

APPLICATION NO	PA/2013/1002
APPLICANT	Lucent Lincolnshire Lakes SARL
DEVELOPMENT	Full planning permission for highway works to create new junction to the M181 motorway and construction of the western section of the east-west link road
LOCATION	The M181 motorway north and south of Brumby Common Lane Bridge and, west of the M181, Burringham, Ashby Parklands and Gunness
PARISH	BURRINGHAM
WARD	Burringham and Gunness
CASE OFFICER	David Wordsworth
SUMMARY RECOMMENDATION	Subject to the completion of a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objections by Gunness, Burringham, Keadby and Ashby Parklands Parish Councils Significant public interest

POLICIES

Planning Practice Guidance (PPG): Paragraphs 18 to 20.

National Planning Policy Framework:

Paragraph 11 – Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 19 – The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 32 – All developments that generate significant amounts of movement should be supported by a transport statement or transport assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and

- improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 34 – Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this framework, particularly in rural areas.

Paragraph 56 – The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 59 – Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Paragraph 64 – Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 96 – In determining planning applications, local planning authorities should expect new development to:

- comply with adopted local plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 100 – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local plans should be supported by a strategic flood risk assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local plans should apply a sequential, risk-based approach to the location of development to avoid, where possible, flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the sequential test;
- if necessary, applying the exception test;
- safeguarding land from development that is required for current and future flood management;

- using opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

Paragraph 103 – When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment²⁰ following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.²¹

²⁰ A site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding.

²¹ The Floods and Water Management Act 2010 establishes a Sustainable Drainage Systems Approving Body in unitary or county councils. This body must approve drainage systems in new developments and re-developments before construction begins.

Paragraph 186 – Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

Paragraph 187 – Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 – The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This framework is a material consideration in planning decisions.

Paragraph 197 – In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 204 – Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Paragraph 206 – Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

North Lincolnshire Local Plan: Policies T2, T6, T8, T9, T14, T15, T18, T19, LC5, LC6, LC7, LC12, DS1, DS12, DS13, DS14 and DS15.

North Lincolnshire Core Strategy: CS1, CS2, CS4, CS5, CS16, CS17, CS18, CS19, CS25, CS26, CS27

Lincolnshire Lakes Area Action Plan (AAP)

The emerging Lincolnshire Lakes AAP has been produced for the site and sets out the plans and policies for the delivery of the Lincolnshire Lakes. The plans will see the creation of a series of villages set amidst areas of water and landscaping. A preferred option has evolved and this has been influenced by national and local planning policy, an array of evidence-based documents and community consultation exercises. The next steps are a further round of consultation on the AAP followed by submission for examination in public.

Supplementary Planning Guidance: SPG11 (Trees and Development)

CONSULTATIONS

Upon receiving the four Lucent applications in August 2013 extensive consultations were undertaken:

Environment Agency: No objections subject to conditions.

Highways: No objections subject to conditions

English Heritage: There is potential for the proposed scheme to have a significant impact on important archaeology and therefore North Lincolnshire Council's Historic Environment Record should be consulted.

Additionally, the medieval Church of St Oswald, Keadby is listed grade I and is therefore of exceptional architectural and historic interest. The important part of its setting and significance is its close association with the River Trent and the village of Burringham within its rural setting on the opposite bank. It is advised that the rural character of the area adjacent to the Trent close to the village of Burringham should be preserved to minimise the impact of the proposed scheme on the significance and setting of St Oswald's Church.

Natural England: The application site is approximately 500 metres from the Humber Estuary Site of Special Scientific Interest (SSSI). It is also designated as a Special Area of Conservation (SAC) and Ramsar site. The application site is approximately 10km from the Humber Estuary Special Protection Area for birds (SPA). It is unlikely that the proposal will have a significant effect on the Humber Estuary SPA, SAC or Ramsar site. SPA bird species have not been found to be present on site in significant numbers and the habitats

on site are not considered to be particularly suitable species included in the breeding bird assemblage or species associated with the Humber Estuary SSSI. With regard to protected species, Natural England does not object to the proposed development. However, concern is raised regarding potential disturbance to otters which may pass through the area and the strategic delivery of green infrastructure. The local planning authority is expected to assess potential impacts resulting from the proposal on local sites in terms of biodiversity and geodiversity, local landscape character and local or national biodiversity priority habitats and species.

Highways Agency: Originally submitted a holding direction, however this has been removed subject to conditions.

Network Rail:

- A construction traffic management plan is expected and should be required by condition should planning permission be granted for this proposal to avoid the use of the A18 to Althorpe due to the low headroom of the bridge.
- A condition should be attached to any permission to provide for bridge scour protection as necessary for any increased flow of water through the drainage channels.
- The proposal will have an impact upon the two existing railway stations (Scunthorpe and Althorpe). The traffic assessment does not thoroughly assess the impact and it is reasonable to expect that there would be some use of both stations by residents from the new development. Scunthorpe train station has limited car parking and Althorpe train station has no car parking. Contributions towards their improvement should therefore be sought.

West Lindsey District Council: No comments.

Severn Trent Water Ltd: No comments.

Humberside Airport: The proposal has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria, therefore no objections.

Scunthorpe Water Management Board: The Board has no objections to the proposals on land drainage or water management grounds subject to the applicants satisfying several requirements.

