

PLANNING COMMITTEE - 29th November 2023

ITEM: 1 **RECOMMENDATION: Approved with Conditions**

APPLICATION No: DM/0539/23/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land Off Salverson Road, (New Clee Sidings), Cleethorpes ,

PROPOSAL: Erection of an onshore aquaculture farm (Sui Generis) with associated water extraction and effluent discharge from and to Grimsby Docks, alongside ancillary processing, energy centre, access, car parking, servicing, external lighting and landscaping and associated infrastructure - updated information including; Habitat Regulations Assessment, Biosecurity, Ecological Impact Assessment and effluent discharge assessment

APPLICANT:
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AGENT:
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DEPOSITED: 6th June 2023

ACCEPTED: 20th June 2023

TARGET DATE: 19th September 2023

PUBLICITY EXPIRY: 31st October 2023

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 30th July 2023

CASE OFFICER: Richard Limmer

PROPOSAL

The application seeks planning permission for the erection of an onshore aquaculture farm (Sui Generis) with associated water extraction and effluent discharge from and to Grimsby Docks, alongside ancillary processing, energy centre, access, car parking, servicing, external lighting and landscaping and associated infrastructure.

The proposed development includes a main production building of approximately 40,755 square metres floor space. The main building is proposed to be 10.5m to the ridge but dropping down to 6m at the eastern end of the building. The roof of this building would

include solar panels to help power the facility. There would also be an energy centre building, which would be a flat roofed building with a 'brown roof' which forms part of the ecological mitigation strategy.

The facility proposes to produce up to 5,000 tonnes of fish (salmon) per year.

The application has been brought to Planning Committee due to the number of objections received.

SITE

The site is some 11.67ha of former railway sidings connected with Grimsby Docks. The site still forms part of the Operational Port Area controlled by Associated British Ports. The site was last used between 2014 and 2016 as a storage area for the flood defence works undertaken by the Environment Agency. Since then it has become overgrown. The site has a 2m fence around it and has no public access to it. Access is gained from Salverson Road adjacent to the Seafood Village. The site is allocated on the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP) as Employment Land, Operational Port Land and a Local Wildlife Site (LWS).

The site is roughly flat with an area to the south which drops down towards the adjacent railway line. Beyond the railway the land drops further down to Harrington Street where there are residential neighbours the full length of the site. To the south of the site is primarily a residential area but also includes Grimsby Town FC football ground. To the north of the site is the Humber Estuary with its national and international designations as a Site of Special Scientific Interest (SSSI), RAMSAR, Special Protection Area (SPA) and Special Area of Conservation (SAC). To the east of the site is a smaller triangular piece of land that is part of the LWS designation and sand dunes in character. This area of land has not been previously developed like the application site.

RELEVANT PLANNING HISTORY

DM/1079/22/SCR - EIA Screening request for a proposed on shore Aquaculture facility - EIA Not Required

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (2023)

- NPPF6 - Building a strong, competitive economy
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

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

PO5 - Development boundaries

PO7 - Employment allocations

PO22 - Good design in new developments

PO33 - Flood risk

PO39 - Conserve and enhance historic environ

PO41 - Biodiversity and Geodiversity

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

REPRESENTATIONS RECEIVED

Natural England - no objections.

Council Ecology Officer - satisfied with the AA and HRA and agree with the conclusion of no Likely Significant Effect on the Humber Estuary designations and happy to adopt both. Also satisfied with the Outline Ecological Mitigation Strategy and that it meets the requirements of Policy 41 (Biodiversity and Geodiversity) of the Local Plan.

Lincs Wildlife Trust - holding objection. Concerns in relation to Loss of Local Wildlife Site and impact on the designated Humber Estuary. Further information required. Reference to the need for bio diversity net gain.

Environment Agency - no objections, suggest conditions and also highlight that it is the duty of the Council to consider the Flood Evacuation Plan.

Emergency Planning Team - no objections to the proposed Flood Evacuation Plan.

Environmental Health - no objections, suggest conditions for noise, contamination, piling and construction.

