



Immingham Green Energy Terminal

TR030008

Volume 7

7.1 Planning Statement

Appendix C – Project Accordance with the North East
Lincolnshire Local Plan

Planning Act 2008

Regulation 5(2)(p), 5(2)(q) & 6(3)

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009 (as
amended)

September 2023

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended)

Immingham Green Energy Terminal Development Consent Order 2023

7.1 Planning Statement

Appendix C – Project Accordance with the North East Lincolnshire Local Plan

Regulation Reference	APFP Regulation 5(2)(p), 5(2)(q) & 6(3)
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Table of contents

Chapter	Pages
1 Project Accordance with the North East Lincolnshire Local Plan	1
Tables	
Table 1: Project Accordance with the North East Lincolnshire Local Plan, 2018	1

1 Project Accordance with the North East Lincolnshire Local Plan

Table 1: Project Accordance with the North East Lincolnshire Local Plan, 2018

Policy Reference	North East Lincolnshire Plan	Project Accordance
Policy 1	<p>Employment land supply</p> <ol style="list-style-type: none"> 1. Between 2013 and 2032, the Council will support the development of a portfolio of sites which will support the generation of 8,800 jobs. 2. The provision of a portfolio of sites will enable the development of B-class uses to accommodate growth primarily within the Renewables and Energy, Chemicals and Process Industries, Food Processing, and Ports and Logistics sectors. Sites selected will also ensure sufficient flexibility and choice for investors within these sectors, whilst ensuring that a minimum requirement of 123.6ha is accommodated. 3. Additionally, the Council will support the development of the Visitor Economy, ensuring provision of a minimum of 33,600m² for non B-class uses within town centre opportunity sites. 	<p>Please refer to section 7.16 of the Planning Statement [TR030008/APP/7.1] and Chapter 23: Socio-economics [TR030008/APP/6.2] for details on how the Project will create employment opportunities.</p> <p>Please refer to section 7.15 Land Use and Appendix D: Planning History and Land Use of the Planning Statement [TR030008/APP/7.1] for details on how the Project will help meet the objectives set out in Policy 1 in respect of accommodating growth in the renewable energy and the ports sectors, and create employment on land allocated for employment purposes.</p> <p>To note, point 3 of Policy 1 is not relevant to the Project.</p>
Policy 5	<p>Development boundaries</p> <ol style="list-style-type: none"> 1. Development boundaries are identified on the Policies Map. All development proposals located within or outside of the defined boundaries will be considered with regard to suitability and sustainability, having regard to: <ol style="list-style-type: none"> A. the size, scale, and density of the proposed development; B. access and traffic generation; 	<p>The landside elements of the Project are primarily located on land within the development boundaries, as identified on the Policies Map. The Project has been designed having regard to the principles as set out in Policy 5 of the NELLP. The Project has been designed to be in-keeping with the surrounding operational port development area, in terms of size, scale, appearance of the development. Please refer to the Applicant’s response to Policy 22 of the NELLP in respect of the design of the Project.</p> <p>Section 7 of the Planning Statement [TR030008/APP/7.1] provides the Applicant’s assessment of the Project by reference to the principles</p>

Immingham Green Energy Terminal
Planning Statement – Appendix C Project Accordance with the North East Lincolnshire Local Plan

Policy Reference	North East Lincolnshire Plan	Project Accordance
	<p>C. provision of services (education, healthcare, community, retail and recreation);</p> <p>D. impact upon neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion;</p> <p>E. advice from the Health and Safety Executive;</p> <p>F. flood risk;</p> <p>G. the quality of agricultural land;</p> <p>H. measures to address any contamination of the site; and,</p> <p>I. impact on areas of heritage, landscape, biodiversity and geodiversity value, including open land that contributes to settlement character.</p> <p>2. Development proposals located within but adjacent to defined boundaries will be permitted where schemes respond to:</p> <p>A. the nature and form of the settlement edge;</p> <p>B. the relationship between countryside and the settlement built-form; and,</p> <p>C. opportunities to contribute to the network of green infrastructure.</p> <p>3. Beyond the development boundaries land will be regarded as open countryside. Development will be supported where it recognises the distinctive open character, landscape quality and role these areas play in providing the individual settings for independent settlements, and:</p> <p>A. supports a prosperous rural economy, particularly where it promotes the development and diversification of agricultural and other land base rural businesses; or,</p>	<p>set out in Policy 5. More broadly, as demonstrated throughout the suite of application documents that makes up this DCO Application, the Project is suitable and sustainable having regard to those principles.</p>

Immingham Green Energy Terminal
 Planning Statement – Appendix C Project Accordance with the North East Lincolnshire Local Plan

