

Case officer: William Hill
Telephone: 01724 297482
Email: planning@northlincs.gov.uk

Your Ref: TR030001

Our Ref: PA/2011/1553

27 June 2012

The Planning Inspectorate
National Infrastructure Directorate
Room 3/18
Temple Quay House
2 The Square
BRISTOL
BS1 6PN

For the attention of Mike Harris

Dear Sirs

**PLANNING ACT 2008 (PA 2008) AND THE INFRASTRUCTRE PLANNING
(EXAMINATION PROCEDURE) RULES 2010**

**NOTICE OF PROCEDURAL DECISIONS MADE AT AND FOLLOWING THE
PRELIMINARY MEETING REGARDING AN APPLICATION FOR THE PROPOSED
ABLE MARINE ENERGY PARK ON THE SOUTH BANK OF THE RIVER HUMBER
AT IMMINGHAM, NORTH LINCOLNSHIRE**

In respect of the Examining Panel's questions, below are the responses required from North Lincolnshire Council.

52. *Does the introduction of the National Planning Policy Framework have any implications for the scheme?*

It is North Lincolnshire Council's opinion that the AMEP proposal meets the relevant NPPF Core Principles set out in paragraph 17, the relevant topic areas, has satisfactorily addressed appropriate EU obligations (for example the EU directives relating to habitats and water) and is in compliance with the Local Development Plan policies and therefore, there are no implications in relation to the presumption favour of sustainable development (paragraph 14). It is the local planning authority's view that NPPF has outlined no additional implications that need to be addressed and is generally in accordance with its policies. This is further evidenced in the Local Impact Report (LIR).



www.northlincs.gov.uk

Planning and Regeneration
North Lincolnshire Council
Civic Centre
Ashby Road
Scuntharpe
North Lincolnshire
DN16 1AB

53. The application site falls within the Humber Enterprise Zone. What implications if any might that have for the discharge of requirements?

Due to its Enterprise Zone status North Lincolnshire Council considered bringing in a simplified planning regime that would assist in reducing planning constraints within the South Humber Gateway site. A Local Development Order (LDO) has been considered by North Lincolnshire Council however, a decision has been taken not to take forward an LDO at this stage. This decision is to be re-considered after the AMEP decision has been issued.

73: Do the councils consider the Framework Travel Plan in Annex 15.2 of the Environmental Statement to be an adequate foundation for agreeing the final plan; and if not what deficiencies need to be corrected?

The Highways Agency, North Lincolnshire Council and North East Lincolnshire Council have agreed the following response:

It is considered that the submitted Framework Travel Plan is a good foundation to work from. However, we have some concerns that the plan places a very high level of responsibility upon end occupiers rather than the developer to implement the plan. The following specific concerns have been identified:

- 1) There is a need to ensure that the proposed actions and measures for achieving objectives are identified within the Travel Plan and that these are reflected in the occupier travel plans and that measures identified are implemented in full.
- 2) There is a need to ensure that targets are set from the first occupation of the development, set using the SMART principles. Occupier Travel Plan targets should be set in relation to the Framework Travel Plan and include measures for monitoring and reporting on success against targets.
- 3) It is important to identify how Able will monitor the effectiveness of the Travel Plan, what will be monitored, how monitoring will be carried out (surveys) and who will be responsible for monitoring. As part of this we would like to see a revised Travel Plan being submitted to the relevant local authority either annually or every three years with any future Travel Plans to include a site audit of available infrastructure and future requirements.
- 4) The Travel Plan identifies that accessing the site by public transport (mainly bus), walking and cycling will be challenging and we would expect Able to support the development and implementation of the 'International Gateways: Area-Wide Travel Plan.' This includes a variety of sustainable travel methods including upgrading infrastructure so as to provide adequate cycle links into the Gateway area and area-wide commitments to encouraging sustainable travel modes.

5) The developer is passing a lot of responsibility onto the end users and in particular to delivering their own private bus services (which of course, the councils would want to see the emphasis, in time, shift from private bus services for this development to public bus services for the wider area). As such it is imperative that this provision of dedicated bus services is 'forever' (or certainly for a long period of time) conditioned and/or secured via the Section 106 Agreement.

74. Do any of the council's envisage a need for Section 106 obligations attaching to a consent, and if so:

(a) What would these cover, and why are they necessary?

Please refer to Chapter 15 in North Lincolnshire Council's Local Impact Report (LIR).

(b) What is the current state of negotiations with the applicant?

Please refer to Chapter 15 in North Lincolnshire Council's Local Impact Report (LIR).

75. Are there any existing permissions or current applications for permission under the Town and Country Planning Act for the application site?

Please refer to Chapter 3 in North Lincolnshire Council's Local Impact Report (LIR).

76. Do the proposals in this application conform with the objectives and policies in the council's Local Development Framework?

In the opinion of the local planning authority the AMEP proposal generally complies with the adopted Core Strategy and emerging Development Plan Documents of the North Lincolnshire Local Development Framework and therefore the local planning authority has no objections to the proposed development on planning policy grounds. This is further evidenced in the Local Impact Report (LIR).

77. In the Draft Final Appropriate Assessment carried out by Atkins for the council's Core Strategy, the consultants noted that:

The main environmental issue raised within the Appropriate Assessment of the Core Strategy, was the potential impact of development of the South Humber Banks port on high tide bird-roost sites along the Humber Estuary. These sites are vital for birds for which the Humber Estuary is designated. It is recommended within the Appropriate Assessment that a policy for a strategic approach to habitat creation is contained within the Core Strategy, to reduce the risk of a significant impact resulting from cumulative effects of the impacts of small individual projects.

Has the Council acted upon this recommendation, and has it identified sites within the council's area which it considers suitable for habitat creation?

In view of the recommendations of the Appropriate Assessment and the outcome of the public examination of the LDF Core Strategy, North Lincolnshire Council are including a policy for a strategic approach to habitat creation for the wider South Humber Bank development area in the LDF Housing and Employment Land Allocations DPD, specifically Policy SHEB1. This DPD refers to the Draft South Humber Gateway Mitigation Strategy which sets out a strategic approach for the whole of the SHG area in relation to habitat creation. The Mitigation Strategy includes sites for suitable habitat creation in and around the South Humber Bank and has been developed in partnership with Natural England, RSPB, Hınca and other relevant organisations.

Relating to the requirement to advise you of our intention or otherwise to make an oral presentation to the Specific Issue Hearing scheduled for 12 July at the Humber Royal Hotel, North Lincolnshire Council do not intend to make an oral submission in either our capacity as an interested party [reference 10015508] nor as the relevant local authority.

However, North Lincolnshire Council will be in attendance (two officers) in order to both observe proceedings and help the Commissioners in any way if required.

For your further information, this is likely to be North Lincolnshire's approach throughout the examination process. We will advise, however, in line with the set timetable.

Yours sincerely

William Hill
Principal Planning Officer