National Grid: No objections in principle providing all works recorded to National Grid.

Humberside Police Advisor: No comments.

Lincolnshire Wildlife Trust: Are generally supportive of the levels of habitat creation and other green infrastructure proposed, however a condition is recommended requiring a minimum amount of area for habitats. Strong support is given to the creation of large areas of wetland habitat to the west of the site and these would be ideal for the quiet enjoyment of nature. Any use of the proposed lakes for water sports should be sensitively located away from areas of biodiversity. The creation of new water bodies should not be at the expense of existing habitats.

Concerns are raised regarding additional pressures on existing sites of value for wildlife in the local area due to potentially 10,000 or more new residents and their pets. There is the potential for impacts from these additional visitors.

Support is given for the recommendations for further bat and water vole surveys. It is recommended that monitoring of the habitats is tied to management plans of the site. Consideration should be given to the incorporation of features within buildings on the site for bats and declining urban birds and include permanent bat roosts within buildings.

The Lincolnshire Wildlife Trust would be pleased to remain as a consultee on this project when more detailed plans are submitted.

Environment Team (Trees): Further information is required on the following issues:

- criteria for the thinning of woodland
- confirmation of the use of Scots pine and white poplar
- confirmation on the use of pollarded willows
- concern for the use of black poplar and willow.

Environment Team (Ecology):

- The proposals could affect existing ditches, water voles, reptiles, nesting birds and bats.
- Consideration must be given to the mitigation of reptiles and water voles, and the management of the created habitats.

Environment Team (Public Rights of Way): No objections, however the advice given previously dated 3 June 2013 still applies.

Public Health:

- Where do the current planning applications sit in relation to the preferred option of the Lincolnshire Lakes AAP?
- The travel plan includes little in terms of bus services to the area yet it is important to improve the vibrancy of the night-time economy in North Lincolnshire.
- It is not clear whether the creation of a new train station near the development on the Scunthorpe line has been discounted.
- The need for a care/retirement home in North Lincolnshire is questioned as the number of elderly people in need is falling, but would support more extra care developments in the area.
- The impact of an increased population on the existing NHS services in Scunthorpe needs to be considered.

Environmental Protection: Recommend conditions to address the issues of contaminated land, noise, light and the construction phase of the development (including air quality and dust).

Historical Environment Record (HER): Originally objected to the proposal but now raise no objections subject to conditions.

PARISH/TOWN COUNCILS

Gunness Parish Council:

- This proposal has already been decided.
- Comments will be ignored.
- Building on a floodplain – risk to residents. Why is this being allowed when other proposals within the area are refused due to flood risk?

Burringham Parish Council: The application should be rejected in its entirety and a public inquiry carried out.

Keadby with Althorpe Parish Council: Raises the following objections:

- Traffic congestion is a major concern with Burringham being used as an alternative route.
- Residents deliberately park cars on the main street to create traffic a traffic calming system.
- Three thousand more cars and lorries using the village in an attempt to avoid Berkeley Circle will be horrendous and cause deadlock, particularly at school collection times.
- Traffic going north of Scunthorpe will create a greater problem at Berkeley Circle and other roundabouts, particularly when development at the football ground is up and running.
- Another thousand houses being built to the rear of Tesco with all their added problems.
- The commercial park will create even more lorries in the area and won't all filter to the motorway.
- The traffic planning system is already grossly inadequate.

Ashby Parklands Parish Council:

- The proposed building heights of 10-13 metres directly behind Parklands should be reduced to single-storey, particularly the four blocks between Parklands and the M181.
- Only three traffic surveys were taken between March and April and the applicants were very economical with the information which doesn't confirm times and details.
- No consideration given to the M&S retail park traffic, Scotter Road issue, Asda roundabout and now relocation of Glanford Park football ground.
- potential impact on access from Bristol Road, West Common Lane and new road onto Scotter Road with buses

- The right turn into Parklands causes delay which will only be exacerbated by an existing outline planning permission for more park homes, possibly up to 100 or more.
- concern about safeguards with the creation of large water bodies and 3,500 homes, and many children in the area.
- Who will maintain these water bodies and at what cost to whom?
- concern that this area is nature's natural escape of water from Scunthorpe but when this is developed where will it go?
- In September 2013 a report was released regarding global warming/climate change, raising water levels and impact on development.
- depreciation of property due to flooding and agreement still not reached by British insurers and the Government with previous events
- North Lincolnshire does need jobs and houses but there must be a safer, more suitable and sustainable site.

Bottesford Town Council: Supports the proposed development.

PUBLICITY

A significant amount of public consultation was undertaken by the applicants, Lucent, preceding submission of the four planning applications. Information regarding the Lucent applications was accessible on a Lincolnshire Lakes website with comments and feedback reported in the Statement of Community Involvement that was submitted as part of the planning submission for the four Lucent applications.

The planning applications were advertised by numerous site notices displayed in the area, press notices, letters posted to residential and commercial premises that require consultation through the neighbour notification procedure, and the application was accessible to view on the council's website. No more than seven letters of objection were received on the four Lucent applications. The following objections have been received:

Flood risk

- The application is to be sited on an area which frequently floods. Vast areas of the proposed development were extensively underwater in summer and winter only two years ago.
- What additional, if any, flood defences or drainage will be provided to protect this vulnerable area?
- Another 3,500 homes would result in greater risk of flooding.