Policy Reference	North East Lincolnshire Plan						Project Accordance																		
	B. promotes the retention and development of local services and community facilities; or, C. supports rural leisure and tourism developments; or, D. it consists of affordable housing to meet specific local needs; or, E. it is development that has been specifically defined and identified through the neighbourhood planning process.																								
Policy 7 (Note: the table set out shows only the relevant sites)	Employment Allocations 1. The following employment sites, as identified on the Policies Maps, are allocated for employment development, use classes B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution). <table border="1" data-bbox="338 826 1205 1422"> <thead> <tr> <th data-bbox="338 826 488 991"></th> <th data-bbox="488 826 629 991">Allocation Reference</th> <th data-bbox="629 826 770 991">Site Location</th> <th data-bbox="770 826 911 991">Enterprise/ Habitat Zone</th> <th data-bbox="911 826 1052 991">Gross Site Area</th> <th data-bbox="1052 826 1205 991">Indicative Sector</th> </tr> </thead> <tbody> <tr> <td data-bbox="338 994 488 1283">Strategic Sites</td> <td data-bbox="488 994 629 1283">ELR001 Immingham</td> <td data-bbox="629 994 770 1283">Kings Road</td> <td data-bbox="770 994 911 1283">Imm-Port Enterprise Zone/Habitat mitigation zone</td> <td data-bbox="911 994 1052 1283">21.6ha</td> <td data-bbox="1052 994 1205 1283">Ports and logistics</td> </tr> <tr> <td data-bbox="338 1286 488 1422"></td> <td data-bbox="488 1286 629 1422">ELR027</td> <td data-bbox="629 1286 770 1422">Land east of</td> <td data-bbox="770 1286 911 1422">Queens Road Enterprise</td> <td data-bbox="911 1286 1052 1422">15ha</td> <td data-bbox="1052 1286 1205 1422">Ports and logistics</td> </tr> </tbody> </table>							Allocation Reference	Site Location	Enterprise/ Habitat Zone	Gross Site Area	Indicative Sector	Strategic Sites	ELR001 Immingham	Kings Road	Imm-Port Enterprise Zone/Habitat mitigation zone	21.6ha	Ports and logistics		ELR027	Land east of	Queens Road Enterprise	15ha	Ports and logistics	Section 7.15 Land Use of the Planning Statement assesses the Project against the National Policy Statement for Ports (“NPSfP”) in respect of land use. Appendix D: Planning History and Land Use Designations of the Planning Statement [TR030008/APP/7.1] , describes the allocations within the North East Lincolnshire Local Plan (“NELLP”) relevant to land within the Site (for employment development) and how the Project is consistent with the substance and objectives of this allocation in terms of the nature and type of uses envisaged.
	Allocation Reference	Site Location	Enterprise/ Habitat Zone	Gross Site Area	Indicative Sector																				
Strategic Sites	ELR001 Immingham	Kings Road	Imm-Port Enterprise Zone/Habitat mitigation zone	21.6ha	Ports and logistics																				
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Immingham Green Energy Terminal
 Planning Statement – Appendix C Project Accordance with the North East Lincolnshire Local Plan

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			Queens Road	Zone/Habitat mitigation zone			
	Land reserved for long-term business expansion	ELR25a-e	Novartis, Moody Lane	Habitat mitigation zone	56ha	Chemicals and process	
<p>Table 12.1 Employment allocations</p> <p>2. Sites ELR016a and ELR016b have been identified as having high potential to support SPA/Ramsar birds and proposals will need to be supported by an assessment for these species. This assessment should incorporate a suitable level of data collection and/or bird surveying to determine the individual and cumulative importance of the site for SPA/Ramsar species. Where the assessment identifies the potential for adverse effects resulting from the off-site habitat loss and/or disturbance, appropriate and timely measures must be taken to mitigate such impacts. Such mitigation is likely to be in the form of alternative habitat managed specifically for the affected bird species and/or contributions towards the provision of strategic mitigation sites. Any strategic mitigation provision must be additional to that provided through the South Humber Bank Strategic Mitigation which only mitigates for sites within the South Humber Bank Mitigation Zone. All such measures must be in place and operational prior to the relevant impact(s), and must be maintained for the duration of the impact(s).</p>							

Immingham Green Energy Terminal
Planning Statement – Appendix C Project Accordance with the North East Lincolnshire Local Plan

Policy Reference	North East Lincolnshire Plan	Project Accordance
	<p>Operational Port areas</p> <p>3. Within the operation port areas identified on the Policies Map development proposals for port related use will be supported and, where appropriate, approved by the Council if the submitted scheme accords with the development plan as a whole and subject to the ability to satisfy the requirements of the Habitats Regulations.</p> <p>4. Within the Port of Grimsby a diversification of uses will be supported where it is proposed on land identified as surplus to port requirements, and the proposed use can be shown to be in accordance with the development plan as a whole, and would not conflict with port operations.</p> <p>Land reserved for long-term business expansion</p> <p>5. Land reserved for long-term business expansion, as identified on the Policies Map will be safeguarded for future employment development within use classes B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution).</p>	
Policy 8	<p>Existing employment areas</p> <p>1. Existing employment areas are identified on the Policies Map and will be safeguarded for employment uses. Proposals which promote development or reuse of vacant sites located within existing employment areas for employment use will be supported subject to other relevant policies in the Plan.</p> <p>2. Proposals for the development of non-employment uses on existing employment sites will be permitted where:</p> <p>A. there is evidence to show that the site/building has reached the end of its useful economic life by:</p>	Please see response to Policy 7 of the NELLP.

