Infrastructure
PO8 - Existing employment areas
PO22 - Good design in new developments
PO33 - Flood risk
PO34 - Water management
PO41 - Biodiversity and Geodiversity

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

REPRESENTATIONS RECEIVED

Highways - No objections, recommend conditions

Highways England - No objections

HSE - Following amended plans and clarification of use, Do Not Advise Against development

Natural England - No objections, development would not have a significant impact.

Environment Agency - No objections, request conditions for flood risk, comment on requirement for Environmental Permit, request conditions for contamination and piling details.

Ecology - No objections, request conditions for ecology mitigation and bio-diversity enhancement.

Lincs Wildlife Trust - No objections, request conditions for ecology mitigation.

Anglian Water - No objections

Drainage Board - No objections, comments on surface water discharge.

Drainage - No objections, comments on surface water discharge.

Network Rail - No objections

Police - No objections

Conservation Officer - No objections

Historic England - No objections

Environmental Health - No objections, requirement for conditions for contamination and construction management.

Fire and Rescue - No objections. Advice provided.

NATS Safeguarding - No objections

Humberside Airport - No objections

Archaeology - No objections

MOD - No safeguarding objections.

Stallingborough Parish Council did not respond to consultation.

No Neighbours Responded to Consultation.

APPRAISAL

Material Planning Considerations

1. Principle of Development
2. Impact on Neighbours
3. Impact on Character of the Area
4. Ecology
5. Highways
6. Pollution and Air Quality
7. Drainage and Flood Risk
8. Economy and Regeneration

1. Principle of Development

The site is allocated in the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP 2018) as an Existing Employment Area.

The NELLP 2018 was formally adopted by the Council in March 2018 and places significant emphasis on growing the local economy to deliver up to 8,800 new jobs in the plan period. These new jobs will be focused in five key sectors:

- Ports and logistics;
- Chemicals;
- Food Processing;
- Renewable Energy; and
- Visitor economy, services and retail.

Policy 1 of the NELLP 2018 forms the basis of the land allocations for Employment Areas in order to deliver the 8,800 jobs on which the Plan is based. Part 2 of Policy 1 details the provision of a portfolio of sites for the 5 key sectors detailed above, its details that there is a minimum requirement of 123.6ha of allocated required to deliver the employment numbers required.

As an allocated site Policy 5 of the NELLP seeks to ensure that the proposed development is acceptable in terms of the main material planning considerations:

- a. Size, scale and density;
- b. Access and traffic generation;
- c. Provision of services;
- d. Impact on neighbouring land uses by reason of noise, air quality and visual intrusion;
- e. Advice from the HSE;
- f. Flood risk;
- g. The quality of agricultural land;
- h. Contamination;
- i. Impact on heritage, landscape, biodiversity, geodiversity and settlement character.

These matters are discussed in detail in the report below. It is important to note that there are no matters of principle in relation to Policy 5 that would preclude the proposed development on this site.

Policy 8 of the NELLP 2018 is the specific Policy that allocates the Existing Employment Land in the Plan. Waste to energy is considered to be industrial process and employment use. The proposed development is detailed to provide 34 full time jobs on site and will support the wider logistics industry.

It is therefore considered that this proposal does not present any matters of principle that conflict with the NELLP 2018. The specific impacts and considerations will be discussed in the subsequent sections of this report.

In terms of national planning policy statements EN-1 and EN-3, reference is made to the need to ensure that every opportunity is taken to deliver combined heat and power (CHP). It must be acknowledged that this policy relates to nationally significant power projects, which this development is not, and in any event, the submitted details confirm that future consideration will be given to the use of heat from the proposal to support neighbouring industrial development.

There is also a lengthy planning history to the site which includes two previous planning permissions for waste to energy developments. Whilst neither of these approved developments have come to fruition it is a material consideration. Furthermore, both of these previous permissions remain extant and present a significant fall-back position for the applicant.

2. Impact on Neighbours

It is noted that there have not been any objections raised by the neighbouring land uses through the consultation process. However, due consideration must still be given to the potential impacts. The surrounding land uses are all of a commercial or industrial nature. To the north of the site is North Beck which is an Environment Agency controlled river. Beyond that a similar waste to energy plant (North Beck Energy DM/0026/18/FUL) has recently been approved, the approved development being significantly larger than this proposal. Given the overall size and scale of the proposed development and the nature of the neighbouring land uses it is considered that there would not be an undue impact on the general amenities of the area. Traffic generation and highway amenity is discussed later in this report.

The proposal has been considered by Environmental Health Officer and no undue concerns are raised. The use and subsequent emissions from the proposed plant would be permitted by the Environment Agency.

The site benefits from being an allocated site on the existing and emerging Local Plans. The neighbouring land uses are all of a commercial or industrial nature. The Kiln Lane Industrial Estate is also very well established and has a number of very large industrial processing facilities operating on it. It is also worth noting the industrial processing facilities nearby such as Crystal Global, BOC and Synthomer.

It is considered that the proposed development would not harm the amenities of the neighbouring land uses. The site is allocated for industrial development and benefits from extant consent. As such it is considered to accord with Policy 5 of the NELLP 2018.

3. Impact on the Character of the Area

As stated the building is of a significant scale and will therefore be visible in the wider landscape and give views from substantial distances.

The submitted Environmental Statement in chapter 11 considers specifically the Landscape Visual Impact of the proposed development. This section includes a detailed assessment of the character of the area and provides photo montage images of the proposed development.

It is also noted that the original planning permission DC/1579/06/IMM permitted a 40m high stack for that particular development. A 90m high stack has also been permitted through the planning permission for North Beck Energy roughly 250m to the north of the site.

It is acknowledged that the proposed development would be visible from significant distances from the site, this includes views from the Lincolnshire Wolds AONB. However, the wider context of the site must be given due consideration. The site is located in and around various large scale industrial operations many of which are of a scale akin to this proposal including; Immingham Docks, Knauf, Conoco Phillips Refinery, Crystal Chemicals, Power Stations and Lenzing Fibres. Extant planning permissions in the wider area also include Vireol (DM/0195/17/FUL) which benefits from a 55m high stack. The backdrop and wider south Humber Bank area is therefore a recognised industrial landscape in itself. This proposed development would not therefore offer any significant harm to the visual character of the area.

4. Ecology

The site is near the Humber Estuary Site of Special Scientific Interest (SSSI), Humber Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. This proximity to the Humber Estuary means the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations apply. Under the Habitats Regulations, the Council is the Competent Authority when considering the development. The Council therefore has the statutory responsibility to determine whether or not the proposals are likely to have a significant effect, alone or in combination, with other plans or projects on the Humber SAC, SPA and Ramsar Site. There is also the requirement to consider the development, having regard to the Wildlife and Countryside Act 1981 which includes requirements with respect to the conservation and enhancement of an SSSI. Natural England, as the appropriate nature conservation body, has been consulted and has considered the ecological implications.