Drainage Officer - no objections the submitted surface water drainage strategy is acceptable.

Humberside Fire Brigade - no objections. Advice on fire fighting.

Trees and Woodlands Officer - no objections condition for final landscaping scheme.

Highways Officer - no objections suggest condition for construction

Marine Management Organisation - no objections. Licence required.

Heritage Officer - no comments.

Cadent - no objections.

NELC Regeneration Team - support the proposal.

Network Rail - no objections, suggest conditions for construction.

Anglian Water Authority - no objections.

Drainage Board - no objections

Civic Society - objection due to the impact on Cleethorpes and the nearby residents

Neighbour and other representations

The following have objected to the proposed development:

50, 54B, 59, 61, 62, 80, 94, 96 and 97 Harrington Street

3 Claremont Cl. Leatherhead

55 Tennyson Road

27A Parker Street

91A High Street, Whittington, Chesterfield

3 and 58 Elliston Street

8 and 53 Daubney Street

42 Rowston Street

1, 36 and 57 Suggits Lane

10 Hunter Road, Brookenby

36C Albert Rd

17 Oliver Street

21 Coronation Road

497 Grimsby Road

19 Montague Street

38 Fuller Street

30 and 45 Douglas Street

82 Neville Street

27 Berkeley Road

39 Bradford Avenue

12 Elm Road, Clydebank

1658 Dover Ct Wheaton

20 Mill Place

4 Stanedykehead, Edinburgh
1 Barley Way, Horncastle
11 Manchester Street
5 Belgrave Rd
62 Campden Crescent
Compassion in World Farming. Surrey.

These responses have objected to the proposed development on the following grounds:

- Welfare of the fish being farmed and the principle of fish farming;
- Impact on the wildlife and ecology on the site;
- Impact on the Humber Estuary due to the waste water discharge;
- Impact on the neighbouring properties amenities due to visual impact, noise, light, smells and construction;
- Traffic generation;
- Impact of escaping fish and disease from the facility;

The following have written in to support the proposed development:

Grimsby Seafood village
Grimsby Fish Market
Blackrow
Humber and Marine Renewables
Pelagia
Seafood Grimsby and Humber
Murray Street
11 Cromwell Road
Ribstone House

These responses have supported the project on the grounds of:

- Grimsby leading the way in food and fish production and processing;
- The need for a sustainable source of salmon;
- The reduction in transport miles of the end product;
- Overall economic investment and jobs.

APPRAISAL

Main Issues

1. Principle of the Development.
2. Local amenity and visual impact.
3. Ecology.

4. Highways.
5. Drainage and Flood Risk.
6. Permit Requirements.

1. Principle of the Development.

The site is located within the main port of Grimsby Docks and benefits from an allocation in the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) (NELLP) for Employment on Operational Port Land. However, the site is also allocated on the NELLP as a Local Wildlife Site (LWS).

Policy 7 of the NELLP deals with employment allocations including employment on Operational Port Land which is relevant to this proposal. The proposed use as an on-shore aqua culture facility (farmed salmon), whilst not necessarily directly related to the operational port, relates very well with the current and historic use of Grimsby Docks and what the Port is used for including the adjacent fish market and various fish processing facilities on Grimsby docks and the wider area. Whilst it cannot be guaranteed, it is likely that the fish produced at the proposed facility would be processed in the Grimsby region. This is demonstrated by the letters of support received from the industry. The proposal also ties into the wider economic and employment strategies for the wider NELC area in regard to food manufacturing and processing and would not conflict with the existing port operations. It would create some 80 direct jobs with associated economic and social benefit. It is therefore considered that the proposed development accords with Policies 5 and 7 of the NELLP.

It should also be noted that as the site is in the control of Associated British Ports (ABP) and part of the operational port of Grimsby. ABP could then seek to utilise their Permitted Development Rights Under Class B, Part 8, Schedule 2 of the Town and Country (General Permitted Development) Order 2015 (as amended) to develop the site without the need for planning permission. Whilst this development does not constitute permitted development this does support the principle of the site's overall development.

The Local Wildlife Site designation under Policy 41 of the NELLP is addressed later in the report.