Immingham Green Energy Terminal
Planning Statement – Appendix C Project Accordance with the North East Lincolnshire Local Plan

Policy Reference	North East Lincolnshire Plan	Project Accordance
	<p>i. demonstrating that there is no demand for the reuse of the building/site, following a minimum period of 12 months marketing for the existing use with a recognised commercial agent at a reasonable price reflecting typical local land values;</p> <p>ii. demonstrating that the physical adaption or reuse of the building is uneconomic in commercial terms; and,</p> <p>B. the non-employment use would be compatible with the operations of existing employment uses nearby.</p>	
Policy 11	<p>Skills and training</p> <p>1. The Council will support development proposals that relate directly to the development of local skills, and training opportunities, focusing on existing facilities and town centre locations.</p>	<p>As stated within Section 23.8 of Chapter 23 Socio-economics [TR030008/APP/6.2], it is proposed that a wide variety of full-time jobs roles will be created during construction and operation of the Project. Jobcentre Plus has also offered to support with employability and skills training to maximise the local community benefits of the Project.</p>
Policy 22	<p>Good design in new development</p> <p>1. A high standard of sustainable design is required in all developments. The Council will expect the design approach of each development to be informed by:</p> <p>A. a thorough consideration of the particular site's context (built and natural environment, and social and physical characteristics);</p> <p>B. the need to achieve:</p> <ul style="list-style-type: none"> i. protection and enhancement of natural assets; ii. resource efficiency; iii. climate change resilience; iv. sustainable transport; 	<p>Sustainable design has been at the forefront of the design development process for the Project. Appendix G: Design Evolution of the Planning Statement [TR030008/APP/7.1] sets out the evolution of the design of the Project, describing how it has developed since the Project's inception.</p> <p>Section 7.2 in Chapter 7 of the Planning Statement [TR030008/APP/7.1] demonstrates how the Project has had regard to 'Good Design' Principles which are set out in the NPSfP and reflected in Policy 22 of the NELLP, so far as appropriate.</p>

Immingham Green Energy Terminal
Planning Statement – Appendix C Project Accordance with the North East Lincolnshire Local Plan

Policy Reference	North East Lincolnshire Plan	Project Accordance
	<ul style="list-style-type: none"> v. accessibility and social inclusion; vi. crime and fear of crime reduction; vii. protection and enhancement of heritage assets, including character and local distinctiveness; viii. high quality public realm; and, ix. efficient use of land. <p>C. Design guidance for North East Lincolnshire published by the Council; and,</p> <p>D. where applicable and relevant:</p> <ul style="list-style-type: none"> i. the objectives and expectations of the Lincolnshire Wolds Area of Outstanding Natural Beauty Management Plan 2013-2018 (and any subsequent updates); <ul style="list-style-type: none"> ii. Landscape Character Assessment; and, iii. Conservation Area Appraisals. <p>2. Where a Design and Access Statement is required, this should describe the specific considerations and rationale on which design proposals have been based.</p> <p>3. Incorporation of elements of public art that serve to enrich the wider area will be encouraged in the development of sites within or adjoining prominent public locations, or sites which have significance in terms of local heritage.</p> <p>4. Proposals for express consent to display advertisements will be permitted if the proposal respects the interest of amenity and public safety, taking account of cumulative impacts.</p>	

Policy Reference	North East Lincolnshire Plan	Project Accordance
Policy 31	<p>Renewable and low carbon infrastructure</p> <p>1. The Council will support opportunities to maximise renewable energy capacity within the Borough and seeks to deliver at least 75MW of installed grid-connected renewable energy by 2032.</p> <p>2. Proposals for renewable and low carbon energy generating systems will be supported where any significant adverse impacts are satisfactorily minimised and the residual harm is outweighed by the public benefits of the proposal. Developments and their associated infrastructure will be assessed on their merits and subject to the following impact considerations, taking account of individual and cumulative effects:</p> <p>A. the scale and nature of the impacts on landscapes and townscapes, particularly having regard to the Landscape Character Assessment and impact on the setting and scenic beauty of the AONB;</p> <p>B. local amenity, including noise, air quality, traffic, vibration, dust and visual impact;</p> <p>C. biodiversity, geodiversity and nature conservation, with regard given to the findings of the site and project specific HRA and potential impacts on SPA birds, where appropriate; D. the historic environment, including individual and groups of heritage assets;</p> <p>E. telecommunications and other networks; including the need for additional cabling to connect to the National Grid, electromagnetic production and interference, and aeronautical impacts such as on radar systems;</p> <p>F. highway safety and network capacity;</p> <p>G. increasing the risk of flooding; and,</p>	<p>Please see Chapter 2: The Project [TR030008/APP/6.2] which sets out a detailed description of the Project.</p> <p>Please refer to the Applicant’s responses to Policies 32, 33, 34, 36, 39, 40, 41, 42 and 43 of the NELLP in response to Points A-H of Policy 31 of the NELLP.</p> <p>Where appropriate and scoped into the assessment, the ES has assessed the Project’s effects on the environment, local community and economy during the decommissioning phase.</p>

