

APPLICATION NO	PA/2009/0600
APPLICANT	Able UK Ltd
DEVELOPMENT	Planning permission to erect buildings and use land for purposes within Use Classes A3, C1, B1, B2 and B8 for port-related storage and associated service facilities together with amenity landscaping and habitat creation, including flood defences, new railway siding, estate roads, sewage and drainage facilities, floodlighting, waste processing facility, hydrogen pipeline spur and two 20 metre telecommunication masts (IN ACCORDANCE WITH THOSE ADDITIONAL DETAILS AND PLANS CONTAINED WITHIN THE ADDENDUM TO THE ENVIRONMENTAL IMPACT ASSESSMENT DATED APRIL 2011 RECEIVED BY THE LOCAL PLANNING AUTHORITY ON 20 APRIL)
LOCATION	Land off Skitter Road, East Halton
PARISH	EAST HALTON
WARD	Ferry
SUMMARY RECOMMENDATION	Subject to the completion of a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Officer discretion due to expiry of the date (31 December 2011) authorised by the Planning Committee to allow the notice of decision to be signed by the Acting Head of Planning once the requisite confirmation has been received as per the original recommendation to committee

UPDATE OF THE LATEST POSITION

Members may recall that this application has previously been presented to two specially convened meetings of the Planning Committee (14 October 2010 and 24 June 2011).

At the meeting on 24 June the committee authorised the Acting Head of Planning to sign the notice of decision providing that the Section 106 agreement between the applicants and the council, confirming the contribution of £1.255 million to facilitate the necessary highway improvements, had been completed, secondly that DEFRA had confirmed in writing that they had signed an Appropriate Assessment under the Habitat Regulations prepared by the Environment Agency in relation to the Humber Estuary Flood Risk Management Scheme, and finally that the Environment Agency had been able to sign a formal agreement with Able UK in respect of the land drainage consent for the flood wall works.

The section 106 agreement referred to above has been drafted and agreed with Able and DEFRA have confirmed in writing that they have signed the Appropriate Assessment. However, the agreement between Able UK and the Environment Agency has not been completed due to protracted negotiations with third party leaseholders of affected land and accordingly the Acting Head of Planning has not been able to sign the decision notice by 31 December 2011.

This application is therefore presented to this committee for a further mandate to allow an extension of time to enable the Environment Agency, the applicants and other interested parties to reach agreement over the land drainage consent and access to the land to facilitate the improvements to the flood defences to enable this development to move forward.

It is understood that these negotiations are at an advanced stage and should prove fruitful in a relatively short space of time. Since this application was considered by the Planning Committee there have been a number of changes in circumstance that ought to be brought to Members' attention and incorporated into the decision. Amendments also need to be made to the draft Section 106 agreement in relation to the monies to be paid to the council for the necessary highway improvement works.

Dealing with changes to the conditions first, the Environment Agency have confirmed that they have still no objections to the proposed scheme but would recommend an additional four conditions. These conditions are included in the recommendation under the heading 'DRAINAGE' (conditions ...).

In respect of the contribution to the council to facilitate the necessary highway works, originally Able UK had proposed to pay a single payment of £1.255 million pounds. Due to the stressful climate of the world-wide economy, Able have suggested that payment of the required monies should be made in five stages: an amount payable upon commencement of works, and the balance being paid in four stages aligned with the phasing of the development.

This proposal has been discussed with the council's highways officers and in principle they have no objections. Therefore, as part of the recommendation, the committee is requested to agree to the Section 106 being amended to allow for the highway contribution to be paid in stages subject to further detailed negotiations with Able UK which will ensure that adequate monies are available at each of the phased stages to carry out the necessary highway improvement works to the identified junctions. The final element of the report which needs amending is the date for the Acting Head of Planning to sign the decision notice in due course once the matters referred to above have been dealt with. It is recommended that this date be 30 June 2012.

BACKGROUND

In October 2010 the above planning application was considered by the Planning Committee and it was resolved to advise the Secretary of State that North Lincolnshire Council were mindful to grant permission for this development subject to conditions and the completion of a Section 106 agreement with the applicants requiring monies to be deposited for highway improvement works.

At the end of March 2011 the Secretary of State, through the Department of Communities and Local Government, advised the council that they were in order to make the decision and the application was not being called in for an inquiry.

In the intervening period between October 2010 and the end of March 2011 significant negotiations have been ongoing between the council, Able UK as applicants, Natural England and the RSPB. The object of these negotiations was to improve the proposed development package to offer better mitigation for birds over and above that which was proposed in the original submission.

The negotiations resulted in a memorandum of understanding (MOU) being drawn up between Able UK, Natural England and the RSPB which has enabled the applicants to submit to the council for further consideration an addendum to the environmental statement.

Receipt of this addendum in mid April was advertised in the local press and by site notices, and previous objectors were consulted, including relevant statutory and non-statutory bodies. This consultation has led to an amended schedule of conditions being produced which reflects the changes that have been made in the layout and design of the scheme as described in the afore-mentioned addendum to the environmental statement.

Additionally, a revised Appropriate Assessment under the Habitat Regulations has been produced which has been sanctioned by Natural England.

POLICIES

Attached at Appendix A is a copy of the report considered by the Planning Committee in October 2010 which includes the list of policies relevant to this proposal.