The main issues relate to air quality, noise and wider habitats these are addressed in a supporting assessments. No objections have been received from Natural England or the Council Ecology Officer. It is noted that the existing building currently hosts a nesting Barn Owl (Protected Species) this must be dealt with appropriately and suitable mitigation provided prior to any works commencing on the development including the demolition works. Discussions with the Ecology Officer and Lincs Wildlife Trust suggest that suitable mitigation could be in the form of a temporary nesting box located adjacent to North Beck to the north of the site and then a permanent Barn Owl Tower in a similar location. This detail can be secured through a suitable condition.

Having regard to the analysis undertaken and the representations of Natural England and other ecological consultees, it is concluded the development is unlikely to have a significant impact on the Humber Estuary designated sites, either alone or in combination with other plans or projects. The proposal therefore accords with Policies 5 and 41 of the NELLP 2018.

5. Highways

The Transport Assessment concludes that the proposed development will have no adverse impact on the operation of the local highway network. As for traffic and transport at the operational stage, the proposal will have little impact. For HGV's traffic levels will equate to some 96 two way trips per day consisting of fuel import and ash export. These are proposed through a 16 hour period per day equating to 6 trips per hour. The Transport Assessment indicates the route from the A180 to the site that would be utilised to reduce the impact of the development. This would be secured through an Operational Traffic Management Plan condition.

During key periods of the construction phase significant traffic would be generated from workers, HGV's and abnormal loads. These would be managed through an appropriate condition to secure details of Construction Traffic Management Plans and Worker Travel Plans; these details could be provided once a contractor has been appointed to the project.

As part of the Transport Assessment submitted with the application several key junctions around the site have been modelled to assess the potential impact of the development on the traffic flows through them. This assessment concluded that there would not be any severe impacts on any junctions and that no improvement works would be required. This has been agreed by the Highways Officer.

No objections are raised by Highways England or Council Highways Officer. A condition is recommended in relation to a Construction Traffic Management Plan and a Delivery and Servicing Plan. The proposal is considered therefore to accord with Policies 5, 6, 7 and 36 of the NELLP 2018.

6. Pollution and Air Quality

The Environmental Statement assesses the impact of the development in terms of emissions from the plant. The construction and operation of the proposed development is not predicted to result in significant noise impacts to residents. The operation of the plant will require a permit from the Environment Agency. No effects on land and water during the construction and operation stage are envisaged subject to safeguarding and contamination conditions. No objections are raised by the Environmental Health Officer, Natural England or the Environment Agency.

7. Drainage and Flood Risk

The development site is within Flood Zone 3 as defined on the Environment Agency Maps and in an area of flood risk as defined in the Strategic Flood Risk Assessment. In regard to the sequential test the Local Plan process considered the most appropriate sites allocated for this type of use taking into account flood risk. It is therefore considered that the Local Plan allocation process has dealt with the sequential test and that this is a preferred site, in flood risk terms, to develop.

Turning to the exception test The Environment Agency has considered the site specific FRA submitted with the application and confirmed that the analysis and proposed mitigation is acceptable. The economic value provides for the wider community benefits. It is considered that the development accords with Policy 33 of the NELLP 2018 and the NPPF 2018 on flood risk grounds. The development should be carried out in accordance with the Flood Risk Assessment and this is to be secured by condition. The requirements of the condition are:

- Finished floor levels for the plant to be no lower than 300mm above ground level;
- Critical equipment to be located no lower than 5.95m above Ordnance Datum;
- Flood resilient construction measures to be incorporated;
- Areas of safe refuge at first and second floor to be available to staff at all times;
- Flood barriers to be fitted to the waste and slag bunkers;

The proposed development has demonstrated that it would be safe in a flood event. To not pose any increased risk of flooding to neighbouring land and control the rate of discharge into North Beck a condition for the surface water drainage details is also required. On the basis of the inclusion of the two conditions discussed the development is considered to accord with Policies 5 and 33 of the NELLP 2018.

8. Economy and Regeneration

The development will have positive socio-economic impacts due to the recruitment of numerous construction workers and the employment of at least 34 full time workers when the plant is operational. With additional economic benefit being derived by engineers, electricians and other services by sub-contracting opportunities engaged from local suppliers during construction and operational periods. Furthermore, there will be significant numbers of jobs created through the construction period. The proposed development would therefore help meet the economic growth set out in the NELLP 2018 and meet Policy 1 of the Plan.

CONCLUSION

In conclusion, it is considered that the proposed development would not harm the neighbouring land uses amenities, highway amenity or the character and appearance of the area and acceptable in terms of ecological impact. The proposal represents a significant investment into the area and will provide essential energy for the wider area.

Detailed consideration has been given to the wider impacts of the development on ecology, landscape and air quality and no unresolved concerns remain. The proposal therefore accords with Policies 1, 5, 6, 9, 22, 33, 34 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) and is recommended for approval.

RECOMMENDATION

Approval with Conditions

(1) Condition

The development hereby permitted shall begin within three years of the date of this permission.

Reason

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

(2) Condition

The development shall be carried out in accordance with the following plans:

1816-01A

1816-02A

1816-03A

1816-04A

1816-05A

1816-06A

1816-07A

1816-08A

1816-09A

1816-10A

1816-11A

1816-12A

1816-13A

1816-14A

1816-15A

Reason

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

(3) Condition

The hereby approved power facility shall use refuse derived fuel only (RDF). RDF comprises of pre-treated / residual waste from municipal, household, commercial and industrial sources. All as detailed in the Environmental Statement.

Reason

To ensure the proposal is consistent with the submitted details and supporting Environmental Statement to accord with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

At no time shall any fuel stock for the power generation facility be stored outside of the main building.

Reason

In the interest of environmental protection in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Development shall not begin until details of all external materials to be used in construction of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

No development shall commence until a scheme for the sustainable provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed and be completed in accordance with the approved details.

Reason

To prevent an increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Policy 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

Prior to the development commencing, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. A Construction Management Plan can be submitted separately for the defined ground works and for the balance of the development. All development shall then proceed in accordance with the approved details. The Construction Management Plan shall contain:

- Working hours during the construction process;
- Visitor and contractor parking areas;
- Materials storage area;
- Wheel cleaning facilities;
- Noise, vibration and dust mitigation measures;

- Deliveries and servicing plan;
- Pollution control;
- Construction traffic management plan:
 - The expected number, types and size of vehicles during the entire construction period;
 - Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required;
 - Routing for all construction traffic.

