

Date: 9 September 2021
Your Ref: EN010107
Our Ref: 14079



6 New Bridge Street
London EC4V 6AB

E: info@dwdllp.com
W: dwdllp.com

The Secretary of State for Business, Energy & Industrial Strategy
1 Victoria Street
London
SW1H 0ET

By e-mail to: SouthHumberBank@planninginspectorate.gov.uk

Dear Sir or Madam

APPLICATION BY EP WASTE MANAGEMENT LIMITED (“THE APPLICANT”) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE PROPOSED SOUTH HUMBER BANK ENERGY CENTRE, STALLINGBOROUGH, NORTH EAST LINCOLNSHIRE (“THE PROPOSED DEVELOPMENT”)

RESPONSE TO REQUEST FOR INFORMATION DATED 27 AUGUST 2021

Further to the above we provide the following response and information.

Section 106 Town & Country Planning Act 1990 Agreement

The Applicant is continuing to seek Lloyds Bank plc’s consent to the planning / development consent obligations, via the confirmatory deed, but Lloyds Bank plc has not yet executed the document.

Article 5(12) in the Applicant’s final draft development consent order (“DCO”) prevents any notice required prior to commencement of the authorised development from being served (and thereby also prevents commencement of the authorised development) until Lloyds’ interest is bound by the obligation in the section 106 agreement or the charge is no longer in place. The Applicant is therefore unable to commence development under the DCO until the position regarding Lloyds’ interest is resolved. In addition, only the Applicant has the benefit of the DCO and any transfer of the benefit of the DCO to Lloyds (which would be required should Lloyds seek to carry out the authorised development) would require the Applicant’s written agreement and the Secretary of State’s consent.

The Applicant’s full explanation of the position on Lloyds’ interest and the proposed provisions in its final draft DCO is set out in rows 2-6 of the table in its Submissions in Response to ExA’s R17 Letter Dated 28 April 2021 (REP7-007).

The Applicant also notes that an application under section 73 of the Town and County Planning 1990 (“TCPA 1990”) was submitted in March this year to vary conditions 3 and 11 of the SHBEC Planning Permission (reference DM/0273/21/FUL, “the s73 Application”). During the determination of the s73 Application, North East Lincolnshire Council (“NELC”) discussed a condition with the applicant which prevents commencement of development unless and until all legal interests in the site existing at the time of commencement are bound by an agreement under section 106 TCPA 1990, such that those interests are bound by the obligation in the s106 agreement entered into between the applicant and NELC on 11 April 2019. NELC agreed with this approach and the s73 Application was granted on 6

Partners



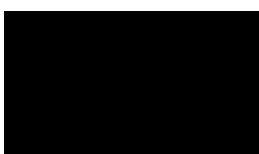
August 2021 with this condition included at number 27 (“the s73 Permission”). A copy of the s73 Permission is enclosed at Appendix 1. This demonstrates that an approach similar to that proposed via article 5(12) in the DCO has been agreed with NELC as being acceptable and effective in the TCPA 1990 context.

National Grid

National Grid’s solicitors wrote to the Secretary of State on 8 September 2021 to withdraw their client’s objection to the DCO application, on the basis of the agreement between their client and the Applicant. A copy of their email is enclosed at Appendix 2. No amendments to the Draft DCO are required.

Should you require further information please do not hesitate to contact me.

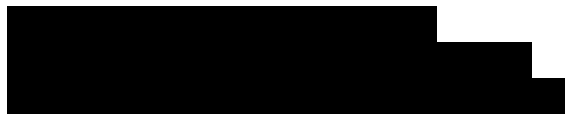
Yours faithfully,



Colin Turnbull
Partner
DWD



Cc.



Encs.

Appendix 1 – Copy of Decision Notice for the S73 Permission

Appendix 2 - National Grid e-mail to Secretary of State dated 8.9.21

Appendix 1

Town and Country Planning Acts

NOTICE OF DECISION

Application Number: DM/0273/21/FUL

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address: EP SHB Limited C/o Agent	Agent's Name and Address: Mr James Smith DWD LLP [REDACTED]
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Proposal: Variation of Condition 3 (iii - Preliminary works) to delete reference to piling and Condition 11 (Piling) to vary timing of submission of piling information details as granted on DM/1070/18/FUL

Application Site: Land Rear Of Power Station Hobson Way Stallingborough North East Lincolnshire

The following decision has been made upon your application received on 11th March 2021.

Granted subject to: -

- 1 Condition
The development hereby permitted shall commence before 12th April 2024.