Highways

- Existing congestion will become chaos due to the extra traffic from 5,000+ vehicles when this development is constructed.

Environment

- loss of quality agricultural land
- loss of a beautiful rural area that is peaceful with clean air
- The farmland is an excellent wildlife and conservation area. Many wildlife species will decline as a result of this development.
- The proposal links Burringham with Scunthorpe and is basically an extension of the Westcliff estate.
- no buffer surrounding proposed villages, therefore not protecting local residents' views
- Generations of family members have lived on the east side of the A180 motorway. This development will completely change the outlook.

BACKGROUND

This planning application is one of four submitted by applicants Lucent (Lucent Lincolnshire Lakes SARL) which together represent an important phase in the development of the Lincolnshire Lakes project. The applications were submitted in August 2013 prior to the release of the Lincolnshire Lakes Area Action Plan (AAP) which is now progressing and will soon commence a further phase of consultation. The planning applications fall within a Planning Performance Agreement (PPA), that is a framework agreed between a local planning authority and an applicant for the management of complex development proposals within the planning process. The application is accompanied by an Environmental Impact Assessment.

The Lincolnshire Lakes AAP is planned to be developed out between the period from 2015 to 2028 and the length of time to deliver the project brings with it significant challenges in terms of infrastructure, delivery, phasing, and housing completion rates which are anticipated to be an average of 468 dwellings per annum up to 2026.

Paragraph 1.4 of the Core Strategy summarises the importance of the Lincolnshire Lakes:

'Lincolnshire Lakes has the potential to make a significant contribution to effecting a positive change for Scunthorpe in the direction of a sustainable, modern and vibrant economy. Bringing with it significant financial, social and environmental benefits for North Lincolnshire, its community and the wider region. It will do this through the creation of a high quality, sustainable urban extension for Scunthorpe incorporating new homes, business parks and leisure facilities in an attractive waterside setting, which will put Scunthorpe on the map as a location of choice in the 21st century, changing its image and placing it on a new economic trajectory. This flagship project forms a fundamental part of the transformation of the town.'

It should be noted that as the project progressed the concept of a sustainable urban extension evolved into a series of villages.

For ease of reference the four applications are summarised below:

Application 1	PA/2013/1001	Outline planning permission (with access not reserved) for the erection of a maximum of 450 dwellings including a care/retirement home (Use Classes C2 and
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		C3), a village centre (Use Classes A1, A2, A3, A4, A5, B1 and D1), health care facility and community facility (Use Class D1), new roads and footpaths, informal areas of open space, play areas and sports pitches
Application 2	PA/2013/1002	Full planning permission for highway works to create new junction to the M181 motorway and construction of the western section of the east-west link road
Application 3	PA/2013/1003	Outline application for a commercial park comprising Use Classes A1 (food) A2, A3, A4, A5, B1, C1 and D2
Application 4	PA/2013/1000	Outline application (access not reserved) for erection of a maximum of 2550 dwellings including a care/retirement home (Use Classes C2 and C3), primary school and community facilities (Use Class D1), village centres (Use Classes A1, A2, A3, A4, A5 and B1), new roads and footpaths, informal areas of open space, play areas and sports pitches and new wildlife habitat, lakes and wetland.

ASSESSMENT

Full planning permission is sought for highway works to deliver the northern junction of the Lincolnshire Lakes development, the downgrading of the de-trunked section of highway to the north of the junction and the delivery of the western section of the east-west link road which will connect the northern junction with Scotter Road to the east. It should be noted that the eastern section of the east-west link road would be constructed as part of application 1 (PA/2013/1001). When this planning application was submitted the applicants anticipated that the northern junction would be the point of termination of the M181 motorway and the carriageway extending northwards from this junction to Scunthorpe would be de-trunked (downgraded) to an 'A' road. The submission of the planning application in August 2013 preceded the release of the Lincolnshire Lakes Area Action Plan (AAP) which has been developed with the provision of two key roundabouts: the southern roundabout providing the de-trunking function for the M181 and the northern junction roundabout being of key importance to the movement framework for the Lincolnshire Lakes development.

This planning application's boundaries are bounded tightly around the proposed northern junction, the existing M181 motorway northwards to the existing terminating junction of the M18/Doncaster Road and also bounded tightly to the western section of the east-west link road, to the east of the northern junction. Application 2 sits fairly central between the proposed commercial park (application 3) adjacent to the western boundary and the eastern village wetlands (application 4).

The process of de-trunking a section of existing motorway is initially a legal process that transfers a section of motorway to local highway authority jurisdiction and therefore, when approved, the section of motorway applied for will no longer be considered to be a motorway but would be downgraded to an A road. This process involves consultation with the Highways Agency. As it is now anticipated that the southern junction (which does not form part of this planning application) will function as the terminating junction, the northern

roundabout will be adopted and maintained by North Lincolnshire Council, together with the remaining section of A road northwards.

The proposed east-west link road has two main functions: firstly, to provide access to the new residential areas north and south of the link road and the commercial/business park; and secondly, to assist in alleviating existing congestion on Doncaster Road and Berkeley Circle. The link road will provide an alternative route into Scunthorpe, particularly for vehicles travelling to destinations in central and southern Scunthorpe.

