

DELEGATED REPORT

ITEM: **RECOMMENDATION: Approval
with Conditions**

APPLICATION NO: DM/1070/18/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land Rear Of Power Station, Hobson Way, Stallingborough,
North East Lincolnshire,

PROPOSAL: Construction of an energy from waste facility of up to 49.9MWe gross capacity including emissions stack(s), associated infrastructure including parking areas, hard and soft landscaping, the creation of a new access to South Marsh Road, weighbridge facility, and drainage infrastructure, on land at South Humber Bank Power Station

APPLICANT:
EP SHB Limited
C/o Agent

AGENT:
Mr C Turnbull
DWD
6 New Bridge Street
London
EC4V 6AB

DEPOSITED: 10th December 2018

ACCEPTED: 21st December 2018

TARGET DATE: 12th April 2019

PUBLICITY EXPIRY: 23rd February 2019

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 20th January
2019

CASE OFFICER: Cheryl Jarvis

PROPOSAL

The application seeks full planning permission for the construction of an energy from waste facility on land r/o South Humber Bank Power Station on Hobson Way. The facility would include a gross capacity of up to 49.9MW and would include up to 26,635sqm of new floor area. The maximum dimensions of the main building would be up to 210m by 110m with a maximum height of 59m. The proposal includes up to two emission stacks (up to 100m high or 102m AOD) which would be situated towards the eastern end of the site.

Internally the facility would be made up of reception space, an RDF bunker, boiler hall, ash bunker and gas treatment hall, control rooms, turbine hall, administration, workshops and stores. There would also be an air cooled condenser structure.

Access to the site is proposed from South Marsh Road to the north of the site. A number of roads would link through the site and two car parks totalling 57 spaces are proposed. It is proposed that 3 of these spaces will be disabled spaces and there will also be 6 new cycle spaces provided.

A new attenuation pond approximately 4500m³ in area is proposed to the east. Adjacent is a driver welfare area, a HGV holding area and gatehouse. A substation is proposed to the south west. Fencing would denote the new site boundaries.

Other enabling infrastructure includes pipework and a pipe bridge, weighbridges, silos, water tanks and pump house, fuel tanks, drainage and hard and soft landscaping.

The proposal would represent a significant economic investment in North East Lincolnshire and seeks to create approximately 56 new full time jobs.

The facility aims to run 24 hours a day 365 days a year, with occasional periods of downtime for maintenance. The nominal design capacity of the facility is 616,500 tonnes of refuse derived fuel (RDF) per year. The maximum throughput is 753,500 tonnes per year. All RDF would be delivered by road by HGV's. In terms of activity, the site's full operation equates up to approximately 312 HGV movements in and out of the site per day. Fuel deliveries would take place on any day but only between 06:00 - 18:00.

The proposal is EIA Development and is accompanied by a thorough and detailed EIA assessment that was scoped with the applicant prior to submission.

The construction programme indicates work could commence as early as autumn 2019 with completion by autumn 2022. The facility is designed to have an operational life of at least 30 years.

SITE

The application site sits to the rear of the South Humber Bank Power Station on Hobson Way in Stallingborough. In its entirety the whole site (the land in the applicant's control) is approximately 25ha, while the area comprising the main development is approximately 7ha. The site is irregular in shape and narrows towards the eastern end.

Synthomer sits to the north of the site where there is also an access to Newlinco Development Ltd. To the east is the Humber Estuary. Open land extends beyond the southern boundary and the existing South Humber Bank Power Station sits to the west of the main development area, which would be unaffected by this proposal.

The land housing the main elements of this proposal is largely undeveloped, unused and flat, comprising of rough grassland, two ponds and hard landscaping. Drainage ditches extend along two of the site boundaries.

There are no residential neighbours in close proximity to the site as the area is generally characterised by large scale industrial development and associated infrastructure. Agricultural fields separate a number of these large scaled industrial developments.

The A180 is to the far south and west with a number of smaller classified roads which link it to the site and in the future, the South Humber Bank Link Road (construction commencing 2019).

RELEVANT PLANNING HISTORY

No relevant planning history for the main development area. There is a number of minor applications relating to the wider South Humber Bank Power Station.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (February 2019)

- NPPF2 - Achieving sustainable development
- NPPF6 - Building a strong, competitive economy
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

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

- PO48 - Safeguard waste facility/relate infrast
- PO1 - Employment land supply
- PO5 - Development boundaries
- PO6 - Infrastructure
- PO8 - Existing employment areas
- PO9 - Habitat Mitigation - South Humber Bank
- PO22 - Good design in new developments
- PO31 - Renewable and low carbon infrastructure
- PO32 - Energy and low carbon living
- PO33 - Flood risk
- PO34 - Water management
- PO36 - Promoting sustainable transport
- PO38 - Parking
- PO39 - Conserve and enhance historic environ
- PO41 - Biodiversity and Geodiversity
- PO42 - Landscape

PO47 - Future requirements for waste facilities

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

Public Rights of Way - No concerns as the proposal does not directly affect the rights of way.

Highways - Full consideration given to the information provided and the additional information provided following requests. All information and clarifications now address highway concerns. Conditions recommended.

National Grid - No objections. Informative advice provided.

Network Rail - No objections. Informative advice provided.

Conservation Officer - The proposal would be seen in the backdrop of existing industrial buildings. The site is also a considerable distance from the closest heritage assets. The chimney stacks are slender which limits the impacts in longer views. No objections are raised.

