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Applicant's Comments on Local Impact Report North Lincolnshire Council

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Able UK Ltd

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1 INTRODUCTION

1.1 North Lincolnshire Council (NLC) submitted a Local Impact Report (LIR) in accordance with the requirements set out in the Planning Act 2008 and the Advice Note One: Local Impact Reports issued by the Infrastructure Planning Commission in March 2010.

1.2 The Advice Note states that a Local Impact Report (LIR) is a "*Report in writing giving details of the likely impact of the proposed development on the authority's area*". The LIR should be prioritised and indicate where the local authority considers the development to have a positive, negative or neutral effect on the area along with any topics that they consider to be relevant to the impact of the development on their area. Typical topics include:

- Details of the proposal including site description and location;
- Relevant planning history, development plan policies, supplementary planning guidance or documents, development briefs or approved master plans and an appraisal of their relationship and relevance to the proposals;
- Cumulative and in-combination projects;
- Landscape and visual impact;
- Designated sites and conservation sites;
- Local transport patterns and issues;
- Socio-economic and community matters;
- Development consent obligations and their impact on the local authority's area; and
- Comments on the development consent obligations and any relevant representations.

1.3 Able UK Ltd (Applicant) has reviewed the LIR and submits the following response. The matters raised in the LIR are only discussed in summary here, further detail on specific topics are dealt with in the Statement of Common Ground (SoCG) between North Lincolnshire Council and the Applicant.

2 LOCATION OF THE PROJECT

2.1 It is noted that the South Bank development complies with the Core Strategy adopted by NLC in June 2011 (paragraph 2.8.3 of LIR).

3 DESCRIPTION OF THE WORKS

3.1 It is noted that NLC appreciate the emerging designs and operational requirements of the Offshore Wind Turbine (OWT) sector (LIR paragraph 2.9.14).

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4 PLANNING APPROVALS FROM 1998

- 4.1 The summary of Planning Permissions, from 1998, reflects the position as understood by the Applicant (Section 3 of LIR).

5 DEVELOPMENT PLAN POLICY AND RELEVANT EVIDENCE DOCUMENTS (POLICY OVERVIEW)

- 5.1 The Applicant welcomes the description of the evolving nature of planning policy in a local, regional and national context (Section 4 of LIR) and the supportive conclusion (LIR paragraph 4.4.1).

6 LANDSCAPE AND VISUAL IMPACTS

- 6.1 It is noted that the visual impact within North Lincolnshire will be 'relatively minor' (LIR paragraph 5.1) and recognition of the landscaping proposals of the Applicant (LIR paragraph 5.1.1). The landscape proposals included in the application area at this stage indicative and a further detailed landscaping strategy will be developed in accordance with requirements 5, 6 7 or Schedule 11 of the draft Development Consent Order (DCO) This is addressed in the Statement of Common Ground (SoCG) between NLC and the Applicant.

7 SITE LANDSCAPING PROPOSALS

- 7.1 The Applicant acknowledges that further detailed work will be required and this will be undertaken in consultation with NLC – specifically, but not exclusively with regard to planting regimes (LIR paragraph 5.2.4).

8 LANDSCAPING AND BUILDINGS

- 8.1 The Applicant acknowledges the comments in respect of the degree of difficulty in managing the impact of 'very large' buildings (LIR paragraph 5.3.1). Notwithstanding that, the Applicant is minded to consider the constructive suggestions regarding cladding and will work with NLC in this regard (paragraph 5.3.2 of LIR). Details of the colouration and cladding of building will be agreed at the detailed design stage in accordance with Requirement 4 of Schedule 11 of the draft DCO. This is addressed in the SoCG between NLC and the Applicant.

9 LOCAL TRANSPORT PATTERNS AND ISSUES

- 9.1 The Applicant welcomes the comment that in overall terms the highway authority agrees that, subject to suitable control and mitigation, the development can be '*accommodated on the network without adversely affecting the network*' (LIR paragraph 6.1.3).