Reason

In the interests of highway safety and to protect local amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

Before development commences detailed specifications of the type of piling/foundations to be used to support the building/structures shall be submitted to the Local Planning Authority for written approval. Included shall be a scheme to mitigate the effects of the piling with particular regard to noise and vibration to surrounding properties and pollution of the underlying chalk aquifer. The piling/foundations shall be carried out/constructed in accordance with the approved details, unless variations are first approved in writing by the Local Planning Authority.

Reason

To protect local amenity and to ensure the integrity of the underlying aquifer is not compromised in accordance with Policy 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

Prior to the development first coming into operation:

- (a) A scheme of landscaping showing the details of the number, species, sizes and planting positions of all trees and shrubs to be planted;
- (b) A plan including details of all trees to be retained, any to be felled, hedgerows to be retained, any sections of hedgerow or trees to be removed;
- (c) Measures for the protection of trees and hedges during any construction work;
- (d) A phasing plan for the planting of the landscaping scheme;
- (e) A future maintenance plan for the landscaping.

have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity in accordance with Policy 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) Condition

The scheme of landscaping and tree planting required through condition 9 of this planning permission shall be completed within a period of 12 months, beginning with the date on which development first becomes operational or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained for a period of five years in accordance with the details agreed through condition 9 and during that period all losses shall be replaced during the next planting season.

Reason

To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity in accordance with Policy 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(11) Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference SHF.1561.001.HY.R.001.B dated October 2018, compiled by Enzygo, and the following mitigation measures detailed within the FRA:

- Finished floor levels for the plant to be no lower than 300mm above ground level
- Critical equipment to be located no lower than 5.95m above Ordnance Datum
- Flood resilient construction measures to be incorporated
- Areas of safe refuge at first and second floor to be available to staff at all times
- Flood barriers to be fitted to the waste and slag bunkers

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place throughout the lifetime of the development.

Prior to the occupation and use of the development a flood evacuation and emergency plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be occupied and used in accordance with that plan.

Reason

To reduce the risk of flooding to the proposed development and future employees in accordance with Policy 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(12) Condition

Prior to any operation or occupation of the development, a detailed operational travel plan for all operational HGVs entering and leaving the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include a routing agreement. The development shall operate in accordance with the approved travel plan throughout its lifetime unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of highway safety and amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(13) Condition

Prior to occupation and use of the development a Business Travel Plan (BTP) shall be produced and submitted in writing to the Local Planning Authority for approval. The BTP should be produced in accordance with NELC Guidance and in liaison with the Business Travel Plan Officer. The BTP should be fully costed for all measures/incentives and include, but not be limited to the following:

1. Contact details of the person with responsibility for the implementation for the BTP (i.e. The Travel Plan Coordinator);
2. Details of measures and initiatives to be in place to encourage travel by sustainable modes of travel, in particular walking, cycling, and public transport use;
3. 3 and 5 year targets associated with minimising lone car occupancy travel;
4. Details of how the BTP will be monitored (e.g. results of travel surveys within 3 months of first occupation and at key stages during occupancy);
5. The 'life' of the BTP should be from first occupation to 5 years after full occupation of the development to ensure that the BTP has adequate time to become effective;
6. For the lifetime of the Travel Plan, any new employee shall be provided with one public transport voucher to the value of a one week 'taster' Megarider Plus bus pass or equivalent.
7. Promotion of a car sharing scheme such as 'liftshare' and money set aside for guaranteed taxi home if required in emergency situations;
8. Provision of a Travel Information Pack (in hard and electronic copy) to be provided to all new employees for the life of the development;
9. Implement a 'cycle to work' salary sacrifice scheme.
10. Provision of electric vehicle charging points including timing of provision.

Once approved, the BTP shall be implemented in accordance with its terms.

Reason

In the interests of sustainable development in accordance with Policy 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(14) Condition

Prior to any works commencing on the site a detailed Barn Owl Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed only in strict accordance with the approved Barn Owl Mitigation Plan.

Reason

In the interests of environmental protection in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(15) Condition

Prior to construction commencing on the development a detailed Ecological and Bio-diversity Improvement and Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. It shall include:

- Measures for bio-diversity and habitat improvement;
- An implementation plan;
- On going management plan;

The development shall then proceed in accordance with the approved detail and the area thereafter retained and managed in accordance with the approved details.

Reason

In the interests of bio-diversity enhancement and protection in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(16) Condition

Prior to the development first coming into use a minimum of 1 electric vehicle charging point (minimum 7kw) shall be provided within the parking area. Once provided it shall be maintained and retained through the lifetime of the development.

Reason

To encourage sustainable travel in accordance with Policy 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(17) Condition

Development shall not begin until management arrangements for any carriageways, footways or landscaped areas not to be adopted by the local authority have been submitted to and approved in writing by the Local Planning Authority. The carriageways, footways and landscaping areas shall be managed in accordance with the approved details thereafter.

Reason

In the interests of public safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(18) Condition

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 conditions 19 to 21 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 condition 22 has been complied with in relation to that contamination.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(19) Condition

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 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.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(20) Condition

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, 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.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(21) Condition

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 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.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(22) Condition

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 condition 19, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 20, 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 condition 21.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(23) Condition

Prior to development commencing details and timing of the installation of a flashing red light to be positioned on the highest point of the stack shall be submitted to and approved in writing by the Local Planning Authority. The light shall be installed in accordance with the details approved and shall be so retained at all times thereafter.

Reason

In the interest of air safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(24) Condition

Prior to development commencing, other than the defined ground works, the following information shall be submitted to the Local Planning Authority, who shall notify UK DVOF and Powerlines at the Defence Geographic Centre:

- a. Precise location of development.
- b. Date of commencement of construction.
- c. The proposed date of completion of construction.
- d. The height above ground level of the tallest structure.
- e. The maximum extension height of any construction equipment.
- f. Details of aviation warning lighting fitted to the structure(s)

At the earliest opportunity prior to the known final date of completion of the construction, the actual date of construction completion shall be submitted to the Local Planning Authority. There shall be no deviation from, or exceedance of the details provided to the Local Planning Authority, without the Authority's prior approval.

Reason:

In the interests of air safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or local amenity and is acceptable under all other planning considerations including highway safety and ecology. It will support the economic development of the area. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 1, 5, 6, 7, 9, 33, 36, 41 and 42.

2 Added Value Statement

Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by providing detailed pre-application advice on the proposed development and by addressing highway and ecological matters.

3 Informative

The applicant's attention is drawn to the comments of the Environment Agency dated 9th February 2018 and their reference to the need for environmental permitting.

4 Informative

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 325959).