In support of the application the applicants have submitted:

- highway layout drawings;
- a flood risk assessment;
- an environmental impact assessment;
- a design and access statement;
- a planning statement;
- an arboricultural assessment;
- a transport assessment;
- a statement of community involvement; and
- a sustainability statement.

The key issues in the determination of this proposal are whether it complies with the policies and objectives of the North Lincolnshire Core Strategy and the proposed Lincolnshire Lakes AAP, whether it fulfils its role as a key element of strategic transport infrastructure for the Lincolnshire Lakes development, and whether it complies with the design standards of the Highways Agency and the highway safety standards of the local highway authority.

Planning policy context

The National Planning Policy Framework sets out the Government's planning policies for England and how they are expected to be applied. It provides a framework that must be taken into account and is a material consideration in planning decisions. The Government considers that sustainable development is a principal aim and should be achieved through the planning system performing a number of roles, namely economic, social and environmental. The NPPF requires the planning system to do everything it can to support sustainable economic growth whilst contributing to conserving and enhancing the natural environment. A key aim of the Government is to boost significantly the supply of housing and assist local planning authorities in the delivery of a wide choice of high quality homes, including the provision of affordable housing, by establishing a housing implementation strategy for the delivery of a five-year supply of housing land to meet their housing target.

The North Lincolnshire Core Strategy was adopted in June 2011. It sets out the long-term vision for North Lincolnshire and provides a blueprint for managing growth and development in the area up to 2026. It is the most important element of the North Lincolnshire Local

Development Framework (LDF). Lincolnshire Lakes lies at the heart of this blueprint. Sitting alongside major projects to create jobs at the South Humber Gateway, it will help to transform the area as a place to live, work and visit. It was based on a robust evidence base and was the subject of extensive public consultation, as well as an independent public examination which found the document 'sound'. The strategy states that the Lincolnshire Lakes will be delivered via an Area Action Plan (AAP). The Core Strategy objectives and policies, as well as those of the emerging AAP, clearly highlight the need to create a transformational new housing location, improve strategic transport infrastructure, and blue and green landscape through the provision of multi-functional lakes and waterways and green infrastructure. It is also clear that the lakes and waterways will form part of the overall flood mitigation measures for the project, as well as forming new opportunities for biodiversity enhancement and habitat creation. The Lincolnshire Lakes project is referred to within policy CS1 (Spatial Strategy for North Lincolnshire) as a major flagship urban renaissance project that will be located to the west of the town creating a major new sustainable waterside setting that will soften the edge and provide an impressive gateway. Policy CS4 (Creating a renaissance in North Lincolnshire) states that the council will work with its partners to promote and secure area-wide renaissance in North Lincolnshire. Lincolnshire Lakes will be delivered through the creation of a master plan as part of the development of an Area Action Plan.

It is therefore considered that the policy background for the Lincolnshire Lakes development, in which this application sits as a key element in the wider Lucent group of applications, is sound and established. The suite of local planning policies in the Core Strategy and the AAP firmly supports the principle of development.

Role of key strategic transport infrastructure

During the initial design stages of the Lincolnshire Lakes project a significant amount of research was undertaken that involved technical assessment to achieve the following objectives: firstly, the need to unlock the Lincolnshire Lakes development and to create a new road hierarchy that can safely integrate with the existing local road network; and secondly, the aspiration that the new junction (northern junction) would deliver wider benefit to the local network in reducing the level of congestion at the Doncaster Road and Berkeley Circle area of Scunthorpe. In the initial stages of the emerging AAP this junction was proposed to be the terminating junction of the M181 which would have resulted in the de-trunking of approximately 1.5 kilometres remaining of the M181 northwards to the existing roundabout with Doncaster Road. However, as the AAP progressed the emergence of a more southerly junction to connect directly with Burringham Road became the preferred point of termination from the motorway network. The northern junction does provide a key strategic role in unlocking the northern section of the wider Lincolnshire Lakes area and provides key connections to the existing Scunthorpe and Bottesford highway network via the east-west link road that connects with Brumby Common Lane to the east.

To the north of the proposed northern roundabout junction a further east-west connection is to be provided by a signalised junction that will provide key links either side of the de-trunked motorway. The sections of de-trunked motorway that are to be downgraded to 'A' road standard will require physical alteration that involves the removal of the hard shoulder and central reserve, and includes cycle and pedestrian routes, and additional landscaping, that can be addressed by conditions to ensure the character of the entry route to Scunthorpe complies with the transformational objectives of the Lincolnshire Lakes project.

Highways Agency

The Highways Agency is responsible for the network of motorways and trunk roads as set out by the Department of Transport. Consequently it is the governing body for the motorway network up to its point of termination which is determined by the emerging Area Action Plan to be a junction proposed south of this northern junction. Whilst the Highways Agency had been both formally and informally consulted, a holding direction was submitted whereby the Secretary of State has the authority to prevent determination of the application.

Discussions by officers of the council and the Highways Agency (HA) concluded that if the planning application description was amended to remove the word 'terminating' the HA would remove its objection. The description has now been formally amended and the HA have confirmed in writing that the objection will be removed subject to conditions.

Highways Authority

No objections subject to conditions and subject to suitable design standards being met.

Flood risk/mitigation

The four Lucent planning applications lie within SFRA Flood Zone 2/3a. As part of the planning application the following documents were submitted:

- flood risk assessment
- drainage strategy
- hydraulic modelling.