NATS Safeguarding - The proposal does not conflict with their safeguarding criteria and therefore, no objections are raised.

Environmental Health - No objections. Conditions recommended for construction management, routing and contaminated land.

Highways England - No objections. Conditions are recommended regarding submission of a Construction Traffic Management Plan. The Travel Plan provided is acceptable and should also be conditioned.

Natural England - No objections. Recommends that mitigation is secured through condition/S106. Further clarifications were sent to Natural England who have responded to say they do not wish to offer any further comments.

Ecology - Accept the mitigation and enhancement measures in the Ecology Environmental Statement. Content with the levels of surveys undertaken. Recommends a condition to secure the Ecological Management and Enhancement Plan.

Crime Reduction Officer - No objections.

Cadent Gas - No objections. Request an informative advising the applicant that there is a high pressure gas pipeline running along the boundary at the front of the site and that any work in the vicinity must be approved by them.

Environment Agency - No objections. Conditions recommended in relation to flood risk mitigation, flood warning and evacuation, contamination, remediation, infiltration and drainage and piling with informative advice on separate consenting and permitting regimes.

Drainage - Advise that the drainage board will give the final approval of the surface water drainage scheme. The rates within the strategy appear acceptable. Confirms there will be a requirement to improve the quality of the surface water discharge so measures for this will need to be implemented. A condition for final details is recommended.

Humberside Fire and Rescue - Advise on the requirements for water supplies and provisions for firefighting.

Defence Infrastructure Organisation - No safeguarding objections are raised. Recommends a condition in relation to aviation lighting and for the applicant to contact UK DVOF & Powerlines at the Defence Geographic Centre prior to development commencing.

Archaeology - Considers the proposal is unlikely to disturb buried archaeological remains and therefore, no further archaeology input is required.

Humberside Airport - Advise that the proposal will not conflict with their safeguarding criteria and therefore, no objections are raised.

Historic England - Do not wish to offer any comments on the application and recommend the application be considered by the Council's Archaeologist and Conservation Officer.

North East Lindsey Drainage Board - Considers the FRA contains appropriate mitigation. The Board raise no objections to the proposed development subject to the development being carried out in accordance with the FRA. Recommends a condition for provision, implementation and future maintenance of the surface water drainage system. Advises that sufficient undeveloped land is retained to the top of the bank of all watercourses to allow for future maintenance. The agent has confirmed these arrangements and the Board have confirmed they are satisfied.

HSE - Does not advise on safety grounds against the granting of planning permission.

Trees and Woodlands - The Landscape Assessment has been considered. The proposal would not be detrimental within this industrial setting and the existing landscaping is adequate.

Neighbours

40 Braemar Road, Cleethorpes - Seeks clarity on para 4.2.3.

APPRAISAL

The material considerations are:

1. Principle of Development and Socio-economics
2. Character, Visual Amenity, Landscape and Heritage
3. Impact on Neighbouring Land Uses
4. Highways
5. Ecology (including Habitat Regulations)
6. Pollution, Air Quality and Contamination
7. Drainage and Flood Risk
8. Health and Safety Executive (HSE)
9. Other

1. Principle of Development and Socio-economics

The proposal is for a waste to energy facility on land off South Marsh Road. The site sits to the south of South Marsh Road and to the east of Hobson Way and the existing South Humber Bank Power Station.

The NELLP 2018 sets out the Borough's vision for economic growth over the plan period. It recognises that investment will be focused in a number of key areas including:

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

Policy 1 aims to ensure that sufficient employment land is available to support economic growth, primarily in the above sectors with a minimum of 123.6ha of land being provided. The proposal represents a significant investment in the area which will support the economic growth of the South Humber Bank, linking with growth aspirations for NELC. The construction and operational phases will support local employment and job creation over a considerable period (30 years) which will further go to supporting the ambitions under Policy 1.

Policy 5 is the overarching policy for development within the development boundary. It does not prohibit such uses or facilities within the development boundary subject to an

assessment of the site specific impacts; as set out in the report. For this application, this specifically includes:

- size, scale and density
- access and traffic generation
- provision of services
- impact upon neighbouring land uses
- advice from the HSE
- flood risk
- contamination
- ecology, landscape and heritage

The site is allocated as an existing employment area under Policy 8 of the NELLP. This policy seeks to promote use and re-use of land for employment purposes. The proposed use is considered to represent an employment use and the application form details that up to 56 new full-time jobs would be created. During the construction period the ES states that up to 450 construction workers would be employed. During the construction phase the proposal is also likely to benefit local manufacturers and suppliers. The ES also states the applicant's intend to support careers fairs to promote employment opportunities which would further develop local skills. All would contribute directly and indirectly to the economy within NELC.

In regards to the consideration of alternative sites for the proposed development, the justification in the ES is acceptable, particularly given that the site forms part of a larger 'development area' within the applicant's control. The location makes effective use of existing employment land under Policy 7. It is also considered suitable against Policies 36 and 47 of the NELLP and would not affect sites safeguarded under Policy 48.