Case Officer: Richard Limmer

Supervising officer:

Name: Martin Dixon

North East Lincolnshire Council Officer with Delegated Powers:

Name: Chris Lines

Town and Country Planning Acts

NOTICE OF DECISION

Application Number: DM/0274/20/FUL

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address: Immingham Industrial Estates Immingham Railfreight Terminal Stallingborough Grimsby DN41 8DU	Agent's Name and Address: Mr Max Jones Max Design Consultancy Max Design The White House 278 Bawtry Road Doncaster DN4 7PD
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Proposal: Variation of condition 2 (Approved Plans) pursuant to DM/0628/18/FUL (Partially demolish existing building and erect 20MWE waste to energy power generation facility, 65m stack and associated plant, machinery, parking and external works) to increase bunker and boiler room height to 40m to the ridge, amend roof design to a mono-pitch, amend roof design of boiler room to pitch roof, erect raised platform of 3.8m high for fuel delivery, repositioning of attenuation basin and handing of the building by 180 degrees

Application Site: Immingham Railfreight Terminal Scandinavian Way Stallingborough Grimsby

The following decision has been made upon your application received on 2nd April 2020.

Granted subject to: -

- 1 Condition
The development hereby permitted shall begin by the 20th December 2021.

Reason
To comply with S.91 of the Town and Country Planning Act 1990.
- 2 Condition
The development shall be carried out in accordance with the following plans:

1816-08C Proposed Block Plan
1816-09C Site Location Plan
1816-006E Proposed Elevations 1

1816-007E Proposed Elevations 2
1816-30 Proposed Elevations 1 and 2
1816-31 Proposed Elevations 3 and 4

Floor plans as approved under DM/0628/18/FUL

1816-01 A Ground Floor Plan
1816-02 A First Floor Plan
1816-03 A Second Floor Plan
1816-04 A Third Floor Plan
1816-05 A Fourth Floor Plan

Reason

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

3 Condition

The hereby approved power facility shall use refuse derived fuel only (RDF). RDF comprises of pre-treated / residual waste from municipal, household, commercial and industrial sources. All as detailed in the Environmental Statement.

Reason

To ensure the proposal is consistent with the submitted details and supporting Environmental Statement to accord with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

4 Condition

At no time shall any fuel stock for the power generation facility be stored outside of the main building.

Reason

In the interest of environmental protection in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

5 Condition

Development shall not begin until details of all external materials to be used in construction of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

6 Condition

No development shall commence until a scheme for the sustainable provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed and be completed in accordance with the approved details.

Reason

To prevent an increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Policy 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

7 Condition

Prior to the development commencing, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. A Construction Management Plan can be submitted separately for the defined ground works and for the balance of the development. All development shall then proceed in accordance with the approved details. The Construction Management Plan shall contain:

- Working hours during the construction process;
- Visitor and contractor parking areas;
- Materials storage area;
- Wheel cleaning facilities;
- Noise, vibration and dust mitigation measures;
- Deliveries and servicing plan;
- Pollution control;
- Construction traffic management plan:
 - The expected number, types and size of vehicles during the entire construction period;
 - Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required;
 - Routing for all construction traffic.

Reason

In the interests of highway safety and to protect local amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

8 Condition

Before development commences detailed specifications of the type of piling/foundations to be used to support the building/structures shall be submitted to the Local Planning Authority for written approval. Included shall be a scheme to mitigate the effects of the piling with particular regard to noise and vibration to surrounding properties and pollution of the underlying chalk aquifer. The piling/foundations shall be carried out/constructed in accordance with the approved details, unless variations are first approved in writing by the Local Planning Authority.

Reason

To protect local amenity and to ensure the integrity of the underlying aquifer is not compromised in accordance with Policy 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

9 Condition

The scheme of landscaping approved under DM/0167/19/CND shall be fully implemented in accordance with the approved details

Reason

To ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity in accordance with Policy 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

10 Condition

The scheme of landscaping and tree planting required through condition 9 of this planning permission shall be completed within a period of 12 months, beginning with the date on which development first becomes operational or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained for a period of five years in accordance with the details agreed through condition 9 and during that period all losses shall be replaced during the next planting season.

Reason

To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity in accordance with Policy 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

11 Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference SHF.1561.001.HY.R.001.B dated October 2018, compiled by Enzygo, and the following mitigation measures detailed within the FRA:

- Finished floor levels for the plant to be no lower than 300mm above ground level
- Critical equipment to be located no lower than 5.95m above Ordnance Datum
- Flood resilient construction measures to be incorporated
- Areas of safe refuge at first and second floor to be available to staff at all times
- Flood barriers to be fitted to the waste and slag bunkers

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place throughout the lifetime of the development.

Prior to the occupation and use of the development a flood evacuation and emergency plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be occupied and used in accordance with that plan.

Reason

To reduce the risk of flooding to the proposed development and future employees in accordance with Policy 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

12 Condition

Prior to any operation or occupation of the development, a detailed operational travel plan for all operational HGVs entering and leaving the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include a routing agreement. The development shall operate in accordance with the approved travel plan throughout its lifetime unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of highway safety and amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

13 Condition

Prior to occupation and use of the development a Business Travel Plan (BTP) shall be produced and submitted in writing to the Local Planning Authority for approval. The BTP should be produced in accordance with NELC Guidance and in liaison with the Business Travel Plan Officer. The BTP should be fully costed for all measures/incentives and include, but not be limited to the following:

1. Contact details of the person with responsibility for the implementation for the BTP (i.e. The Travel Plan Coordinator);
2. Details of measures and initiatives to be in place to encourage travel by sustainable modes of travel, in particular walking, cycling, and public transport use;
3. 3 and 5 year targets associated with minimising lone car occupancy travel;
4. Details of how the BTP will be monitored (e.g. results of travel surveys within 3 months of first occupation and at key stages during occupancy);
5. The 'life' of the BTP should be from first occupation to 5 years after full occupation of the development to ensure that the BTP has adequate time to become effective;
6. For the lifetime of the Travel Plan, any new employee shall be provided with one public transport voucher to the value of a one week 'taster' Megarider Plus bus pass or equivalent.
7. Promotion of a car sharing scheme such as 'liftshare' and money set aside for guaranteed taxi home if required in emergency situations;
8. Provision of a Travel Information Pack (in hard and electronic copy) to be provided to all new employees for the life of the development;
9. Implement a 'cycle to work' salary sacrifice scheme.
10. Provision of electric vehicle charging points including timing of provision.

Once approved, the BTP shall be implemented in accordance with its terms.

Reason

In the interests of sustainable development in accordance with Policy 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

14 Condition

The development shall be implemented in accordance with the approved Barn Owl mitigation plan approved under DM/0167/19/CND and retained thereafter.

