

<b>APPLICATION NO</b>	<b>PA/2015/0627</b>
<b>APPLICANT</b>	Mr Mark Graves, Maltgrade Limited
<b>DEVELOPMENT</b>	Planning permission for highway works to deliver the new terminating junction to the M181 motorway (due to the de-trunked section of the highway to the north and south of the terminating junction) and the development of the eastern and western sections of the east west link road connecting to the B1450 Burringham Road
<b>LOCATION</b>	Lincolnshire Lakes, M181 from M180 to A18, Burringham
<b>PARISH</b>	<b>ASHBY PARKLANDS AND BURREINGHAM</b>
<b>WARD</b>	Burringham and Gunness
<b>CASE OFFICER</b>	Kate Mills
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to the completion of a Section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	At the discretion of the Head of Development Management

## **POLICIES**

**National Planning Policy Framework:** Paragraph 15 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

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 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 69 – The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of local plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote:

- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

Paragraph 73 – Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities.

Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

Paragraph 94 – Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change, and water supply and demand considerations.

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 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 assessment 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.

A site-specific flood risk assessment is required for proposals of 1 hectare or greater.

Paragraph 104 – For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test. Applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments.

Paragraph 118 – When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
  - potential Special Protection Areas and possible Special Areas of Conservation;
  - listed or proposed Ramsar sites; and
  - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

Paragraph 173 – Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

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.

Paragraph 215 – In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

**North Lincolnshire Local Plan:** Policies H8, T2, T6, T8, T9, T14, T15, T18, T19, R5, C3, LC1, LC2, LC4, LC5, LC6, LC7, LC12, HE9, DS1, DS3, DS7, DS13 and DS14.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS4, CS5, CS6, CS7, CS8, CS9, CS11, CS16, CS17, CS18, CS19, CS22, CS23 and CS24.

**Lincolnshire Lakes Area Action Plan:** Policies SS1, SS2, SS3, T1, T3, T5, T9, T11, F1, G1, G2, G3, G4, G5, G6, D1 and D2.

**Lincolnshire Lakes Strategic Design Guide SPD:** Limited weight can be given to this document as at the time of writing this document is currently undergoing its first round of public consultation.

## **CONSULTATIONS**

An initial round of consultation was held in June/July 2015. Following receipt of additional information, and amended plans and strategies, a further round of consultation was held in June/July 2016. Representations received from both consultation exercises are summarised below:

**Ashby Parkland Parish Council:** No comments received.

**Gunness Parish Council:** Whilst members of Gunness Parish Council agree in principle to this application for outline planning permission for new roads footpaths and informal

areas etc, Lincolnshire Lakes M181 from M180 to A18, no construction should take place until the Highway Works as described in application PA/2015/0627 are fully completed and operational to prevent construction traffic chaos on local roads, especially Berkeley Circle and M181/A18 Roundabout.

At a public meeting held on 13 May 2013 attended by 67 people, when it was stated that there were three interested parties, it was stated that the road network would be constructed before any building work took place funded by the private sector and that North Lincolnshire Council had placed finance in their budgets for the road network which would be paid back by the developers under a section 106 agreement.

The parish council stated no objection to the amended scheme in July 2016.

**Bottesford Town Council:** Support the proposal and urge deregulation of the M181 re traffic issues and has no objection to the amendments.

**Flixborough Parish Council:** No objection.

**Keadby and Althorpe Parish Council:** No objection.

**Burringham Parish Council:** No comments received.

**Drainage:** No objection subject to the imposition of conditions to require and implement a surface water drainage scheme for each phase of development. The Drainage Team originally objected to the application but this was removed via an email dated 21/04/2016.

**Highways England:** No objection. Highways England originally objected to the application but, following receipt of further information, removed this objection in a letter dated 07/04/2016.

**Transport Planning:** Advises conditions.

**Severn Trent Water Ltd:** No comments received.

**Anglian Water:** No comments received.

**Canal and Rivers Trust:** Does not wish to comment.

**Network Rail:** No observations to make.

**Tree Officer:** Requests that retained trees be protected to the BS5837:2012 standard.

**PROW Officer:** No objection.

**Education:** The proposed works will need to be completed prior to houses being occupied to ensure access to the proposed school site for residents.

**Public Open Space:** No comments received.

**NHS:** No comments received.

**Environmental Protection:** Provides the following comments on the application:

*Contaminated land*

No objection. It is noted that the Environmental Statement details the potential presence of land contamination in certain areas. It is recommended that a condition be imposed to require a scheme of remediation should visually contaminated land be found.

#### *Noise*

No objection subject to conditions. During the 2015 consultation concerns were raised in respect of information within the Environmental Statement. Additional information was sought from the applicant. In June 2016 confirmation was received that the additional information was acceptable. Conditions were recommended in respect of a Construction Environment Management Plan, Noise Impact Assessment and construction hours.

#### *Air quality*

No objection. Further information was requested in the original July 2015 response in respect of NO<sub>2</sub>. Further information was provided by air quality consultants within a technical note dated 05/11/2015. This was found to be satisfactory by the Environmental Health Team within a memo dated 12/11/2015. It is suggested that the council seek an Air Quality Monitoring Contribution in respect of NO<sub>2</sub>.

#### *Construction*

No objection. It is recommended that conditions be imposed to secure a construction environment management plan and its implementation and to limit construction hours.

**Public Health:** No objection.

**Historic England:** It was recommended in July 2015 to contact the authority's archaeological adviser for advice with regard to archaeological work proposed/required. It was also stated that no assessment of impact upon significance of heritage assets within the vicinity was provided despite reference to such within the Environmental Statement. It was advised to only determine the application if the authority was satisfied it had sufficient information to make an informed decision.

In 2016 it was noted that an Impact on Listed Buildings, Conservation Areas and Scheduled Monuments has now been provided although it was considered that this was not exhaustive, lacked substantive evidence and it was disputed that there was no defined meaning of the word 'setting' as stated in the document. Again it was advised to only determine the application if the authority was satisfied it had sufficient information to make an informed decision.

It was also noted that a Written Scheme of Investigation for Trial Trenching had been provided and welcomed. It was encouraged that a scheme for palaeoenvironmental sampling strategy be prepared prior to the commencement of development. Again it was recommended to contact the authority's archaeological adviser for advice with regard to archaeological work proposed/required.

**Conservation Officer:** No objection.

**Archaeology:** In 2015 the Historic Environment Record (HER) advised a holding objection until further information is provided regarding the potential impact of the development on heritage assets and an overarching Archaeological Strategy produced for the development site. It was stated that the application should not be determined, except for a refusal, until

further information is submitted and a written Archaeological Strategy is produced setting out any appropriate mitigation measures to avoid adverse impact or adequately mitigate loss of heritage assets.

In 2016 the HER welcomed the additional information that had been provided but did not consider that sufficient information had been provided to allow for an informed decision to be made. It was advised that the application should not be determined until the results of the field evaluation were known and appropriate mitigation measures agreed. Conditions were recommended should the authority not follow this advice to allow for determination.

**Robin Hood Airport:** No objection.

**Humberside Airport:** No objection.

**Humberside Fire and Rescue Service:** Comments that it is a requirement of Approved Documents B5, Section 16 Commercial Properties or B5, Section 11 for Domestic Premises that adequate access for fire-fighting is provided to all buildings or extensions to buildings.

Adequate provision of water supplies for fire-fighting appropriate to the proposed risk should be considered. If the public supplies are inadequate it may be necessary to augment them by the provision of on-site facilities. Under normal circumstances hydrants for industrial unit and high risk areas should be located at 90 metre intervals. Where a building, which has a compartment of 280 square metres or more in area, is being erected more than 100 metres from an existing fire hydrant, hydrants should be provided within 90 metres of an entry point to the building and not more than 90 metres apart. Hydrants for low risk and residential areas should be located intervals of 240 metres.

**Humberside Police:** No comments received.

**Spatial Planning:** Due to the scale of this application, significant section 106 contributions and provisions will be required. Negotiations with regard to the content of the agreement are ongoing.

**Ecology:** The proposal is not likely to have a significant effect on the Humber Estuary SAC, SPA or Ramsar site, or any other Natura 2000 site.

Survey work is being undertaken and ordinarily this application should not be determined, except for a refusal, until such survey work is complete. However, following discussions, it has been agreed that the conditions proposed will ensure protected or priority species are not adversely affected.

The conditions proposed will ensure that no development can commence until appropriate mitigation and enhancement measures have been agreed and implemented.

**RSPB:** No comments received.

**Environment Agency:** The EA objected to this application in July 2015. Following further information submitted in the form of an updated FRA and work ongoing to deliver the Lincolnshire Lakes Integrated Flood Risk and Drainage Strategy, the EA removed their objection in July 2016 and advise conditions.

**JBA Consulting for Scunthorpe and Gainsborough Water Management Board:** No comments received.

**Natural England:** Within responses received during both consultation rounds it was stated no objection in terms of internationally and nationally designated sites. Further standing advice was given in relation to protected and priority species and it was recommended that the authority's ecologist's advice is sought.

**Lincolnshire Wildlife Trust:** Expresses disappointment at the lack of detail within the submitted ecological mitigation strategy. It noted the survey work is still ongoing and information should be available prior to taking the decision being taken. It is advised that further information should be obtained via conditions and that the Lincolnshire Wildlife Trust should be consulted.

**National Grid:** No comments received.

**National Planning Casework Unit:** No comments to make.

**West Lindsey District Council:** No comments received.

## **PUBLICITY**

An initial round of public consultation was held in June/July 2015. Neighbouring properties were notified by letter, site notices were posted close to the site and a press notice issued. Following receipt of additional information, and amended plans and strategies, a further round of public consultation was held in June/July 2016. Again neighbouring properties were notified by letter, site notices were posted close to the site and a press notice issued.

Two letters of comment have been received from Lindsey Lodge Hospice during each round of consultation raising concerns in respect of increased road traffic and noise from the development along Burringham Road which could affect the environment of patients and access into the site. It is recommended that the speed limit be reduced to 30 mph from the current 40 mph to assist in addressing these issues.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

The applicant has undertaken consultation with the public prior to the submission of the planning applications. Consultation events were held in May 2013 at the Village Hall in Burringham, and Lodge Moor Community Centre and the Central Library both within Scunthorpe. An advert was placed in the Scunthorpe Evening Telegraph and leaflets were distributed to over 5000 households within the vicinity of the site.

Approximately 60% of the responses received during the consultation supported opportunities proposed in the masterplan whilst 25% remained neutral and 15% objected. Support was given in respect of regeneration, quality design, leisure and recreation opportunities, flood defence improvement and new motorway junction. Objections and concerns raised were in relation to additional traffic generation, increased flood risk, unsuitable ground conditions for building (peat based), children's safety around water and investment could be used for other causes.

