

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
--	--

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.