CONSULTATIONS

Highways: No changes from previous response.

Natural England: Welcome the signing of the memorandum of understanding but before they are prepared to withdraw their objection they require to see the final revised appropriate assessment and the schedule of amended planning conditions – an update will be provided at the meeting.

RSPB: Echo the representations received from Natural England insomuch as before being able to withdraw their objection they require to have sight of the amended and agreed appropriate assessment, the schedule of revised planning conditions, and details of how the management plan will be effected – an update will be provided at the meeting.

Environment Agency: Have responded to the council advising that until Able UK have signed a legal agreement with the Environment Agency they are not in a position to offer any support for the proposal – an update will be provided at the meeting.

(For members' information, discussions are ongoing and the signing of the legal agreement, according to the applicants and from what the Environment Agency are aware of, is imminent.)

English Heritage: Reiterate their previous concerns and objections to this application as summarised in the previous committee report attached at Appendix A.

SOUTH KILLINGHOLME PARISH COUNCIL

Confirm they have no objections or comments to the application.

NORTH KILLINGHOLME AND EAST HALTON PARISH COUNCILS

No further response.

PUBLICITY

Receipt of the addendum to the environmental statement has been advertised in the press and by the posting of site notices, and all previous objectors have been consulted. Four letters have been received which are summarised below and should be read in conjunction with the Publicity section included at Appendix A (pages 81 to 86).

- One of the objectors who has written following this extended period of consultation reiterates their previous objections and says additionally that the memorandum of understanding is 'an over-generalised document, distinctly vague in content and nebulous in intent.'
- The areas of mitigation are not fully detailed and settled.
- The details of the mitigation areas should be required before a decision is taken.
- An adjacent landowner, who uses the existing railway facility, has not been consulted about the future use of the railway by Able UK.
- Network Rail's comments are required [see page 40 of Appendix A].
- The effectiveness of bunds for noise attenuation is questioned.
- One objector queries whether North Lincolnshire Council is in a position to determine this application and whether the amendments to the environmental statement are of any assistance.
- The proposals will lead to the flooding of adjacent farmland.
- The development will have an adverse impact on the local water vole population because of the complexity and amount of drainage works that are proposed.
- The proposals will breach the provisions of the Wildlife and Countryside Act.
- The development will have a significant adverse impact on the drainage of the wider area.
- Further information should be provided about the proposed floodlights.

ASSESSMENT

The council's Environment Team confirm that a draft revised Appropriate Assessment has been forwarded to Natural England, together with a draft schedule of amended conditions. Initial responses from Natural England are positive with only minor amendments being suggested. A verbal update will be given at the meeting.

Fundamentally the development of this site remains the same.

What has changed is the phasing of the development to allow for an improved area of mitigation for birds cited in the Humber Estuary SPA and Ramsar citation. The revised mitigation consists of a core mitigation area of some 32 hectares surrounded by an additional 42 hectares of buffer. The site is adjacent to the development, the Humber Estuary sea wall and the Halton Marsh Clay Pits local wildlife site. This provision will be

provided if option 1 for mitigation is not achievable. Option 1 requires a core area of 20 hectares with a buffer of some 35 hectares, again located in the same area as previously although not occupying part of one of the development phases. If this option were chosen an appropriate area of off-site mitigation would need to be provided by the developer in order to comply with controls placed on development through the imposition of appropriate planning conditions.

This approach gives the developer flexibility whilst at the same time achieving what all third parties, statutory bodies and advisory groups are content with in terms of bird mitigation provision.

A revised Appropriate Assessment has been prepared taking account of these two options and has been forwarded to Natural England. It requires conditions to be imposed on any forthcoming planning permission.

In respect of the objections that have been raised, the opinions expressed in relation to ecology matters and mitigation, and the memorandum of understanding, are not borne out by the professional and statutory bodies that are consulted on such issues. Similarly, the fears regarding flooding and drainage matters have been considered by the local internal drainage boards, the Environment Agency and Anglian Water and, as reported in the appendix to this report, these matters have been resolved satisfactorily.

The matter of breaches of the Wildlife and Countryside Act and other acts is a separate issue which will have to be dealt with under that legislation by the appropriate bodies. The council's noise experts are happy with the noise attenuation measures and appropriate conditions have been imposed which seek to achieve a balance between ecological matters, visual appearance and the interests of minimising noise nuisance during both the construction and operational phases of this development.

Network Rail's response has previously been reported to this Planning Committee and forms part of the original report at Appendix A.

RECOMMENDATION **Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for the sum of £1.255m (to be paid in a series of agreed phases) to secure highway improvement works in the vicinity of the proposed development necessitated by the development, and confirmation being received from the Environment Agency that Able UK have signed the legal agreement in respect of land drainage consent for the flood wall works, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Acting Head of Planning upon completion of the obligation;**
- (iii) if the obligation is not completed and confirmation from the Environment Agency is not received by 30 June 2012 the Acting Head of Planning be authorised to refuse the application on grounds of the adverse impact such a significant development**

would have on an unimproved/upgraded local highway network; and

(iv) the permission so granted be subject to the following conditions:

STATUTORY

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

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

2.

The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule PA/2009/0600/2 attached to this decision notice.

Reason

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

HIGHWAYS

3.

Works shall not commence on site until wheel-cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

4.

No development shall take place until details of the drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway, have been submitted to and approved in writing by the local planning authority.