Nationally under the NPPF 2019, it recognises that planning has an economic role with para 8 setting out that this includes supporting growth, innovation and improved productivity. At the same time it acknowledges there is also an environmental role which seeks to reduce waste and pollution with a need to move towards a new low carbon economy. At the heart of the NPPF is the need to provide sustainable development. The proposal would not be at odds with the objectives of the NPPF given its function, its economic role and its response to the environment (as noted within the remainder of this report). Furthermore, the efficient use of land is supported under Section 11. In terms of the waste hierarchy, reducing the amount of waste sent to landfill is encouraged. The National Planning Policy Statements on Energy (specifically EN-1 and EN-3), are intended primarily for the determination of applications for significant infrastructure projects (NSIP) which this development is not. However, it may be a material consideration in determining non NSIP projects such as this, as NPS EN-1 at section 1.2 explains. NPS EN-3 identifies in paragraph 2.5.2 that "the recovery of energy from the combustion of waste forms an important element of waste management strategies in both England and Wales".

The proposal is therefore acceptable in regards to Local Plan Policies 1 and 5 and the NPPF in principle. Therefore it falls to judge the application on the site specific impacts as required by Policy 5.

2. Character, Visual Amenity, Landscape and Heritage

In regards to this section Policies 5, 22, 39 and 42 of the NELLP apply. These require an assessment on the character of the area and the landscape with an emphasis on 'good design' and preservation of heritage assets and their settings.

The application is supported by a suite of information which details the scheme rationale including a Design and Access Statement. Volumes 1, 2 and 3 of the ES focus on the above matters and include key heritage information.

The building and emission stacks will be of substantial scale that being a building of 59m high (maximum) and chimneys of up to 100m (or up to 102 AOD). It is considered that the overall footprint of the buildings (210m by 110m) can be accommodated comfortably on the site. In terms of their visual impact this would be experienced localised and from further away. A scoping of the most sensitive viewpoints was undertaken pre-submission and the submission reflects the scoping exercise. The site sits directly behind the existing power station and therefore from the west, the facility will be afforded some protection and screening from that development. Whilst there are intervening areas of open space to the north and south, these are then bordered by further built development of significant scale and industrial character; similar to that proposed. To the east is the Estuary. As a result, Officers have assessed the impact upon the immediate and wider landscape and acknowledge that the impacts would not be significantly adverse given the site's position nestled between existing industrial developments.

In terms of 'good design' and the requirements of Policy 22, these types of facilities are primarily driven by their function to ensure maximum efficiency and output. That being said, it is considered that the overall design concept, materials (steel framed and cladded) and orientation would respond to the site and would advocate an acceptable form of design. This is further supported in Volume 1 of the ES which considered design evolution and alternatives. Conditions are recommended in relation to the detailed site layout and external materials of the buildings.

In regards to heritage, the site is well separated from designated assets and scheduled monuments. Historic England raise no objections, but defer it to the Conservation and Archaeological Officers for comment. The Conservation Officer notes the position and height of what is proposed. The comments also acknowledge the slenderness of the chimneys and conclude given the area context, separation and intervening built form between the site and designated assets, there would be no significant impacts and as such there are no objections. In regards to Archaeology, the Archaeologist confirms the nature of the site is such that there is unlikely to be buried archaeology and also raises no objections.

No new landscaping is proposed, but existing landscaping within the wider site (which is under the applicant's control) will be retained. The Trees and Woodlands Officer is satisfied with this approach and conditions are attached to this recommendation.

In an established industrial setting which is the focus of economic growth and regeneration, the proposal would not be seen as out of character or context. The scale and overall massing would be significant but not detrimental and the impacts on the existing landscape and designated heritage assets would not be adverse. Some conditions are recommended in regards to final details and external finishes. Subject to these, the proposal accords with Policies 5, 22, 39 and 42 of the NELLP in this regard.

3. Impact on Neighbouring Land Uses

Policy 5 of the NELLP requires an assessment be made on the impact on neighbouring land uses by virtue of noise, air quality, disturbance and visual intrusion.

It is noted that no representations from neighbouring land uses have been received, nor has any representation been received as a result of the number of site notices erected adjacent and close to the site. The applicants also undertook public consultation prior to the application being submitted, the extent of which is detailed in the Statement of Community Involvement submitted with the application.

The surrounding land is of industrial character, where many uses are of an intense nature from the processes they undertake and nature of their businesses. In this instance this includes Synthomer and Newlincs to the north, Lenzing Fibres to the far south and the existing South Humber Bank Power Station (in the applicant's control) to the west. Being within an existing employment area and adjacent to newly allocated land, such proposals are somewhat expected and are directed to such areas. The ES concludes that the noise impacts will be within acceptable levels. Operationally, conditions can be used to limit the impacts further and it is noted from the ES that a number of noise reducing measures will be incorporated such as particular types of cladding, plant and louvres which seek to provide sound and noise reductions. During construction the impacts will be mitigated through a Construction Environment Management Plan which is secured through a condition.

The main impacts arising are likely to be from the increased traffic movements to and from the site and these will be dealt with under Section 4. Air quality impacts are also assessed in Section 6.

There are no sensitive residential receptors within 500m of the site. There are a few within a 2km radius as demonstrated within Volume 2, Figure 3.2 of the ES. The nearest village being Stallingborough. As such, it is considered that these neighbours are suitably separated as to ensure no detrimental impacts by virtue of visual intrusion, vibration, noise or air quality; as confirmed by the supporting information (including the noise assessment).

Conditions can be used to limit the impacts to neighbouring land uses during the construction phase.

Thus, it is not considered that the development would offer significant impacts to neighbouring land uses, particularly given the types of mitigation proposed through the ES. The recommended conditions secure these and as such the proposal would be in accordance with Policy 5 of the NELLP.