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	<p>H. the land, including land stability, contamination, soils resources and loss of agricultural land.</p> <p>3. Where appropriate, proposals should include provision for decommissioning at the end of their operational life. Where decommissioning is necessary the site should be restored, with minimal adverse impact on amenity, landscape and biodiversity, and opportunities taken for enhancement of these features.</p> <p>4. Proposals for onshore wind energy development will be permitted if:</p> <p>A. the development site is located in one of the following identified broad areas:</p> <ul style="list-style-type: none"> i. Flat Open Farmland - south of the settlements of Humberston, New Waltham and Waltham; ii. Wooded Open Farmland - east of the A18, and east and west of the A1173; iii. Open Farmland - along the A180 corridor; and, iv. Industrial Landscape - to the north west and south east of Immingham, and within the South Humber Bank employment zone; or, <p>B. located in an area that is identified as potentially suitable for wind energy development in an adopted Neighbourhood Plan; and,</p> <p>C. demonstrate that the impacts identified through consultation with the local community have been satisfactorily addressed.</p>	
Policy 32	Energy and low carbon living	The Project has been designed to have regard to the energy hierarchy which is set out in the NELLP Table 14.14 Energy Hierarchy. Section 7.2 of the Planning Statement [TR030008/APP/7.1] explains how the

Policy Reference	North East Lincolnshire Plan	Project Accordance
	<p>1. Where appropriate, the principles of the energy hierarchy should be followed in order to achieve energy efficient and low carbon development.</p> <p>2. Design and Access Statements accompanying applications for major development should include information to demonstrate how appropriate design and construction practices have been considered and incorporated, specifically in relation to the following, and in accordance with other relevant policies in the Plan:</p> <p>A. considerations of landform, layout, building orientation, massing and landscaping;</p> <p>B. the use of materials, both in terms of embodied carbon and energy efficiency; and,</p> <p>C. the minimisation of waste and re-use of material derived from excavation and demolition.</p>	<p>sustainability performance of the Project has been an active consideration in design development. The Project would facilitate the import of green ammonia to be converted to green hydrogen, with the associated hydrogen production facility being constructed as part of the Project. The Project would directly support the aims of the Government's decarbonisation strategy and 2050 net zero obligations through the provision of infrastructure to support the energy sector in producing clean energy, specifically hydrogen production and carbon capture and storage. Additionally, please refer to section 7.3 of the Planning Statement [TR030008/APP/7.1] which assesses the Project against the NPSfP in respect of climate change.</p>
Policy 33	<p>Flood Risk</p> <p>1. Development proposals should have regard to the requirements of the flood risk sequential test and, if necessary, the exception test. The regeneration benefits of development in areas of high flood risk should also be considered in light of the Council's Guidance Note on the application of the Sequential and Exception Tests in North East Lincolnshire, and the Environment Agency's Standing Advice.</p> <p>2. In order to minimise flood risk impacts and mitigate against the likely effects of climate change, development proposals should demonstrate that:</p> <p>A. where appropriate, a site specific flood risk assessment has been undertaken, which takes account of the best available information related to all potential forms of flooding;</p>	<p>Flood Risk is considered in the following documents:</p> <ul style="list-style-type: none"> - Flood Risk Assessment Appendix 18.A – Flood Risk Assessment [TR030008/APP/6.4] - Drainage Strategy at Appendix 18.B [TR030008/APP/6.4] - Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] <p>Section 7.6 of the Planning Statement [TR030008/APP/7.1] sets out a detailed explanation of the Sequential and Exception Tests, how they apply to the Project and how the Project meets the relevant requirements of those tests.</p>

Immingham Green Energy Terminal
 Planning Statement – Appendix C Project Accordance with the North East Lincolnshire Local Plan