National guidance contained within the NPPG requires all development in such flood zones to demonstrate that there are no reasonably available sites in locations subject to lower flood risk. North Lincolnshire and North East Lincolnshire Councils produced the Strategic Flood Risk Assessment (SFRA) which assessed the issues of flood risk in significant detail (including climate change) involved in the Lincolnshire Lakes site. North Lincolnshire Council assessed the Core Strategy in line with the then required PPS25 sequential testing, which has now been superseded by the NPPF and PPG.

The council's sequential test of the Flood Risk Potential Development Sites Final Report (2010) concluded that only a limited supply of land is available for development in Flood Zone 1 and that in order to meet housing needs, there is a requirement for development in the Lincolnshire Lakes area.

National guidance stated that where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision-making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the exception test if required. The Lincolnshire Lakes site has been thoroughly tested and passes the sequential and exceptions test strategy through the progression and adoption of the North Lincolnshire Core Strategy. The Lincolnshire Lakes development area is identified within the Core Strategy to deliver 6000 homes within policy CS8. Policy CS19 states that development within the Lincolnshire Lakes area will comply with the flood management principles set out in the Western Scunthorpe Urban Extension Exception Test Strategy (2010). The data from this Strategy has been used together with some of the

hydraulic modelling work carried out by a consultant acting for the applicant, in the Lincolnshire Lakes Flood Management and Drainage Strategy (October 2014).

The proposals accompanying this suite of planning applications comprise mitigation measures that involve strengthening the existing flood defences between Gunness and Burringham by the insertion of a continuous steel piling into the river bank and through land-raising to create a safe platform upon which development can be built. It is not proposed to amend the existing levels at which the M180 motorway currently sits. The variation in platform levels relates to applications 1, 3 and 4 for residential and commercial development.

The proposals also include a drainage strategy and hydraulic modelling report which sets out measures to mitigate the risk of surface water flooding to the development and to ensure no increase in flood risk to the surrounding area. The mitigation measures include the control of surface water run-off flows; land-raising to create safe development platforms; and the creation of extensive attenuation areas within the proposed pond, wetland and recreation areas to store surface water during extreme rainfall events. The proposals have been developed in consultation with the Environment Agency and the Scunthorpe and Gainsborough Water Management Board who have no objection to the proposals subject to a number of conditions.

The Environment Agency has been consulted throughout the progression of the area action plan and the four Lucent planning applications. The Environment Agency does not raise any objections to the proposals subject to several conditions attached to each planning application.

The Lincolnshire Lakes planning applications contain a number of flood defence measures which are outlined below. These measures have arisen as the result of extensive modelling and design work by the applicant.

1. Lincolnshire Lakes will be built on a raised development platform to protect it from flooding.
2. The basic design standard is 1:200yrs plus 300mm minimum 'freeboard' (additional safety factor) with allowance for climate change impacts to 2115.
3. The design standard includes for a breach of the River Trent defences at the time of the 1:200yr tidal surge.
4. Further land-raising for drainage will result in increasing the basic design standard of 1:200yrs plus 300mm minimum 'freeboard' for most properties.
5. The homes at Lincolnshire Lakes will be protected to a standard well above the minimum requirement of the Association of British Insurers which is 1:100yrs.
6. For the benefit of Lincolnshire Lakes and the villages of Burringham and Gunness, the existing flood defence earth bank will be reinforced by steel piling.
7. For the benefit of the villages of Burringham and Gunness, the Burringham Pumping Station will be provided with an external connection facility for emergency power supply.

8. For the benefit of Burringham and Gunness, a platform will be provided for installation of temporary pumps to replace the existing pumping station in the event of complete failure.
9. The Lincolnshire Lakes development does not require any raising of the flood defences on the River Trent and is completely separate to any works to be promoted by the Environment Agency or other third party.
10. The steel piling reinforcement of the existing flood defence will be designed to facilitate any proposed raising of the bank by the Environment Agency or other third party.
11. The villages of Burringham and Gunness will continue to be at residual risk of flooding from overtopping or breach of the River Trent defence or failure of the Burringham Pumping Station. However, the Lucent proposals will reduce the residual risk of breach failure of the existing defences and reduce the impact of such breach. The Lucent proposals will also reduce the risk of flooding from failure of Burringham Pumping Station.

Other issues

The objection raised regarding development of grades 1 and 2 agricultural land has been considered. The area within the Lincolnshire Lakes AAP that is the most fertile and is allocated grade 1 status lies to the far west of the AAP area abutting the villages of Gunness and Burringham. This development does not propose to build dwellings on the best, most fertile land but lower grades 2 and 3, which are closer to the western fringes of Scunthorpe, are proposed to be developed. It is felt that North Lincolnshire possesses large areas of grade 1 and 2 agricultural land and there is not a shortfall caused by the loss of some agricultural land as a result of this development. The submitted application material notes that less than 4ha of grade 1 agricultural land will be lost.

Objections regarding adverse impact upon wildlife in the area have been considered through the consultation process with agencies such as the Lincolnshire Wildlife Trust, Natural England and also the council's own Environment Team, none of which object to the proposals. The Lincolnshire Wildlife Trust is generally supportive of the proposals due to the amount of habitat to be created and other green infrastructure that is proposed.