Reason

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

5.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

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

6.

Development shall not begin on site until details of:

- (i) the number, location and layout of vehicular accesses to the site;
- (ii) the number, location and layout of vehicle parking spaces, including access aisles, surface markings and turning facilities;
- (iii) the location and layout of vehicle loading, off-loading and turning facilities for delivery vehicles; and
- (iv) the pedestrian means of access to all buildings;

have been submitted to and approved in writing by the local planning authority.

Reason

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

7.

The development shall not be brought into use until:

- (i) the access roads to the service and customer parking area;
- (ii) the loading, off-loading and turning areas for all vehicles; and
- (iii) the parking spaces and access aisles (including surface markings);

have been provided and all these facilities shall thereafter be so retained.

Reason

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

8.

No unit on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the unit.

Reason

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

9.

No unit on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the unit.

Reason

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

10.

No part of the development hereby permitted shall be occupied until the appointment of a site-wide travel plan co-ordinator, who shall be suitably qualified to carry out the role, has been notified to and approved in writing by the local planning authority. The site-wide travel plan co-ordinator shall remain in place until five years following first occupation of the final part of the development to be occupied, unless approved in writing by the local planning authority (in consultation with the Highways Agency). Changes of personnel occupying the post of the site-wide travel plan co-ordinator shall be notified to the local planning authority within one calendar month of their appointment.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

11.

Prior to first occupation of the development hereby permitted, details of the implementation of shuttle bus services necessary to meet the targets for public transport use at the site as set out in the Framework Travel Plan (Revision B dated December 2009) shall be submitted to and approved in writing by the local planning authority in consultation with the Highways Agency. Approved shuttle bus services shall thereafter be implemented as approved upon first occupation of the development. Changes to or the cessation of the shuttle bus service shall only take place with the prior written agreement of the local planning authority.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

12.

No part of the development hereby permitted shall be occupied until a subsidiary travel plan which is consistent with the agreed Framework Travel Plan (Revision B dated December 2009) for that part of the development has been submitted to and approved in writing by the local planning authority. The subsidiary travel plan shall thereafter be implemented as approved for as long as that part of the development is occupied.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

13.

A travel plan survey shall be carried out and an annual review report produced in accordance with chapter 7 of the agreed Framework Travel Plan (Revision B dated December 2009) and submitted to the local authority for approval in writing within 15 months of the first occupation of the development and annually thereafter for as long as the site-wide travel plan co-ordinator is in place. Review reports shall include details from the travel plan survey of the proportion of employee trips to the development which are by single occupancy car. Where the proportion exceeds the relevant target set out in table 5.2 of the agreed Framework Travel Plan, the review report shall detail remedial measures to be implemented to ensure that the targets are achieved for approval in writing by the local planning authority. Such remedial measures shall thereafter be implemented as approved.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

14.

No works shall take place on site until:

- (i) the precise junction location and method of constructing the proposed access road;
and
- (ii) details of the method of constructing any such junction and all within-highway works;

have been submitted to and approved in writing by the local planning authority.

Reason

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

15.

No development shall take place until details of a construction phase traffic management plan have been submitted to and approved in writing by the local planning authority (in consultation with the Highways Agency). Once approved the plan shall be implemented and monitored throughout the construction period.

Reason

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

16.

No unit on the site shall be brought into use until the roundabout junction improvement at Eastfield Road/Chasehill Road has been completed in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

17.

No part of the development hereby permitted, unless otherwise agreed in writing with the local planning authority (in consultation with the Highways Agency), shall be occupied until either:

- (i) all junction improvements between the local road network at the A160 identified in the approved transport assessment, namely:

* A180(T)/A160(T)

The junction improvement shown in drawing number 52409-P-004 shows a parallel merge.

* A160(T)/A1077 Ulceby Road

This improvement scheme, shown in drawing number 52409-P-0011, consists of a short section of widening on the A160 and to provide a T-junction with a central

reservation to allow vehicles to turn to and from the A160 from Ulceby Road in two stages.

* A160(T)/Harbrough Road roundabout

This improvement scheme, shown on drawing number 52409-P-003, consists of widening on the Humber Road (EB) approach to the junction together with a two-lane exit on the same arm of the junction.

* A160(T) Humber Road/Eastfield Road

The junction improvement scheme shown in drawing number 52409-P-002 Rev A. It is proposed to widen Eastfield Road to provide an extra lane and extend the existing approach lanes.

* Humber Road/Rosper Road

The junction improvement scheme shown on drawing number 52409-P-010. This includes the signalisation of the junction together with widening on the Rosper Road and Humber Road (EB) approaches to allow for separate lanes for different movements.

have been constructed substantially in accordance with the approved scheme drawing or alternatively approved in writing by the Highways Agency in consultation with the highway authority and brought into use;

or

(ii) construction of the A160 upgrade scheme has commenced.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

18.

Any off-site within-highway works identified in the transport assessment, affecting the local highway network, shall be completed in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

DRAINAGE

19.

Notwithstanding the provisions of sections 94, 98 and 106 of the Water Industry Act 1991, no development shall commence until details of a scheme for the satisfactory provision of sufficient capacity within the public sewerage system and at the wastewater treatment works to meet the needs of the approved development has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the scheme.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

20.