Reason

In the interests of environmental protection in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

15 Condition

Prior to construction commencing on the development a detailed Ecological and Bio-diversity Improvement and Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. It shall include:

- Measures for bio-diversity and habitat improvement;
- An implementation plan;
- On going management plan;

The development shall then proceed in accordance with the approved detail and the area thereafter retained and managed in accordance with the approved details.

Reason

In the interests of bio-diversity enhancement and protection in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

16 Condition

Prior to the development first coming into use a minimum of 1 electric vehicle charging point (minimum 7kw) shall be provided within the parking area. Once provided it shall be maintained and retained through the lifetime of the development.

Reason

To encourage sustainable travel in accordance with Policy 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

17 Condition

Development shall not begin until management arrangements for any carriageways, footways or landscaped areas not to be adopted by the local authority have been submitted to and approved in writing by the Local Planning Authority. The carriageways, footways and landscaping areas shall be managed in accordance with the approved details thereafter.

Reason

In the interests of public safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

18 Condition

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 conditions 19 to 21 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 condition 22 has been complied with in relation to that contamination.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

19 Condition

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 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.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

20 Condition

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, 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.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

21 Condition

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 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.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

22 Condition

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 condition 19, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 20, 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 condition 21.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 23 Condition
Prior to development commencing details and timing of the installation of a flashing red light to be positioned on the highest point of the stack shall be submitted to and approved in writing by the Local Planning Authority. The light shall be installed in accordance with the details approved and shall be so retained at all times thereafter.

Reason

In the interest of air safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 24 Condition
Prior to development commencing, other than the defined ground works, the following information shall be submitted to the Local Planning Authority, who shall notify UK DVOF and Powerlines at the Defence Geographic Centre:

- a. Precise location of development.
- b. Date of commencement of construction.
- c. The proposed date of completion of construction.
- d. The height above ground level of the tallest structure.
- e. The maximum extension height of any construction equipment.
- f. Details of aviation warning lighting fitted to the structure(s)

At the earliest opportunity prior to the known final date of completion of the construction, the actual date of construction completion shall be submitted to the Local Planning Authority. There shall be no deviation from, or exceedance of the details provided to the Local Planning Authority, without the Authority's prior approval.

Reason:

In the interests of air safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Informatives:-

- 1 Reason for Approval
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or local amenity and is acceptable under all other planning considerations including highway safety and ecology. It will support the economic development of the area. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 1, 5, 6, 7, 9, 33, 36, 41 and 42.
- 2 Added Value Statement
Article 31(1)(cc) Statement - Positive and Proactive Approach
In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by providing detailed pre-application advice on the proposed development and by addressing highway and ecological matters.

- 3 Informative
The applicants attention is drawn to the comments of the Environment Agency dated 9th February 2018 and their reference to the need for environmental permitting.
- 4 Informative
Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 325959).

This Notice is issued on behalf of North East Lincolnshire Planning Authority.



Signed:

Clive Tritton

Official Capacity: Interim Director of Economy and Growth

Date: 24th September 2020

INFORMATION ON APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by this decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990, or for Listed Building Consent, under Sections 20 and 21 for Listed Buildings & Conservation Areas Act 1990.

If you want to appeal this application, please carefully read the information below and choose which option applies to your application:

If this is a decision to refuse planning permission for a **householder** application and you want to appeal against the decision, then you must do so within 12 weeks of the date of this notice;

If this is a decision to refuse planning permission for a **minor commercial application (e.g. shop fronts)** and you want to appeal against the decision, you must do so within 12 weeks of the date of this notice;

If this is a decision to refuse express consent for the display of an **advertisement** and you want to appeal against the decision, you must do so within 8 weeks of the date of receipt of this notice;

For all other **Full** and **Listed Building Consent** applications - If you wish to appeal against the decision, you must do so within 6 months of the date of this notice.

Appeals on Planning Applications involving Enforcement Notices

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against the decision on your application, you must do so within 28 days of the date of this notice;

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against the decision on your application, you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

All Appeals must be made using a form which you can obtain from:

Planning Inspectorate,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol,
BS1 6PN

(Tel: 0303 444 5000) or to submit electronically at <https://www.gov.uk/planning-inspectorate>.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him/her.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority (planning@nelincs.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are online on GOV.UK <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>.

The Planning Inspectorate has introduced an online appeals service which you can use to make your appeal online at <https://www.gov.uk/planning-inspectorate>. The Inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party, please ensure you have their permission to do so. More detailed information about data protection and privacy is available on the Planning Inspectorate web site.

NB. Any approval in this notice of decision refers only to that required under the Town and Country Planning Acts and does not include any consent under any other enactment, bylaw, order, building or other regulation.

IF YOUR APPLICATIONS HAS BEEN REFUSED:

If you decide to resubmit, your application will not be subject to a fee under the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 2002 provided the new application:-

- a) Is submitted as a valid application within one year of the date of the decision
- b) Is development of the same character and description as submitted previously.
- c) Relates to the same site area or part of the same site and does not include additional land
- d) Is submitted by the same applicant
- e) The applicant may only benefit from the fee exemption once for any site

Prior to any resubmission, it is strongly recommended that you discuss the revised scheme with the development management team so that any issues can be identified quickly and solutions to any barriers to achieving a planning permission discussed with you.

DELEGATED REPORT

ITEM: **RECOMMENDATION: Approval with Conditions**

APPLICATION No: **DM/0274/20/FUL**

APPLICATION TYPE: Full Application

APPLICATION SITE: Immingham Railfreight Terminal, Scandinavian Way, Stallingborough, Grimsby, North East Lincolnshire, DN41 8DT

PROPOSAL: Variation of condition 2 (Approved Plans) pursuant to DM/0628/18/FUL (Partially demolish existing building and erect 20MWE waste to energy power generation facility, 65m stack and associated plant, machinery, parking and external works) to increase bunker and boiler room height to 40m to the ridge, amend roof design to a mono-pitch, amend roof design of boiler room to pitch roof, erect raised platform of 3.8m high for fuel delivery, repositioning of attenuation basin and handing of the building by 180 degrees

APPLICANT:
Immingham Industrial Estates
Immingham Railfreight Terminal
Stallingborough
Grimsby
DN41 8DU

AGENT:
Mr Max Jones
Max Design Consultancy
Max Design
The White House
278 Bawtry Road
Doncaster
DN4 7PD

DEPOSITED: 2nd April 2020

ACCEPTED: 21st April 2020

TARGET DATE: 11th August 2020

PUBLICITY EXPIRY: 21st June 2020

AGREED EXTENSION OF TIME DATE: 24th
September 2020

CONSULTATION EXPIRY: 8th June 2020

CASE OFFICER: Richard Limmer

PROPOSAL

This planning application seeks to amend the previously approved development in the following way:

- amend the height of the flue stack from 44m to 65m,
- increase the height of the bunker to 40m,
- amend the roof design from a pitched roof to a mono-pitched roof,
- raise the height of the fuel delivery to bunker to 3.8m,
- reposition the attenuation basin, and
- hand the building by 180 degrees.