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10 INTERIM PLANNING GUIDANCE

- 10.1 In June 2011 NLC formally adopted the "Interim Planning Guidance South Humber Gateway – Transport Contributions". The Applicant is familiar with NLC's guidance viz. financial contributions from developers (LIR paragraph 6.2.1).
- 10.2 The Applicant has reviewed the calculations in respect to the 0800-0900 travel plan and agrees that, as stated, this will be subject to the appropriate Section 106 agreement with NLC (LIR paragraph 6.2.13).

11 POTENTIAL IMPROVEMENTS TO HAVEN ROAD JUNCTION

- 11.1 It is noted that further work (Haven Road Junction) may at some point be required by both the Applicant and NLC – the conclusion of which could be subject to a subsequent agreement. It should be noted that the vast majority of site traffic will use Rosper Road (LIR paragraph 6.3.3).

12 SHIFT PATTERNS

- 12.1 The Applicant notes the comments (Section 6.4 of LIR) in respect of shift patterns and that a suitable Framework Travel Plan (FTP) will be in place and specifically referred to within the draft Development Consent Order (DCO). Also, although not referred to within the NLC LIR, the FTP will be fully reviewed on a three yearly basis with full participation from NLC and the neighbouring Planning Authority, North East Lincolnshire Council (NELC).

13 A160 POSITION

- 13.1 The Applicant shares NLC's aspiration (and expectation) in respect of the A160 highway and notes the acceptance of interim mitigation measures (LIR paragraph 6.6.4).

14 DESIGNATED SITES AND FOOTPATHS

- 14.1 The Applicant notes the comments in respect of designated sites and footpaths (Section 7 of LIR) and the net gain in overall provision and NLC's acceptance that the approach is appropriate. Furthermore the Applicant notes and welcomes that the temporary accommodation during construction is described as 'expedient' (LIR paragraph 7.3.1).

15 HISTORIC (BUILT) ENVIRONMENT

Impact on Setting

- 15.1 The applicant has conducted an assessment of the impact of the proposed development on setting (Annex 18.4 of the ES) in accordance with the guidelines published by English Heritage (EH); this assessment has been

approved by English Heritage as sufficient and appropriate for the purposes of determining mitigation requirements (see the SoCG between EH and the applicant). The applicant disagrees that the open fields which partially surround the lighthouse at present constitute part of its historic setting, as this is essentially marine, and the meaningful context of the lighthouses is their relationship with each other and the estuary.

- 15.2 Nevertheless, the applicant's assessment of setting impacts does identify a high adverse impact in terms of setting both on North Killingholme Low Lighthouse and on the group of three lighthouses as a whole. Accordingly, a management plan for the three lighthouses as a group, to be agreed between the applicant, EH and the local authority, is proposed as mitigation, with the proviso that the applicant is not bound if the owner of the remaining two lighthouses does not wish to co-operate in a unified management plan. This approach is set out in full and agreed by EH in the SoCG between the applicant and EH.

Impact on the Structure and Historic Fabric of North Killingholme Low Lighthouse

- 15.3 NLC has raised the risk of damage to the lighthouse caused by vibration from piling works. This was identified as a potential risk in the ES, as vibration can be amplified in tall buildings; however, given the context of the lighthouse in an evolving industrial landscape, it has already been subject to several driven piling campaigns in recent years, notably the construction of the South Killingholme oil jetty and its associated dolphins, without sustaining visible damage.
- 15.4 The closest approach of AMEP's large diameter driven piles to the lighthouse is c. 400m. From figures 16.3 and 16.4 in the ES, it can be seen that piling vibration at greater than 300m distance is below the level of 0.14mm.s^{-1} stated in BS5228-2:2009 to be the threshold at which vibration is perceptible by humans in the most sensitive situations. BS 5228-2 goes on to set out a guide value for the level of transient vibration likely to cause cosmetic damage in a residential or light commercial building to be a PPV of 15mm.s^{-1} at 4Hz, increasing to 20mm.s^{-1} at 15Hz. These values increase with increasing frequency of pulse. By inspection, therefore, the risk of even cosmetic damage to the lighthouse is very low, and the risk of serious damage is negligible. However, in recognition of the significance of the lighthouse, it was proposed in paragraph 16.6.20 of the ES that structural condition surveys are carried out before and after the works, and monitoring of vibration levels should take place on nearby potentially sensitive structures during piling works. It is proposed that these mitigation measures will be brought forward in the management plan for the lighthouses discussed above.
- 15.5 NLC states that there are no proposals for the use of the lighthouse in the future. After further discussion with NLC, the applicant proposes that the lighthouse be used for onsite accommodation of staff or offices – this will be set out in the management plan for the lighthouses. The applicant is aware of its statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 15.6 The applicant notes NLC's commentary on the loss of the footpath in Section 8.5 of its LIR. The loss of the footpath along the existing flood defence wall is unavoidable if a new quay is to be constructed. The proposed mitigation of realigning the public footpath network to include the