Policy Reference	North East Lincolnshire Plan	Project Accordance
	<p>B. there is no unacceptable increased risk of flooding to the development site or to existing properties;</p> <p>C. the development will be safe during its lifetime;</p> <p>D. Sustainable Drainage Systems (SuDS) have been incorporated into the development unless their use has been deemed inappropriate;</p> <p>E. opportunities to provide natural flood management and mitigation through green infrastructure have been assessed and justified, based upon sound evidence, and, where appropriate, incorporated, particularly in combination with delivery of other aspects of green infrastructure in an integrated approach across the site;</p> <p>F. arrangements for the adoption, maintenance and management of any mitigation measures have been established and the necessary agreements are in place;</p> <p>G. access to any watercourse or flood defence asset for maintenance, clearance, repair or replacement is not adversely affected; and,</p> <p>H. the restoration, improvement or provision of additional flood defence infrastructure represents an appropriate response to local flood risk, and does not conflict with other Plan policies.</p>	
Policy 34	<p>Water Management</p> <p>1. Development proposals that have the potential to impact on surface and ground water should consider the objectives and programme of measures set out in the Humber River Basin Management Plan.</p> <p>2. Development proposals should consider how water will be used on the site and ensure that appropriate methods for management are</p>	<p>Chapter 18: Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] presents the findings of an assessment into the likely significant effects of the Project on water quality, coastal protection, flood risk and drainage.</p> <p>Additionally please refer to section 7.10 of the Planning Statement [TR030008/APP/7.1] which provides a summary of how the Project</p>

Policy Reference	North East Lincolnshire Plan	Project Accordance
	<p>incorporated into the design. Development proposals should demonstrate that:</p> <p>A. adequate and sustainable water supplies are available to support the development proposed;</p> <p>B. provisions are made for the efficient use of water, including reuse and recycling. Proposals for residential development will be expected to demonstrate that a water efficiency standard of 110 litres per person per day can be achieved; and,</p> <p>C. adequate foul water treatment already exists or can be provided in time to serve the development. Appropriate and sustainable sewerage systems should be provided for the collection and treatment of foul and surface water to ensure new development does not overload the existing sewerage infrastructure, minimising the need to discharge water into sewers, particularly combined sewers.</p> <p>3. Where development is proposed within a Source Protection Zone, the potential for any risk to groundwater resources and groundwater quality must be assessed and it must be demonstrated that these would be protected throughout the construction and operational phase of development.</p>	<p>has considered the water environment, including the River Basin Management Plan and water use.</p> <p>Ground water and ground conditions are assessed in Chapter 21: Ground Conditions and Land Quality [TR030008/APP/6.2]. Embedded mitigation measures included in the Project design to avoid and minimise impacts, effects and risks as far as possible to ground conditions and land quality and geological and hydrogeological environment receptors are explained in section 2.7 of the chapter. To note, there are no additional mitigation, monitoring or enhancement measures proposed which is explained at section 21.9 of the Chapter.</p>
Policy 36	<p>Promoting sustainable transport</p> <p>1. To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will support measures that promote more sustainable transport choices. Where appropriate, proposals should seek to:</p> <p>A. focus development which generates significant movements in locations where the need to travel will be minimised;</p> <p>B. prioritise pedestrian and cycle access to and within the site;</p>	<p>The Project will promote and encourage the use of sustainable transport modes, promote car sharing and reduce the reliance on the private car during the construction period as set out in the Outline Construction Workers Travel Plan appended to the Outline Construction Traffic Management Plan [TR030008/APP/6.7].</p>

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	<p>C. make appropriate provision for access to public transport and other alternative means of transport to the car, adopting a 400m walk to bus stop standard;</p> <p>D. make suitable provision to accommodate the efficient delivery of goods and supplies; and,</p> <p>E. make suitable provision for electric vehicle charging, car clubs and car sharing when considering car park provision.</p> <p>2. Planning permission will be granted where any development that is expected to have significant transport implications delivers necessary and cost effective mitigation measures to ensure that development has an acceptable impact on the network's functioning and safety. These measures shall be secured through conditions and/or legal agreements.</p> <p>3. Where appropriate, Transport Statements, Transport Assessments and/or Travel Plans should be submitted with applications, with the precise form being dependant on the scale and nature of development and agreed through early discussion with the Council.</p> <p>4. The priority areas where combinations of sustainable transport measure and highway improvements will be focused are:</p> <p>A. Grimsby town centre;</p> <p>B. Cleethorpes town and centre and resort area;</p> <p>C. A180 corridor, (urban and industrial); and,</p> <p>D. urban area congestion hotspots and defined air quality management zones.</p>	

Policy Reference	North East Lincolnshire Plan	Project Accordance
Policy 39	<p>Conserving and enhancing the historic environment</p> <p>1. Proposals for development will be permitted where they would sustain the cultural distinctiveness and significance of North East Lincolnshire's historic urban, rural and coastal environment by protecting, preserving and, where appropriate, enhancing the character, appearance, significance and historic value of designated and non-designated heritage assets and their settings.</p> <p>2. In addition, the Council will pursue an integrated approach that:</p> <p>A. seeks to update existing Conservation Area Appraisals and Management Plans to identify the qualities and interests of each area and management guidelines to guide future development;</p> <p>B. takes a positive and proactive approach to addressing Heritage at Risk (including those assets on the national and local Heritage at Risk Registers), where necessary using statutory powers to undertake enforcement action where there is identified harm, immediate threat or serious risk to the preservation of a heritage assets;</p> <p>C. considers the use of Article 4 Directions to remove permitted development rights in all or part of conservation areas or on local list assets where there is evidence that important features are at risk of being degraded;</p> <p>D. supports the development of Listed Building Heritage Partnership Agreements, where appropriate;</p> <p>E. supports heritage-led regeneration;</p> <p>F. encourages sympathetic uses, and repair, maintenance and restoration of heritage assets; and,</p> <p>G. considers the use of Local Listed Building Consent Orders.</p>	<p>Chapter 14: Historic Environment (Terrestrial) and Chapter 15: Historic Environment (Marine) [TR030008/APP/6.2] provide an assessment of the likely significant effects of the project on the historic environment (marine and terrestrial).</p> <p>Additionally, Section 7.14 of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project has addressed heritage matters, including the conservation and enhancement of the terrestrial and marine historic environment.</p>