No development shall take place until a scheme for the disposal of surface water has been agreed in writing by the local planning authority and none of the buildings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

21.

No building works which comprise the erection of a building required to be served by water services shall commence until details of a scheme, including phasing and future management and maintenance arrangements, for the provision of mains foul water drainage has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the agreed scheme prior to the occupation of any buildings within the relevant phases of the development.

Reason

To prevent flooding, pollution and detriment to public amenity and biodiversity through provision of suitable water infrastructure.

22.

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

23.

The development permitted by this planning permission (excluding the defence works) shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), dated April 2004, reference number: C207025/AJS, Rev 4. The applicant shall confirm to the local planning authority that this has taken place, in writing, within one month of completion.

Reason

To reduce the impact and risk of flooding to the site and occupants.

24.

No building works which comprise the erection of a building shall commence until construction of the sea wall and associated sea wall works has been completed.

Reason

To reduce the impact of flooding by ensuring the development has the benefit of an appropriate standard of flood defence.

LANDSCAPING

25.

All landscaping shall be carried out in accordance with the biodiversity management plan required by condition 55 and submitted drawing 2413.02 Rev H Option A OR 2413.02 Rev H Option B 2413.45, using trees of local provenance native seed zone 402 or as otherwise may be agreed in writing with the local planning authority and once planted shall be maintained in accordance with the tree and biodiversity management plan required by condition 55 except that for areas:

- (a) where it has been decided to preserve archaeological remains in situ - field maple (*Acer campestre*) shall be omitted from the specified 'woodland edge' mix; and
- (b) to be planted as part of the screening for any building - no works shall commence upon site works for that building until a layout for the form of any 'woodland structure' planting, which shall mainly be disposed on the ground in single species stands or 'blocks', has been submitted to and agreed in writing with the local planning authority.

Reason

To ensure the in-situ preservation of archaeological remains and to ensure a satisfactory appearance to areas of woodland structure planting such that both the screen planting and the intended to be screened by it meld with the existing features of the landscape in accordance with policies LC7 and LC20 and, in particular, LC20 (vi).

26.

Prior to any site works for any of the buildings being commenced, a scheme for the reinforcement of agricultural hedgerows with native tree and shrub planting for the land edged blue on the submitted drawing numbered KI- 02000 D shall be submitted to and agreed in writing by the local planning authority. Any such scheme should pay particular attention to any potentially adverse impact of new planting upon the setting of the heritage asset (Ancient Monument Moated Site) located at TA14032014. Once agreed all planting in this area shall be completed within the next available planting season (end October to end March) and shall thereafter be maintained in accordance with the tree and biodiversity management plan required by condition 55.

Reason

To ensure adequate screening of development of the site within critical amenity areas adjacent to it as identified in policies LC20 and IN6 of the North Lincolnshire Local Plan.

27.

The tree and biodiversity management plan for the site shall include a schedule of practical tree and shrub maintenance, including measures for the protection of any landscape planting during the course of site works, for a minimum period of 10 years from the start of each phase of the landscape design. No site works for any of the buildings shall take place until that schedule has been agreed with the local planning authority as part of the management plan. Amongst other things the schedule shall specify the arrangements for its implementation and for the replacement of any trees or shrubs which die or are required to be removed due to disease or damaged within the period specified. In particular trees to be planted for amenity reasons as part of the road layout shall be planted in accordance with

British Standard (BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces)), elsewhere all forestry planting should follow best practice.

Reason

To ensure a satisfactory standard of landscaping and landscape maintenance for the site and for the avoidance of doubt.

28.

Before development commences, details shall be submitted to and approved in writing by the local planning authority of the precise location, construction and specification of an acoustic fence to be constructed in a location to minimise, to World Health Organisation Guidelines for Community Noise standard, noise nuisance to the nearest receptor.

Reason

In order to minimise noise nuisance to levels that achieve World Health Organisation guidelines.

29.

The acoustic fence as agreed in condition 28 above shall be completed in its entirety and retained in accordance with a programme agreed in writing with the local planning authority before development commences.

Reason

To ensure the timely provision of the acoustic screen.

ARCHAEOLOGY

30.

No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of the programme of archaeological work in accordance with the draft document Able UK Humber Ports Facility - PA/2009/0600 Framework for archaeological evaluation and mitigation strategies prepared by AC Archaeology Ltd (reference ACW179/1/0 revised June 2010), and until further details are submitted to and approved in writing by the local planning authority as follows:

- (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;
- (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 arrangement, including the notification in writing to the North Lincolnshire Sites and Monuments 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 comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological interest.

31.

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

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological interest.

32.

The final phase of the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the written scheme of investigation approved under condition 27 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological interest.

33.

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

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological interest.

34.

No planting or landscaping shall take place until an archaeological mitigation strategy has been submitted to and approved in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan as tree roots and landscaping may damage significant archaeological remains.

CLIMATE CHANGE

35.

Before development commences on site, a scheme shall be submitted to and approved in writing by the local planning authority that provides for a minimum of 10% in Phases 1 and 2, 15% in Phases 3 and 4 and 20% in Phases 5, 6 and 7 of the approved buildings' total energy requirements to be provided by on-site renewable energy sources production equipment.

Such sources/equipment shall be provided/installed and fully operational prior to the occupation of any of the buildings hereby approved. (A phased approach to this provision may be agreed in consultation with the local planning authority at an early stage.)