The applications have considered the objections and concerns raised and have put forward methods to overcome these issues or are committed to through planning obligations. The

majority of objections put forward are material planning considerations which are assessed within this report.

## **BACKGROUND**

This full planning application is one of three submitted by the applicants, Maltgrade Ltd, which together form a phase in the development of the wider Lincolnshire Lakes Project. The planning applications constitute EIA development.

The three planning applications are referred to as:

- Application 1: PA/2015/0396, outline planning permission for the development of up to 2500 new homes including a village centre (Use Classes A1, A2, A3, A4, A5, B1 and D1), a health care facility (Use Class D1), community facilities (Use Class D1), a 3 form of entry primary school (Use Class D1), new roads and footpaths, informal areas of open space, play spaces and new wildlife habitats, water bodies and wetlands with all matters reserved for subsequent approval.
- Application 2: PA/2015/0627, full planning permission for highway works to deliver the new terminating junction to the M181 motorway (due to the de-trunked section of the highway to the north and south of the terminating junction) and the development of the eastern and western sections of the east west link road connecting to the B1450 Burringham Road.
- Application 3: PA/2015/0628, hybrid application for full planning permission for new road and footpaths, informal areas of open space, parklands, play areas and new wildlife habitats, attenuation ponds, recreational lakes and wetlands community; and outline planning permission with all matters reserved for non-residential institutions (Use Classes D1 and D2), leisure facilities (Use Classes A1 and A3) and storage (Use Class B8).

The Lincolnshire Lakes Area Action Plan (AAP) sets out the planning policy framework to deliver the Lincolnshire Lakes development in a consistent and properly planned way. This project aims to create a number of high quality, sustainable village communities on land between the western edge of Scunthorpe and the River Trent, set within an attractive waterside environment with major opportunities for leisure, sport and recreation. It will also provide an ideal setting for new businesses with the creation of new high quality employment space and business park.

The Lincolnshire Lakes Area Action Plan (AAP) was submitted for independent examination on 19 March 2015 and the independent examination took place between 13 and 20 October 2015. Proposed Main Modifications to the AAP at the request of the Planning Inspector who examined the document were published for an eight-week consultation period running from Friday 18 December 2015 to Friday 12 February 2016. The AAP was adopted on 10 May 2016.

The Lincolnshire Lakes AAP is planned to be developed out between the period up 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.

## **ASSESSMENT**

This application (Application 2) seeks full planning permission for highway works to deliver the new terminating junction to the M181 motorway (due to the de-trunked section of the highway to the north and south of the terminating junction) of the Lincolnshire Lakes development, the first 50 metres of the de-trunked road and the development of the eastern and western sections of the east-west link road connecting to the B1450 Burringham Road.

This will split the current M181 into three parts and de-trunk it (i.e. downgrade it from a motorway). The first stretch of road running south to north will be from the M180 junction 3 up to the most southerly of the new roundabout junctions. This stretch of road will be re-classified and subject to alteration by Highways England (outside the application site). The second stretch of road running south to north will be from the most southerly of the new roundabout junctions to the most northerly of new roundabout junctions. This stretch of road will form part of the Strategic Highway and it will be retained as de-trunked dual carriageway.

The third stretch of road will be from the most northerly of the two new roundabout junctions to the existing A18/A1077 roundabout. This stretch of road will also form part of the Strategic Highway and it will be retained as de-trunked dual carriageway.

This planning application's boundaries follow tightly around the proposed southern junction, the de-trunked road northwards, the existing M181 motorway southwards and also bounded tightly to the east and west link road which will connect Burringham Road to the de trunked southern junction.

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 Highways England and a decision from the Minister expected at the end of July. As the southern junction will function as the terminating junction, the remaining section of A road northwards will be adopted and maintained by North Lincolnshire Council.

**The key issues in the determination of this application are:**

- 1. Principle of development**
- 2. Environmental impact assessment**
- 3. Highways and transport**
- 4. Flood risk and drainage**
- 5. Impact on nature conservation issues**
- 6. Viability and planning obligations/community benefits**
- 7. Phasing of development**
- 8. Best and most versatile agricultural land**

## **9. Impact on heritage assets**

## **10. Noise, air quality impacts, ground conditions and land contamination**

## **11. Landscaping**

## **12. Other considerations**

### **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.

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". The development plan for North Lincolnshire comprises the North Lincolnshire Core Strategy Local Plan (adopted June 2011) and those policies in the North Lincolnshire Local Plan (adopted May 2003) which were saved by the direction of the Secretary of State (September 2007) and which have not been superseded by the Core Strategy. The Lincolnshire Lakes Area Action Plan (LLAAP) was adopted on 10 May 2016 and forms part of the development plan for North Lincolnshire, sitting alongside the North Lincolnshire Core Strategy and North Lincolnshire Local Plan.

### **Principle of development**

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 (AAP).

The Movement Plan within the LLAAP illustrates the requirement of two new junctions to the existing M181 known as the northern and southern junction. The junction subject to this application corresponds with the location of the southern junction as shown on this plan. Policies T1, T3 and T5 are relevant to this application as they set out the need for motorway de-trunking, the southern junction and upgrade of the strategic route (Burringham Road) respectively. It is therefore considered that the principle of development of the road junctions proposed by this application is acceptable.

## **Environmental impact assessment**

The submitted application was accompanied by an Environmental Impact Assessment and in accordance with regulation 4(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2015 this determines that the proposed development constitutes EIA development.

In accordance with Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2015 'Information for Inclusion in Environmental Statements' the Environmental Impact Assessment (EIA) was submitted in two parts.

It is the case officer's opinion that the submitted EIA is fully in accordance with Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2015. For the avoidance of doubt the EIA is presented in a series of parts and volumes including appendices but as one comprehensive document.

## **Highways and transport**

Paragraph 37 of the National Planning Policy Framework requires that developments which will generate significant transport movements should be accompanied by a Transport Assessment. This paragraph continues to state that safe suitable access should be achieved for all. Local plan policy T2 requires safe access to development to be delivered and policy T12 of the LLAAP allows for off-site highway transport improvement infrastructure. In addition policies T1, T6, T7, T8, T9 and T11 are also relevant.

This application was accompanied by a Transport Assessment. This document considers the impact of the development upon the existing and proposed highway networks in terms of traffic generated by the proposed development. It concludes that improvement works are required due to traffic generation from the proposed development. These works relate to improvements to Burringham Road and its junction with Scotter Road. A financial contribution has been sought to enable these improvement works.

The present M181 on the site forms part of the Strategic Highway Network and as such is under the ownership of the Secretary of State for Transport and managed by Highways England. During the initial period of consultation in 2015 Highways England issued a holding objection to the proposal to allow for time for its consideration. Highways England has been working with the council on the Lincolnshire Lakes project for a number of years and has undertaken various studies which culminated in a preliminary design for the southern junction coming forward.

The design put forward by the applicant was initially inconsistent with the Highways England Design. As such, the applicant has amended the design of the southern junction so that it corresponds with the preliminary design put forward by Highways England. The main alteration to the design was the retention of the Burringham Road overbridge for motorised traffic rather than for non-motorised users only. This design reduces the number of traffic movements onto the M181 junction roundabout as through traffic between Burringham and Scunthorpe will be able to utilise the retained overbridge. Therefore, the roundabout junction on the M181 would gain capacity as a result of this design with there being a lesser likelihood of queuing traffic onto the M181 and Strategic Highway Network improving highway safety. Highways England formally removed its objection to the proposed development within a letter dated 7 April 2016.

The amended design will see the southern terminating junction take the form of an at-grade roundabout. This will be located to the north of the existing Burringham Road overbridge. The roundabout will have four arms, to the north the de-trunked and de-classified M181, and be transferred into Council ownership. Both the de-trunking and de-classification mechanisms fall outside the remit of this planning application and rest with Highways England. The southern arm will lead onto the dual carriageway M181 and onto the Strategic Highway Network. The east and west arms will lead onto new single carriageway roads which will head southwards to the existing Burringham Road. The junctions of both these connector roads with Burringham Road will form two roundabouts. Both roundabouts will be five-arm consisting of two arms for Burringham Road, one for the connector road toward the southern terminating junction, one for access northwards into the eastern and western villages and one eastwards (to Lake 5 with regard to the western roundabout and to village 3 in respect of the eastern roundabout). This junction design and road layout is considered to be acceptable in respect of policies T1, T3 and T5 of the LLAAP.

The Design and Access Statement discussed how access and circulation will be delivered within the site, into adjacent development sites in Lincolnshire Lakes and onto the Burringham Road and M181. The southern terminating junction works, including connections to Burringham Road, is the subject of this application (PA/2015/0627).

Given that this is a large-scale development, it is considered appropriate to require a Construction Phase Management Plan to prevent adverse impact upon the existing highway network during the construction of each and every phase of development.

### **Flood risk and drainage**

The application site is located within the North Lincolnshire Strategic Flood Risk Assessment Zone 2/3a. The Flood Risk Vulnerability Classification of the National Planning Policy Guidance defines residential, D1 and A4 uses as 'more vulnerable' and such uses require an exception test. Key Infrastructure, A1, A2, A3, A5 and B1 uses are defined as less vulnerable and such uses are defined as being appropriate development in this zone.

The applicant has submitted a Flood Risk Assessment (FRA) to accompany the application. This FRA states that the site at present is of a level between 2 metres above Ordnance Datum (AOD) within the south-west corner and up to 3 metres AOD in the north-east corner of the site. The site occupies a total of 158.7 hectares and is considered to be 100% permeable. The River Trent is located approximately 1 kilometre to the west of the site and there is a risk of flooding from either an overtopping or breach event in terms of both fluvial and tidal flooding. The Trent currently has raised soft embankments to both sides which require a 50 metre breach width to be considered for modelling purposes.

JBA Consulting has undertaken site-specific overtopping and breach modelling for the River Trent and application site. Models were run for a 1 in 200 year plus climate change scenario and an extreme 1 in 1000 plus climate change scenario. During the 1 in 200 year scenario the developable areas were shown not to be affected during an overtopping event. During the extreme 1 in 1000 year scenario it was shown that fluvial flooding resulted in larger flood levels at the site than the tidal flood levels. It was shown that the site could be flooded to a level of 3.6 metres AOD during this extreme flood event.