In response to the clarification sought by the resident of Cleethorpes the agent has confirmed that word ("turbine") should appear after "steam". Each of the three development scenarios may or may not have a steam turbine. If no steam turbine is constructed at the Energy Centre, the steam generated by the proposed development would be exported to a local steam user for a variety of purposes (e.g. heating, power generation). This could include the South Humber Bank CCGT or other local industrial users.

4. Highways

Policy 5 of the NELLP requires that an assessment is made on access and traffic generation levels, with Policy 38 setting out the requirements for parking.

The access is proposed from South Marsh Road to the north of the site. The access benefits from good visibility in both directions. Only two other land uses currently utilise this access to serve their sites. The operational (fuel delivery) HGV access route from the A180 is proposed to be from the west. The site will be accessed via the A180 by the A1173, Kiln Lane, Hobson Way and then via South Marsh Road.

The scheme is supported by a range of technical highway information including a transport assessment and a travel plan. Chapter 9 of Volume 1 of the ES covers traffic and transport. The proposal would result in a significant increase in the number of vehicles entering and leaving the site. This equates to up to 312 HGV's entering and leaving every day (two way trips), 24 hours a day, 365 days a year (other than occasional downtime for maintenance) during operation. For construction workers this would be 375 (one way trips per day) over the 36 month construction period. In regards to construction and HGV's this equates to approximately 412 two way trips daily during the first year of construction, during the remainder of the construction period this would vary between 18 and 116 two way movements per day. Some abnormal loads are to be expected during construction but not for operation or maintenance.

The Assessments have been scoped in detail with Highway Officers to ensure key junctions within the Borough have been modelled and assessed to gauge any impact. Whilst recognising there will be an impact on the immediate and wider network, the Highways Officers are content that the reports are acceptable and that the impacts would not be severe. There may be some localised improvements necessary at South Marsh Road and a condition requiring survey work is recommended.

Aside from the day to day operation, the impacts during the construction period also require consideration. These are likely to include HGV's, abnormal loads and also worker and contractor vehicles. The routing of HGV's is via the A180 as to avoid residential areas. Highway Officers recommend a condition which requests that a Construction Traffic Management Plan be provided. A suitably worded condition is recommended to reflect this. The submitted ES and Transport Assessment also recommends Travel Plans both for construction and operation and a Delivery and Servicing Plan. These are also reflected in this recommendation.

The proposal includes car parks (1 x 49 space and 1 x 8 space) and HGV holding areas (x 6 spaces). The levels of parking are considered to be suitable to serve the nature of the development and the number of people expected to arrive by car (this is predominantly staff). The ratio of disabled spaces accords with Policy 38. The inclusion of cycle provision would support alternative modes of travel to accord with Policy 36.

Highways England raise no objections, subject to the conditions set out.

The comments from Network Rail are noted in relation to HGV's and their level crossing. An informative to the applicant is recommended. It is noted that the Construction Traffic Management Plan will identify specific vehicle routing and the applicant has clarified that abnormal loads are not envisaged during operation and maintenance, only during construction.

Subject to conditions, the access is suitable, the parking levels are adequate to serve the development and traffic generation is not expected to be severe in accordance with Policies 5 and 38 of the NELLP.

5. Ecology (including Habitat Regulations)

Policy 41 of the NELLP seeks to establish and secure appropriate management of long term mitigation areas (also Policy 9) and seeks to protect areas of ecological and biodiversity value. Policy 9 sets the requirements for habitat mitigation on the South Humber Bank with Policy 6 requiring any necessary infrastructure; in this case habitat mitigation under C(ii), to be secured.

The site is approximately 175m west of the Humber Estuary's Site of Specific Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. There are also local wildlife sites and sites of nature conservation importance close by. For the purposes of the Habitats Regulations, the Council is the competent authority when considering the development and whether or not the proposals are likely to result in significant effects either in isolation or cumulatively. Additionally, Natural England are the appropriate body when considering the requirements of the Wildlife and Countryside Act 1981.

A suite of information has been provided within Chapter 10 of the ES covering Ecology. At the appendices (amongst many documents) there is a Habitat Suitability Index, Habitat

Regulations Assessment, Preliminary Ecological Assessment, Aquatic Invertebrate Survey, Otter and Water Vole Survey and Reptile Survey.

Volume 1 of the ES suggests that during the construction phase, piling has the potential to create significant adverse effects to waterbirds. A condition in relation to piling is therefore recommended. A visual screen (2.5m high) is also to be provided to the southern boundary as to mitigate visual intrusion from construction related activities and vehicle movements (Figure 4.2 Volume 2). The reports conclude there will be no significant effects as result of the development in regards to air quality, construction, noise and vibration, pollution and visual intrusion, subject to the recommendations identified.

A condition for an Ecological Enhancement and Management Plan is also recommended to comply with the recommendations of the ES and to ensure the continuity of biodiversity on the site (following the removal of the existing man made ponds). Development should proceed in accordance with the best practise techniques outlined.

There are no objections either from the Council's Ecologist or Natural England. The applicant has signed a s.106 agreement for a financial contribution to the Strategic Ecological Mitigation required by Policies 6 and 9 (totalling £105,378) as the site falls within the South Humber Bank Mitigation Zone. This scheme has been adopted by the Council to provide strategic mitigation for SPA Birds upfront before development is delivered and secured through the policies identified in the NELLP. The cost is then retrieved through s.106 payments, the payment figure is based on the site area of the development under the formula set out in Policy 9. This agreement has been signed and sealed.