Reason

To ensure compliance with council policy agreed June 2010 and the provisions of the supplement to PPS1 relating to climate change in order to reduce carbon emissions.

ENVIRONMENTAL PROTECTION

36.

In the event of extraction, refrigeration or ventilation systems being installed on/in any of the approved buildings, full details shall be submitted to and agreed in writing by the local planning authority prior to such installation, and only the approved equipment shall be fitted unless otherwise agreed in writing by the local planning authority. Any approved mitigation measures shall be carried out in their entirety before the building is occupied and retained at all times thereafter. Relevant noise impacts shall be carried out in accordance with:

- (i) BS4142 (1997) Rating Industrial Noise Affecting Mixed Residential and Industrial Areas;
- (ii) World Health Organisation Guidelines for Community Noise (1999); and
- (iii) Planning Policy Guidance (PPG) 24: Planning & Noise.

Reason

To ensure no loss of amenity by any sensitive receptors by virtue of any polluting activity and to ensure compliance with policy DS11 of the North Lincolnshire Local Plan.

37.

No storage or subsequent handling, loading, off-loading or treatment of the following bulk or raw materials within the application site is permitted without an express grant of planning permission in that regard:

- (i) biofuel
- (ii) coal
- (iii) coke
- (iv) metal

- (v) slag
- (vi) rocks
- (vii) minerals.

Reason

To ensure no loss of amenity by any sensitive receptors by virtue of any polluting activity and to ensure compliance with policy DS11 of the North Lincolnshire Local Plan.

38.

Before development is commenced, a scheme shall be submitted to and agreed in writing by the local planning authority of the method of insulating each building. Such a scheme shall provide that the sound reduction index (SRI value) of each building envelope shall be sufficient to ensure that activities within the buildings do not give rise to adverse noise impact at sensitive receptors' locations.

Reason

To ensure no loss of amenity by any sensitive receptors by virtue of any polluting activity and to ensure compliance with policy DS11 of the North Lincolnshire Local Plan.

39.

Such a scheme as agreed in condition 36 above shall be carried out and retained in its entirety at all times that the relevant building is occupied.

Reason

To ensure no loss of amenity by any sensitive receptors by virtue of any polluting activity and to ensure compliance with policy DS11 of the North Lincolnshire Local Plan.

40.

Before development commences, details of the location, dimensions and construction materials of all acoustic barriers, including predicted noise levels at relevant receptors, shall be submitted to and approved in writing by the local planning authority.

Reason

To ensure no loss of amenity by any sensitive receptors by virtue of any polluting activity and to ensure compliance with policy DS11 of the North Lincolnshire Local Plan.

41.

Such acoustic barriers as agreed pursuant to condition 38 above shall be installed and retained in accordance with a programme agreed in writing with the local planning authority before development commences.

Reason

To ensure no loss of amenity by any sensitive receptors by virtue of any polluting activity and to ensure compliance with policy DS11 of the North Lincolnshire Local Plan.

42.

Construction work on site shall only be carried out between the following hours:

- (i) where the work is within 200 metres of any residential property - 8am to 6pm Monday to Friday, 8am to 2pm on Saturdays and not at all on Sundays or Bank and National Holidays;
- (ii) where work is greater than 200 metres from any residential property - 7am to 9pm Monday to Saturday and not at all on Sundays or Bank and National Holidays.

Reason

To ensure no loss of amenity by any sensitive receptors by virtue of any polluting activity and to ensure compliance with policy DS11 of the North Lincolnshire Local Plan.

43.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

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.

BUILDING MATERIALS

44.

Prior to the commencement of work on the first building on the site, a design code concerning the external cladding of all buildings to be erected on the site shall be submitted to and agreed in writing by the local planning authority. Only the approved materials shall be used.

Reason

To ensure that the buildings are in keeping with their surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

ECOLOGY

45.

The floodbank hereby permitted shall be constructed strictly in accordance with submitted drawings KI-06011 Rev G, KI-06012 Rev G, KI-06013 Rev G, KI-06014 Rev G, KI-06015 Rev G, KI-06016 Rev G, KI-06017 Rev G, KI-06018 Rev G, KI-06019 Rev G, KI-06020 Rev G, KI-06021 Rev G, KI-06024 Rev F, KI-06025 Rev E, KI-06026 Rev B, KI-06027 Rev B, KI-06029 Rev D, KI-06030 Rev D and KI-06032 Rev E. No floodbank construction works shall be permitted further than 5.5 metres from the existing floodbank toe beam. No rock armour shall be placed more than 5.5 metres from the existing floodbank toe beam.

Reason

To protect features of the Humber Estuary SAC, SPA and Ramsar site in accordance with policies LC1 and LC2 of the North Lincolnshire Local Plan.

46.

The managed retreat works shown on submitted drawings KI-06029 D and KI-06030 D shall be carried out in their entirety before the commencement of any other floodbank works.

Reason

To provide new intertidal habitat in advance of any loss of intertidal habitat, thus protecting features of the Humber Estuary SAC, SPA and Ramsar site in accordance with policies LC1 and LC2 of the North Lincolnshire Local Plan.

47.

