

## **DELEGATED REPORT**

**ITEM:** **RECOMMENDATION: Conditions Complied With**

**APPLICATION No:** **DM/0626/20/CND**

**APPLICATION TYPE:** Discharge Condition

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

**PROPOSAL:** Details in discharge of Part 2 of Condition 13 (Contamination - Investigation) pursuant to DM/1070/18/FUL (Construction of an energy from waste facility of up to 49.9MWe gross capacity including emissions stack(s), associated infrastructure including parking areas, hard and soft landscaping, the creation of a new access to South Marsh Road, weighbridge facility, and drainage infrastructure, on land at South Humber Bank Power Station)

**APPLICANT:**  
EP SHB Limited  
C/o Agent

**AGENT:**  
Mr Jordan Martin  
DWD Property and Planning  
6 New Bridge Street  
London  
EC4V 6AB

**DEPOSITED:** 5th August 2020

**ACCEPTED:** 5th August 2020

**TARGET DATE:** 30th September 2020

**PUBLICITY EXPIRY:** 31st August 2020

**AGREED EXTENSION OF TIME DATE:**

**CONSULTATION EXPIRY:** 31st August 2020

**CASE OFFICER:** Cheryl Jarvis

## **PROPOSAL**

The application provides details in support of the discharge of Part 2 of Condition 13 (Contamination - Investigation) pursuant to DM/1070/18/FUL (Construction of an energy from waste facility of up to 49.9MWe gross capacity including emissions stack(s), associated infrastructure including parking areas, hard and soft landscaping, the creation of a new access to South Marsh Road, weighbridge facility, and drainage infrastructure, on land at South Humber Bank Power Station).

## **SITE**

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

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

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

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

The A180 is to the far south and west with a number of smaller classified roads which link it to the site and the South Humber Bank Link Road.

## **RELEVANT PLANNING HISTORY**

DM/1070/18/FUL - Construction of an energy from waste facility of up to 49.9MWe gross capacity including emissions stack(s), associated infrastructure including parking areas, hard and soft landscaping, the creation of a new access to South Marsh Road, weighbridge facility, and drainage infrastructure, on land at South Humber Bank Power Station. Approved with Conditions and S106.

DM/0486/19/CND - Details in discharge of condition 13, Part 1 (Contamination - investigation)  
DM/1070/18/FUL (Construction of an energy from waste facility of up to 49.9MWe gross capacity including emissions stack(s), associated infrastructure including parking areas, hard and soft landscaping, the creation of a new access to South Marsh Road, weighbridge facility, and drainage infrastructure, on land at South Humber Bank Power Station). Conditions Part Complied With.

DM/0713/19/CND - Details in discharge of condition 10 (Construction Management Plan - Phase 1) pursuant to DM/1070/18/FUL (Construction of an energy from waste facility of up to 49.9MWe gross capacity including emissions stack(s), associated infrastructure including parking areas, hard and soft landscaping, the creation of a new access to South Marsh Road, weighbridge facility, and drainage infrastructure, on land at South Humber Bank Power Station). Conditions Part Complied With.

DM/1117/19/CND - Details in discharge of Condition 18 (Delivery and Servicing) pursuant to DM/1070/18/FUL (Construction of an energy from waste facility of up to 49.9MWe gross capacity including emissions stack(s), associated infrastructure including parking areas, hard and soft landscaping, the creation of a new access to South Marsh Road, weighbridge facility, and drainage infrastructure, on land at South Humber Bank Power Station). Conditions Complied With.

## **RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS**

National Planning Policy Framework (February 2019)

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

## **REPRESENTATIONS RECEIVED**

Environment Team - Agree to the discharge of this part of the condition.

Environment Agency - The site poses low risk to controlled water and are content this part of the condition can be discharged.

## **APPRAISAL**

The application relates to the partial discharge of condition 13 (Contamination), following approval for Part 1 under DM/0486/19/CND.

Condition 13 read:

Condition

Development must not commence, save for the permitted preliminary works, until a scheme for an investigation of the nature and extent of any contamination on the site, whether or not it originates on the site, has been submitted to and approved in writing by the Local Planning Authority. The investigation must be based on the assessment included in Appendix 12A of the submitted Environmental Statement, and must be undertaken by competent persons. (Discharged under DM/0486/19/CND).

The development must not commence, save for the permitted preliminary works, until a written

report of the findings of the investigation has been prepared and submitted to and approved in writing by the Local Planning Authority. The report must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwaters and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments (if applicable);
- (iii) an appraisal of the need for remediation to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and (if applicable) historical environment;
- (iv) if there is a need, then an appraisal of the remedial options available and a description of the proposed remediation scheme. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

#### Reason

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

A Volume 1 - Ground Investigation Report and Volume 2 Interpretative Report have been prepared and submitted alongside a covering letter. Both the Environment Team and the Environment Agency are content that the information is sufficient to allow the discharge of Part 2 of this condition.

#### **CONCLUSION**

Pursuant to the Town and Country Planning Act 1990 (as amended), i hereby confirm that the details are sufficient to discharge Part 2 (i-iv) of Condition 13 (Contamination - Investigation) pursuant to DM/1070/18/FUL (Construction of an energy from waste facility of up to 49.9MWe gross capacity including emissions stack(s), associated infrastructure including parking areas, hard and soft landscaping, the creation of a new access to South Marsh Road, weighbridge facility, and drainage infrastructure, on land at South Humber Bank Power Station).

## **RECOMMENDATION**

**Conditions Complied With**

**Case Officer: Cheryl Jarvis**

**Supervising officer:  
Name: Martin Dixon**

**North East Lincolnshire Council Officer with Delegated Powers:  
Name: Chris Lines**