A key concern of some residents surrounds the increase in levels of congestion and traffic generation, particularly in the Doncaster Road and Scotter Road areas that already face problems. The progression of the Lincolnshire Lakes project was not just to deal with increased traffic generated by the developments proposed but also to assist in resolving outstanding problems within the Scunthorpe and Bottesford transport infrastructure. Through the delivery of the Lincolnshire Lakes development, and more specifically the northern junction and east-west link road within the Lucent proposals (application 2), it is anticipated that heavily congested areas to the north of Scunthorpe, particularly at Berkeley Circle, will be relieved to a significant degree. Berkeley Circle has been assessed within the Transport Assessment and shown to operate satisfactorily subject to capacity improvements at appropriate stages of the development. This is because, in future, Doncaster Road will not be the only primary route for traffic to access the motorway network from the M181, or indeed the villages to the west of Scunthorpe, or those accessed over Keadby Bridge. It should be noted that no highway connection is proposed from the development to the Trentside villages to the west.

Section 106 agreement

The following items are to be included in a Section 106 agreement between the applicants and the council:

- highway contributions:
 - traffic regulation orders
 - M181 de-trunking works and maintenance
 - undertaking to carry out works within an agreed timetable
- flood risk mitigation.

Review mechanism

It is proposed to include a financial viability review mechanism within the Section 106 agreement. This mechanism will require several reviews at key periods over the entire development.

RECOMMENDATION

Subject to the finalisation of a formal agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms set out in the report, and finalisation (including additional conditions where necessary) of the conditions listed below, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Development Management upon completion of the obligation;**
- (iii) if the obligation is not completed by 22 April 2015 the Head of Development Management be authorised to refuse the application on grounds of failure to provide adequate levels of:**
 - **highway infrastructure and highway safety (policies T2, T4 and T19 of the North Lincolnshire Local Plan);**
 - **provision of flood risk mitigation measures (policy CS19 of the North Lincolnshire Core Strategy):**

1.

The development hereby permitted shall be carried out in accordance with the Design and Access Statement (August 2013) and the Supplementary Planning and Design Statement (August 2014), and the following approved plans:

Cross-boundary

0787-GA-004 (rev F): East/West Link Road and Junction Highway Layout

0787-RP-001 (rev C): East/West Link Road and Junction Highway Longsections

0787-SD-001 (rev B): East/West Link Road, Typical Highway cross-sections

0787-SD-002 (rev A): East/West Link Road and Junction standard construction details

Application 2

759_02_07_110 (PL1): Tree and Hedgerow Retention and Removal

759_02_07_200 (PL1): Highway Geometry - Key Plan

759_02_07_201 (PL1): Highway Geometry - Zoom in One

759_02_07_202 (PL1): Highway Geometry - Zoom in Two

759_02_07_203 (PL1): Highway Geometry - Zoom in Two

759_00_00_066 Rev 2A: Illustrative Masterplan

Reason

To ensure that the approved development is carried out in accordance with the approved plans and reflects the scale and nature of development assessed in the Environmental Impact Assessment.

2.

The development hereby permitted shall be begun before the expiration of 8 years from the date of this permission.

Reason

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

3.

A Site Wide Phasing Programme shall be submitted to the Local Planning Authority for approval in writing prior to or no later than concurrent with the submission of the first Reserved Matters application submitted for the site.

The Phasing Programme shall include a Phasing Plan and details of the proposed sequence of development across the entire illustrative masterplan area (i.e. land encompassed by the red line application areas of planning permissions PA/2013/1000, PA/2013/1001, PA/2013/1002 and PA/2013/1003), the extent and location of individual development phases or sub phases, including reference to the type and extent of any development envisaged in each phase, and a description of that development.

The Phasing Programme shall state when each of the following will be delivered:

- (a) Major access infrastructure including roads, footpaths and cycle ways;
- (b) Public open space areas including informal open spaces, recreation and sports areas, allotments, equipped play areas and ecological areas and habitats;
- (c) All structural and site wide landscaping and any additional green infrastructure, and;
- (d) All strategic drainage and SUDS infrastructure.

No development shall commence until the Phasing Programme has been approved in writing by the Local Planning Authority and thereafter each reserved matters application for any phase or part of a phase submitted pursuant to 4 above (standard reserved matters condition) shall be accompanied by an updated phasing plan for the approval of the Local Planning Authority. The development shall then be carried out in accordance with the Phasing Programme as approved and updated.

Reason

To ensure that the development is delivered in a structured way in accordance with the approved parameter plans and in accordance with the emerging AAP and policies CS1 and CS4 of the North Lincolnshire Core Strategy.

4.

Prior to the commencement of development details of the highway design and surface water drainage arrangements are to be submitted to and approved by the local planning authority.

Detailed highway designs are to be provided in general accord with the illustrative material provided within planning applications ref. PA/2013/1000, PA/2013/1002 and PA/2013/1004.

The development should be carried out in accordance with the approved details.

Reason

To ensure a satisfactory method of surface water drainage.

5.