It is a requirement of national and local policy that safe access and egress is achieved to the development site. The present M181 using LIDAR data is shown to be above the critical flood level of 3.6 metres AOD. The submitted FRA indicates that the new junction to the

M181 and associated link roads to Burringham Road should be built to a level of at least 3.6 metres AOD to ensure the requirement of safe access/egress during a flood event can be achieved. It is recommended that the road level be at least 3.6 metres AOD in accordance with the FRA and this be secured through condition. Flexibility should be incorporated into the wording of the conditions to allow variation to occur dependant on further modelling work and amendments to the FRA being received given that the council is working to prepare its own Integrated Flood Risk and Drainage Management Strategy for the entire Lincolnshire Lakes area.

It is important to consider, in accordance with both national and local policy, that mitigation measures proposed do not cause flood risk elsewhere. As a result of land raising there is potential for flood water to be directed elsewhere due to previous flood plain not being available for flood storage. The submitted FRA has considered this and shown through modelling that there is a potential increase in approximately 2 millimetres along the southern and eastern boundaries of the site. This area is currently undeveloped and as such is considered to have a negligible impact in terms of hazard to people and therefore is acceptable.

The council and the Environment Agency have been working collaboratively to produce an Integrated Flood Risk and Drainage Management Strategy for the entire Lincolnshire Lakes site. This is still being worked upon but is likely to involve upgrading the Trent Bank from a soft to hard defence through continuous steel sheet piling which will have significant benefits to the Lincolnshire Lakes development and residents in villages to the east of the River Trent. The findings of this Strategy are likely to supersede the submitted FRA and as a result it should be conditioned that prior to the submission of reserved matters for the commercial area of this development an updated FRA should be produced to take into account the latest information available which may result in alternative mitigation measures.

In July 2016 the Environment Agency removed its initial objection to the application subject to the imposition of conditions. The conditions recommended by the Environment Agency are considered to be acceptable and are suggested for inclusion upon the grant of permission. These conditions will ensure that the development is appropriately mitigated in terms of flood risk and result in safe development for its lifetime. This will be done through the requirement of the applicant to submit an updated FRA concurrent with every phase and sub-phase of the development to be based upon the Lincolnshire Lakes Integrated Flood Risk and Drainage Strategy and any future updates that occur to take into account the best information available in respect of flood risk.

### **Impact on nature conservation issues**

The NPPF at paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and if significant harm results from a development and cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

In respect to impacts of development proposals on protected species, planning policy and guidance is provided by the NPPF and accompanying ODPM Circular 06/2005 "Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System". The presence of a protected species is a material planning consideration.

A number of habitats with moderate potential to support protected species have been identified as being located within the site and adjacent to it. The EIA establishes that the impacts on the below protected species are in relation to potential harm, disturbance, and risk of pollution.

### *Bats*

All bat species are protected under the 1981 Wildlife and Countryside Act (as amended) and the Conservation (Natural Habitats, & c.) Regulations 2010. The application site supports various trees (T4 to T10 and Group 3) with the potential to support roosting bats and a number of foraging areas including ditches.

The impacts on the bat population were considered as loss of foraging and commuting habitat, temporary disturbance during construction and the increased risk of mortality during construction. Best practice, mitigation and compensation measures are explored within the submitted Ecological Mitigation Strategy. This strategy, however, does not describe how these methods will be employed on the application site specifically.

### *Water voles*

The water vole is protected under section 9 of the Wildlife and Countryside Act 1981 (as amended). The application site supports a number of drains with the potential to support water voles. The EIA states that the wet ditches are sub-optimal for water voles. The submitted Ecological Mitigation Strategy gives industry standard methods of mitigating water vole habitat during the construction phase. The strategy, however, does not describe how these methods will be employed on the application site specifically.

### *Breeding birds*

All birds, their nests and eggs are protected by section 1 of the Wildlife and Countryside Act 1981 (as amended). The application site supports various habitats with the potential to support breeding birds. The submitted Ecological Mitigation Strategy gives best practice mitigation methods for breeding birds. The strategy, however, does not describe how these methods will be employed on the application site specifically.

### *Reptiles*

Native reptile species are protected under section 9 of the Wildlife and Countryside Act 1981 (as amended). The submitted strategy states that no reptiles were recorded in previous surveys and as such no mitigation methods are proposed. However, the council's ecologist considers that there is potential for reptiles to be present as parts of the site are considered to be appropriate habitat. It is therefore recommended that reptiles should be considered within any updated mitigation strategy and should be re-surveyed as part of any up-to-date species surveys that are carried out.

### *Badgers*

Badgers are protected under the Protection of Badgers Act 1992 which makes it an offence to intentionally or recklessly interfere with a badger sett, damaging, or destroying, obstructing access to, causing a dog to enter or disturbing a badger when it is occupying a badger sett. The act also makes wilfully killing, injuring or taking or attempts to kill, injure or take a badger an offence.

The submitted Ecological Mitigation Strategy states no badger setts or field signs were found within 30 metres of the survey site but considers them to be mobile species and that good working practices should be incorporated into the construction phase of the site.

The council's ecologist considers the survey works and findings of the above species to be acceptable although notes that bat and breeding bird surveys will be carried out prior to the commencement of development. Whilst these surveys have not been completed, the submitted Ecological Mitigation Strategy does describe appropriate mitigation methods with the assumption made that these species are present. It is recommended, should permission be granted, that these surveys be carried out with the submitted strategy being amended to reflect their findings.

The submitted Ecological Mitigation Strategy promotes best practice measures of mitigation but is silent as to how these will be carried out on this application site specifically although the mitigation measures it promotes should still be secured through condition. Therefore it is recommended that a condition be imposed upon the grant of permission to require the submission of a site-specific strategy to explain how the best practice mitigation methods will be employed on the site and to secure their implementation.

It is also recommended that this strategy should incorporate details with regard to biodiversity enhancement through habitat creation in accordance with policy G4 of the LLAAP and paragraph 118 of the NPPF. A Biodiversity Strategy has been submitted with the application although the council's ecologist considers this to be limited in detail and further information is required to explain how enhancement measures and habitat creation will be developed on this site.

It is essential that appropriate mitigation methods for protected species are incorporated into the development of the site. It is recommended that, upon the grant of permission, conditions be imposed to require up-to-date species surveys to be carried out prior to the submission of reserved matters for any given phase. This information should then be used to inform the design of the specific phase, taking into account the best information available. This should also be used to update the site-specific mitigation and enhancement plan to ensure comprehensively planned development for the remaining years of its development.

For the commercial outline element of this application, it is recommended that, prior to the submission of reserved matters with each and every phase, a mitigation plan and biodiversity enhancement strategy is submitted for that specific phase. This will allow for the design of the phase to be informed by ecological mitigation and enhancement measures.

The approach to dealing with ecological mitigation and biodiversity enhancement discussed is described within the Purpose and Aim section in the submitted Ecological Mitigation Strategy. This follows discussion between the applicant, the council's ecologist and the planning department and is the agreed way forward between all parties to allow for the determination of this application.

As such, having had regard to all the ecological issues associated with the proposal, and the advice contained within the NPPF, it is concluded, subject to the above mitigation and further work being carried out via condition, that the proposed development would meet the requirements of policies G1, G3 and G4 of the LLAAP, and policies CS16 and CS17 of the North Lincolnshire Core Strategy.

## Viability and planning obligations

In accordance with paragraph 173 of the NPPF careful attention should be given to viability and costs in plan-making and decision-taking to deliver sustainable development so that sites are not subject to such a scale of obligations and policy burdened that their ability to be developed viably is threatened. Discussions have therefore been conducted in the context of an open book viability-led appraisal to determine the extent of planning obligations that would not threaten the viability of the proposed development.

Discussions have also taken place in relation to the key priorities for types of planning obligations that the proposed development should be obligated to provide and those that are desirable in the context of paragraph 204 of the NPPF.

Following discussions and assessment of viability the following obligations can be achieved without restricting viability.

<b>On-site Infrastructure provisions</b>	<b>Total (£)</b>
Affordable Housing (120 x home ownership)	1,343,977
3 Form of Entry Primary School	6,000,000
Green infrastructure to include 2 x destination parks (Village 1 and Village 5) and 1 x allotment (0.5 hectare)	432,167

<b>Off-site Infrastructure provisions</b>	<b>Total (£)</b>
Temporary Primary School Contribution	200,000
Secondary School Contribution	5,191,357.58
Lakes (Gifting of the area of land in hectares to enable the provision of the lake)	
M181 Southern junction/roundabout	5,000,000
Junction improvement to B1450 Burringham Road/ Scotter Road capacity upgrade	518,000
Strategic route B1450 Burringham Road improvements	1,000,000
De-trunking of M181 Motorway between Southern junction and Northern junction	500,000
Public Transport	1,343,977
S106 monitoring fee	68,000
<b>Total</b>	<b>13,821,334.58</b>

The following contributions sought by Network Rail in respect of cycle parking at Althorpe and Scunthorpe stations, and Environmental Health in respect of air quality monitoring, have not been secured due to making the scheme unviable.

## **Phasing of development**

Given the scale of the development proposed, it is important to ensure that it is planned out in a comprehensive and coherent manner. It is essential that key infrastructure is delivered at Lincolnshire Lakes alongside development to meet the requirements of the LLAAP. Policy D1 sets out the strategic infrastructure and development phasing and is further outlined with the document's housing trajectory and infrastructure phasing plan outlined within the associated Lincolnshire Lakes Infrastructure Delivery Schedule. The junction and de-trunking works the subject of this application are identified to occur with phases 1-4 by 2020.

The Design and Access statement submitted proposes a broad phasing approach and is illustrated on the indicative phasing plan. Phase 1 should occur within the first three years of the development and include the southern terminating junction (the subject of this application). It should be noted that these are indicative only and timescales are subject to change. It is considered that these timescales are appropriate and demonstrate understanding of the key dependencies between village development and critical infrastructure, these being the delivery of the southern terminating junction and the development of lakes to serve as surface water attenuation for the villages.

As no formal detailed phasing plan has been submitted with the application it is recommended that a condition be imposed to require a site-wide phasing plan for all three applications prior to the commencement of development. The phasing plan should set out the timescales to which the entire site will be developed. The phasing plan should detail when each item of critical and on-site infrastructure will be delivered in a manner which is consistent with the rate of dwelling delivery across the site and identify the relationships between the two and any dependencies. This will ensure that the development of the site occurs in a comprehensive and coherent manner which will deliver the necessary infrastructure in conjunction with the rate of housing in accordance with policy D1 of the LLAAP.

## **Best and most versatile agricultural land**

Paragraph 112 of the NPPF states that 'local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in preference to that of higher quality'. Annex 2 of the NPPF defines best and most agricultural land as land within grades 1, 2 and 3a of the Agricultural Land Classification.