No development shall commence until details of a scheme for the satisfactory provision of sufficient capacity within the public sewerage system and at the wastewater treatment works to meet the needs of the approved development has been submitted to and approved in writing by the local planning authority. No buildings shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason

To protect features of the Humber Estuary SAC, SPA and Ramsar site in accordance with policies LC1 and LC2 of the North Lincolnshire Local Plan.

48.

No development shall take place until a water pollution prevention plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (i) details of measures to avoid water-borne pollution during construction in accordance with sections 10.5.16 to 10.5.22 of the submitted environmental statement;
- (ii) details of measures to avoid water-borne pollution in accordance with sections 8.6.36 to 8.6.39 and 16.3.43 of the submitted environmental statement.

Reason

To protect features of the Humber Estuary SAC, SPA and Ramsar site in accordance with policies LC1 and LC2 of the North Lincolnshire Local Plan.

49.

No development shall take place until a waterbird and construction method statement has been submitted to and agreed in writing by the local planning authority. The plan shall include:

- (i) a prohibition on floodbank works or other works within the Humber Estuary SPA between October and February within, and up to 500 metres to the south of, East Halton Skitter;
- (ii) a prohibition on earthworks to raise or lower ground levels between October and February;
- (iii) details of measures that shall be put in place during construction to avoid impacts upon waterbirds;

- (iv) a programme of construction noise and visual disturbance monitoring and bird disturbance studies to be carried out with results to be submitted to the local planning authority quarterly during the construction period;
- (v) details of thresholds for disturbance and/or displacement of waterbirds that shall trigger amendment of working methods in response to monitoring results;
- (vi) details of the means by which amended sensitive working methods shall be agreed with the local planning authority;
- (vii) details of sensitive working methods for installation of the hydrogen pipeline and construction of the pumping station;
- (viii) details of measures to control construction-phase light pollution in accordance with section 10.5.127 of the submitted environmental statement.

All site clearance and construction works shall be carried out strictly in accordance with the agreed waterbird and construction method statement unless otherwise agreed in writing by the local planning authority.

Reason

To protect features of the Humber Estuary SPA and Ramsar site in accordance with policies LC1 and LC2 of the North Lincolnshire Local Plan.

50.

No development shall take place until a conservation management plan for waterbird mitigation areas has been submitted to and agreed in writing with the local planning authority. The plan shall include:

- the aims and objectives of the plan, including proposed indicators of success;
- details of the ecological requirements of target species and the ecological trends affecting them;
- plans and details of habitats to be created and managed to support the target species, including details of earthworks, ground levels, islands, scrapes, soil properties, water control structures, ditches, waterbodies, target grassland sward types and any screening banks, hedgerows or reedbeds;
- ongoing management measures to be implemented to maintain habitats in favourable condition;
- detailed grazing prescriptions for wetland mitigation areas, including the means by which cattle shall have access to the proposed grassland areas;
- details of measures required to ensure the welfare of grazing animals;
- confirmation that areas of grass, rush and sedge shall be managed by cattle grazing, rather than mowing, unless agreed in writing by the local planning authority;

- detailed prescriptions for control of water levels, inputs and output, including water budgets for average, dry and wet years;
- timing of proposed works;
- details of remedial measures to be carried out in the event of water levels or other target measures rising or falling beyond agreed limits;
- 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;
- implementation of the management plan.

The conservation management plan shall be reviewed by the applicant or their successor in title every five years in order to achieve the stated aims and objectives. Following such five yearly reviews, any changes agreed between the applicant or their successor in title and the local planning authority shall be incorporated into a revised conservation management plan which shall thereafter be the conservation management plan for the purposes of all associated planning conditions.

The agreed conservation management plan shall be implemented in its entirety, in accordance with agreed timings, unless otherwise agreed in writing by the local planning authority. The features provided through implementation of the plan shall be retained and managed as agreed thereafter.

Reason

To protect features of the Humber Estuary SPA and Ramsar site in accordance with policies LC1 and LC2 of the North Lincolnshire Local Plan.

51.

Development shall be phased in accordance with submitted drawing number KI-02004 B, dated 15 February 2011, as follows:

- (i) No development shall take place within the areas identified as Phases 3, 4, 5 or 6 until commitments have been agreed in writing with the local planning authority to carry out wetland mitigation works in accordance with submitted drawing ALP-08025 revision A dated 15 February 2011 OR to carry out wetland mitigation works in accordance with submitted drawing ALP-08024 revision A dated 15 February 2011 AND carry out wetland mitigation works of not less than 50 hectares at a further location to be agreed in writing with the local planning authority.

- (ii) No development shall take place within the areas identified as Phases 3, 4, 5 or 6 until the local planning authority has agreed in writing that SPA waterbird mitigation area works have been satisfactorily completed in accordance with the agreed conservation management plan AND the agreed commitments described in section (i) above.
- (iii) Notwithstanding the above restrictions, the hydrogen pipeline and sea wall works shall not be restricted to any given phase.

Reason

To protect features of the Humber Estuary SPA and Ramsar site in accordance with policies LC1 and LC2 of the North Lincolnshire Local Plan.

52.