Prior to the commencement of development, details of the following shall be submitted for approval and once approved shall be implemented for the duration of any construction works:

- (a) The location and size of temporary construction compounds;
- (b) The location, size and means of access for vehicles to car parking areas required by construction staff;
- (c) The location and size of unloading and loading areas;
- (d) The range of proposed working hours;
- (e) Wheel cleaning facilities;
- (f) Construction staff car parking;
- (g) An advanced direction signage programme for the site on and adjacent highway network;
- (h) Measures for the suppression of dust created by construction activity;
- (i) Location, height and luminance levels of any floodlighting;
- (j) A programme for the removal of temporary structures/buildings and a remediation strategy for the site.

Reason

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

6.

Prior to the commencement of development a construction traffic management plan is to be submitted to and agreed in writing by the Local Planning Authority. The construction traffic

management plan shall include details showing how construction traffic will avoid the use of the A18 through Althorpe or provide mitigation measures to allow the safe movement of goods along Station Road, Althorpe at Bridge DOW/37.

The development should be carried out in accordance with the approved details.

Reason

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

7.

No site preparation, earthworks and construction phase work shall be carried out until a formal Construction Environmental Management Plan (CEMP) is submitted to and approved in writing by the local planning authority. The approved CEMP must be implemented before and maintained during construction and maintenance of the relevant stage of the authorised development. No variation from the agreed CEMP shall be permitted without prior written approval from the Local Planning Authority. The CEMP shall include the following:

- Details of measures to be taken to avoid harm to reptiles, bats, nesting birds and water voles during site clearance and construction;
- Details of bat foraging corridors to be retained and protected during construction;
- Proposed timings for above works;
- Restrictions on external lighting to avoid impacts on bat foraging areas and sensitive habitats;
- Details of measures to minimise disturbance to the Primary Green Corridors proposed in the submitted Biodiversity Strategy;
- Sensitive working practices to avoid harm to reptiles, water voles, bats and nesting birds;
- Appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
- Measures to avoid light, noise and water pollution, flytipping and other factors that would harm habitats and species;
- Formation and operation of an Environmental Steering Group, comprising the developer, the Council and other invited parties, to ensure implementation of environmental works; and
- Details of persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation;
 - Installation of physical protection measures during construction;

- Implementation of sensitive working practices during construction;
- Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction.

The development should be carried out in accordance with the approved details.

Reason

To ensure that construction of the development does not have an adverse impact upon ecology in accordance with policy LC5 of the North Lincolnshire Local Plan.

8.

Prior to their implementation a description and programme of proposed enabling works is to be submitted to and approved by the Local Planning Authority. The approved enabling works shall not constitute the commencement of development hereby approved by this planning permission.

Reason

To define the terms of the permission and for the avoidance of doubt.

9.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the programme of archaeological work set out the Written Scheme of Investigation Lincolnshire Lakes Project: Framework For Archaeological Investigation and Mitigation Strategies, AC Archaeology, dated June 2014, rev October) and until detailed project designs for site and post-excavation works have been submitted to, and approved in writing by, the Planning Authority that provide for the following:

- i. The proper identification and evaluation of the extent, character and significance of archaeological remains within the application area;
- ii. An assessment of the impact of the proposed development on the archaeological remains;
- iii. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- iv. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- v. Post-fieldwork methodologies for assessment and analyses.
- vi. Report content and arrangements for dissemination, and publication proposals.
- vii. Archive preparation and deposition with recognised repositories.
- viii. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- ix. Monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works.

- x. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

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

10.

The archaeological evaluation and mitigation strategies shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

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

11.

The western section of the east-west link road shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Mitigation Strategy and until the applicant, or their agents or successors in title, has secured the implementation of an updated project design providing for the analysis, publication and dissemination of results and archive deposition that has been submitted to, and approved in writing by, the Planning Authority.

Reason

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

12.

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

Reason

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

13.

No phase or sub-phase of development (as specified under the details submitted in condition 6) shall take place until a landscape and biodiversity management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The Plan shall include the following elements:

- (a) Details of the extent and type of new native planting and habitat creation;
- (b) Details of the extent and type of retained habitats and features;

- (c) Details of the key landscape and biodiversity functions of landscape components;
- (d) Details of management objectives;
- (e) Details of maintenance regimes;
- (f) Details of treatment of site boundaries and/or buffers around water bodies (including ditches/drains);
- (g) Details of management responsibilities (for the duration of the project and once complete);
- (h) details of long-term monitoring of:
 - success of mitigation and enhancement measures for protected / notable species;
 - success of habitat creation, enhancement and management;
- (i) details of measures to be taken to avoid harm to reptiles, bats, nesting birds and water voles during site clearance and construction;
- (j) details of habitat enhancement for Common lizard and Water vole;
- (k) details of bat foraging corridors to be created and retained;
- (l) proposed timings for above works;
- (m) restrictions on external lighting to avoid impacts on bat foraging areas and sensitive habitats;
- (n) details of measures to minimise disturbance to the Primary Green Corridors proposed in the submitted Biodiversity Strategy;
- (o) prescriptions for trees, shrubs and mixed native hedges of high biodiversity value, to provide nesting habitat, nectar sources and berries;
- (p) details of persons responsible for:
 - (i) Compliance with legal consents relating to nature conservation;
 - (ii) Compliance with planning conditions relating to nature conservation;
 - (iv) Installation of physical protection measures during construction;
 - (v) Implementation of sensitive working practices during construction;
 - (vi) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction.