Policy Reference	North East Lincolnshire Plan	Project Accordance
	<p>3. Development will be supported, and planning permission granted, where proposals:</p> <p>A. protect the significance of heritage assets, including their setting; through consideration of scale, design, materials, siting, mass, use and views;</p> <p>B. conserve and, where appropriate, enhance other historic landscape and townscape features, including historic shop fronts;</p> <p>C. preserve and enhance the special character and architectural appearance of Conservation Areas, especially those positive elements in any Conservation Area Appraisal;</p> <p>D. conserve and, where appropriate, enhance the design, character appearance and historic significance of the Borough's only registered park and garden (Peoples Park, Grimsby);</p> <p>E. make appropriate provision to record, and where possible preserve in situ features of archaeological significance; and,</p> <p>F. captures opportunities to increase knowledge and access to local heritage assets and better reveal their significance.</p> <p>4. Where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), including any contribution made to its setting, it should be informed by proportionate historic environment assessments and evaluations (such as heritage impact assessments, desk based appraisals, field evaluation and historic building reports) that:</p> <p>A. identify all heritage assets likely to be affected by the proposal;</p> <p>B. explain the nature and degree of any effect on elements that contribute to their significance and demonstrating how, in order of preference, any harm will be avoided, minimised or mitigated;</p>	

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	<p>C. provide a clear explanation and justification for the proposal in order for the harm to be weighed against public benefits; and,</p> <p>D. demonstrate that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long-term use of the asset.</p> <p>5. The Council will assess each application individually in terms of the magnitude of impact of any change on the significance of the asset or the contribution that setting makes to that significance or experiencing significance. Where an impact equates to substantial loss of significance (demolition in the case of direct harm or the effective destruction of an asset's setting in the case of indirect harm), a proposal will be considered to cause substantial harm. Permission will only be granted where substantial harm to assets of the highest significance is wholly exceptional, and for all other nationally designated assets, exceptional.</p>	
Policy 40	<p>Developing a green infrastructure network</p> <p>1. Development will be expected to maintain and improve the network of green infrastructure. Appropriate opportunities should be taken to improve the overall connectivity of green spaces, including improvements to access to the countryside and permeability of the urban area, for pedestrians, cyclists and horse riders. Recognition should also be made to the role such green infrastructure plays in mitigating the effects of recreational pressure on the Humber Estuary SAC/SPA/Ramsar, specifically designing natural green space which is attractive to walkers and dog walkers, particularly in areas where development is most likely to result in increasing visitors to the Humber Estuary SCA/SPA/Ramsar.</p>	<p>The Applicant has considered green infrastructure, PRoWs and land use within this Application within the following documents:</p> <ul style="list-style-type: none"> - Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2] - Chapter 23: Socio-economics [TR030008/APP/6.2] - Outline Landscape and Ecology Management Plan [TR030008/APP/6.9] <p>Please refer to section 7.5 of the Planning Statement [TR030008/APP/7.1] for the Applicant's assessment of accordance with the NPSfP in respect of habitats and species. Specifically, this explains how an Outline Woodland Compensation Strategy [TR030008/APP/6.8] has been prepared to provide appropriate</p>

Policy Reference	North East Lincolnshire Plan	Project Accordance
	<p>2. Proposals that would result in the loss or reduction in quality or existing public rights of way (PROWs) will not be permitted unless acceptable equivalent alternative provision is made. Where diversions are proposed, these should be convenient and attractive to users and not increase disturbance on protected wildlife sites.</p> <p>3. The multiple value and functionality of green space should be recognised in the planning, design and implementation of developments, and particular attention should be given to planning positively for biodiversity and sustainable water management, including climate change mitigation, when considering the layout of development.</p> <p>4. In pursuance of a principle of maintaining strategic gaps the Council will protect the setting and separate identity of settlements; require buffers between potentially conflicting uses; prevent coalescence of settlements; retain the openness of land; and control the nature and scale of urban and rural development. Specific protection will be afforded to the open areas between:</p> <ul style="list-style-type: none"> A. Immingham and industrial development to the north; B. Stallingborough and Healing; C. Healing and Grimsby; D. Laceby and Grimsby; E. Waltham and Grimsby and New Waltham; F. New Waltham and Grimsby and Humberston; and, G. Humberston and Cleethorpes. <p>5. These predominantly open areas link with areas of formal and informal green space to form strategic green infrastructure corridors, the framework of which are identified on the Policies Map.</p>	<p>compensation measures for the loss of trees at the Long Strip Woodland.</p> <p>Additionally, Chapter 2: The Project [TR030008/APP/6.2] provides details of the diversion of Public Bridleway 36 onto a new temporary route which is required in order to construct the Project. This route is proposed between two points BB and BA shown on the Stopping Up and Restriction of Use of Streets and Public Rights of Way Plan [TR030008/APP/4.7].</p>