Having regard to the information provided and the comments of necessary consultees, it is concluded that the proposal would not result in any significant effects on the above designated areas and appropriate mitigation has been secured. Conditions are also recommended in line with the ES to protect ecological interest. Subject to these the proposal therefore accords with Policies 5, 6 and 41 of the NELLP.

6. Pollution, Air Quality and Contamination

Pollution, air quality and contamination are factors which need consideration under Policy 5 of the NELLP, which requires any necessary measures to mitigate impacts to be provided.

The Environmental Statement assesses the impacts to the area in relation to pollution and air quality and the emissions which would arise from the facility. A number of supporting documents are included such as air quality receptors, risk assessments, land contamination etc. The site is not within an Air Quality Management Area. In regards to contamination risks these will be avoided and best practice will be used. Further survey work and Management Plans will address any associated issues. In regards to air quality, the modelling assessment concludes that there would be no significant impacts to the area, ecology or to neighbours. The modelling assessment also concludes that levels

would remain within acceptable Environmental Standards. These conclusions are on an individual and collective basis with other consented developments.

No objections have been raised by the Environment Agency, Natural England or Environmental Health Officers. A number of conditions are requested from the Environment Agency and Environmental Health Officer, some of which require further survey work and these are reflected in this recommendation.

No formal mitigation is required as stated in the ES. Therefore, in regards to the above, the proposal is acceptable in accordance with Policy 5 of the NELLP.

7. Drainage and Flood Risk

Policy 33 of the NELLP seeks to mitigate flood risk impacts and requires development to be supported by a site specific flood risk assessment. Policy 34 of the NELLP requires that proposals consider adequate arrangements for foul and surface water drainage.

The application is supported by a site specific Flood Risk Assessment, mapping and an Outline Drainage Strategy (Volume 3, Chapter 14 of the ES). The site is within Flood Zone 3 as identified in the Council's Strategic Flood Risk Assessment and the Environment Agency's Flood Maps. As the site has been allocated for employment use in the NELLP and all other employment sites are equally located within flood zone 3 on the South Humber Bank, the sequential test is deemed to be passed.

Turning to the exceptions test, the FRA details the levels of mitigation primarily under 6.7 and 6.8. It also identifies that a Flood Emergency Response Plan will be prepared and the site users will sign up to the Environment Agency's Flood Warnings Direct Service. Internal floor levels will be set at 4.55m AOD and construction will include flood resistance and resilience measures. No critical infrastructure or equipment will be below 4.55m AOD (unless specific resilience measures are in place). On the basis of the information submitted the Environment Agency raise no objections.

The outline drainage proposals state that surface water drainage will be restricted to the existing greenfield run off rate. A surface water pond is also proposed within the site, with controlled discharge rates through a hydrobrake into the ditch along the north or southern boundaries. Water will then continue into the drain before outfalling into the Estuary. There are no objections from the Drainage Board or from the internal Drainage Officers. A condition securing final arrangements is recommended.

Maintaining water quality will be managed through working practices and addressed in the Construction Environmental Management Plan.

Subject to conditions, the development is acceptable in regards to drainage and flood risk in accordance with Policies 33 and 34 of the NELLP.

8. Health and Safety Executive (HSE)

Policy 5 of the NELLP requires that any advice from the HSE is taken account of in the decision making process.

The site is close to a number of pipelines and hazardous installations. The development will not include 3 or more occupied storeys within the middle or inner zones of these installations in line with HSE guidance. The HSE have provided comment to say that they do not advise against the granting of planning permission in this instance.

9. Other

The submitted ES and Planning, Design and Access Statement provide adequate consideration of opportunities for energy and resource efficiency in line with Policy 32. For example, the plant will be CHP ready, and sustainable drainage systems are proposed, and sustainable travel measures are required in the travel plans. The overall efficiency of the plant would however be governed under the environmental permit that will be required to operate the plant under a separate legislative regime.

Informative advice advising of the other separate legislative and permitting regimes that the proposal will need to comply with is recommended. Development should also follow the best practice guidance set out within the ES.

The PROW Officer raises no objections to the proposal as there are no direct impacts on the right of ways.

CONCLUSION

This proposal is for a 49.9MW waste to energy facility on land r/o Hobson Way, Stallingborough. The application is a thorough and detailed submission which is supported by a number of Statements, Surveys and Assessments which have been reviewed by the relevant statutory and non-statutory consultees whose responses have been given full consideration. There have been no objections from any neighbours and there are no outstanding objections from consultees.

The application including the ES adequately assesses the likely impacts and the Local Authority agree with its findings and conclusions. The proposal accords with all relevant NELLP policies as set out in the report. It is not considered the proposal would either in isolation, or cumulatively, significantly affect the character of the area, neighbouring land uses, ecology, the highway network or the environment subject to the conditions set out and the requirements within the S106 agreement. The proposal would deliver socioeconomic benefits including up to 56 jobs over a period of 30 years and there are no material considerations indicating against granting permission.

The application is recommended for approval.

RECOMMENDATION

Approval with Conditions

(1) Condition

The development hereby permitted shall commence within five 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:

- Site Location Plan (2522-026 rev R2)
- Development Areas Plan (2522-031 rev R1)
- Access Plan (rev SK001 revision submitted 15.2.19)

The details submitted under each subsequent condition of this permission, and the development as built, shall not have greater dimensions than those shown in Table 4.1 of the submitted Environmental Statement.