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route of what is now Station Road maintains access for viewing the historic lighthouses. The applicant notes NLC's concern that the footpath south of the lighthouse must be maintained, and has no intention that it should be otherwise.

16 HISTORIC ENVIRONMENT – MARINE AND TERRESTRIAL

- 16.1 The Applicant notes the identified 'archaeological potential of the development in respect of maritime activity is considerable (LIR paragraph 8.6.1). The Applicant – with agreement from English Heritage (see also the Applicant's SoCG with EH) - has proposed mitigation measures and further investigation works required to produce detailed area specific mitigation measures. The SoCG states that "*subject to the implementation of the mitigation measures proposed and completion of the programme of further work (timings of which must at this stage remain intentional and indicative) ... no residual impacts are identified arising from AMEP*".
- 16.2 The Applicant notes and accepts the additional requirements set out in paragraph 8.6.18 of the LIR.

17 SOCIO-ECONOMIC IMPACT

- 17.1 The Applicant notes and agrees with the analysis covering the high level of commercial interest in the South Humber Bank, the increasing number of enquiries and the positive impact that the development will have on others sectors of the local economy (LIR paragraph 9.2.1).
- 17.2 The Applicant notes and accepts the positive impacts with regard to the construction phase of the project (LIR paragraph 9.2.2).
- 17.3 The Applicant notes and accepts the 'significant opportunity' that the development represents: employment prospects for young people; career diversity for all; the increased propensity for individuals to re-locate back to the area and the positive impact on the local housing market (LIR paragraph 9.2.3).
- 17.4 The Applicant shares the belief and aspiration for subsequent supply chain related investment across the South Humber Bank (LIR paragraph 9.2.4).
- 17.5 The Applicant agrees with the analysis of the positive impacts arising from Enterprise Zone status and would add that that status also reflects the confidence and importance of the site in national policy terms (LIR paragraph 9.2.6).

18 NOISE, LIGHT, AIR QUALITY AND LAND CONTAMINATION

- 18.1 As a result of further consultation between the Applicant and NLC, the issues raised in the LIR, in terms of noise, air quality and land contamination, have been developed and in large measure resolved. The results of these further discussions are set out in full in the SoCG between the Applicant and NLC.

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19 FLOOD RISK, DRAINAGE, WATER SUPPLY AND WATER QUALITY

- 19.1 The Applicant notes that the Local Development Plan Policy (Flood Risk) is complied with (LIR paragraph 11.1.11).
- 19.2 The Applicant notes the agreement reached with both the Environment Agency and NLC in respect of the proposed new quay and the flood defence that it will provide (LIR paragraph 11.2.1).
- 19.3 The Applicant notes that the development satisfies the National Planning Policy Framework (NPPF) Sequential Test (11.2.3) and in respect of water compatibility (LIR paragraph 11.2.4).
- 19.4 The Applicant notes that the role of NLC in the context of Drainage and their satisfaction with regard to the progress of the Killingholme Marshes Drainage Scheme (LIR paragraph 11.3.1).
- 19.5 The Applicant notes Anglian Water five-year investment plan and the inclusion of the development (LIR paragraph 11.4.1).
- 19.6 The Applicant notes that the development meets the water quality requirements under the EU Water Directive and the Humber RBMP (LIR paragraph 11.5.1).