Chapter 12 of the accompanying Environmental Statement considers the impact of the development upon agricultural land. This chapter identifies that the majority of land falls into the Grade 2 classification of 'the best and most versatile land' and that 160 hectares will be lost due to development. The Environmental Statement indicates that the loss of Grade 2 land has a medium sensitivity and that the loss of over 50 hectares would have a large magnitude. This results in a moderate impact of the development upon agricultural land.

Despite this, it should be noted that the land is allocated for development within the LLAAP. This document has been adopted by the council and forms part of the development plan for North Lincolnshire. The LLAAP has undergone Examination by an Independent Planning Inspector who considered the document to be sound subject to main modifications. As

such it is considered that the land identified for development is justified with the socio-economic and environmental benefits it will bring outweighing that of loss of agricultural land.

### **Impact on heritage assets**

It is a requirement of section 12 of the NPPF that the historic environment is considered through the development management process. Paragraph 128 requires potential applicants to describe the significance of any heritage assets affected by proposed development including any contribution made by their setting. Where there is potential for development to affect heritage assets with archaeological interest applicants should submit an appropriate desk-based assessment, including a field evaluation where necessary. Policy CS6 of the North Lincolnshire Core Strategy requires developers to provide archaeological assessments where appropriate.

Following consultation with Historic England and the council's Historic Environment Record in June/July 2015 it became evident that further information was required. The response received from Historic England notes that whilst work has been undertaken to assess the impact of the proposed development upon the historic environment there was no exhaustive assessment of impact upon known heritage assets. It was recommended to only determine the application should the authority consider it has sufficient information to do so and that its Historic Environment team be consulted.

The Historic Environment Officer advised a holding objection during the 2015 consultation due to insufficient information to enable assessment. The officer further recommended that an overarching archaeological mitigation should be produced to allow for determination. Such a strategy would scope out the level of investigation works to be carried out and proposed a method of appropriate mitigation.

Further information was requested from the applicant to consider the impact of the proposed development upon the setting of heritage assets within the vicinity of the application site. An Assessment of the Impact on Listed Buildings was received and has been consulted upon as part of the June/July 2016 consultation. The Conservation Officer has confirmed that there is no objection to the proposal now that an appropriate assessment has been carried out and that there is no impact of the proposed development upon the setting of listed buildings within the vicinity of the application site.

An overarching strategy entitled the Archaeological Investigation Framework was received in May 2016. This Framework sets out the overall approach to be taken in terms of archaeological investigation, assessment and mitigation works throughout the site. A LIDAR survey and assessment of the entire site is included. It promotes a phased approach to archaeological investigations to occur prior to the eastern village, western village and land around Lake 5 being developed. A Written Scheme of Investigation for Trial Trenching has been submitted for land subject to the eastern village and adjacent lake.

The Historic Environment Officer has considered the additional information submitted and welcomes efforts to address archaeological considerations. However, it was considered that the archaeological fieldwork should be carried out and the results analysed prior to the determination of the application. Conditions were recommended should the planning authority take a differing view to the advice given.

In conclusion it is found that the results of the desk-based assessments are acceptable and consistent with national and local policy requirements. It is recommended that conditions are imposed upon the granting of permission requiring the Archaeological Investigation Framework to be carried out and the investigation works proposed by the Written Scheme of Investigation for Trial Trenching on land to the east of the M181 to be carried out. This will ensure that an appropriate method for the assessment and mitigation of heritage assets of archaeological importance is secured in accordance with paragraph 128 of the NPPF and policy CS6 of the North Lincolnshire Core Strategy.

### **Noise, air quality impacts, ground conditions and land contamination**

Paragraphs 123 to 125 of the NPPF require the consideration of the impacts of development on the environment in terms of noise, air quality and light pollution which have potential to have an adverse impact upon the surrounding environment and residential amenity.

This application is subject to an Environmental Impact Assessment and as such an Environmental Statement accompanies this application. The Environmental Statement within Volume 1 determines whether there would be any likely significant effects upon the environment as a result of development in terms of noise and vibration, air quality, dust, odour, ground conditions, hydrogeology and contamination.

#### *Noise and vibration*

Chapter 7 of the Environmental Statement deals with noise and vibration. Consideration is given to the potential impacts of the development upon the environment in terms of during construction, and after completion upon road traffic and the residential development.

The Environmental Statement considers that construction works have the potential to cause disturbance but these impacts can be appropriately mitigated against. At present construction impacts cannot be adequately assessed given that precise construction equipment, their locations and usage is not known. However, given the significant distances between the development site and sensitive noise receptors, the impact of the development in respect of construction noise is thought to be negligible.

The Environmental Protection Team has been consulted in respect of this application and has recommended that conditions be imposed upon the granting of permission. The first condition recommended requires, for each and every stage of development, a Construction Environment Management Plan (CEMP) to be submitted, approved and implemented. The CEMP should set out the works and the method by which they are to be carried out, mitigation measures and effectiveness monitoring. It is also recommended that a condition be imposed restricting construction hours, including restrictions on HGV movements and equipment installation. It is recommended that both of the aforementioned conditions are imposed upon the granting of permission.

In respect of noise generated as a result of development, the Environmental Statement concludes that the additional traffic generated by the residential development will have negligible effect. However, the noise generated as a result of new highway junction arrangements on Burringham Road will have a minor to moderate effect on some properties close to the new junction and roads. It is recommended that a condition be imposed to further assess noise impacts and propose mitigation should this be required.

Following the consultation in 2015, the Environmental Protection Team stated concerns with the reliability of the baseline noise measurements outlined in the Environmental Statement which are crucial in order to establish impact of noise upon and as a result of development. In addition, concerns were raised in relation to the impact of the existing and proposed development in the area upon the residential sensitive receptor proposed in this application. These concerns have been addressed by the applicant through the provision of a Noise Impact Assessment received in October 2015 and Addendum received in May 2016. Confirmation of the acceptability of the additional information and recommendation of conditions was given within the consultation response of June 2016.

#### *Air quality, dust and odour*

Chapter 8 of the accompanying Environmental Statement provides information on air quality, dust and odour. Consideration is given to the impact of the development during both the construction and operational stages.

In terms of air quality the Environmental Statement described existing air quality conditions and projects future air quality conditions as a result of the development. The main considerations relate to traffic emissions in the form of nitrogen dioxide and fine particles PM10 and PM2.5. Both of these matters pose a potential threat to human health and, given that the adjacent application site will see the development of 2,500 dwellings, requires appropriate assessment.

The Environmental Statement has established existing air quality through the provision of monitoring levels of PM10, PM2.5 and nitrogen dioxide at a number of existing and new receptor sites within and surrounding the development site. The chapter concludes that there are no significant concentrations of PM10 or PM2.5 in this location or that there will be based on current projections given what is presently being proposed within the area. In relation to nitrogen dioxide the report concludes that at the majority of receptor sites nitrogen dioxide levels remain below the current day objectives. In future years, most receptor sites are projected to have negligible impacts but some receptors are likely to have slight adverse impacts although it is stated that this is to be the case whether the development is constructed or not. This is based on the assumption that vehicle emissions reduce in future years as technology advances. If vehicular emissions are not reduced there is likely to be slightly adverse impact at more receptors but it is considered that this would occur whether the development was constructed or not.

During the initial consultation period in 2015 the Environmental Health Team assessed the information within the Environmental Statement and concurred with the Environmental Statement in terms of its assessment of PM10 and PM2.5. However, concerns were raised in relation to the assessment of nitrogen dioxide in respect of the modelling study used.

Further information in respect of air quality was received in November 2015 to address the issues raised by the Environmental Health Team in July 2015 in respect of the modelling study used in relation to nitrogen dioxide.

Further consultation was carried out in June/July 2016 with the Environmental Health Team. The department confirmed that the additional information in November 2015 was acceptable but stated that as a result of increased traffic associated with the development that nitrogen dioxide levels could breach current objectives. It was requested that a contribution be sought from the developer to fund council air quality monitoring within the

area. It was also noted that increasing mode share to sustainable transport methods should be adhered to.

Paragraph 173 of the NPPF states that development 'should not be subject to such scale of obligations and policy burdens that their ability to be developed viably is threatened'. The three Maltgrade applications combined form a substantial part of the LLAAP area which is a strategic project for the council. There are a number of large-scale and critical infrastructure works that must be delivered to ensure that the development does not have an adverse impact upon existing infrastructure. In addition, there are large-scale abnormal costs associated with this development in terms of land raising to provide an appropriate flood risk mitigation solution.

Upon consideration of the cost report associated with this application and cash flow for the development, it is necessary to evaluate each and every financial contribution sought to ensure viability of what is a marginally viable scheme due to the aforementioned infrastructure works required. The LLAAP within its associated Infrastructure Delivery Schedule sets out what infrastructure requirements are essential and therefore it is these items that should be given priority in terms of determining which planning obligations should be sought.

An Air Quality Monitoring Contribution is not within the Lincolnshire Lakes Infrastructure Schedule and is not considered by this report to be essential for the development to proceed. Given that the scheme is marginally viable and to ensure that the development remains viable and hence deliverable, it is recommended that this contribution is not sought from the developer in accordance with paragraph 173 of the NPPF.

In relation to dust, the Environmental Statement considers that the construction stage is likely to generate large magnitudes of dust as a result of earthworks and construction with medium dust emissions from the usage of construction vehicles. Dust soiling as a result of the on-site works is considered to be of high sensitivity whilst having a low sensitivity classification in respect of human health. It is considered that the effects of dust upon the environment during the construction stage can be mitigated against through further details to be secured through a Dust Management Plan.

Both consultation exercises involving the Environmental Health Team in relation to dust recommend conditions in the form of limiting construction hours, including HGV movements, and the provision of a Construction Environment Management Plan (CEMP) to include methods of mitigation against dust as a result of construction.

It is recommended that upon any grant of permission conditions be included to restrict construction hours, including HGV movements, and requiring the provision of a CEMP with each and every phase of the development which should be implemented for the protection of residential amenity.

#### *Ground conditions, hydrogeology and land contamination*

Chapter 15 of the accompanying Environmental Statement considers ground conditions, hydrogeology and contamination. Section 11 of the NPPF requires that the natural environment is conserved and enhanced. Paragraphs 109, 110, 120, 121 and 122 are relevant, In addition, North Lincolnshire Local Plan policies DS7 and DS11 require consideration.

The Environmental Statement discusses a range of potential issues in relation to ground conditions, including stability, contamination due to previous uses and potential ground gases. These have the potential to affect both workers during the construction phase of development and future inhabitants of the site within the operational phase. A number of trial pits were dug to explore the current ground conditions and underlying geology throughout the site. It is stated that no groundwater strikes occurred but that groundwater seepage was noted with saturated sands causing the collapse of many trial pits. Given the land has mostly been undeveloped it is considered unlikely that there are any significant amounts of contamination that would pose a threat to human health.