To summarise the development proposal is to construct a 20MW energy from waste plant. The plant itself would, at the largest points measure 80m by 62m. The main power generation building includes offices, control space and employee facilities. Car parking for staff and visitors are included as well as HGV parking, space for deliveries, a weighbridge, an attenuation pond and landscaping.

The proposed power plant would represent an investment of some £100M, provide enough energy for 50,000 homes, employ 34 full time staff as well as sustain significant job numbers in transport and logistics to fuel the site and employ a significant number of people through the construction period.

The proposal is EIA development in the EIA Regulations and has been submitted with a detailed and comprehensive Environmental Impact Assessment. This is the existing EIA which still applies in full as the amendments has no consequence to it.

SITE

The site is located on Kiln Lane Industrial Estate, an allocated and established industrial area with good road connections to the A180 and Immingham Docks. The site contains a building which would be partially demolished and part retained as storage for the proposed development. To the north of the site is North Beck Drain. The site and the surrounding area is allocated on the NELLP 2018 as Employment Land. The site has an extant consent for energy from waste and food energy from waste under DC/1579/06/IMM, for waste tyres to energy under DM/0333/17/FUL and waste to energy under DM/0628/18/FUL.

Application DM/0167/19/CND sought details to discharge conditions 19 (landscaping) and 14 (barn owl mitigation) and has been approved.

RELEVANT PLANNING HISTORY

DC/1579/06/IMM - construct a food waste to energy power plant (25MW) - approved,

DM/1004/13/FUL - remove condition 2 (waste stream) from DC/1579/06/IMM to allow a broader waste stream to be used - approved,

DM/0333/17/FUL - construct waste tyre to energy plant (circa 15MW) - approved,

DM/0628/18/FUL - construct waste to energy plant - approved,

DM/0167/19/CND - to discharge conditions 19 (landscaping) and 14 (barn owl mitigation) - approved.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (February 2019)

North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

REPRESENTATIONS RECEIVED

Highways - no objections - recommend conditions,

Highways England - no objections,

Natural England - no objections, development would not have a significant impact,

Environment Agency - no objections, request conditions for flood risk, comment on requirements of Environment Permit, request conditions for contamination, site investigation and remediation and piling details,

Drainage Board - no objections, comment on surface water discharge,

Drainage Officer - no objections - comment on surface water discharge,

Network Rail - no objections,

Trees and Woodland Officer - changes to development noted, no further comment,

Humberside Police - no objections,

Heritage Officer - no objections,

Historic England - no objections,

Environmental Health Officer - no further comments to those made under reference DM/0628/18/FUL - conditions recommended for contamination and construction management,

Humberside Fire and Rescue - no objections - advice provided,

NATS Safeguarding - no objections,

Humberside Airport - no objections.

Parish Council - no comments received

HSE - Do not advise against.

Neighbours - no responses to consultation

APPRAISAL

The material planning considerations are considered to be as follows:-

1. Principle of Development,
2. Impact on Neighbours,
3. Impact on Character of Area,
4. Ecology,
5. Highways,
6. Pollution and Air Quality,
7. Drainage and Flood Risk,
8. Economy and Regeneration.
9. EIA

1. Principle of Development.

The site is allocated in the North East Lincolnshire Local Plan 2013-2032 (as adopted in 2018) (NELLP 2018) as an Existing Employment Area).

The NELLP 2018 was formally adopted by the Council in March 2018 and places significant emphasis on growing the local economy to deliver up to 8,800 new jobs in the plan period. These new jobs will be focused in five key sectors:-

- ports and logistics,
- chemicals,
- food processing,
- renewable energy, and
- visitor economy, services and retail.

Policy 1 of the NELLP 2018 forms the basis of land allocations for Employment Areas in order to deliver the 8,800 jobs on which the Plan is based. Part 2 of Policy 1 details the provision of a

portfolio of sites for the five key sectors detailed above, its details that there is a minimum requirement of 123.6ha of allocated land required to deliver the employment numbers required.

As an allocated site Policy 5 of the NELLP seeks to ensure that the proposed development is acceptable in terms of the main material planning considerations:-

- size, scale and density,
- access and traffic generation,
- provision of services,
- impact on neighbouring land uses by reason of noise, air quality and visual intrusion,
- advice from the HSE,
- flood risk,
- the quality of agricultural land,
- contamination, and,
- impact on heritage, landscape, biodiversity, geodiversity and settlement character.

These matters are discussed in detail below. It is important to note that there are no matters of principle in relation to Policy 5 that would preclude the proposed development on this site.

Policy 8 of the NELLP 2018 is the specific policy that allocates the Existing Employment Land in the Plan. Waste to energy is considered to be an industrial process and employment use. The proposed development is detailed to provide 34 full time jobs on site and support the wider logistics industry. A significant number of jobs will also be created during construction.

It is therefore considered that this proposal does not present any matters of principle that conflict with the NELLP 2018. The specific impacts and considerations will be discussed in the subsequent sections of this report.

In terms of National Planning Policy Statements EN-1 and EN-3, reference is made to the need to ensure that every opportunity is taken to deliver combined heat and power (CHP). It is acknowledged that this policy relates to nationally significant power projects which this development is not, and in any event, the submitted details confirm that future consideration will be given to the use of heat from the proposed development to support neighbouring industrial development.

There is a lengthy planning history to the developing this site which includes three previous planning permissions for waste to energy development. Whilst two of these previously approved schemes have not come to fruition they are, nevertheless, a material consideration. Furthermore, these previous permissions remain extant and present a significant fall-back position for the applicant, particularly having regard to the most recent permission under reference DM/0628/18/FUL. Indeed this application merely seeks to amend some of the design details and the length of the permission will remain within the time of DM/0628/18/FUL. The principle of this development has already been established through DM/0628/18/FUL and as a minor material amendment application it is those changes which are the material consideration.

2. Impact on Neighbours.

The surrounding land uses are all of a commercial or industrial nature. To the north of the site is North Beck which is an Environment Agency controlled river. Beyond the river is a similar waste to energy project (North Beck Energy - reference DM/0026/18/FUL) has been approved. This approved development is significantly larger than this proposal. Given the overall size and scale of the proposed development and the nature of the neighbouring land uses it is considered that there would not be an undue impact on the general amenities of the area and the changes proposed offer no adverse impacts. Whilst elements are made higher and the building reconfigured this will have no impact on the amenity of neighbouring businesses by virtue of massing or noise. Traffic and highway matters are discussed later in the report.