The proposal must also conform to the other relevant Policies of the NELLP but the principle of the proposed development is considered to be acceptable.

Regarding fish welfare and the moral concerns of fish farming that have been raised in representations received whilst these concerns are noted they are not considered to be material land use planning considerations. Indeed, in that way the proposal is akin to other well established on land intensive livestock units such as for chickens, turkeys and pigs.

2. Local amenity and visual impact.

The site is located to the north of Harrington Street which has a number of residential properties on it that face towards the site. There are also a number of streets coming off Harrington Street with residential properties that will be aware of the proposed development. These properties are separated from the site by the railway, which in this area is a single line. The site is approximately 15m from the near edge of the Harrington Street carriageway and 25m to the front elevations of the dwellings. Harrington Street also sits lower than the site at approximately 3m AOD and the site at approximately 6m AOD.

In regard to the physical presence of the development the applicant has sought to address the concerns raised by the neighbours by reducing the height of the building. The closest section has been reduced to 6m and the remaining remains at 8m. This is opposite 90-95 Harrington Street and at this point there is a separation distance in excess of 50m. The proposed building angles away from Harrington Street from this point thus reducing the impacts on the neighbours in regard to dominance, outlook and privacy.

There have been several neighbours who have raised concerns about noise from the proposed development. Noise could be emitted from the processes undertaken within the facility, external plant or from traffic movements outside of the facility. The application has been submitted with a detailed Noise Impact Assessment, to the relevant British Standard, which consider these noise emitters. The Assessment concludes that the development would not cause an undue impact on the neighbouring properties residential amenities. This has been reviewed and considered by the Environmental Health Team and no objections to the proposal are raised but conditions are recommended including a noise verification assessment. This report to be submitted for approval within 6 months of start of operation. This is considered to be a reasonable condition.

Neighbours have also raised concerns about odour from the proposed facility. The applicant has prepared and submitted a detailed Odour Assessment. This assessment examines the potential risks associated with odorous emissions and suggests mitigation measures to reduce any emissions where required. The assessment sets out that the overall potential for odour generation within the process is low. The main building will be fully enclosed and actively ventilated, and a high quality of water is required to maintain the fish in good health. Whilst there are not expected to be strong odours within the building, it is proposed to provide carbon filters to treat discharged air from the building. With the exception of the chilled waste skips, all the fish rearing and water treatment activities are enclosed within the main building. The Environmental Health Team have reviewed the Odour Assessment and the recommendations set out within in and have no objections to the proposed development. This is subject to a condition for an Odour Management Plan to be prepared and agreed prior to approval that will detail the odour control measures (including carbon filters), the planned responses to any observed odour incidents and a regular odour monitoring plan for the site. With the inclusion of this proposed condition, it is considered that the proposed development is acceptable in regard to Odour Impact.

External lighting has also been raised a concern by neighbours. An initial Lighting Design Report has been submitted with the application. This focusses on the sensitive ecological receptors on and around the site. The residential properties to the south on Harrington Street are a reasonable distance away from the proposed building and so it is likely that a detailed lighting scheme could be installed without having a detrimental impact on the neighbours' residential amenities. The Environmental Health Team have reviewed the information and have no objections to the proposal, but it is considered that a condition is required for a final lighting scheme to be submitted and approved prior to and external lighting being installed. This should have regard to residential and ecological amenity. With the inclusion of this condition the proposal is considered to be acceptable.

With regard to non-residential uses close to the site these are all industrial including large scale cold storage and the Seafood Village. The uses are compatible with what is proposed and there will be no adverse impact on the amenity of these businesses. The development is also acceptable visually sitting against large industrial buildings and development within the port. Whilst there will be a loss of openness as the land is currently undeveloped this is not detrimental. The building is low in height and the site will be landscaped.

Having regard to the above in terms of local amenity the proposal is acceptable under Policy 5 of the NELLP.