Reason

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

(3) Condition

References to "the main development area" in this and subsequently numbered conditions of this planning permission shall mean the area edged in green in the Development Areas Plan (2522-031 rev R1).

References to "the permitted preliminary works" in subsequently numbered conditions of this planning permission shall mean works comprising

- (i) biodiversity management, mitigation and enhancement works, providing these are in accordance with Condition 8 or any details approved thereunder;
- (ii) provision of wheel cleaning facilities required pursuant to Condition 10;
- (iii) piling works providing they have been first approved pursuant to Condition 11;
- (iv) installation and diversion of utility services within the Site;
- (v) surveys;
- (vi) removal of existing structures, and site clearance works within the main development area; and
- (vii) temporary contractors' facilities.

References to "coming into operation" in subsequently numbered conditions of this planning permission shall mean the date on which the development first receives commercial deliveries of fuel (RDF).

References to "approved in writing by the Local Planning Authority" in subsequently numbered conditions of this planning permission shall constitute an approval given in a written format by a duly authorised officer.

Reason

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

(4) Condition

Development shall not commence, save for the permitted preliminary works, until details of the final position of any buildings, finished floor levels, elevations and floor plans (which shall be in general accordance with "Section through bunker showing Proposed Finished Floor Level (2522-023 rev R1)" and "Floor Plans including Roof Plan (2522-043 rev R1)" and Elevations Plan reference (2522-032 rev R1)), have been submitted to and approved in writing by the Local Planning Authority. The only building with more than three occupied storeys shall be the administration block as shown in the "Development Areas Plan (2522-031 rev R1)". The development shall then proceed in accordance with the approved details.

Reason

For the avoidance of doubt, in the interests of proper planning, in the interests of health and safety and to ensure the development is in keeping with the visual amenity and character of the area in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Development shall not commence, save for the permitted preliminary works, until details of all external materials to be used in construction of the buildings (which shall be in general accordance with those illustrated in the "Elevations Plan reference (2522-032 rev R1)") 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 Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

The existing tree planting associated with the South Humber Bank Power Station and lying within the site and outside the main development area shall be retained (as described in paragraph 11.7.2 of the submitted Environmental Statement) throughout the construction and operation of the development, unless otherwise 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 Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

The development must not commence, save for the permitted preliminary works, until the details and position of boundary treatments, circulation areas, hardstandings and all other hard landscaping have been submitted and approved in writing by the Local Planning Authority.

The details submitted for the boundary treatment shall, further, be in general accordance with the submitted "Proposed Fence Section" (2522-036 rev R1) and in accordance with paragraph 10.7.3 of the submitted Environmental Statement.

Prior to the development coming into operation:

- (a) A lighting scheme, which shall be in accordance with paragraphs 4.4.15 and 4.4.16 of the submitted Environmental Statement;
- (b) A scheme of landscaping showing hard and soft landscaping materials details, and the details of the number, species, sizes and planting positions of any amenity planting and landscaping;
- (c) A phasing plan for the planting of the landscaping scheme; and
- (d) A future maintenance plan for the landscaping

must be submitted to and approved in writing by the Local Planning Authority.

The measures (b) to (d) shall be in accordance with part 11.7 of the submitted Environmental Statement.

All landscaping measures must thereafter be implemented as approved within a period of 12 months beginning with the coming into operation of the development, or within such longer period as may be first approved in writing by the Local Planning Authority. The lighting, boundaries, circulation and hard surfaces shall be installed as approved.

Reason

For the avoidance of doubt, in the interests of ecology and to ensure the development preserves the visual amenity and character of the area in accordance with Policies 5, 22, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

The ecological management and mitigation measures shown in paragraphs 10.7.3, 10.7.6-10.7.18 and 10.7.23 of the submitted Environmental Statement (as amended by the ES addendum paragraph 10.7.10 submitted March 2019) shall be implemented in full including in respect of timings.

At least twelve months prior to the anticipated date of the development coming into operation an Ecological Mitigation and Enhancement Plan (which shall accord with Figure

4.2 and paragraphs 10.7.20-10.7.22 and 10.7.24 of the submitted Environmental Statement) must be submitted to the Local Planning Authority. This must include written details from an ecologist to confirm that the ecological management and mitigation measures referred to in the previous paragraph of this condition have been implemented and are effective. Once this plan has been approved by the Local Planning Authority, it must be implemented in full by the end of the second planting season thereafter and any monitoring activities in the plan shall be carried out as approved.

Reason

To ensure that appropriate measures described in the Environmental Statement are delivered, and ensure no unacceptable impact upon protected species, in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

Development shall not commence, save for the permitted preliminary works, until a scheme for the disposal of surface and foul water drainage including a future maintenance plan has been submitted to and approved in writing by the Local Planning Authority. Once approved, the drainage shall be implemented as approved prior to the development coming into operation and shall be maintained in line with the details approved thereafter.