The Environmental Health Team was consulted in both June/July 2015 and 2016 and has analysed the information with the Environmental Statement recommending conditions to require further detailed work to establish ground conditions, methods of remediation where necessary and a method to deal with any unexpected land contamination during the construction phase. It was also noted that the geology may lead to underground gases being present which should be addressed as part of the method of remediation to be submitted.

It is recommended that conditions proposed by the Environmental Health Team in relation to land contamination are included with any grant of permission.

## **Landscaping**

Section 7 of the NPPF sets out the requirement to achieve good design as part of the planning process and how development should respond to its context. The LLAAP sets out in policy G5 a requirement to provide a landscape strategy.

Chapter 9 of the Environmental Statement considers the impact of the proposal on the surrounding landscape. The application site is within National Character Area 39: Humberhead Levels whilst bordered to the east by National Character Area 45: Lincolnshire Edge. The site itself is predominantly agricultural with strong field boundaries defined by mature hedgerows, trees and watercourses. Land subject to this application is mostly flat with height given in the form of trees scattered throughout the site, overbridges on the M181 running north/south through the centre of the site and electricity pylons running north-west to south-east.

This application boundary is not drawn tightly around the proposed round but includes surrounding elements of green infrastructure. It is necessary to consider this land in terms of its future maintenance and the protection of existing landscape features where they are of value.

Policy G6 of the LLAAP requires that proposals for the management and maintenance of green infrastructure should be submitted as part of planning applications. It is envisaged that as part of this application an Estate Management Company be formed which new residents within the site form and pay into rather than all green infrastructure being adopted by the council with financial contributions for its management and maintenance. This approach is considered acceptable but will require formalisation to secure it. It is recommended that conditions be imposed upon the grant of permission to require and set out the terms of the Estate Management Company to be agreed with the local planning authority in accordance with policy G6 of the LLAAP.

It is essential that existing landscape features such as trees and hedgerows are protected where possible as required by policy SS2 of the LLAAP, policies LC12 of the North Lincolnshire Local Plan and section 11 of the NPPF. The applicant has submitted plans which identify trees and hedgerows within the application site which are to be preserved/protected during construction. It is recommended that conditions are imposed to secure this.

### **Other considerations**

Two letters of comment have been received from Lindsey Lodge Hospice during the 2015 and 2016 consultation which express concerns in terms of traffic and noise impacts along Burringham Road which would cause difficulty accessing the Hospice. It is also stated that the speed limit should be reduced to 30 mph from the current 40 mph. Concerns are raised regarding future development at Lincolnshire Lakes being adjacent to the Hospice site.

It is recognised that additional traffic will utilise Burringham Road as a result of the development and opening the southern terminating junction. The LLAAP promotes in policy T5 a speed limit of between 30 mph and 40 mph for Burringham Road. This portion of Burringham Road is outside the applicant's ownership and site area. It is therefore the responsibility of the council to design and construct improvement works which will be required along this stretch of Burringham Road although the application will be required to provide a contribution of £1.5 million for this work.

A number of parish councils have raised similar concerns in respect of traffic and highways and urge the council to consider their impacts which have been addressed within the Highways and Transport section of this report. It is noted in the response form Gunness Parish Council regarding previous council officer statements its request that the southern terminating junction (the subject of PA/2015/0627) should be completed prior to the commencement of other building works. This approach is not proposed to be taken as it will be necessary and is considered reasonable to allow some development to allow the private sector to pay contributions to such work without affecting the overall viability of the scheme.

### **Heads of terms**

Officers consider it important to advise planning committee of the heads of terms for all three Maltgrade planning applications: firstly, because they are intrinsically linked; and secondly, to provide members with a comprehensive and informative view of the financial contributions and on-site provisions that can be expected from the scheme.

### **Affordable housing**

A target of 5% of the total homes built will be provided as affordable in the form of starter homes.

Wherever possible, affordable housing should be provided on-site, but an off-site contribution may be acceptable where:

- (a) management of the affordable housing on-site cannot be secured effectively; or
- (b) affordable housing provision elsewhere in more suitable settlements is more likely to contribute towards the creation of mixed communities.

Where it can be demonstrated that the percentage of affordable housing sought will negatively impact on the delivery of a mixed community, or is subject to exceptional and authenticated site development costs, there may be a case for reducing the affordable housing. This should be proven through open book discussions with the council at planning application stage.

The affordable housing contribution has been assessed as part of a viability appraisal for the development. Officers have scrutinised the viability assessment to establish developer costs and profits and it has been projected that the Maltgrade development will generate a Gross Development Value of 20%. 20% is the normal level of profit that a developer would expect to receive as a return from a development.

Consideration has been given to key significant infrastructure costs, particularly in relation to highway/flood mitigation and the costs associated with the creation of large water bodies. The improvements to the existing road network within Scunthorpe that the development will bring and delivery of the transformational objectives of the project would not be achieved without this level of investment.

## Education

*Primary:* The applicants agree to provide a site for a 3 form Entry Primary School and financial contributions towards education which totals £6.2 million.

*Secondary:* The applicants agree to provide a secondary school contribution that is to be determined on need and availability of funding through the review mechanism, but at this stage is considered to be £5,191,357.

## Section 106 contributions

In terms of on-site infrastructure provision, Maltgrade will provide the following on site only. The figure shown is the cost to Maltgrade in providing the infrastructure, we will not receive it as a separate section 106 contribution alongside the provision.

For the off-site infrastructure provisions, we will receive the contributions shown and these will be written into the section 106 agreement along with trigger points for receipt of the money.

<b>On-site Infrastructure provisions</b>	<b>Total (£)</b>
Affordable Housing (120 x home ownership)	1,343,977
3 Form of Entry Primary School	6,000,000
Green infrastructure to include 2 x destination parks (Village 1 and Village 5) and 1 x allotment (0.5 hectare)	432,167

<b>Off-site Infrastructure provisions</b>	<b>Total (£)</b>
Temporary Primary School Contribution	200,000
Secondary School Contribution	5,191,357.58

Lakes (Gifting of the area of land in hectares to enable the provision of the lake)	
M181 Southern junction/roundabout	5,000,000
Junction improvement to B1450 Burringham Road/ Scotter Road capacity upgrade	518,000
Strategic route B1450 Burringham Road improvements	1,000,000
De-trunking of M181 Motorway between Southern junction and Northern junction	500,000
Public Transport	1,343,977
S106 monitoring fee	68,000
<b>Total</b>	<b>13,821,334.58</b>

### **Review mechanism**

The applicant agrees to be bound by an appropriate 'review mechanism' which will determine if any further payment can be born at a later stage should the scheme's viability support it at that time.

### **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; and**
- (iii) the permission so granted be subject to the following conditions:**

#### **Approved plans**

1.

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

- MGL\_LL\_App3\_001 Revision C
- MGL\_LL\_App3\_002 Revision C

And the junction principles shown on:

- MGL\_LL\_010 Revision B

## Reason

To ensure 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.

## Timescale and commencement

2.

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

## Reason

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

## Phasing

3.

No development shall commence until a Site-wide Phasing Programme, of no more than five phases (each with a maximum of three sub-phases), unless otherwise agreed in writing with the local planning authority, has been submitted to and approved by the local planning authority.

The Site-wide Phasing Programme shall include a Phasing Plan and details of the proposed sequence of development across the entire illustrative Masterplan area (Refs: MGH\_LL\_105 Revision C and MGH\_LL\_104 Revision C) land encompassed by the application areas of planning permissions PA/2015/0396 (Refs: MGL\_LL\_App1\_001 Revision C and MGL\_LL\_App1\_002 Revision C), PA/2015/0627 (Ref: MGL\_LL\_App2\_001 Revision C) and PA/2015/0628 (Refs: MGL\_LL\_App3\_001 Revision C and MGL\_LL\_App3\_002 Revision C).

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

- (a) any environmental mitigation measures specified (unless otherwise agreed in writing by the local planning authority) in the Environmental Statement or as amended by the further information for the Environmental Statement
- (b) major access infrastructure, including roads, footpaths and cycleways
- (c) public open space areas, including informal open spaces, recreation and sports areas, allotments, equipped play areas and ecological areas and habitats
- (d) all structural and site-wide landscaping and any additional green and blue infrastructure
- (e) all strategic drainage lakes and Sustainable Urban Drainage Systems (SUDS) infrastructure
- (f) housing phases/villages
- (g) earth bunds

- (h) flood mitigation measures
- (i) commercial uses
- (j) local centres and the facilities within it
- (k) primary school facilities
- (l) health facilities
- (m) waste management facilities and recycling facilities (permanent and temporary)
- (n) other community facilities/uses
- (o) transport mitigation and public transport.

#### Reason

It is essential to ensure appropriate details are agreed prior to any infrastructure works commencing on site and for the development to be delivered in a structured way in accordance with the approved parameter plans, policies CS1, CS2, CS4, CS7, CS8, CS9, CS11, CS16, CS17, CS19, CS22, CS23, CS25 and CS26 of the North Lincolnshire Core Strategy, policies SS1, SS2, SS3, H1, H2, SC1, SC2, T1, T3, T5, T6, T7, T8, T9, T10, T12, F1, L1, L2, G1, G2, G3, G4, G5, D1, SSA2, SSA4 and SSA6 of the Lincolnshire Lakes Area Action Plan and policies H8, H16, T1, T6, T8, LC3, LC4, LC5, LC6, LC12, R5, R6 and R9 of the North Lincolnshire Local Plan.

4.

The development shall be carried out in accordance with the Site-wide Phasing Programme unless otherwise agreed in writing with the local planning authority.

#### Reason

As the application has been submitted in outline form, it is essential to ensure an appropriate solution is achievable prior to any infrastructure works commencing on site and for the development to be delivered in a structured way in accordance with the approved parameter plans, policies CS1, CS2, CS4, CS7, CS8, CS9, CS11, CS16, CS17, CS19, CS22, CS23, CS25 and CS26 of the North Lincolnshire Core Strategy, policies SS1, SS2, SS3, H1, H2, SC1, SC2, T1, T3, T5, T6, T7, T8, T9, T10, T12, F1, L1, L2, G1, G2, G3, G4, G5, D1, SSA2, SSA4 and SSA6 of the Lincolnshire Lakes Area Action Plan and policies H8, H16, T1, T6, T8, LC3, LC4, LC5, LC6, LC12, R5, R6 and R9 of the North Lincolnshire Local Plan.

#### **Ecology**

5.

No development shall take place until an Ecological Mitigation Strategy has been submitted to and approved in writing by the local planning authority. The updated Strategy shall include the findings of species surveys which shall include but not be limited to the following species:

- bats

- reptiles
- badgers
- water vole.