3. Ecology

A significant number of the objections received make reference to the impact of the development on wildlife. As previously mentioned within this report the site is designated a Local Wildlife Site on the NELLP and the site is located directly adjacent to the Humber Estuary with its designations as a Site of Special Scientific Interest (SSI), RAMSAR, Special Protection Area (SPA) and Special Area of Conservation (SAC). Key consultees are Natural England and the NELC Ecology Team.

The applicant has undertaken surveys to determine the ecological baseline of the site and to identify any ecological constraints to the development. Surveys commenced in 2021 and included an initial ecological desk study, Preliminary Ecological Appraisal (PEA), wintering and breeding bird surveys to assess the use of the Site and surrounding area by birds, botanical survey and a habitat appraisal for terrestrial invertebrate.

As the site is directly adjacent to the Humber Estuary (SSSI/SAC/SPA/Ramsar Site), a Habitats Regulation Assessment (HRA) and Appropriate Assessment (AA) has been prepared to assess the potential effects of the proposals upon the international designations. Additional information was required through the review and consultation process. In particular the impact and mitigation in relation to water quality, visual and noise disturbance and fish disease. In terms of water quality, the potential impacts are of the discharge of wastewater back into Grimsby Fisk Dock, this equates to up to 2000 cubic metres of water per day. The discharge of this water is subject to a permit from the

Environment Agency and the works for the discharge may also require a license from the Marine Management Organisation. It is important to note that due to the nature of the proposed system fish cannot escape from the facility into the wild. The waste water is heavily screened and filtered to ensure that it is of the correct quality so as to not offer any harm to the environment after it is discharged. In terms of noise this relates to the construction period and it is proposed to undertake the most noise intrusive works during the summer period avoiding the main over wintering bird period. Fish disease is controlled through a filtration system.

The application has been considered by Natural England and following the additional information being supplied they have confirmed that they have no objections to the proposed development. This is in specific regard to the Humber Estuary and its designations.

The Councils Ecologist has confirmed that the HRA and AA are satisfactory and that there is agreement with the conclusion of no Likely Significant Effects on the Humber Estuary designations and the Council are happy to adopt both.

The site is allocated as an LWS. This is a local designation. The Council Ecologist has been actively involved through the consultation process to ensure that the proposed development meets the requirements of Policy 41 of the NELLP. This has resulted in a detailed Ecological Mitigation Strategy being submitted. This includes the following measures to mitigate the loss of land within the LWS for development:

- Onsite landscaping to compliment the LWS species and enhance the quality of plant life on the site;
- Onsite 20% of the roof space of the buildings being created as a 'brown roof' where suitable planting can be included to complement and enhance the LWS;
- Offsite 1.4ha of the existing LWS site will be brought under the management of the Ecological Mitigation Strategy undertaken by the applicant to improve its condition and suitability for biodiversity quality.
- Offsite further area of approximately 0.65 ha of land located between Fuller Street bridge and Suggitts Lane bridge and a small additional area of 0.1 ha of land to the immediate north east of the Suggitts Lane footbridge has also been proposed for enhancement. This area will be improved with planting and management to bring it up to the standard to be an LWS.
- Offsite Installation of a public interpretation board setting out the wintering bird and botanical interest features of this section of Humber Estuary coastline.
- installation of dog waste bins at strategic pedestrian entry/ exit points to the off-site enhancement areas (in consultation with NELC) to encourage appropriate disposal of dog waste and reduce nutrient input (and littering) to grassland habitats.

- An access gate will be installed within the fenced south-east site boundary to allow, where required, vehicular access from the Site into the offsite LWS and off-site areas outside the Site for management activities. This would offer the opportunity to undertake mowing or scrub clearance activities within the site and within the off-site areas more efficiently. Vehicular access from outside the site via the sea wall path from the south east/Cleethorpes has been highlighted by NELC as being historically problematic, therefore provision of a means of access from within the site is beneficial.
- A habitat monitoring report will be prepared every two years for the period of this ecology mitigation strategy plan (10 years) with separate sections for management/enhancement of retained LWS and off-site habitat management.