No development shall take place until a bird monitoring programme has been submitted to and agreed in writing by the local planning authority. The programme shall include:

- (i) bird monitoring methods and prescriptions for created wetland mitigation areas, WeBS sectors ISI, NG2, NG3, NG4, NG5 and NG6, the proposed landscape buffer and the application site prior to and during development
- (ii) timing of bird monitoring including seasonal timing, frequency of counts, tidal state during counts, starting points and end points
- (iii) reporting standards, including format of annual reports, interim reports and measures to be derived from the raw data
- (iv) measures of favourable condition with reference to bird populations and assemblages using the created wetland mitigation areas, WeBS sectors ISI, NG2, NG3, NG4, NG5 and NG6 and the proposed landscape buffer
- (v) bird population and assemblage thresholds that indicate the success of mitigation and an absence of adverse effect on the integrity of the Humber Estuary SPA and Ramsar sites
- (vi) mechanisms for implementing any necessary remedial measures

The agreed bird monitoring programme shall be implemented in its entirety, in accordance with agreed timings and methods, unless otherwise agreed in writing by the local planning authority.

Reason

To protect features of the Humber Estuary SPA and Ramsar Site in accordance with policies LC1 and LC2 of the North Lincolnshire Local Plan.

53.

No development shall take place until a waterbird protection plan has been submitted to and agreed in writing by the local planning authority. The plan shall include:

- (i) details of measures to minimise light overspill into wetland mitigation areas, East Halton Pits and the Humber Estuary SPA and Ramsar site;

- (ii) details of measures to minimise the visual appearance of high lighting towers for birds;
- (iii) details of noise monitoring locations to record noise levels at the boundary of the waterbird mitigation areas;
- (iv) a programme of noise monitoring and bird disturbance studies to be carried out with results to be submitted to the local planning authority at agreed intervals;
- (v) details of thresholds for disturbance and/or displacement of waterbirds that shall trigger remedial measures in response to monitoring results;
- (vi) details of the means by which remedial measures shall be agreed with the local planning authority;

The agreed waterbird protection plan shall be implemented in its entirety, in accordance with agreed timings, unless otherwise agreed in writing by the local planning authority. Any agreed remedial measures shall be retained thereafter.

Reason

To protect features of the Humber Estuary SPA and Ramsar site in accordance with policies LC1 and LC2 of the North Lincolnshire Local Plan.

54.

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 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 all wetland mitigation areas 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

To provide environmental controls in accordance with policies DS1, DS12, LC1, LC2, LC4, LC5, LC6 and LC12 of the North Lincolnshire Local Plan.

55.

No development shall take place until a landscape and biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of measures to avoid harm to protected species, including bats, badgers, water voles and nesting birds during the construction, operational and decommissioning phases of development;
- (b) details of features to be created to support roosting bats and nesting birds in the site buildings and throughout the site;
- (c) details of proposed planting and aftercare of trees, hedges, shrubs and other plants;
- (d) details for the creation and management of ponds, field margin habitats, grassland habitats for farmland birds, water voles, bats and badgers;
- (e) details of the timing of the above works in relation to development of the site;
- (f) monitoring procedures and remedial measures triggered by monitoring;
- (g) persons responsible for:
 - (i) compliance with legal consents relating to nature conservation;
 - (ii) compliance with planning conditions relating to nature conservation;
 - (iii) implementation of sensitive working practices during construction;
 - (iv) implementation of the management plan.

The management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority.

Reason

To provide landscaping and protect features of recognised nature conservation importance in accordance with policies DS1, LC5, LC6 and LC12 of the North Lincolnshire Local Plan.



River Humber

KEY

- Planning Application Boundary
- (A) 20ha Core Mitigation Area
- (B) Buffer 35.06ha
- SINC Site 7.25ha

Areas that can be developed subject to further planning consent without an adverse impact on the SPA & Ramsar bird assemblage.

- Impact of other consented development on protected species to be assessed in accordance with the legal requirements pertaining at the time of any application.

Phase 1.
No works other than phase 1 works to be undertaken until a 'stepping stone' of 20ha of core habitat surrounded by an agreed and appropriate buffer outside of the application site in an area to be reasonably agreed with NE, RSPB, and NLC.

(A)

(B)

SINC Site

(B)

5.5ha

18.8ha

Potential Development Area
(Refer to Key)

A	15/02/11	Preliminary Issue	Rk	RC	RC
Rev	Date	Comments	Drw	Chk	App

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Project:	ABLE Logistics Park
Client:	ABLE UK Ltd
Title:	Option 1 Site Plan

PRELIMINARY

Scale:	Drawn	Checked	Approved
1:10,000@A3	R Keirl	R Cram	R Cram
Date	15/02/2011	15/02/2011	15/02/2011
Drawing No.	ALP - 08024		Revision: A



River Humber

KEY

- Planning Application Boundary
- (A) 32ha Core Mitigation Area
- (B) Buffer 41.96ha
- SINC Site 7.25ha

Areas that can be developed subject to further planning consent without an adverse impact on the SPA & Ramsar bird assemblage.

- Impact of other consented development on protected species to be assessed in accordance with the legal requirements pertaining at the time of any application.

- Phase1.
No works other than phase 1 works to be undertaken until a 'stepping stone' of 20ha of core habitat surrounded by an agreed and appropriate buffer outside of the application site in an area to be reasonably agreed with NE, RSPB, and NLC.

Areas A & B must be complete before any development other than Phase 1 development is commenced.