Reason
To comply with S.91 of the Town and Country Planning Act 1990.
- 2 Condition
The development shall be carried out in accordance with the following plans:
 - Site Location Plan (2522-026 rev R2)
 - Development Areas Plan (2522-031 rev R1)
 - Access Plan (rev SK001 revision submitted 15.2.19)

The details submitted under each subsequent condition of this permission, and the development as built, shall not have greater dimensions than those shown in Table 4.1 of the submitted Environmental Statement.

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

3 Condition

References to "the main development area" in this and subsequently numbered conditions of this planning permission shall mean the area edged in green in the Development Areas Plan (2522-031 rev R1).

References to "the permitted preliminary works" in subsequently numbered conditions of this planning permission shall mean works comprising:

- (i) biodiversity management, mitigation and enhancement works, providing these are in accordance with Condition 8 or any details approved thereunder;
- (ii) provision of wheel cleaning facilities required pursuant to Condition 10;
- (iii) installation and diversion of utility services within the Site;
- (iv) surveys;
- (v) removal of existing structures, and site clearance works within the main development area; and
- (vi) temporary contractors' facilities.

References to "coming into operation" in subsequently numbered conditions of this planning permission shall mean the date on which the development first receives commercial deliveries of fuel (RDF).

References to "approved in writing by the Local Planning Authority" in subsequently numbered conditions of this planning permission shall constitute an approval given in a written format by a duly authorised officer.

Reason

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

4 Condition

Development shall not commence, save for the permitted preliminary works, until details of the final position of any buildings, finished floor levels, elevations and floor plans (which shall be in general accordance with "Section through bunker showing Proposed Finished Floor Level (2522-023 rev R1)" and "Floor Plans including Roof Plan (2522-043 rev R1)" and Elevations Plan reference (2522-032 rev R1)), have been submitted to and approved in writing by the Local Planning Authority. The only building with more than three occupied storeys shall be the administration block as shown in the "Development Areas Plan (2522-031 rev R1)". The development shall then proceed in accordance with the approved details.

Reason

For the avoidance of doubt, in the interests of proper planning, in the interests of health and safety and to ensure the development is in keeping with the visual amenity and character of the area in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

5 Condition

Development shall not commence, save for the permitted preliminary works, until details of all external materials to be used in construction of the buildings (which shall be in general accordance with those illustrated in the "Elevations Plan reference (2522-032 rev R1)") have been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

6 Condition

The existing tree planting associated with the South Humber Bank Power Station and lying within the site and outside the main development area shall be retained (as described in paragraph 11.7.2 of the submitted Environmental Statement) throughout the construction and operation of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

7 Condition

The development must not commence, save for the permitted preliminary works, until the details and position of boundary treatments, circulation areas, hardstandings and all other hard landscaping have been submitted and approved in writing by the Local Planning Authority.

The details submitted for the boundary treatment shall, further, be in general accordance with the submitted "Proposed Fence Section" (2522-036 rev R1) and in accordance with paragraph 10.7.3 of the submitted Environmental Statement.

Prior to the development coming into operation:

- (a) A lighting scheme, which shall be in accordance with paragraphs 4.4.15 and 4.4.16 of the submitted Environmental Statement;
- (b) A scheme of landscaping showing hard and soft landscaping materials details, and the details of the number, species, sizes and planting positions of any amenity planting and landscaping;
- (c) A phasing plan for the planting of the landscaping scheme; and
- (d) A future maintenance plan for the landscaping

must be submitted to and approved in writing by the Local Planning Authority.

The measures (b) to (d) shall be in accordance with part 11.7 of the submitted Environmental Statement.

All landscaping measures must thereafter be implemented as approved within a period of 12 months beginning with the coming into operation of the development, or within such longer period as may be first approved in writing by the Local Planning Authority. The lighting, boundaries, circulation and hard surfaces shall be installed as approved.

Reason

For the avoidance of doubt, in the interests of ecology and to ensure the development preserves the visual amenity and character of the area in accordance with Policies 5, 22, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

8 Condition

The ecological management and mitigation measures shown in paragraphs 10.7.3, 10.7.6-10.7.18 and 10.7.23 of the submitted Environmental Statement (as amended by the ES addendum paragraph 10.7.10 submitted March 2019) shall be implemented in full including in respect of timings.