The full details of the proposed Ecological Mitigation Strategy have been reviewed by the Council Ecologist and it has been confirmed that there are no objections to the proposal. The strategy needs the final details to be agreed through a suitable planning condition. However, the principles set out within the Strategy will adequately minimise the loss of biodiversity through on site and off site mitigation as a result of the development. Importantly it is considered that the mitigation of the biodiversity, as opposed to measured net gain, is acceptable in this case as the development is justified on an economic and social grounds as noted above. The development accords with Policy 41 of the NELLP.

Having regard to ecology the proposed development has been appropriately assessed through the Habitat Regulations Assessment with no objections from Natural England or the Council Ecologist. It is therefore recommended that the Council adopts the submitted Appropriate Assessment and Habitat Regulations Assessment. The recommendations to be secured by condition. The proposed Ecological Mitigation Strategy is also deemed to be acceptable to address the LWS issue. The proposal is therefore considered to accord with Policies 5 and 41 of the NELLP and section 15 of NPPF 2023 'Conserving and Enhancing the Natural Environment'.

4. Highways

The proposed development will generate additional traffic movements to and from the site, these are a mixture of HGV, LGV and small vehicles. As such a detailed Transport Assessment (TA) has been submitted to assess the impact of the traffic generated on the local highway network.

The site is accessed from Salverson Road within the Grimsby Dock area. This in turn provides access to the wider highway network through Riby Square and Lockhill both of which go on to the A180.

The TA details that there would be 50 two-way HGV trips per week and because these can be managed, they would avoid the peak hours in the local area. Staff and small vehicle trips are detailed as being 101 two-way trips per day. The staff trips would be split

over shifts and again this can be managed to avoid the peak hours. It is also noted that much of the end product is likely to be processed within the local area in the existing fish processing facilities and so the HGV movements will mostly remain local and some within the dock estate.

The Highways Officer has considered the proposed development and the potential for impacts on the Highway network. No objections have been made by the Highways Officer but conditions for construction traffic and a travel plan have been recommended. With the inclusion of these conditions, it is considered that the proposed development would accord with Policy 5 of the NELLP.

5. Drainage and Flood Risk

The proposed development has a large impermeable footprint and as such surface water drainage is a significant consideration. The application has been submitted with a detailed Drainage Strategy. This strategy includes that surface water would go to a soakaway within the site. Infiltration tests have been carried out that demonstrate that soakaways would work. The Drainage Team have reviewed the proposed Drainage Strategy and have confirmed that it is acceptable and would not increase the risk of flooding away from the site. However, it will need to demonstrate that there is no risk due to contamination as raised by the Environment Agency. A condition is therefore recommended to cover the final details and ensure contamination risks are addressed. With the inclusion of such a condition it is considered that the proposal is acceptable and accords with Policy 33 of the NELLP.

In regard to Flood Risk the site is within Flood Zone 1 on the Environment Agency Flood Maps. Parts of the site are however within flood risk as shown in the Strategic Flood Risk Assessment. For completeness in terms of the sequential test the site is allocated for such usage in the Local Plan and the locational needs for the development require such a site. The Sequential test is considered to be passed. As a less vulnerable use the exception test is not required. The application has been submitted with a detailed Flood Risk Assessment, this has been amended to address initial concerns raised by the Environment Agency. Following that amendment, the Environment Agency have confirmed that they have no objections to the proposal subject to conditions for the recommendations in the Flood Risk Assessment to be fully carried out and that the Flood Warning and Evacuation Plan is acceptable. The Emergency Planner has reviewed the Flood Warning and Evacuation Plan and has confirmed that it is acceptable. It is therefore considered that the proposed development is acceptable in regard to Flood Risk in accordance with Policies 5 and 33 of the NELLP.

6. Permit Requirements

The nature of the proposed use means that it requires a number of separate permits. The permits required cover a wide range of aspects of the development and future use. This includes water abstraction and discharge, fish welfare and operating methods. National Planning Policy Guidance is clear that Planning should not seek to duplicate control.