The proposed development has been considered by the Environmental Health Officer and no undue concerns have been raised. The use and subsequent emissions from the development would be permitted by the Environment Agency.

The site benefits from being an allocated site on the Local Plan, neighbouring land uses are all commercial or industrial, Kiln Lane is a well-established industrial area with very large industrial processing facilities.

3. Impact on the Character of the Area.

The building is of a significant scale and will therefore be visible in the wider landscaping and give views from substantial distances. The submitted Environmental Statement considers specifically the visual impact of the proposed development. This section includes a detailed assessment of the character of the area and provides photo-montage images of the proposed development.

The changes in the scheme increase the height of various elements and in particular the flue height. However in relation to the scale of the development already approved and in relation to the industrial setting of the area these changes are minor and will have no adverse impact on the visual amenity of the locality. The site is located in and around various large scale industrial developments many of which are of a scale akin and much larger to this proposal and includes Immingham Docks, Knauf, Conoco Phillips Refinery, Crystal Chemicals, power stations and Lenzing Fibres. The backdrop and wider south Humber Bank area is therefore a recognised industrial landscape in itself. As such, this development would not offer any significant harm to the visual character of the area or the longer views from the Lincolnshire Wolds AONB.

In visual terms the development remains acceptable under policies 5 and 22 of the NELLP 2018.

4. Ecology

The site is near the Humber Estuary Site of Special Scientific Interest (SSSI), Humber Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. This proximity to the Humber Estuary means the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations apply. Under the Habitats Regulations, the Council is the Competent Authority when considering the development. The Council therefore has the

statutory responsibility to determine whether or not the proposals are likely to have a significant effect, alone or in combination, with other plans or projects on the Humber SAC, SPA and Ramsar Site. There is also the requirement to consider the development, having regard to the Wildlife and Countryside Act 1981 (as amended) which includes requirements with respect to the conservation and enhancement of an SSSI. Natural England, as the appropriate nature conservation body, has been consulted and has considered the ecological implications.

The main issues relate to air quality, noise and wider habitats. These are addressed in supporting assessments accompanying this and the original application. The changes to the scheme do not impact on ecology and this is reflected in the comments of Natural England raising no issues to this amendment application. It is noted that the existing building currently hosts a nesting Barn Owl (protected species) and appropriate mitigation has been agreed and a condition has been discharged under the previously approved development proposal (DM/0167/19/CND) to erect a temporary nesting box located adjacent to North Beck to the north of the site to be followed by a permanent Barn owl tower in a similar location. This requirement will remain.

The proposal remains in accordance with Policies 5 and 41 of the NELLP 2018.

5. Highways

The changes in the scheme have no impact on the highway implications of the proposal. Those remain as originally submitted and assessed through the original application. The Transport Assessments concluding that the proposed development will have no adverse impact on the operation of the local highway network.

No issues on the amendment are raised by Highways England or the Council's Highway Officer. Conditions are recommended in relation to a construction traffic management plan and a delivery and servicing plan.

The proposal is considered therefore to accord with Policies 5,6,7 and 36 of the NELLP 2018.

6. Pollution and Air Quality

Again the changes have no impact on the air quality matters and those originally considered. No objections are raised by the Environmental Health Officer, Natural England or the Environment Agency.

7. Drainage and Flood Risk.

The changes to the scheme have no impact on drainage or flood risk matters. The previous conditions which relate to adherence to the Flood Risk Assessment and the requirement for surface water drainage details are reiterated.

The development is considered to accord with Policies 5 and 33 of the NELLP 2018.

8. Economy and Regeneration.

The development as amended will still have a positive socio-economic impact given the recruitment of construction workers and full time employment when the development is operational. In addition, economic benefits will be derived by engineering, electrical and other services through sub-contracting opportunities engaged from local suppliers during the course of construction and operation. The proposed development would create economic growth and comply with NELLP 2018 and Policy 1 of the Plan.

9. EIA

The existing EIA from the previous approval has been carried over and as there are no material issues, due to the minor nature of what is proposed it remains as submitted.

CONCLUSION

In conclusion, it is considered that the proposed development will not harm the neighbouring land uses, amenity, highway considerations or the character and appearance of the area and is acceptable in terms of ecological impact. The development represents a significant investment into the area and will provide essential energy for the wider area. As an amendment application consideration has been given to the consequence of those changes and no planning concerns are raised by these changes.

Full regard as been given to the existing extant permissions for waste to energy development projects on the site.

The application therefore accords with Policies 1, 5, 6, 9, 22, 33, 34 and 41 of the North East Lincolnshire Local Plan 2013-2032 (as adopted in 2018) and is recommended for approval

RECOMMENDATION

Approval with Conditions

(1) Condition

The development hereby permitted shall begin by the 20th December 2021.

Reason

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

(2) Condition

The development shall be carried out in accordance with the following plans:

1816-08C Proposed Block Plan

1816-09C Site Location Plan

1816-006E Proposed Elevations 1

1816-007E Proposed Elevations 2
1816-30 Proposed Elevations 1 and 2
1816-31 Proposed Elevations 3 and 4

Floor plans as approved under DM/0628/18/FUL

1816-01 A Ground Floor Plan
1816-02 A First Floor Plan
1816-03 A Second Floor Plan
1816-04 A Third Floor Plan
1816-05 A Fourth Floor Plan

Reason

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

(3) Condition

The hereby approved power facility shall use refuse derived fuel only (RDF). RDF comprises of pre-treated / residual waste from municipal, household, commercial and industrial sources. All as detailed in the Environmental Statement.

Reason

To ensure the proposal is consistent with the submitted details and supporting Environmental Statement to accord with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

At no time shall any fuel stock for the power generation facility be stored outside of the main building.

Reason

In the interest of environmental protection in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Development shall not begin until details of all external materials to be used in construction of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policy 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

No development shall commence until a scheme for the sustainable provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed and be completed in accordance with the approved details.

Reason

To prevent an increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Policy 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

Prior to the development commencing, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. A Construction Management Plan can be submitted separately for the defined ground works and for the balance of the development. All development shall then proceed in accordance with the approved details. The Construction Management Plan shall contain:

- Working hours during the construction process;
- Visitor and contractor parking areas;
- Materials storage area;
- Wheel cleaning facilities;
- Noise, vibration and dust mitigation measures;
- Deliveries and servicing plan;
- Pollution control;
- Construction traffic management plan:
 - The expected number, types and size of vehicles during the entire construction period;
 - Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required;
 - Routing for all construction traffic.