No infiltration of surface water drainage into the ground is permitted unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure appropriate provisions for the disposal of surface water and foul drainage and to reduce the risk and impact of flooding, to accord with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) Condition

No development shall commence, or any phase thereof, until a Construction Management Plan in general accordance with the Outline CEMP (Volume III Appendix 5A of the submitted ES), has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall (if submitted for a phase) be specific to and appropriate for that phase, and shall contain details on the following matters:

- o Visitor and contractor parking areas;
- o Materials management plan;
- o Materials storage area;
- o Wheel cleaning facilities;
- o Noise, vibration and dust mitigation measures;
- o Lighting details;
- o Construction traffic management plan (which shall be in accordance with the outline document included as Annex 26 of Appendix 9A of the submitted Environmental Statement);
- o Construction worker travel plan (which shall be in accordance with the outline document included as Annex 25 of Appendix 9A of the submitted Environmental Statement);

- o Waste management in accordance with section 16.5 of the submitted Environmental Statement;
- o Pollution control.

The development, or the relevant phase, shall then proceed in full accordance with the approved plan.

Reason

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

(11) Condition

Development shall not commence until detailed specifications of the type of piling to be used to support the building/structures shall be submitted to and approved in writing by the Local Planning Authority. Included shall be a scheme to mitigate the effects of the piling with regard to noise to ecological receptors (which shall be in accordance with paragraph 10.7.2 of the submitted Environmental Statement) and a scheme to mitigate the effects of the piling with regard to groundwater resources (which shall be in accordance with the results of the site investigation carried out, and the remediation strategy submitted, pursuant to condition 13 of this planning permission). The piling shall be carried out in accordance with the approved details, unless any variation is first approved in writing by the Local Planning Authority.

Reason

To protect local amenity and ecology in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(12) Condition

Unless otherwise approved in writing by the Local Planning Authority, and save for the permitted preliminary works or development required to be carried out as part of the scheme of remediation approved under condition 13, development must not commence until condition 13 has 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 15 has been complied with in relation to that contamination.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(13) Condition

Development must not commence, save for the permitted preliminary works, until a scheme for an investigation of the nature and extent of any contamination on the site,

whether or not it originates on the site, has been submitted to and approved in writing by the Local Planning Authority. The investigation must be based on the assessment included in Appendix 12A of the submitted Environmental Statement, and must be undertaken by competent persons.

The development must not commence, save for the permitted preliminary works, until a written report of the findings of the investigation has been prepared and submitted to and approved in writing by the Local Planning Authority. The report must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments (if applicable);
- (iii) an appraisal of the need for remediation 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 (if applicable) historical environment;
- (iv) if there is a need, then an appraisal of the remedial options available and a description of the proposed remediation scheme. 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.

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

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(14) Condition

Development must not commence, save for the permitted preliminary works, until the remediation scheme approved under condition 13 of this planning permission has been carried out in accordance with its terms, unless otherwise agreed in writing by the Local Planning Authority.

Following completion of the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation scheme must be submitted to and

approved in writing of the Local Planning Authority prior to the development coming into operation.

Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(15) Condition

At any time during construction or operation, in the event that contamination is found that was not previously identified it must be notified in writing immediately to the Local Planning Authority. A risk assessment of the contamination must be undertaken by competent persons and a written report of the findings must be produced, along with a site investigation in accordance with the requirements of condition 12 and 13. Where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13 and submitted to and approved in writing by the Local Planning Authority as soon as practicable. Following completion of measures identified in the remediation scheme approved under this condition, a verification report must be prepared in accordance with the requirements of condition 14 and submitted to and approved in writing by the Local Planning Authority as soon as practicable.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(16) Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment, Appendix 14A of the submitted Environmental Statement, dated December 2018 by AECOM, unless otherwise approved in writing by the Local Planning Authority in consultation with the Environment Agency. In particular:

- o critical equipment assets shall be elevated to no lower than 4.55m above Ordnance Datum (AOD) or, alternatively, adequately protected through flood resistance and resilience measures
- o a place of safe refuge shall be provided at a level no lower than 4.55m AOD

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

Reason

To reduce the risk of flooding to the proposed development and future occupants and to ensure that any disruption caused by flooding is kept to a minimum in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(17) Condition

The development shall not be occupied until a Flood Warning and Evacuation Plan, which includes signing up to the Floodline Warnings Direct service, has been submitted to and approved in writing by the Local Planning Authority. The flood warning and evacuation plan shall be fully implemented prior to occupation of the development and subsequently remain in place.

Reason

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

(18) Condition

Prior to the development coming into operation, a Delivery and Servicing Plan for all operational HGVs entering and leaving the site must be submitted to and approved in writing by the Local Planning Authority. This must be in accordance with the Operational Delivery and Servicing Plan within Annex 24 (version dated March 2019) of Appendix 9A of the Environmental Statement.

The development shall operate in accordance with the approved Delivery and Servicing Plan throughout its lifetime, unless otherwise approved in writing by 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).

(19) Condition

Prior to the development coming into operation, an Operational Travel Plan (OTP) shall be submitted to and approved in writing by the Local Planning Authority. The OTP should be produced in accordance with NELC guidance and in liaison with the Business Travel Plan Officer.

The OTP submitted shall be in accordance with the Framework Operational Travel Plan within Annex 6 of Appendix 9A of the submitted Environmental Statement.

Once approved, the OTP shall be implemented in full and operated in line with its terms and timings throughout the lifetime of the development.

Reason

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

(20) Condition

Prior to the development coming into operation details of the visibility splays at the proposed site entrance must be submitted to and approved in writing by the Local Planning

Authority. Visibility splays shall thereafter be implemented in accordance with the details agreed and nothing shall at any time be erected or allowed to grow over 1.05 metres in height above the carriageway level of the adjoining highway within the visibility splays. The location of the visibility splays shall be located in line with the "Access Plan (SK001)" revision submitted 15.2.19 and "Swept Path Analysis plan (SK002)" submitted 15.2.19.