The applicant has stated that the following bodies are involved in such permitting:

Centre for Environment, Fisheries and Aquaculture Science (CEFAS)
Fish Health Inspectorate (FHI)
Environment Agency (EA)
Food Standards Agency (FSA)
British Veterinary Association (BVA)
Best Aquaculture Practices (BAP)

CONCLUSION

In conclusion it is considered that the proposed development would not cause harm to residential amenities or business amenity, the visual character of the area, drainage and flood risk, highway safety and amenity, the Humber Estuary designations, the onsite biodiversity and Local Wildlife Site allocation. Suitable mitigation has been proposed to address various aspects, as outlined in this report, these matters can be secured by condition. Furthermore, the proposal would represent a significant economic investment into the area, creating a number of jobs through construction and then operation as well as supporting the food processing and manufacturing businesses in the area. The proposal accords with Policies 5, 7, 22, 33, 39 and 41 of the NELLP and the core principles of the NPPF it is therefore recommended for approval subject to conditions.

RECOMMENDATION

Approved with Conditions

(1) Condition

The development hereby permitted shall begin within three years of the date of this permission.

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:

21193-UMC-0100-SI-DR-A-0002 Rev E (Proposed Site Plan)

21193-UMC-0100-01-DR-A-0100 Rev F (Proposed Main Building Plan)

21193-UMC-0100-01-DR-A-0103 Rev F (Proposed Main Building Elevations)
21193-UMC-0100-01-DR-A-0104 Rev E (Proposed Main Building Section)
21193-UMC-0100-R1-DR-A-0105 Rev E (Proposed Main Building Roof Plan)
21193-UMC-0100-SI-DR-A-0009 Rev D (Street View Section)
21193-UMC-0200-01-DR-A-0201 Rev E (Proposed Energy Centre Building Plan)
21193-UMC-0200-01-DR-A-0302 Rev G (Proposed Energy Centre Elevations)
21193-UMC-0200-01-DR-A-0204 Rev E (Proposed Energy Centre Section)
21193-UMC-0200-R1-DR-A-0202 Rev E (Proposed Energy Centre Roof Plan)
21193-UMC-0100-SI-DR-A-0005 Rev D (Proposed Cycle Shelter Details)
21193-UMC-0100-SI-DR-A-0003 Rev D (Proposed External Surfacing Plan)
21193-UMC-0100-SI-DR-A-0004 Rev D (Proposed Fencing Details)
21193-UMC-0100-SI-DR-A-0007 Rev D (Proposed LOX Tank Enclosure Details)
21193-UMC-0100-01-DR-A-0102 Rev C (Proposed Main Building Ancillary Office Plan)
21193-UMC-0100-01-DR-A-0101 Rev D (Proposed Main Building Office Plan)
21193-UMC-0100-SI-DR-A-0006 Rev D (Proposed Refuse Store Details)
21193-UMC-0100-SI-DR-A-0008 Rev D (Proposed Vehicle Tracking)

Reason

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

(3) Condition

Development shall not begin until details of all external materials to be used in construction of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out 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 Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(4) Condition

No development shall commence until a final detailed scheme for the sustainable provision of surface water drainage, with specific regard to flood risk, ground water pollution risks, ecological mitigation and railway infrastructure protection has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The development shall then be built out in accordance with the approved details.

Reason

In the interests of sustainable drainage to reduce flood risk, mitigate the risks of contamination through water pollution caused by mobilised contaminants, ecological protection and infrastructure protection in accordance with Policies 5, 6, 33 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Prior to the development first coming into use the Flood Warning and Evacuation Plan (by Alan Wood and Partners) Ref: JAG/AD/JR/47911-Ms006 Rev A shall be put in place in accordance with its terms and thereafter maintained in place.

Reason

In the interests of human safety and flood risk in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition 1

The development shall be carried out in accordance with the submitted Flood Risk Assessment (September 2023 ref. JAG/AD/JR/47911-Rp001 Revision F, compiled by Alan Wood & Partners. In particular, finished floor levels shall be set no lower than 6.48 metres above Ordnance Datum (AOD).

Reason

To reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032.