At least twelve months prior to the anticipated date of the development coming into operation an Ecological Mitigation and Enhancement Plan (which shall accord with Figure 4.2 and paragraphs 10.7.20-10.7.22 and 10.7.24 of the submitted Environmental Statement) must be submitted to the Local Planning Authority. This must include written details from an ecologist to confirm that the ecological management and mitigation measures referred to in the previous paragraph of this condition have been implemented and are effective. Once this plan has been approved by the Local Planning Authority, it must be implemented in full by the end of the second planting season thereafter and any monitoring activities in the plan shall be carried out as approved.

Reason

To ensure that appropriate measures described in the Environmental Statement are delivered, and ensure no unacceptable impact upon protected species, in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

9 Condition

Development shall not commence, save for the permitted preliminary works, until a scheme for the disposal of surface and foul water drainage including a future maintenance plan has been submitted to and approved in writing by the Local Planning Authority. Once approved, the drainage shall be implemented as approved prior to the development coming into operation and shall be maintained in line with the details approved thereafter.

No infiltration of surface water drainage into the ground is permitted unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure appropriate provisions for the disposal of surface water and foul drainage and to reduce the risk and impact of flooding, to accord with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

10 Condition

No development shall commence other than the works described in the documents approved under condition discharge approval DM/0713/19/CND - phase 1 (or such approval as may replace it), until a Construction Management Plan in general accordance with the Outline CEMP (Volume III Appendix 5A of the submitted Environmental Statement), has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall (if submitted for a phase) be specific to and appropriate for that phase, and shall contain details on the following matters:

- Visitor and contractor parking areas;
- Materials management plan;
- Materials storage area;
- Wheel cleaning facilities;
- Noise, vibration and dust mitigation measures;
- Lighting details;
- Construction traffic management plan (which shall be in accordance with the outline document included as Annex 26 of Appendix 9A of the submitted Environmental Statement);
- Construction worker travel plan (which shall be in accordance with the outline document included as Annex 25 of Appendix 9A of the submitted Environmental Statement);
- Waste management in accordance with section 16.5 of the submitted Environmental Statement;
- Pollution control.

The development, forming phase 1 shall accord with the details approved under condition discharge ref: DM/0713/19/CND, unless otherwise approved by the local planning authority and subsequent relevant phases shall then proceed in full accordance with the plans/details to be approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and to protect the amenities of neighbouring land users in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

11 Condition

Development shall not commence, save for the permitted preliminary works, until detailed specifications of the type of piling to be used to support the building/structures have been submitted to and approved in writing by the Local Planning Authority. Included shall be a scheme to mitigate the effects of the piling with regard to noise to ecological receptors (which shall be in accordance with paragraph 10.7.2 of the submitted Environmental Statement) and a scheme to mitigate the effects of the piling with regard to groundwater resources (which shall be in accordance with the results of the site investigation carried out, and the remediation strategy submitted, pursuant to condition 13 of this planning permission). The piling shall be carried out in accordance with the approved details, unless any variation is first approved in writing by the Local Planning Authority.

Reason

To protect local amenity and ecology in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

12 Condition

If unexpected contamination is found after development has begun, other than that described in the documents approved under condition discharge DM/0626/20/CND and DM/0486/19/CND (or such approval as may replace them), it must be notified in writing immediately to the Local Planning Authority, and development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 15 has been complied with in relation to that contamination.

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 from previously unidentified contamination sources at the development site in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

13 Condition

In the event that contamination is found on site, other than that which was identified in the documents approved under condition discharge approvals DM/0626/20/CND and DM/0486/19/CND (or such approval as may replace them), a scheme, in accordance with condition 15, for the investigation of the nature and extent of the contamination on the site, whether or not it originates on the site, shall be submitted to the Local Planning Authority for approval in writing. The investigation must be undertaken by competent persons.

In accordance with condition 15, a written report of the findings of the investigation shall be prepared and submitted to the Local Planning Authority for approval in writing. The report 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 (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).

14 Condition

Following unexpected contamination being found on site no further development on that part of the site affected shall occur, as agreed within condition 12, until any remediation scheme approved under condition 13 of this planning permission has been carried out in accordance with its terms, unless otherwise agreed in writing by the Local Planning Authority.

Following completion of the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation scheme must be submitted to and approved in writing by the Local Planning Authority and only at that stage can development recommence in the part of site affected.

Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

15 Condition

At any time during construction or operation, in the event that contamination is found that was not previously identified it must be notified in writing immediately to the Local Planning Authority in line with condition 12. As soon as is practically possible a scheme of site investigation and a risk assessment of the contamination, must be submitted to and agreed in writing by the Local Planning Authority in line with the requirements of condition 13 and thereafter undertaken and completed by competent persons. Within 3 months of first notification of the local planning authority of the contamination, under the requirements of condition 12, a written report of the findings of the investigation and risk assessment undertaken, in accordance with condition 13, must be produced and submitted to the Local Planning Authority for approval. Where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13 and submitted to and approved in writing by the Local Planning Authority as soon as practicable. Following completion of measures identified in the remediation scheme approved under this condition, a verification report must be prepared in accordance with the requirements of condition 14 and submitted to and approved in writing by the Local Planning Authority as soon as practicable.

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 from previously unidentified contamination sources at the development site in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

16 Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment, Appendix 14A of the submitted Environmental Statement, dated December 2018 by AECOM, unless otherwise approved in writing by the Local Planning Authority in consultation with the Environment Agency. In particular:

- critical equipment assets shall be elevated to no lower than 4.55m above Ordnance Datum (AOD) or, alternatively, adequately protected through flood resistance and resilience measures
- a place of safe refuge shall be provided at a level no lower than 4.55m AOD

The above mitigation measures shall be fully implemented prior to occupation of the development and subsequently remain in place.

Reason

To reduce the risk of flooding to the proposed development and future occupants and to ensure that any disruption caused by flooding is kept to a minimum in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

17 Condition

The development shall not be occupied until a Flood Warning and Evacuation Plan, which includes signing up to the Floodline Warnings Direct service, has been submitted to and approved in writing by the Local Planning Authority. The flood warning and evacuation plan shall be fully implemented prior to occupation of the development and subsequently remain in place.

Reason

To reduce the risk of flooding to future occupants in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

18 Condition

All operational HGVs movements connected to the approved development must be in accordance with the Operational Delivery and Servicing Plan, approved by Local Planning Authority under condition discharge approval ref no: DM/1117/19/CND (or such approval as may replace it), throughout the developments lifetime, unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety and amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

19 Condition

Prior to the development coming into operation, an Operational Travel Plan (OTP) shall be submitted to and approved in writing by the Local Planning Authority. The OTP should be produced in accordance with NELC guidance and in liaison with the Business Travel Plan Officer.

The OTP submitted shall be in accordance with the Framework Operational Travel Plan within Annex 6 of Appendix 9A of the submitted Environmental Statement.

Once approved, the OTP shall be implemented in full and operated in line with its terms and timings throughout the lifetime of the development.

Reason

In the interests of sustainable development in accordance with Policies 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

20 Condition

Prior to the development coming into operation details of the visibility splays at the proposed site entrance must be submitted to and approved in writing by the Local Planning Authority. Visibility splays shall thereafter be implemented in accordance with the details agreed and nothing shall at any time be erected or allowed to grow over 1.05 metres in height above the carriageway level of the adjoining highway within the visibility splays. The location of the visibility splays shall be located in line with the "Access Plan (SK001)" revision submitted 15.2.19 and "Swept Path Analysis plan (SK002)" submitted 15.2.19.

Reason

In the interests of road safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

21 Condition

Development shall not commence, save for the permitted preliminary works, until detailed plans have been submitted to and approved in writing by the Local Planning Authority, showing:-

(a) The proposed layout and construction details of the proposed new entrance to the site including the junction and connection with the adopted highway (which shall be in accordance with: either "Access Plan (SK001)" revision submitted 15.2.19 and the submitted Proposed Culvert for Site Access plan (2522-035 rev R1)); or any details in respect of this new entrance that have been approved under S278 Highways Act 1980 by the Local Highways Authority;

(b) The highway drainage system; and

(c) Location, type and number of permanent vehicle and two-wheeler and cycle parking spaces.

The details shall be implemented in full as approved prior to the development coming into operation.

Reason

In the interests of highway amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

22 Condition

No development must take place, save for the permitted preliminary works, until a survey of the condition of the adopted section of the local access road South Marsh Road (east of Hobson Way) has been carried out and details submitted to and approved by the local planning authority. The survey must comprise SCANNER, deflectograph equipment, and supporting road core data with cores taken every 100m. The details must comprise a report detailing the survey methodology and the findings as to the theoretical capacity of the structure of the road based on a million standard axle calculation.

Additionally, within six months of the development coming into operation a report must be submitted to and approved in writing by the local planning authority setting out the results of traffic surveys along South Marsh Road (east of Hobson Way) conducted since the coming into operation of the development. The report shall include information on HGV tonnage and volumes and a comparison against the theoretical capacity of the structure of the road contained in the details approved under the first paragraph of this condition.