Reason

To protect and enhance features of recognised nature conservation importance in accordance with Policy CS17 of the North Lincolnshire Core Strategy.

14.

The Biodiversity Management Plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the completion of the approved development, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the Biodiversity Management Plan.

Reason

To protect and enhance features of recognised nature conservation importance in accordance with Policy CS17 of the North Lincolnshire Core Strategy.

15.

The development hereby permitted shall not be commenced until such time as a scheme to manage flood risk has been submitted to, and approved in writing by the local planning authority.

The scheme shall include details of:

- The impact of the works on flood flows and necessary flood risk mitigation;
- Proposed finished road/ground levels;
- Flood plain compensation and mitigation works;
- The proposed surface water drainage strategy; and
- Any proposed culverting of existing watercourses.

The scheme shall demonstrate that it can operate both independently of and in conjunction with the broader surface water strategy for the accompanying applications and the wider Area Action Plan.

The drainage strategy shall demonstrate that surface water run-off generated up to and including the 100 years critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

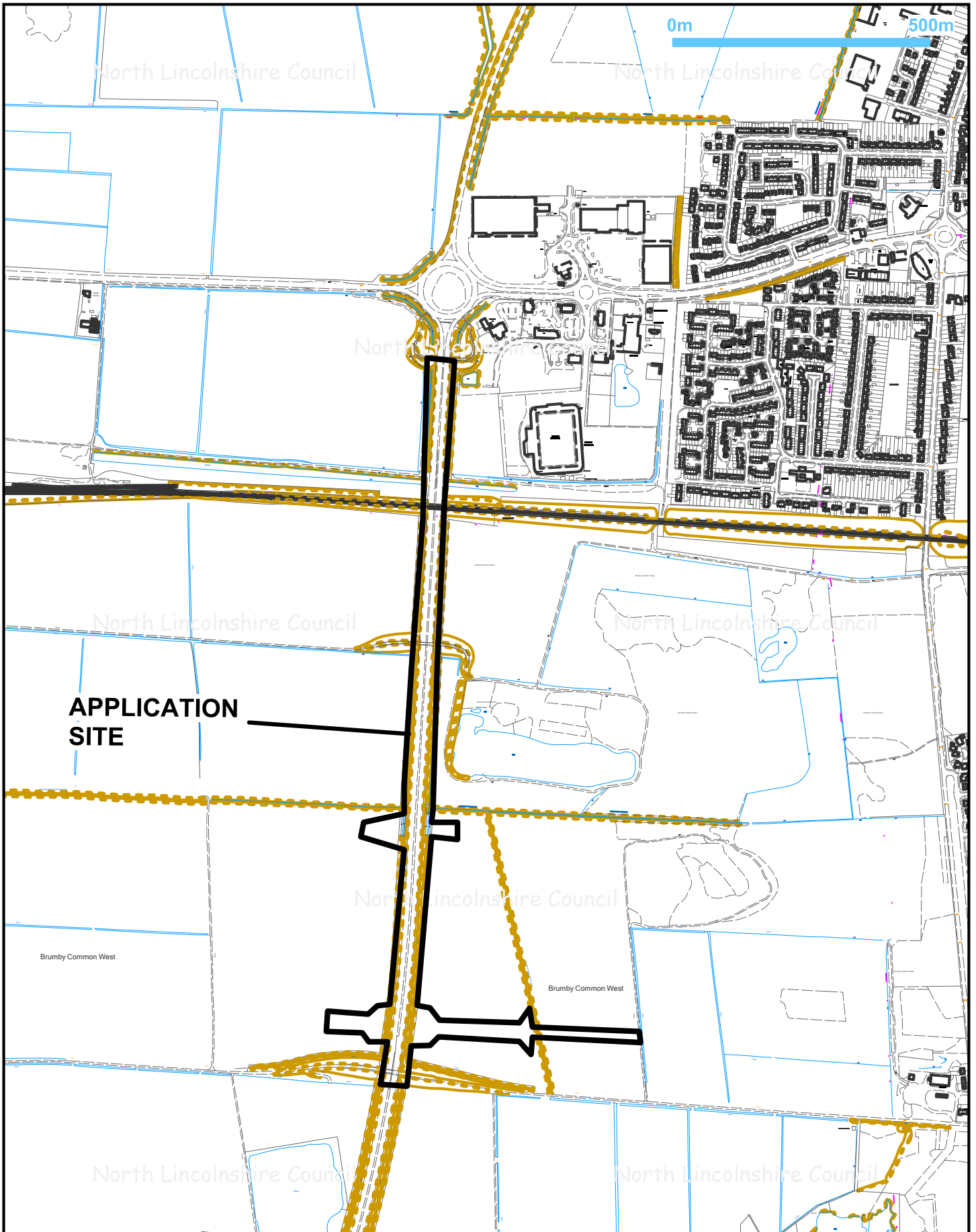
To ensure that the development complies with paragraphs 99 to 104 of the National Planning Policy Framework and policy CS19 of the North Lincolnshire Core Strategy.

Informative 1

This application must be read in conjunction with the relevant Section 106 Agreement.

Informative 2

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



**APPLICATION
SITE**

Title: PA/2014/1002			
Drawn by: Sue Barden	Date: 08/10/2014	Scale 1:10000	



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Ordnance Survey 0100023560



Director of Places
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