(7) Condition

Prior to development commencing a final detailed Biodiversity, Ecological and Landscaping Improvement Plan, based on the submitted Outline Ecological Mitigation Strategy (by AECOM) ref: Outline Ecological Mitigation Strategy V4, shall be submitted to and approved in writing by the Local Planning Authority. It shall also include full details of implementation and maintenance of the Improvement Plan. The approved Biodiversity, Ecological and Landscaping Improvement Plan shall then be fully implemented in accordance with the approved details.

Reason

In the interest of biodiversity improvement in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

Prior to development commencing full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the approved details and no further external lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason

In the interest of ecological protection and residential amenity in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

The development shall be carried out in strict accordance with the Habitat Regulations Assessment (ref: 60665991 V4, by AECOM) and the mitigation measures and recommendations set out within sections 6 and 7, unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of ecological protection in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) Condition

Prior to the development first coming into operation a final detailed Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then operate in accordance with the approved details.

Reason

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

(11) Condition

No development shall commence until a Construction Environmental Management Plan, has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall contain details on the following matters:

- Environmental protection plan in accordance with the Habitat Regulations Assessment (ref: 60665991 V4, by AECOM) including full details on the mitigation of highest sound levels at source through these being completed in the summer months (outside the wintering bird time window between September and April);
- Visitor and contractor parking areas;
- Materials management plan;
- Materials storage area;
- Wheel cleaning facilities;
- Noise, vibration and dust mitigation measures;
- Hours of construction;
- Lighting details;
- Construction traffic management plan;
- Construction worker travel plan;
- Waste management;
- Pollution control.

The development shall be constructed in full accordance with the approved plan.

Reason

In the interests of ecological protection, highway safety and to protect the amenities of neighbouring land users in accordance with Policy 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(12) Condition

Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect the adjacent railway in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(13) Condition

Prior to the commencement of construction works on site detailed specifications of the type of piling/ground improvement/foundations to be used to support the buildings/structures shall be submitted to the Local Planning Authority for approval. Included shall be a scheme to mitigate the effects of the design with particular regard to noise and vibration to the surrounding premises and ecology and pollution to the underlying chalk aquifer. The foundations shall be carried out/constructed in accordance with the approved details unless variations are approved in writing by the Local Planning Authority.

Reason

In the interests of ecological protection and residential amenity and to ensure the integrity of the underlying aquifer is not compromised in accordance with Policy 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(14) Condition

Prior to development commencing a final Odour Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall detail the full odour control measures (including carbon filter), the planned responses to any observed odour incidents and a regular odour monitoring plan for the site. The development shall then be operated in full accordance with the approved details.

Reason

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

(15) Condition

Within 6 months of the development first coming into use a BS4142 noise verification assessment to demonstrate the overall operational rating level does not exceed the background levels at the nearest sensitive receptors as indicated within the submitted noise report. It shall be submitted to and approved in writing by the Local Planning Authority. If the necessary noise levels cannot be met then a scheme of works to reduce the noise level from the development to the necessary level shall be submitted to and approved in writing by the Local Planning Authority and fully implemented within 6 months of the approval.

Reason

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

(16) Condition

Prior to commencement of development, based on the findings of the site ground investigation report prepared by E3P reference: 16-363-R2-2 submitted with the application, a detailed remediation scheme 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 historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, consideration of unexpected contamination and actions to be taken, 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.

Reason

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

(17) Condition

The approved remediation scheme under condition 16 must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason

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

(18) Condition

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 17.

Reason

In the interests of health and safety in accordance with Policy 5 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 represents an economic investment would not harm the area character, ecology or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 5, 7, 22, 33, 39, 41.

2 Added Value Statement

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

In accordance with paragraph 187 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.

3 Informative

The applicant should be aware of the comments made by the Environment Agency on the 23rd October 2023 and the requirement for Permits for the proposed development.

4 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 326289 - Option 2).

5 Informative

The applicant should be aware of the requirement for permits to construct and operate the proposed development from various regulatory bodies including the Environment Agency, Marine Management Organisation, Centre for Environment, Fisheries, and Aquaculture Science, Fish Health Organisation, Food Standards Agency, Port Health, British Veterinary Association and Best Aquaculture Practices.