#### Reason

It is essential to ensure appropriate details are agreed prior to any works commencing on site and that the details of the development are satisfactory to the local planning authority in view of the nature and scale of the development proposed, and to ensure high standards of urban design, a comprehensively planned development and in accordance with paragraphs 109 to 125 of the National Planning Policy Framework, policies SS1, SS2, SS3, G1, G3, G4, SSA2 and SS6 of the Lincolnshire Lakes Area Action Plan and policies CS4, CS5, CS16 and CS17 of the North Lincolnshire Core Strategy.

#### 6.

No development shall take place until an Ecological Mitigation Strategy and Biodiversity Enhancement Plan (the Strategy and Plan) consisting of both Parts A and B below has been complied with has been submitted to and approved in writing by the local planning authority.

#### *Part A*

A Site-Wide Ecological Mitigation Strategy and Biodiversity Enhancement Plan encompassing the planning permission boundaries of PA/2015/0396 (Refs: MGL\_LL\_App1\_001 and MGL\_LL\_App1\_002), PA/2015/0627 (Ref: MGL\_LL\_App2\_001) and PA/2015/0628 (Refs: MGL\_LL\_App3\_001 and MGL\_LL\_App3\_002), which shall be in accordance with the Ecological Mitigation Strategy approved pursuant to condition 5. The submitted strategy and plan shall include details of how the Green and Blue Infrastructure within the site functions in terms of:

- the protection and enhancement of biodiversity including measures to mitigate against the impact of the development within areas identified in the updated Ecological Mitigation Strategy;
- construction phasing to ensure appropriate areas of habitat creation are provided at each phase of the development;
- how mitigation and enhancement measures set out in the ecological mitigation strategy and biodiversity enhancement plan will be implemented;
- planting and landscaping design;
- the retention of trees, hedgerows, woodlands, ponds, watercourses and other existing natural features;
- the establishment of trees, hedgerows and woodland;
- the creation of ponds and watercourses (lakes, swales and ditches) and any other natural features;

- the management and maintenance of all aspects of Green Infrastructure and details of monitoring/environmental audits;
- habitat connectivity within the entire site (land encompassing the planning permission boundaries of PA/2015/0396 (Refs: MGL\_LL\_App1\_001 and MGL\_LL\_App1\_002), PA/2015/0627 (Ref: MGL\_LL\_App2\_001) and PA/2015/0628 (Refs: MGL\_LL\_App3\_001 and MGL\_LL\_App3\_002) and surrounding environment (land subject to the Lincolnshire Lakes Area Action Plan as shown on the Policies Map);

The strategy shall also include a Site-wide Water Vole Mitigation Strategy and shall include proposals for the periodic review of the strategy and its objectives Infrastructure and mitigation measures as the development proceeds.

### *Part B*

An Application Specific Ecological Mitigation Strategy and Biodiversity Enhancement Plan for land subject to planning permission PA/2015/0627 (Ref: MGL\_LL\_App2\_001) which shall include the following details:

- a statement of how the Ecological Mitigation Plan complies with the approved Site-Wide Ecological Mitigation Strategy and Biodiversity Enhancement Plan (and any periodic review of the objectives and prescriptions of that strategy);
- details of all protected and priority species within the development site including up-to-dates species surveys and details of survey methodology;
- details of the extent and type of new planting which shall make use of species of high value for biodiversity;
- details of any new habitats and features to be created on site including details of pond habitat to be created;
- details of treatment of site boundaries and/or buffers around water bodies (including ditches/drains);
- prescriptions for the retention, creation, enhancement and ongoing management of wet ditches, ponds and other wetlands;
- details of mitigation and habitat enhancement for protected or otherwise notable species including reptiles, water voles, invertebrates, hedgehogs and foraging bats;
- details of numbers, types and locations for artificial refuges for wildlife, including specifically bird boxes, bat boxes, or any other appropriate bat and bird mitigation or enhancement measures appropriate, to include:
  - details of bat foraging corridors to be created and retained with restrictions on light overspill;
  - details of zonation of access and wardening of created habitats;
- strategic earth modelling, mounding, re-grading and/or embankment areas;

- (j) the timescale for the implementation of each aspect of the Ecological Mitigation and Biodiversity Enhancement Plan within the development site and a statement of how this confirms with the approved Site-Wide Ecological Mitigation Strategy and Biodiversity Enhancement Plan.

Reason

It is essential to ensure appropriate details are agreed prior to any infrastructure works commencing on site and that the details of the development are satisfactory to the local planning authority in view of the nature and scale of the development proposed, and to ensure high standards of urban design, a comprehensively planned development and in accordance with paragraphs 109 to 125 of the National Planning Policy Framework, policies SS1, SS2, SS3, L1, G1, G3, G4, G6, SSA2, SSA4 and SS6 of the Lincolnshire Lakes Area Action Plan and policies CS4, CS5, CS16 and CS17 of the North Lincolnshire Core Strategy.

7.

The approved Ecological Mitigation Strategy and Biodiversity Enhancement Plan submitted pursuant to condition 6 shall be implemented in full in accordance with the approved details.

Reason

It is essential to ensure appropriate details are agreed prior to any infrastructure works commencing on site and that the details of the development are satisfactory to the local planning authority in view of the nature and scale of the development proposed, and to ensure high standards of urban design, a comprehensively planned development and in accordance with 109 to 125 of the National Planning Policy Framework, policies SS1, SS2, SS3, L1, G1, G3, G4, G6, SSA2, SSA4 and SS6 of the Lincolnshire Lakes Area Action Plan and policies CS4, CS5, CS16 and CS17 of the North Lincolnshire Core Strategy.

8.

No development shall take place (unless otherwise agreed in writing with the local planning authority) until the results of up-to-date protected and priority species surveys (i.e. no more than three years old), which shall include details of protection and/or mitigation as required, have been submitted to and approved in writing by the local planning authority. Surveys shall be carried out by a suitably qualified ecologist at an appropriate time of the year.

Reason

It is essential to ensure appropriate details are agreed prior to any infrastructure works commencing on site to prevent adverse environmental impact in accordance with policies CS1 and CS17 of the North Lincolnshire Core Strategy and policy LC5 of the North Lincolnshire Local Plan.

9.

Prior to the commencement of development, the applicant or their successors in title shall agree in writing with the local planning authority the terms of reference for an environmental steering group to oversee implementation of ecological mitigation measures and sensitive working practices. The steering group shall comprise suitably experienced representatives of the applicant or their successor, the local planning authority and other appropriate organisations by agreement.

The steering group shall meet at least annually from the commencement of development to at least five years after the completion of works on the open spaces shown on submitted drawing number MGH\_LL\_120 Revision B for an annual monitoring review, unless otherwise agreed in writing with the local planning authority. Prior to the meeting, an environmental report, completed to an agreed standard, shall be provided by the applicant or their successor in title to all steering group members. Environmental actions agreed by the environmental steering group shall be implemented in full in accordance with agreed timescales.

Each year within the above period, the applicant or their successor in title shall provide the local planning authority with 21 days' notice of an intended annual monitoring review and use reasonable endeavours to agree a mutually acceptable date for the annual monitoring review with the local planning authority.

#### Reason

It is essential to ensure appropriate mitigation measures are achievable prior to any infrastructure works commencing on site to prevent adverse environmental impact in accordance with paragraphs 109 to 125 of the National Planning Policy Framework, policies SS1, SS2, SS3, L1, G1, G3, G4, G6, SSA2, SSA4 and SS6 of the Lincolnshire Lakes Area Action Plan and policies CS4, CS5, CS16 and CS17 of the North Lincolnshire Core Strategy.

### **Landscaping**

10.

No development shall commence until the landscape details required by condition 12 have been submitted and approved providing detailed landscape designs and specifications for the associated phase or sub-phase of the development. The details shall be accompanied by a Design Statement that demonstrates how the landscaping scheme accords with any emerging or approved details sought as part of a Design Code for the site.

#### Reason

To ensure the details of the development are satisfactory to the local planning authority and a satisfactory landscape plan is submitted in accordance with policies CS16 and CS22 of the North Lincolnshire Core Strategy, policies SS1, SS2, SS3, H2, T6, T7, L1, L2, G1, G2, G3, G4, G5, G6, D3, SSA2, SSA4 and SSA6 of the Lincolnshire Lakes Area Action Plan and policies H5, H8, LC5, LC6, LC12 and R5 of the North Lincolnshire Local Plan.

11.

The landscaping scheme shall be carried out in accordance with the approved details under condition 10.

#### Reason

To ensure the details of the development are satisfactory to the local planning authority and a satisfactory landscape plan is implemented in accordance with policies CS16 and CS22 of the North Lincolnshire Core Strategy, policies SS1, SS2, SS3, H2, T6, T7, L1, L2, G1, G2, G3, G4, G5, G6, D3, SSA2, SSA4 and SSA6 of the Lincolnshire Lakes Area Action Plan and policies H5, H8, LC5, LC6, LC12 and R5 of the North Lincolnshire Local Plan.

12.

No development shall take place until a Landscape and 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 and Management Plan shall include the following elements:

*Soft landscaping*

- (a) full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants
- (b) 1:200 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site
- (c) the landscape treatment of roads (primary, secondary, tertiary and green) through the development
- (d) a specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details
- (e) the planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate
- (f) full details of any proposed alterations to existing watercourses/drainage channels, including Warping Drain
- (g) details and specification of proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS3882:2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works

*Hard landscaping*

- (h) full details of all proposed methods of boundary treatment, including details of all gates, fences, walls and other means of enclosure both within and around the edge of the site
- (i) full details, including cross-sections, of all bridges and culverts
- (j) utility routes, type and specification
- (k) the location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns/brackets

- (l) 1:200 plans (or at a scale otherwise agreed) including cross-sections, of roads, paths and cycleways
- (m) details of all hard surfacing materials (size, type and colour)
- (n) details of management objectives
- (o) details of maintenance regimes
- (p) details of treatment of site boundaries and/or buffers around water bodies (including ditches/drains)
- (q) details of management responsibilities (for the duration of the project and once complete)
- (r) proposed finished levels or contours
- (s) car parking layouts
- (t) water features.

**Reason**

The application is submitted in outline form, and details are required prior to the implementation of infrastructure and to enhance the appearance of the development in the interests of amenity in accordance with policies CS5, CS16, CS22 and CS23 of the North Lincolnshire Core Strategy, policies SS1, SS2, SS3, H2, T6, T7, L1, L2, G1, G2, G3, G4, G5, G6, D4, SSA2, SSA4 and SSA6 of the Lincolnshire Lakes Area Action Plan and policies H5, H8, LC5, LC6, LC12, T2, T6, T7, T19 and R5 of the North Lincolnshire Local Plan.