If the findings show the actual traffic using the road exceeds the theoretical capacity, and the exceedance is attributable to the development authorised by this planning permission, the applicant shall within three months of an approval under the second paragraph of this condition submit details of a scheme of improvement for South Marsh Road (east of Hobson Way) and a programme for implementation to the local highways authority for their consideration and agreement under Section 278 Highways Act 1980.

Reason

To ensure that the local access road South Marsh Road is structurally suitable for the traffic added by the development, in line with Policies 5 and 6 of the North East Lincolnshire Council Local Plan 2013-2032 (adopted 2018).

23 Condition

Development shall not commence, save for the permitted preliminary works, until the following information has been submitted to the Local Planning Authority, who shall immediately notify UK DVOF & Powerlines at the Defence Geographic Centre:

- a. Precise location of development.
- b. Date of commencement of construction.
- c. The proposed date of completion of construction.
- d. The height above ground level of the tallest structure.
- e. The maximum extension height of any construction equipment.
- f. Details of aviation warning lighting to be fitted to the structure(s), which must include fitting the emissions stack(s) with a minimum intensity 25 candela omni directional flashing red light or equivalent infra-red light fitted at the highest practicable point of the structure.

The aviation warning lighting approved pursuant to part (f) must thereafter be implemented in full before the construction of the emissions stack(s) is complete or within an agreed time frame to be approved in writing with the Local Planning Authority.

At the earliest opportunity prior to the known final date of completion of the construction, the actual date of construction completion shall be submitted to the Local Planning Authority. There shall be no deviation from, or exceedance of the details provided to the Local Planning Authority, unless first approved in writing by the Local Planning Authority.

Reason

In the interests of air safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

24 Condition

The hereby approved power facility shall use refuse derived fuel only (RDF), with the exception of the limited use of fuel oil during start up periods only. RDF comprises of processed waste from municipal, household, commercial and industrial sources.

Reason

To ensure the proposal is consistent with the submitted details and supporting Environmental Statement to accord with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

25 Condition

With the exception of the fuel oil tank, at no time shall any fuel stock for the energy recovery facility be stored outside of the main building.

Reason

In the interest of environmental protection in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

26 Condition

Within two years of the development ceasing commercial operations a Decommissioning Plan, including a Decommissioning Environmental Management Plan, must be submitted to and approved in writing by the Local Planning Authority. Once approved, the decommissioning shall only be carried out in accordance with the approved details.

Reason

For the avoidance of doubt and in the interests of ecology, highway safety and the environment in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

27 Condition

No development hereby approved shall be commenced on the application site unless and until: all parties with a legal interest in the application site (provided such interest is capable of being bound under section 106 of the Town and Country Planning Act 1990 , and not including National Grid Gas plc, National Grid Electricity Transmission plc, Northern Powergrid Yorkshire plc , or successors to those entities) existing at the point of commencement of development on the application site are bound by the S106 Agreement dated 11th April 2019 via the completion of one or more agreement(s) under section 106 of the Town and Country Planning Act 1990.

Reason

To ensure any mortgagee interest is bound by the requirements of the s106 Legal agreement to secure the contributions towards the provision of the North East Lincolnshire South Humber Gateway Ecological Mitigation Delivery Plan and in accordance with policies 9 and 41 of the North East Lincolnshire Local Plan 2013 - 2032 (adopted 2018).

Informatives:-

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or local amenity, have significant impact on ecology and is acceptable under all other planning considerations including highway safety. It will support the economic development of the area. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 1, 5, 6, 8, 9, 22, 31, 33, 34, 36, 38, 39, 41, 42 and 47 and the provisions of the National Planning Policy Framework (2021).

2 Added Value Statement

Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraphs 38 and 41 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by providing detailed

pre-application advice on the proposed development, and by addressing ecological matters with respect to the section 106 agreement.