Reason

In the interests of highway safety and to protect local amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

Before development commences detailed specifications of the type of piling/foundations to be used to support the building/structures shall be submitted to the Local Planning Authority for written approval. Included shall be a scheme to mitigate the effects of the piling with particular regard to noise and vibration to surrounding properties and pollution of the underlying chalk aquifer. The piling/foundations shall be carried out/constructed in accordance with the approved details, unless variations are first approved in writing by the Local Planning Authority.

Reason

To protect local amenity and to ensure the integrity of the underlying aquifer is not compromised in accordance with Policy 5 and 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

The scheme of landscaping approved under DM/0167/19/CND shall be fully implemented in accordance with the approved details

Reason

To ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity in accordance with Policy 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) Condition

The scheme of landscaping and tree planting required through condition 9 of this planning permission shall be completed within a period of 12 months, beginning with the date on which development first becomes operational or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained for a period of five years in accordance with the details agreed through condition 9 and during that period all losses shall be replaced during the next planting season.

Reason

To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity in accordance with Policy 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(11) Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference SHF.1561.001.HY.R.001.B dated October 2018, compiled by Enzygo, and the following mitigation measures detailed within the FRA:

- Finished floor levels for the plant to be no lower than 300mm above ground level
- Critical equipment to be located no lower than 5.95m above Ordnance Datum
- Flood resilient construction measures to be incorporated
- Areas of safe refuge at first and second floor to be available to staff at all times
- Flood barriers to be fitted to the waste and slag bunkers

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place throughout the lifetime of the development.

Prior to the occupation and use of the development a flood evacuation and emergency plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be occupied and used in accordance with that plan.

Reason

To reduce the risk of flooding to the proposed development and future employees in accordance with Policy 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(12) Condition

Prior to any operation or occupation of the development, a detailed operational travel plan for all operational HGVs entering and leaving the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include a routing agreement. The development shall operate in accordance with the approved travel plan throughout its lifetime unless otherwise

agreed in writing with the Local Planning Authority.

Reason

In the interest of highway safety and amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(13) Condition

Prior to occupation and use of the development a Business Travel Plan (BTP) shall be produced and submitted in writing to the Local Planning Authority for approval. The BTP should be produced in accordance with NELC Guidance and in liaison with the Business Travel Plan Officer. The BTP should be fully costed for all measures/incentives and include, but not be limited to the following:

1. Contact details of the person with responsibility for the implementation for the BTP (i.e. The Travel Plan Coordinator);
2. Details of measures and initiatives to be in place to encourage travel by sustainable modes of travel, in particular walking, cycling, and public transport use;
3. 3 and 5 year targets associated with minimising lone car occupancy travel;
4. Details of how the BTP will be monitored (e.g. results of travel surveys within 3 months of first occupation and at key stages during occupancy);
5. The 'life' of the BTP should be from first occupation to 5 years after full occupation of the development to ensure that the BTP has adequate time to become effective;
6. For the lifetime of the Travel Plan, any new employee shall be provided with one public transport voucher to the value of a one week 'taster' Megarider Plus bus pass or equivalent.
7. Promotion of a car sharing scheme such as 'liftshare' and money set aside for guaranteed taxi home if required in emergency situations;
8. Provision of a Travel Information Pack (in hard and electronic copy) to be provided to all new employees for the life of the development;
9. Implement a 'cycle to work' salary sacrifice scheme.
10. Provision of electric vehicle charging points including timing of provision.

Once approved, the BTP shall be implemented in accordance with its terms.

Reason

In the interests of sustainable development in accordance with Policy 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(14) Condition

The development shall be implemented in accordance with the approved Barn Owl mitigation plan approved under DM/0167/19/CND and retained thereafter.

Reason

In the interests of environmental protection in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(15) Condition

Prior to construction commencing on the development a detailed Ecological and Bio-diversity Improvement and Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. It shall include:

- Measures for bio-diversity and habitat improvement;
- An implementation plan;
- On going management plan;

The development shall then proceed in accordance with the approved detail and the area thereafter retained and managed in accordance with the approved details.

Reason

In the interests of bio-diversity enhancement and protection in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(16) Condition

Prior to the development first coming into use a minimum of 1 electric vehicle charging point (minimum 7kw) shall be provided within the parking area. Once provided it shall be maintained and retained through the lifetime of the development.

Reason

To encourage sustainable travel in accordance with Policy 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(17) Condition

Development shall not begin until management arrangements for any carriageways, footways or landscaped areas not to be adopted by the local authority have been submitted to and approved in writing by the Local Planning Authority. The carriageways, footways and landscaping areas shall be managed in accordance with the approved details thereafter.

Reason

In the interests of public safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(18) Condition

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 conditions 19 to 21 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 condition 22 has been complied with in relation to that contamination.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(19) Condition

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 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.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(20) Condition

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, 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.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(21) Condition

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 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.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(22) Condition

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 condition 19, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 20, 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 condition 21.

Reason

In the interest of pollution control and health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(23) Condition

Prior to development commencing details and timing of the installation of a flashing red light to be positioned on the highest point of the stack shall be submitted to and approved in writing by the Local Planning Authority. The light shall be installed in accordance with the details approved and shall be so retained at all times thereafter.

Reason

In the interest of air safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(24) Condition

Prior to development commencing, other than the defined ground works, the following information shall be submitted to the Local Planning Authority, who shall notify UK DVOF and Powerlines at the Defence Geographic Centre:

- a. Precise location of development.
- b. Date of commencement of construction.
- c. The proposed date of completion of construction.
- d. The height above ground level of the tallest structure.
- e. The maximum extension height of any construction equipment.
- f. Details of aviation warning lighting fitted to the structure(s)

At the earliest opportunity prior to the known final date of completion of the construction, the actual date of construction completion shall be submitted to the Local Planning Authority. There shall be no deviation from, or exceedance of the details provided to the Local Planning Authority, without the Authority's prior approval.

Reason:

In the interests of air safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or local amenity and is acceptable under all other planning considerations including highway safety and ecology. It will support the economic development of the area. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 1, 5, 6, 7, 9, 33, 36, 41 and 42.

2 Added Value Statement

Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by providing detailed pre-application advice on the proposed development and by addressing highway and ecological matters.

3 Informative

The applicants attention is drawn to the comments of the Environment Agency dated 9th February 2018 and their reference to the need for environmental permitting.

4 Informative

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 325959).

Case Officer: Richard Limmer

Supervising officer:

Name: Martin Dixon

North East Lincolnshire Council Officer with Delegated Powers:

Name: Chris Lines

Planning

Appendix 1

- 1. DEC-Full Approval 1409321**
- 2. REP-Delegated Report 1409322**

Planning

Appendix 2

- 1. DEC-Full Approval 1503571**
- 2. REP-Delegated Report 1503573**