**13.**

Prior to the introduction of landscaping a Schedule of Landscape Maintenance for a minimum period of five years or upon the establishment of the Estate Management Company, shall be submitted to and approved in writing by the local planning authority and it shall include details of the arrangement for its implementation.

**Reason**

No such details have been provided and it is essential to ensure an appropriate solution is achievable prior to any infrastructure works commencing on site, to ensure a satisfactory programme of landscape management/maintenance in accordance with policies CS5, CS16, CS17, CS22 and CS23 of the North Lincolnshire Core Strategy, and policy G6 of the Lincolnshire Lakes Area Action Plan.

**14.**

The Landscape Management Plan pursuant to condition 12 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.

**Reason**

To ensure a satisfactory standard of development and to enhance the local amenity in accordance with policies CS5, CS16, CS17, CS22 and CS23 of the North Lincolnshire

Core Strategy, and policies SS1, SS2, SS3, H2, T6, T7, L1, L2, G1, G2, G3, G4, G5, G6, D3, SSA2, SSA4 and SSA6 of the Lincolnshire Lakes Area Action Plan.

15.

All existing trees within the site shall be retained, unless shown on the approved landscape drawings as being removed or otherwise agreed with the local planning authority. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the local planning authority in accordance with BS5837:2012, for the duration of the works on site. In the event that trees become damaged or otherwise defective during such period, the local planning authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the local planning authority, it shall be replaced as soon as is reasonably practicable and, in any case, by no later than the end of the first available planting season, with trees of such size, species and in such number and position as may be agreed with the local planning authority.

Reason

In order to protect the existing trees on the site in accordance with policy CS16 of the North Lincolnshire Core Strategy, policy SS2 of the Lincolnshire Lakes Area Action Plan and policy LC12 of the North Lincolnshire Local Plan.

16.

No work on any phase or sub-phase shall commence on site until all trees, shrubs or features to be protected are fenced along a line to be agreed with the local planning authority with:

- (a) 2.4 metre minimum height heavy duty hoardings securely mounted on scaffold poles; or
- (b) a suitable alternative that is agreed in writing with the local planning authority.

All existing trees, shrubs and other natural features not scheduled for removal shall be fully safeguarded during the course of the site works and building operations. Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area.

Reason

No such details have been provided and such detail are required prior to infrastructure being implemented on site in order to protect the existing trees on the site in accordance with policy CS16 of the North Lincolnshire Core Strategy, policy SS2 of the Lincolnshire Lakes Area Action Plan and policy LC12 of the North Lincolnshire Local Plan.

17.

All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed or otherwise agreed with the local planning authority. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the local planning authority in accordance with relevant British Standards (BS5837:2012). Any parts of hedges or hedgerows removed without the local planning authority's consent or which die or become, in the opinion of the local planning authority, seriously diseased or

otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

#### Reason

In order to protect the existing hedgerows on the site in accordance with policy CS16 of the North Lincolnshire Core Strategy, policy SS2 of the Lincolnshire Lakes Area Action Plan and policy LC12 of the North Lincolnshire Local Plan.

18.

All hard and soft landscape works shall be carried out in accordance with the approved details for each phase or sub-phase of development in accordance with a programme agreed with the local planning authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

#### Reason

To ensure the implementation and maintenance of the submitted scheme of landscaping for the approved development in accordance with policies CS5, CS16, CS22 and CS23 of the North Lincolnshire Core Strategy, and policies SS1, SS2, SS3, H2, T6, T7, L1, L2, G1, G2, G3, G4, G5, G6, D3, SSA2 SSA4 and SSA6 of the Lincolnshire Lakes Area Action Plan.

### **Archaeology**

19.

No development shall take place until an updated Archaeological Framework Strategy has been submitted to and approved in writing by the Planning Authority. The updated Archaeological Framework Strategy shall include the results of archaeological field evaluation which shall include but not be limited to the following surveys as appropriate:

- geoarchaeological and palaeo-environmental assessment
- geophysical survey
- trial trench excavation.

Each stage of archaeological evaluation shall be undertaken in accordance with a written scheme of investigation that has been submitted to and agreed in writing by the local planning authority at least 15 working days in advance of commencement of proposed fieldwork. Written reports for each stage shall be submitted to the local planning authority.

#### Reason

It is essential to ensure that adequate assessment of the significance of any heritage assets is completed during the design stage to inform a well-planned development that takes full account of the significance of heritage assets, including the potential for nationally important sites, and to inform further decision making in accordance with paragraphs 128 to 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire

Core Strategy, policies HE8 and HE9 of the North Lincolnshire Local Plan and the Lincolnshire Lakes Area Action Plan sustainability assessment.

20.

No development shall take place until an updated Archaeological Framework Strategy has been submitted to and approved in writing by the Planning Authority. The Strategy shall include the following:

- details of proposed construction works
- an Archaeological Impact Assessment Report
- mitigation proposals for preservation in situ, or for the investigation, recording and recovery of archaeological and palaeo-environmental remains, post-excavation assessment and analysis, and the publishing and archiving of result, including plans that define the areas for archaeological mitigation.

#### Reason

It is essential to ensure that satisfactory assessment of all impacts of the development on the significance of any heritage assets, including those of potential national importance, is undertaken in order that appropriate mitigation is agreed prior to any works commencing on site and that the details of the development are satisfactory to the local planning authority in view of the nature and scale of the development proposed, in accordance with paragraphs 128 to 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, policies HE8 and HE9 of the North Lincolnshire Local Plan and the Lincolnshire Lakes Area Action Plan sustainability assessment.

21.

No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of the programme of archaeological work set out in the approved updated Archaeological Framework Strategy, and until detailed written schemes of investigation for site and post-excavation assessment works have been submitted to, and approved in writing by, the local planning authority at least 15 working days in advance of commencement of proposed fieldwork. The written scheme of investigations shall include the following:

- (i) measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
- (ii) methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses including production of an updated project design
- (iv) report content and arrangements for dissemination, and publication proposals.
- (v) archive preparation and deposition with recognised repositories
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy

- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To ensure the satisfactory standard of archaeological work in accordance with paragraphs 128 to 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, policies HE8 and HE9 of the North Lincolnshire Local Plan and the Lincolnshire Lakes Area Action Plan sustainability assessment.

22.

The archaeological evaluation and mitigation strategies shall be carried out in accordance with the approved details and timings, subject to any variations submitted in writing to and agreed in writing by the local planning authority. The approved updated Archaeological Framework Strategy shall be reviewed and updated as necessary upon the results of each completed stage of archaeological evaluation and mitigation fieldwork.

Reason

To ensure the satisfactory standard of archaeological work in accordance with paragraphs 128 to 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, policies HE8 and HE9 of the North Lincolnshire Local Plan and the Lincolnshire Lakes Area Action Plan sustainability assessment.

23.

The link roads to the east of the M181 hereby approved by this permission 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 updated Archaeological Framework 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 local planning authority.

Reason

To ensure that the results of the archaeological investigations are publicly accessible in a timely manner to advance the understanding of the significance of heritage assets within the application site in accordance with paragraphs 128 to 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, policies HE8 and HE9 of the North Lincolnshire Local Plan and the Lincolnshire Lakes Area Action Plan sustainability assessment.

24.

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 ensure that the results of the archaeological investigations are publicly accessible in a timely manner to advance the understanding of the significance of heritage assets within the application site in accordance with paragraphs 128 to 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, policies HE8 and HE9 of the North Lincolnshire Local Plan and the Lincolnshire Lakes Area Action Plan sustainability assessment.

#### Highways and transport

25.

No development shall take place until details of the following have been submitted to and approved in writing by the local planning authority in consultation with the relevant highway authority:

- (a) the detailed design of the proposed new roundabout junctions on and approaching the M181 and all connecting infrastructure between these points
- (b) major drainage infrastructure and highways drainage works (including SuDS)
- (c) replacement road signage to reflect the de-trunking of the route.

All works submitted for approval under this condition shall comprise of full engineering drawings that have been the subject of a Stage 2 Safety Audit.

#### Reason

To ensure that the junction is safe and is designed to the appropriate standards to ensure the continued safe and efficient operation of the M181 and M180 as directed by the Secretary of State for Transport and to ensure that satisfactory details of key highway features are agreed prior to any works on infrastructure commencing in accordance with policies CS25 and CS26 of the North Lincolnshire Core Strategy and policies T2 and T4 of the Lincolnshire Lakes Area Action Plan.

26.

All works submitted for approval under condition 25 shall be implemented in accordance with the approved drawings.

#### Reason

To ensure that key highway features are implemented in accordance with the agreed details in a timely fashion, in accordance with policies CS25 and CS26 of the North Lincolnshire Core Strategy and policies T2 and T4 of the Lincolnshire Lakes Area Action Plan.

27.

Prior to any work commencing on site the details of the following works and their time frames for completion shall be agreed in writing with the local planning authority:

- tie-ins to Burringham Road and the existing overbridge
- the proposed Burringham Road footway/cycleway linkages, including on the existing overbridge

- access points to village 2.

All work submitted for approval under this condition shall comprise full engineering drawings that have been the subject of a Stage 2 Safety Audit.

**Reason**

To ensure that satisfactory details of key highway features are agreed prior to any works on infrastructure commencing in accordance with policies CS25 and CS26 of the North Lincolnshire Core Strategy and policies T2, T4, T6, T9 and T10 of the Lincolnshire Lakes Area Action Plan.

28.

The works agreed under condition 27 shall be implemented in accordance with the approved drawings and time frames.

**Reason**

To ensure that key highway features are implemented in accordance with the agreed details in a timely fashion, in accordance with policies CS25 and CS26 of the North Lincolnshire Core Strategy and policies T2, T4, T6, T9, T10 and D1 of the Lincolnshire Lakes Area Action Plan.

**Construction**

29.

No development shall take place until a Construction Phase Traffic Management Plan showing details of the following has been submitted to and approved in writing by the local planning authority:

- (g) all associated traffic movements including: delivery vehicles, staff/construction movements and any abnormal load movements
- (h) contractor parking and welfare facilities
- (i) storage of materials
- (j) traffic management requirements on the adopted highway
- (k) wheel cleaning facilities
- (l) an advanced direction signage programme for the site on the adjacent highway network

**Reason**

To ensure appropriate working practices are agreed and implemented in the interests of residential amenity and highway safety, and to comply with policies DS1 and T19 of the North Lincolnshire Local Plan and policy CS25 of the North Lincolnshire Core Strategy.

30.