20 BIODIVERSITY AND ECOLOGY

- 20.1 The Applicant notes that the scope of comments in respect of Biodiversity and Ecology has been restricted to areas not covered by the Habitats Directive (LIR paragraph 12.1.1).
- 20.2 The Applicant notes the comments in respect of the loss of Station Road Field Local Wildlife Site (LWS) (LIR paragraph 12.2.1). Furthermore the Applicant notes the acceptance of the replacement grassland and the quantum required as well as the proposals to collect seed from neutral grassland and use disease-resistant elms (LIR paragraph 12.2.2).
- 20.3 The Applicant recognises the importance of the LWS and that the strategy outlined will be a neutral or minor positive impact LIR paragraph (12.2.4).
- 20.4 The Applicant has recognized the need to translocate Great Crested Newts and welcomes confirmation from NLC that the overall effect will be neutral (LIR paragraph 12.2.6).
- 20.5 The Applicant has recognized the mitigation and enhancement measures to address bat foraging habitat. The Applicant notes that the proposed 'indicative' masterplan could be subject to change and that this would require a potential amendment to the strategy (LIR paragraph 12.2.7). Notwithstanding subsequent amendment the overall effect will be neutral or minor positive (LIR paragraph 12.2.8).
- 20.6 The Applicant notes the specific potential impact of the development on the Willow Tit (LIR paragraph 12.2.9) and that the provision of additional land at the Chase Hill Wood Local Nature Reserve will be positive for birds of wet grassland and neutral or minor for other (Farmland) species (LIR paragraph 12.2.11).

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20.7 The Applicant notes the significant positive impact of the strategy identified for Water Voles (LIR paragraph 12.2.12).

20.8 The Applicant notes that the loss of some trees and hedgerows will be a minor negative impact albeit of some local importance (LIR paragraph 12.2.13).

21 WASTE

21.1 The Applicant acknowledges the need for a Site Waste Management Plan (SWMP) and that this will be in place prior to the development commencing in accordance with statutory requirements (LIR paragraph 13.1.3).

21.2 The Applicant notes that NLC supports the view that residual and cumulative impacts of waste will be of no significance (LIR paragraph 13.1.10).

22 HEALTH

22.1 The Applicant notes that the Environmental Statement chapter relating to Health is comprehensive but that it has concentrated on mitigation measures and ignored the significant positive impacts (LIR paragraph 14.1.3). The Applicant acknowledges that it could have emphasized further the direct health benefits for the wider community particularly in respect of job creation (LIR paragraph 14.1.4).

22.2 The Applicant notes the impact of Traffic and Transport on Health and would comment that a Framework Travel Plan – in which NLC will have a key role in monitoring – will provide mitigation in this regard (LIR paragraph 14.4.3).

23 PLANNING OBLIGATIONS

23.1 The Applicant notes the requirement of planning obligations and agrees that the proposed Section 106, and the securing of an appropriate sum in that regard, is required (LIR paragraph 15.2.3).

24 CONSIDERATION OF THE PROVISIONS AND REQUIREMENTS OF THE DRAFT DEVELOPMENT CONSENT ORDER

24.1 The Applicant notes and welcomes the comments in respect of the Consideration of the Provisions and Requirement of the Draft Order (LIR Section 16).

25 SECURITY AND POLICE ISSUES

25.1 The Applicant notes the importance of 'Secured by Design' principles and the role of both the Police and other Security Agencies. (LIR paragraphs 17.1 and 17.19).

- 25.2 The Applicant has liaised (over several meetings) with Humberside Police Authority, the Counter Terrorism Unit, Air Support Section and Crime Prevention Officers and has also taken advice on measures to mitigate crime within the development through improved design. The Applicant believes that the design conforms to established and emerging best practice and, within its team has a former Police Chief Inspector.
- 25.3 The Applicant notes and agrees with the sentiments of the Unit Executive Officer, Air Support Section, and these have been implemented in consultation with both the Civil Aviation Authority and with Humberside International Airport (LIR paragraphs 17.2 to 17.10). The Air Support Section has confirmed that the Applicant has fully consulted with the relevant authorities in this regard.
- 25.4 The Applicant believes that the Framework Travel Plan addresses the issues raised by the Casualty Reduction Officer and notes the suggestions regarding 'stacking' (LIR paragraph 17.12).