Potential Development Area (Refer to Key)

A	15/02/11	Preliminary Issue	Rk	RC	RC
Rev	Date	Comments	Drw	Chk	App

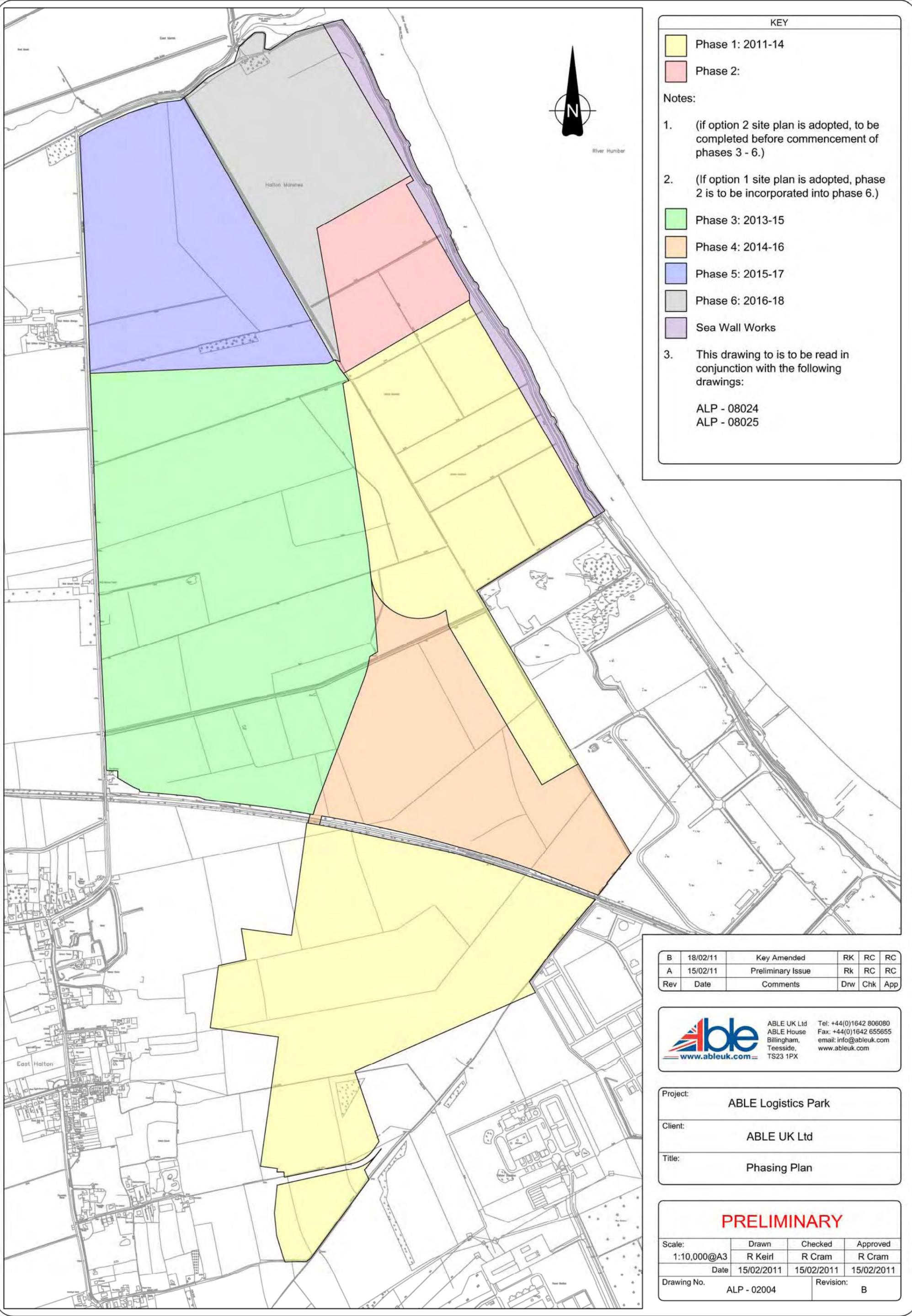
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Project:	ABLE Logistics Park
Client:	ABLE UK Ltd
Title:	Option 2 Site Plan

PRELIMINARY

Scale:	Drawn	Checked	Approved
1:10,000@A3	R Keirl	R Cram	R Cram
Date	15/02/2011	15/02/2011	15/02/2011
Drawing No.	ALP - 08025		Revision: A



River Humber

KEY

- Phase 1: 2011-14
- Phase 2:
- Phase 3: 2013-15
- Phase 4: 2014-16
- Phase 5: 2015-17
- Phase 6: 2016-18
- Sea Wall Works

Notes:

1. (if option 2 site plan is adopted, to be completed before commencement of phases 3 - 6.)
2. (If option 1 site plan is adopted, phase 2 is to be incorporated into phase 6.)

3. This drawing is to be read in conjunction with the following drawings:

ALP - 08024
ALP - 08025

B	18/02/11	Key Amended	RK	RC	RC
A	15/02/11	Preliminary Issue	Rk	RC	RC
Rev	Date	Comments	Drw	Chk	App



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Project:	ABLE Logistics Park
Client:	ABLE UK Ltd
Title:	Phasing Plan

PRELIMINARY

Scale:	1:10,000@A3	Drawn:	R Keirl	Checked:	R Cram	Approved:	R Cram
Date	15/02/2011	15/02/2011	15/02/2011				
Drawing No.	ALP - 02004			Revision:	B		