Reason

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

(21) Condition

Development shall not commence, save for the permitted preliminary works, until detailed plans have been submitted to and approved in writing by the Local Planning Authority, showing:-

- (a) The proposed layout and construction details of the proposed new entrance to the site including the junction and connection with the adopted highway (which shall be in accordance with: either "Access Plan (SK001)" revision submitted 15.2.19 and the submitted Proposed Culvert for Site Access plan (2522-035 rev R1)); or any details in respect of this new entrance that have been approved under S278 Highways Act 1980 by the Local Highways Authority;
- (b) The highway drainage system; and
- (c) Location, type and number of permanent vehicle and two-wheeler and cycle parking spaces.

The details shall be implemented in full as approved prior to the development coming into operation.

Reason

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

(22) Condition

No development must take place, save for the permitted preliminary works, until a survey of the condition of the adopted section of the local access road South Marsh Road (east of Hobson Way) has been carried out and details submitted to and approved by the local planning authority. The survey must comprise SCANNER, deflectograph equipment, and supporting road core data with cores taken every 100m. The details must comprise a report detailing the survey methodology and the findings as to the theoretical capacity of the structure of the road based on a million standard axle calculation.

Additionally, within six months of the development coming into operation a report must be submitted to and approved in writing by the local planning authority setting out the results of traffic surveys along South Marsh Road (east of Hobson Way) conducted since the coming into operation of the development. The report shall include information on HGV

tonnage and volumes and a comparison against the theoretical capacity of the structure of the road contained in the details approved under the first paragraph of this condition.

If the findings show the actual traffic using the road exceeds the theoretical capacity, and the exceedance is attributable to the development authorised by this planning permission, the applicant shall within three months of an approval under the second paragraph of this condition submit details of a scheme of improvement for South Marsh Road (east of Hobson Way) and a programme for implementation to the local highways authority for their consideration and agreement under Section 278 Highways Act 1980.

Reason

To ensure that the local access road South Marsh Road is structurally suitable for the traffic added by the development, in line with Policies 5 and 6 of the North East Lincolnshire Council Local Plan 2013-2032 (adopted 2018).

(23) Condition

Development shall not commence, save for the permitted preliminary works, until the following information has been submitted to the Local Planning Authority, who shall immediately notify UK DVOF & 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 to be fitted to the structure(s), which must include fitting the emissions stack(s) with a minimum intensity 25 candela omni directional flashing red light or equivalent infra-red light fitted at the highest practicable point of the structure.

The aviation warning lighting approved pursuant to part (f) must thereafter be implemented in full before the construction of the emissions stack(s) is complete or within an agreed time frame to be approved in writing with the Local Planning Authority.

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, unless first approved in writing by the Local Planning Authority.

Reason

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

(24) Condition

The hereby approved power facility shall use refuse derived fuel only (RDF), with the exception of the limited use of fuel oil during start up periods only. RDF comprises of processed waste from municipal, household, commercial and industrial sources.

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).

(25) Condition

With the exception of the fuel oil tank, at no time shall any fuel stock for the energy recovery 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).

(26) Condition

Within two years of the development ceasing commercial operations a Decommissioning Plan, including a Decommissioning Environmental Management Plan, must be submitted to and approved in writing by the Local Planning Authority. Once approved, the decommissioning shall only be carried out in accordance with the approved details.

Reason

For the avoidance of doubt and in the interests of ecology, highway safety and the environment in accordance with Policies 5 and 41 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, have significant impact on ecology and is acceptable under all other planning considerations including highway safety. 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, 8, 9, 22, 31, 33, 34, 36, 38, 39, 41, 42 and 47.

2 Added Value Statement

In accordance with paragraphs 38 and 41 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

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).

4 Informative

The applicant is reminded that the development is subject to a Section 106 Legal Agreement.

5 Informative

Please note that in relation to abnormal loads a minimum of 10 working days between the application and the date of the first movements in order to assess the application and put in place any special traffic management that may be required. Please email AbnormalLoads@nelincs.gov.uk a completed Form of Notice to Police and to Highways and Bridge Authorities (Schedule 2 Part 1) providing details of the time, day, load profile and description of load a minimum of 10 days prior to their arrival. Network Rail (London North Eastern) office (assetprotectionlneem@networkrail.co.uk) should also be contacted in advance to confirm that any proposed abnormal load route is viable and to agree a strategy to protect Network Rail asset(s) from any potential damage caused by abnormal loads. It is advised to contact the Business Travel Plan Officer before commencing the Operational Travel Plan for additional advice, assistance and support. Please contact the Travel Plan Officer at North East Lincolnshire for more information.

6 Informative

The Local Planning Authority should be given two weeks' written notice of the start of the remediation scheme approved under condition 13.

7 Informative

Informative advice has been provided by the following consultees, copies of their representations can be found on the council's website.

- National Grid
- Network Rail
- Natural England
- Environment Agency
- Humberside Fire and Rescue
- Cadent Gas

Please note that the granting of planning permission does not override any other private, legal or environmental permitting, consents or licensing regimes the applicant must abide by.

Case Officer: Cheryl Jarvis

Supervising officer:

Name: Martin Dixon

North East Lincolnshire Council Officer with Delegated Powers:

Name: Chris Lines