Policy Reference	North East Lincolnshire Plan	Project Accordance
	<p>6. Development adjacent to defined development boundaries should pay particular regard to the nature and form of green infrastructure at or in proximity to the settlement edge. Where possible and where appropriate, development should contribute to enhancing the network of green infrastructure, respecting the relationship between countryside and the settlement built form, particularly avoiding hard settlement edges.</p>	
<p>Policy 41</p>	<p>Biodiversity and Geodiversity</p> <p>1. The Council will have regard to biodiversity and geodiversity when considering development proposals, seeking specifically to:</p> <p>A. establish and secure appropriate management of, long-term mitigation areas within the Estuary Employment Zone, managed specifically to protect the integrity of the internationally important biodiversity sites (see Policy 9 ‘Habitat Mitigation – South Humber Bank’);</p> <p>B. designate Local Wildlife Sites (LWSs) and Local Geological Sites (LGSs) in recognition of particular wildlife and geological value;</p> <p>C. protect manage and enhance international, national and local sites of biological and geological conservation importance, having regard to the hierarchy of designated sites, and the need for appropriate buffer zones;</p> <p>D. minimise the loss of biodiversity features, or where loss is unavoidable and justified ensure appropriate mitigation and compensation measures are provided;</p> <p>E. create opportunities to retain, protect, restore and enhance features of biodiversity value, including priority habitats and species; and,</p>	<p>The Project will preserve, protect and where possible improve marine and terrestrial biodiversity, details are included in Chapter: 8 Nature Conservation (Terrestrial Ecology), Chapter 9: Nature Conservation (Marine Ecology) and Chapter 10: Ornithology of the ES [TR030008/APP/6.2].</p> <p>In respect of geological conservation, Chapter 21: Ground Conditions and Land Quality [TR030008/APP/6.2] confirms that there are no internationally, nationally or locally designated sites of geological conservation importance present with the Site Boundary.</p> <p>An Outline Landscape and Ecology Management Plan [TR030008/APP/6.9] has been prepared to accompany the Application. This plan sets out the measures which will be taken relating to landscape and biodiversity on site and in the wider area. Implementation of the proposed measures would be secured by Requirement 10 of the draft Development Consent Order (“draft DCO” [TR030008/APP/2.1].</p> <p>An Outline Woodland Compensation Strategy [TR030008/APP/6.8] has been prepared which takes account of Policy 41. This strategy sets out the approach which will be used to compensate for the tree loss from the Long Strip woodland. The approach is to provide compensatory tree planting on a defined area within ABP’s wider Immingham Port Estate. Approval of the final strategy and its</p>

Policy Reference	North East Lincolnshire Plan	Project Accordance
	<p>F. take opportunities to retain, protect and restore the connectivity between components of the Borough’s ecological network.</p> <p>2. Any development which would, either individually or cumulatively, result in significant harm to biodiversity which cannot be avoided, adequately mitigated or as a last resort compensated for, will be refused.</p>	<p>implementation would be secured by Requirement 11 of the draft DCO [TR030008/APP/2.1].</p> <p>In respect of international sites a Shadow Habitats Regulation Assessment (“Shadow HRA”) [TR030008/APP/7.6] concludes that there will be no adverse effect on the integrity of the European sites with the proposed mitigation measures secured in the deemed marine licence, and therefore no harm to biodiversity.</p> <p>Despite the Applicant’s conclusion in the Shadow HRA [TR030008/APP/7.6] it has nevertheless submitted a Shadow HRA Derogation Report [TR030008/APP/7.3] on a without prejudice basis to the finding in the Shadow HRA. The Shadow HRA Derogation Report [TR030008/APP/7.3] concludes that in the event of a negative assessment by the Secretary of State (i.e a conclusion that an adverse effect on integrity of the European Sites from the Project cannot be ruled out), the Project should nevertheless proceed because there are no alternatives to the Project, there are imperative reasons of overriding public interest as to why the Project should be permitted to proceed, and a suitable compensation proposal has been identified and can be secured.</p> <p>Refer to Section 7.5 of the Planning Statement.</p>
Policy 42	<p>Landscape</p> <p>1. Landscape character should be given due consideration in the nature, location, design and implementation of development proposals. Developers should:</p> <p>A. have regard to the landscape context and type within which the development is to be located, (as identified in the Landscape Character Assessment); considering the landscape guidelines and management strategies relevant to the prevalent landscape type.</p>	<p>The Applicant has undertaken Landscape and Visual Impact Assessments (LVIA) of the Project, the outcome of which is considered within the following documents:</p> <ul style="list-style-type: none"> - Chapter 13: Landscape and Visual [TR030008/APP/6.2] - Section 7.13 Landscape and Visual Impacts of the Planning Statement [TR030008/APP/7.1] which provides an assessment of the Project against the NPSfP in relation to landscape and visual impacts.