The Construction Phase Traffic Management Plan approved under condition 29 shall be complied with during the life of the construction works and subject only to any changes that shall be agreed in writing with the local planning authority.

## Reason

In the interests of highway safety and to comply with policy T2 of the North Lincolnshire Local Plan and policy CS25 of the North Lincolnshire Core Strategy.

31.

Prior to the commencement of development for each phase or sub-phase, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. No variation from the agreed CEMP shall be permitted without prior written approval from the local planning authority. The CEMP shall include the following:

- (a) details of measures and sensitive working practices to be taken to avoid harm to protected and priority species, including reptiles, bats, nesting birds and water voles during site clearance and construction
- (b) proposed timings for above works
- (c) details of measures to minimise disturbance to the Primary Green Corridors proposed in the submitted Biodiversity Strategy;
- (d) details of measures to be implemented to control light, noise, fly-tipping, water and air pollution and other factors that may affect wildlife during construction;
- (e) 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
- (f) noise and vibration. The CEMP shall set out the particulars of:
  - the works, and the method by which they are to be carried out;
  - the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including and noise limits; and
  - a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures
- (g) light. The CEMP shall set out the particulars of:
  - specified locations for contractors' compounds and materials storage areas;
  - areas where lighting will be required for health and safety purposes;

- location of potential temporary floodlights;
- identification of sensitive receptors, including ecological receptors, likely to be impacted upon by light nuisance;
- proposed methods of mitigation against potential light nuisance; including potentials glare and light spill, on sensitive receptors

(h) dust: The CEMP shall set out the particulars of:

- site dust monitoring, recording and complaint investigation procedures;
- identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- provision of water to the site;
- dust mitigation techniques at all stages of development;
- prevention of dust trackout;
- communication with residents and other receptors;
- a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority
- a no burning of waste policy

(i) archaeology. The CEMP shall set out particulars of:

- proposed methods to accommodate the requirements of the archaeological mitigation strategy as approved by condition 20;
- provision within the construction programme to ensure that pre- and post-commencement archaeological site work is undertaken and completed in accordance with the strategy.

#### Reason

As the application has been submitted in outline form, it is essential to ensure appropriate details are provided prior to any infrastructure works commencing on site to prevent adverse environmental impact in accordance with policies CS1 and CS17 of the North Lincolnshire Core Strategy and policy LC5 of the North Lincolnshire Local Plan.

32.

The approved CEMP under condition 31 shall be complied with during construction of the relevant phase or sub-phase of the development.

#### Reason

To prevent adverse environmental impact in accordance with policy DS11 of the North Lincolnshire Local Plan and policy CS17 of the North Lincolnshire Core Strategy.

33.

Construction operations shall be limited to the following hours:

- 7am to 7pm Monday to Sunday.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

For the protection of residential amenity.

### **Flood risk mitigation and drainage**

34.

Prior to the commencement of development the submitted Flood Risk Assessment (FRA) with this planning application shall be updated, submitted to and agreed in writing by the local planning authority and the Environment Agency. The updated FRA shall be in accordance with the approved North Lincolnshire Council Integrated Flood Risk and Drainage Strategy which shall have previously been agreed in writing with Environment Agency. Any updated FRA shall be undertaken in accordance with the requirements of national planning policy and associated guidance and make use of the best available information on flood risk.

Reason

To reduce the risk of flooding to the proposed development and future users, in accordance with policy CS19 of the North Lincolnshire Core Strategy and policy F1 of the Lincolnshire Lakes Area Action Plan.

35.

The development hereby permitted shall not be commenced until such time as a detailed scheme to provide on and off-site flood risk mitigation measures in accordance with the FRA approved under condition 34 above has been submitted to, and approved in writing by, the local planning authority. This scheme shall include:

- details of measures to be implemented;
- timing of implementation of each measure in relation to the development;
- details of how the completed mitigation shall be maintained and retained after completion.

Reason

To mitigate the risk of flooding to the proposed development and future users and prevent increased flood risk to third parties, in accordance with policy CS19 of the North Lincolnshire Core Strategy and policy F1 of the Lincolnshire Lakes Area Action Plan.

36.

The mitigation measures in the scheme approved under condition 35 shall be fully implemented in accordance with the timing/phasing arrangements within that scheme, or

within any other period as may be subsequently be agreed, in writing, by the local planning authority and the Environment Agency.

Reason

To ensure the new development is safe for its lifetime and that there is no increase in flood risk to third parties during the works or for the lifetime of the development, in accordance with policy CS19 of the North Lincolnshire Core Strategy and policy F1 of the Lincolnshire Lakes Area Action Plan.

37.

The mitigation measures in the scheme approved under condition 35 shall be retained and maintained in accordance with that scheme for the lifetime of the development unless otherwise agreed in writing with the local planning authority.

Reason

To ensure that the mitigation measures remain effective for the lifetime of the development.

38.

Prior to the commencement of each phase or sub-phase of the development a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. Details shall also be provided of the water management strategy for controlling surface water discharge in to the proposed lakes.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site. It shall also include details of how the resulting completed scheme is to be maintained and managed so that flood risk, both on and off the site, is not increased.

Reason

To reduce the potential impact of the development upon flood risk issues in accordance with policy CS19 of the North Lincolnshire Core Strategy.

39.

The scheme shall be implemented in accordance with the approved details required by condition 38 and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

The application has been submitted in outline form and to ensure an appropriate solution is achievable prior to any infrastructure works commencing on site. Also to reduce the potential impact of flooding in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

### **Land contamination**

40.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not

commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning authority in writing until part 4 has been complied with in relation to that contamination.

#### *Part 1: Site Characteristics*

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

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

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

#### *Part 2: Submission of Remediation Scheme*

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.

#### *Part 3: Implementation of Approved Remediation Scheme*

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

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

*Part 4: Reporting of Unexpected Contamination*

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

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

and

The development hereby permitted shall not be occupied until a scheme which includes the following measures has been submitted to and approved by the local planning authority. The scheme shall be submitted in full unless the local planning authority dispenses with any such requirement specifically and in writing:

1. A comprehensive site survey by a competent person shall determine the existence, extent and concentrations of any landfill gas with the potential to reach the application site. The requirements of the Planning Authority shall be fully established before the site survey is commenced. Two full copies of the survey, findings and conclusions shall be submitted to the Planning Authority without delay upon completion.
2. A written scheme to be implemented and completed by a competent person detailing measures to contain, manage and/or monitor any landfill gas with the potential to reach the application site shall be submitted to the local planning authority. The scheme shall be agreed in writing with the local planning authority prior to the commencement of development and implemented prior to occupation of the development. No deviation shall be made from this scheme without the express written agreement of the local planning authority.

Reason

As the application has been submitted in outline form, it is essential to ensure an appropriate solution is achievable prior to any infrastructure works commencing on site to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

## **Noise**

41.

No development shall commence until a Noise Impact Assessment has been submitted to and approved in writing by the local planning authority.

The Noise Impact Assessment report shall provide details of existing background noise levels, existing noise sources likely to impact upon the proposed development, new noise sources likely to impact upon any sensitive locations, mitigation methods to be employed and the resulting predicted levels of noise at sensitive locations.

### **Reason**

To ensure the mitigation measures are implemented for the protection of residential amenity and prevention of unacceptable adverse noise impact in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.

42.

The approved mitigation measures as required under condition 41 shall be carried out in accordance with the approved details and shall be retained thereafter unless otherwise agreed in writing with the local planning authority.

### **Reason**

To ensure the approved mitigation measures are implemented for the protection of residential amenity and prevention of unacceptable adverse noise impact in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.

## **Estate management**

43.

No development shall be begun until a scheme for the future maintenance of all public areas of the development including, but not limited to, roads, footpaths, cycleways, public open spaces, play areas, areas of landscaping, green infrastructure and blue infrastructure (excluding the Lake within the Lake Development Land) ("the Public Realm") has been submitted to and approved in writing by the local planning authority, such scheme ("the Public Realm Scheme") to include:

- the location of any areas of the Public Realm that are to be adopted by the local planning authority; and
- the establishment of a management company or companies, including details of the ownership and funding of the same.

### **Reason**

No such details have been provided and public realm details and arrangements for their long-term management are required prior to the implementation of any infrastructure on site in the interests of ensuring a quality sustainable and accessible development is achieved in accordance with policies CS1, CS2, CS4 and CS5 of the North Lincolnshire Core Strategy 2011, policies SS1, SS2, SS3, G1, G2, G3, G4, G5, G6, L1, L2, T9, SSA2

and SSA5 of the Lincolnshire Lakes Area Action Plan and policy DS1 of the North Lincolnshire Local Plan.

44.

No part of the development shall be occupied until:

- legal agreement(s) are in place to secure the adoption of any parts of the Public Realm identified to be adopted in accordance with the Public Realm Scheme;
- the management company(ies) have been established in accordance with the Public Realm Scheme; and
- the intended owner of such part of the development has become a shareholder in the relevant management company(ies) in accordance with the Public Realm Scheme.

Reason

In the interests of ensuring a quality sustainable and accessible development is achieved in accordance with policies CS1, CS2, CS4 and CS5 of the North Lincolnshire Core Strategy 2011, policies SS1, SS2, SS3, G1, G2, G3, G4, G5, G6, L1, L2, T9, SSA2 and SSA5 of the Lincolnshire Lakes Area Action Plan and policy DS1 of the North Lincolnshire Local Plan.

45.

Each part of the Public Realm shall be adopted or transferred to the relevant management company in accordance with the triggers set out in the Public Realm Scheme and in the event that those triggers are linked to the carryout or occupation of the development no development or occupation of the same shall take place beyond such triggers until the relevant requirements of the Public Realm Scheme have been complied with.

Reason

In the interests of ensuring a quality sustainable and accessible development is achieved in accordance with policies CS1, CS2, CS4 and CS5 of the North Lincolnshire Core Strategy 2011, policies SS1, SS2, SS3, G1, G2, G3, G4, G5, G6, L1, L2, T9, SSA2 and SSA5 of the Lincolnshire Lakes Area Action Plan and policy DS1 of the North Lincolnshire Local Plan.

### **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.

### **Informative 3**

Planning permission is hereby granted after full consideration of the Environmental Impact Assessment (EIA) submitted as part of the planning application in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 as amended.

**Informative 4**

Easements to enable future maintenance for all existing and proposed watercourses and SuDS features to be agreed with the Lead Local Flood Authority and the Scunthorpe and Gainsborough Water Level Management Board prior to commencement of any works.



PA/2015/0627

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PA/2015/0396, PA/2015/0627, PA/2015/0628 Indicative Layout - Not to scale



PA/2015/0396, PA/2015/0627 and PA/2015/0628 - Indicative Layout including approved development to the North -Not to scale