- 3 Informative
Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 325959).
- 4 Informative
The applicant is reminded that the development is subject to a Section 106 Legal Agreement.
- 5 Informative
Please note that in relation to abnormal loads a minimum of 10 working days between the application and the date of the first movements in order to assess the application and put in place any special traffic management that may be required. Please email
AbnormalLoads@nelincs.gov.uk a completed Form of Notice to Police and to Highways and Bridge Authorities (Schedule 2 Part 1) providing details of the time, day, load profile and description of load a minimum of 10 days prior to their arrival. Network Rail (London North Eastern) office (assetprotectionlneem@networkrail.co.uk) should also be contacted in advance to confirm that any proposed abnormal load route is viable and to agree a strategy to protect Network Rail asset(s) from any potential damage caused by abnormal loads. It is advised to contact the Business Travel Plan Officer before commencing the Operational Travel Plan for additional advice, assistance and support. Please contact the Travel Plan Officer at North East Lincolnshire for more information.
- 6 Informative
The Local Planning Authority should be given two weeks' written notice of the start of the remediation scheme approved under conditions 13 and 14.
- 7 Informative
Informative advice has been provided by the following consultees through the original planning application DM/1070/18/FUL and copies of their representations can be found on the council's website. Consideration should also be given to advice provided by bodies through this application and representations can be found on the Council's website under reference: DM/0273/21/FUL.

- National Grid
- Network Rail
- Natural England
- Environment Agency
- Humberside Fire and Rescue
- Cadent Gas

Please note that the granting of planning permission does not override any other private, legal or environmental permitting, consents or licensing regimes the applicant must abide by.

This Notice is issued on behalf of North East Lincolnshire Planning Authority.

Signed:



Mark Nearney

Official Capacity: Assistant Director of Housing, Highways and Planning

Date: 6th August 2021

INFORMATION ON APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by this decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990, or for Listed Building Consent, under Sections 20 and 21 for Listed Buildings & Conservation Areas Act 1990.

If you want to appeal this application, please carefully read the information below and choose which option applies to your application:

If this is a decision to refuse planning permission for a **householder** application and you want to appeal against the decision, then you must do so within 12 weeks of the date of this notice;

If this is a decision to refuse planning permission for a **minor commercial application (e.g. shop fronts)** and you want to appeal against the decision, you must do so within 12 weeks of the date of this notice;

If this is a decision to refuse express consent for the display of an **advertisement** and you want to appeal against the decision, you must do so within 8 weeks of the date of receipt of this notice;

For all other **Full** and **Listed Building Consent** applications - If you wish to appeal against the decision, you must do so within 6 months of the date of this notice.

Appeals on Planning Applications involving Enforcement Notices

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against the decision on your application, you must do so within 28 days of the date of this notice;

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against the decision on your application, you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

All Appeals must be made using a form which you can obtain from:

Planning Inspectorate,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol,
BS1 6PN

(Tel: 0303 444 5000) or to submit electronically at <https://www.gov.uk/planning-inspectorate>.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him/her.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority (planning@nelincs.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are online on GOV.UK <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>.

The Planning Inspectorate has introduced an online appeals service which you can use to make your appeal online at <https://www.gov.uk/planning-inspectorate>. The Inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party, please ensure you have their permission to do so. More detailed information about data protection and privacy is available on the Planning Inspectorate web site.

NB. Any approval in this notice of decision refers only to that required under the Town and Country Planning Acts and does not include any consent under any other enactment, bylaw, order, building or other regulation.

IF YOUR APPLICATIONS HAS BEEN REFUSED:

If you decide to resubmit, your application will not be subject to a fee under the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 2002 provided the new application:-

- a) Is submitted as a valid application within one year of the date of the decision
- b) Is development of the same character and description as submitted previously.
- c) Relates to the same site area or part of the same site and does not include additional land
- d) Is submitted by the same applicant
- e) The applicant may only benefit from the fee exemption once for any site

Prior to any resubmission, it is strongly recommended that you discuss the revised scheme with the development management team so that any issues can be identified quickly and solutions to any barriers to achieving a planning permission discussed with you.

Appendix 2

Colin Turnbull

From: Wood, Sarah [REDACTED]
Sent: 08 September 2021 21:08
To: SouthHumberBank@planninginspectorate.gov.uk
Cc: Claire Brodrick
Subject: [EXTERNAL] EN010107: South Humber Bank Energy Centre

Dear Sirs

We act for National Grid Gas Plc and National Grid Electricity Transmission Plc (together 'National Grid') in relation to the above application for a Development Consent Order.

Following the Examination, I can confirm that the agreement between the Applicant and National Grid has now been executed by the Applicant and irrevocably released to National Grid for completion. This agreement provides suitable protection for National Grid's interests and apparatus in, and in the vicinity of, the Order land. Therefore, National Grid can withdraw its objection to the application.

Please do not hesitate to contact me if you require any further information.

kind regards

Sarah

Sarah Wood | Senior Associate | Planning and Infrastructure Consenting | Eversheds Sutherland

[REDACTED]
www.eversheds-sutherland.com

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