Policy Reference	North East Lincolnshire Plan	Project Accordance
	<p>Priority will be given to the protection and enhancement of the landscape character and natural beauty, and setting of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB);</p> <p>B. complete a site specific landscape appraisal, proportionate to the anticipated scale and impact of a proposal, and submit a landscaping scheme for all development where this is appropriate, which complements the character and appearance of the site, responds to landscape character, climate change and flood alleviation where appropriate, and improves local biodiversity and levels of amenity;</p> <p>C. seek opportunities, when incorporating landscape buffers to offset development impacts, to enhance landscape quality including opportunities to incorporate suitable landscape planting;</p> <p>D. retain and protect trees and hedgerows which offer value for amenity, biodiversity and landscape; and,</p> <p>E. take opportunities where appropriate, to retain, protect and restore elements that contribute to historic landscape character.</p>	<p>Additionally, the Outline Landscape and Ecology Management Plan [TR030008/APP/6.9] defines the opportunities which are available within the Site Boundary to provide landscape and ecological measures. Approval and implementation of details of landscape and ecology enhancements, to accord with the Outline Landscape and Ecology Management Plan [TR030008/APP/6.9], is secured by Requirement 10 of the draft DCO. Section 7.5 of the Planning Statement [TR030008/APP/7.1] explains that a Veteran Tree is located in the Long Strip Woodland but the design development of the Project has evolved to ensure that this tree can be retained. As such, the veteran tree would be retained and protected during construction of the Project to ensure there is no accidental damage to it.</p>
Policy 43	<p>Green space and recreation</p> <p>1. The Council will safeguard against any loss of public or private green spaces, sport and recreation and equipped play facilities in recognition of their importance to the health and well-being of residents and visitors to the Borough, and their importance to biodiversity. The green spaces, sport and recreation and equipped play facilities that are safeguarded under this Policy are identified on the Policies Map together with playing fields which form part of identified education areas, cemeteries, and allotments.</p> <p>2. Loss of these areas will only be accepted where:</p>	<p>The Project is not located on land that is in use for sports and recreation or on land designated as Green Belt.</p> <p>Please refer to the Applicant’s response to Policy 40 of the NELLP. Additionally, please refer to sections 7.15 and 7.16 of the Planning Statement [TR030008/APP/7.1] for the Applicant’s assessment of policy compliance against the NPSfP in respect of land use and socio-economic impacts (including accessibility).</p>

Policy Reference	North East Lincolnshire Plan	Project Accordance
	<p>A. there is evidence that the facility is surplus to green space and recreation requirements, and has been assessed in terms of biodiversity value; or,</p> <p>B. alternative replacement provision of at least equivalent size, usefulness, attractiveness and quality can be provided, meeting current standards of provision and accessibility, (recognising any subsequent review and revision).</p> <p>3. Developers will be required to make provision for green space, sport and recreation facilities in accordance with the additional needs that the development generates taking account of current local standards of provision and accessibility, (recognising any subsequent review and revision). Delivery will be secured through planning conditions, obligations or charging levy as appropriate. In making this provision, recognition should be made to the role such green space plays in mitigating the effects of recreational pressure on the Humber Estuary SAC/SPA/Ramsar, specifically designing natural green space which is attractive to walkers and dog walkers, particularly in areas where development is most likely to result in increasing visitors to the Humber Estuary SAC/SPA/Ramsar.</p> <p>4. Where existing facilities already meet current accessibility standards, the Council will seek a commuted sum towards the improvement and maintenance of off-site facilities, reflecting the future intensification of use of these facilities.</p> <p>5. Where new green infrastructure is provided, the Council will expect proposals to include details to cover future long term maintenance. This may include, where accepted by the Council, provision of a commuted sum for maintenance, calculated on the basis of typical maintenance costs per square metre for a ten year period. Alternatively, the developer may make arrangements for the land to be maintained by a body other than the Council.</p>	

Immingham Green Energy Terminal
 Planning Statement – Appendix C Project Accordance with the North East Lincolnshire Local Plan

Policy Reference	North East Lincolnshire Plan	Project Accordance
	<p>6. Where appropriate, development should enhance or otherwise accommodate the historic interest of open space sites, particularly where they contribute to the enhancement of the Borough’s heritage assets.</p> <p>7. Where education facilities are being developed which include playing pitch or sports facilities, provision shall be made, where feasible and appropriate, to incorporate community use.</p>	