

Title of Application: PA/2015/1264

Application for variation of condition numbers 3, 4, 6, 7, 15,19, 26, 35, 38, 40, 48, 49, 50 and 51 and removal of condition number 5 of planning permission PA/2009/0600 to erect buildings and use land for purposes within Use Classes A3, C1, B1, B2 and B8 for port-related storage and associated service facilities together with amenity landscaping and habitat creation, including flood defences, new railway siding, estate roads, sewage and drainage facilities, floodlighting, waste processing facility, hydrogen pipeline spur and two 20 metre telecommunication masts (IN ACCORDANCE WITH THOSE ADDITIONAL DETAILS AND PLANS CONTAINED WITHIN THE ADDENDUM TO THE ENVIRONMENTAL IMPACT ASSESSMENT DATED APRIL 2011 RECEIVED BY THE LOCAL PLANNING AUTHORITY ON 20 APRIL)

Location of Plan or Project /Application

Land off Skitter Road, East Halton,
E: 514829 N:421172

International Nature Conservation Site

Humber Estuary Special Protection Area (SPA) and Ramsar site
Humber Estuary Special Conservation Area (SAC)

**Description of the Plan or Project- Original Permission PA/2009/0600
(Extract from the Habitats Regulations Assessment with paragraphs re-numbered)**

1. Planning consent for development is sought for an area of 379.9ha. The sizes of areas for development are dependent upon which one of two mitigation options for SPA waterbirds is carried forward. Table 1 details the proposed site areas and land uses.
2. The industrial/commercial development will accommodate B1, B2 and B8 land uses for port related storage and associated service facilities. In addition to this, the application seeks consent to develop either 140.7ha or 159.6ha for on-site amenity landscaping and habitat creation. Improvements to the flood defence wall will entail covering 1.1 ha of rocky foreshore with a further rock toe.
3. In essence the proposed works include:
 - Works to repair the existing flood defence wall on its current alignment.
 - Recontouring the site landform in order to reduce the consequences of flooding of the land along its eastern margin.
 - The creation of a drainage balancing pond and the installation of a new drainage system with its outfall onto the foreshore via a new pumping station.
 - Construction of a 2,490m long service road with screening bunds running north to south through the southern part of the site, thus extending the existing consented glass wool

factory access road with its link to the junction of Eastfield Road and Chase Hill Road. (The road will be to adoptable standard).

- Creation of 2,490m of cycleway and increasing public footpaths on site.
 - Closure of 590m of highway to motor vehicles.
 - Construction of a bridge carrying the proposed new spine road, over the derelict railway line.
 - Construction of railway sidings and a loading area, linking into the end of the live railway north west of the Humber Sea Terminal.
 - Construction of a private road (to adoptable standard) linking the site with the Humber Sea Terminal.
 - Creation of a business park on the west side of the spine road.
 - Creation of transport depots, an HGV service facility, warehousing, offices, car parks and external storage areas with floodlighting and 2.5m high security fencing, east of the spine road and south of the former railway line and security cabins.
 - Development of a motel and a truck stop restaurant with HGV refuelling facilities.
 - Construction of external storage areas with floodlighting and 2.5m high security fencing.
 - Construction of sewage treatment facilities and links to Anglian Water foul water treatment facilities.
 - Construction of a 2410m spur from the consented hydrogen pipeline to run from the spine road bridge over the former railway, along the west side of the spine road to its junction with Chase Hill Road.
 - Erection of two telecommunication masts, 20m high, each with two associated cabins within a surrounding compound.
 - Erection of one bird hide.
- 4 Further details are given in the revised Chapter 4 of the submitted Environmental Statement dated April 2011. Details of the locations of the proposed hard surface developments are shown on submitted Drawings No. KI-02002 & ALP-02005, which should be read in conjunction with the submitted Development Statistics for Options 1 & 2. In addition, the development will provide amenity landscaping beside Skitter Road and on the north side of the former railway line. Areas which have been designated for habitat creation lie to the north and west of the Winters' Pond.
- 5 The applicant has proposed that works will be phased as shown in Tables 2 and 3 overleaf.
- 6 Measures taken to minimise effects on the International Nature Conservation Sites:
- 6.1 The applicant has proposed areas of wetland habitat creation to provide for feeding, roosting and loafing waterbirds. There are two options for the total area and configuration of these. The on-site only option entails the provision of around 74 hectares of wetland mitigation habitat, comprising 32 hectares of "core" mitigation habitat adjudged adequate to support the numbers of waterbirds currently observed on-site and 42 hectares of wetland buffer habitat, designed to protect birds in the core area from noise and visual disturbance. The on-site and off-site option entails the provision of 55 hectares of wetland mitigation habitat on-site, comprising 20 hectares of core habitat and 35 hectares of buffer. Additionally, the latter option will entail the

provision of 50 hectares of wetland mitigation habitat off-site, at a location to be agreed, comprising 20 hectares of core habitat and 30 hectares of buffer.

- 6.2 Works on the seaward side of the seawall will be conducted between April and September, to minimise temporary disturbance to bird populations during the overwintering period (October to March).
- 6.3 Attempts have been made to phase works so as to minimise construction disturbance to waterbirds using intertidal areas, existing farmland or created habitat areas. Seasonal work timings have also been planned on this basis, where appropriate. These are described in sections 10.5.50 to 10.5.59 of the submitted ES (as amended by addendum section 13.9).
- 6.4 Attempts have been made to minimise construction light disturbance to waterbirds using intertidal areas, existing farmland or created habitat areas. These are described in section 10.5.127 of the submitted ES.
- 6.5 The project proposals have been revised subsequent to the planning committee of 08 October 2010, in order to address the continuing concerns of Natural England and the RSPB.

Table 2: Proposed Phasing of Works

Phase	Timing	Plot no.	Plot area (ha)		Works Proposed
			Option 1	Option 2	
1	2011-2014	NE1	2.2	2.2	Transport depot office, workshop, parking & external storage.
		NE2	1.9	1.9	HGV services office, HGV workshop, parking & external storage.
		NE3	2.6	2.6	Waste management facility.
		NE4	2.3	2.3	Transport depot office, workshop, parking & external storage.
		NE5	2.0	2.0	Transport depot office, workshop, parking & external storage.
		NE6	4.9	4.9	Warehouse, security cabin, parking & external storage.
		NE7	12.9	12.9	Warehouse, security cabin, parking & external storage.
		NW1	0.2	0.2	Large office
			0.2	0.2	Large office
			0.4	0.4	6 No. small offices (746m2 each)
			0.2	0.2	Road
		Road	2.5	2	Spine road inc. cycleways
		Potential Dev. Area	18.8	18.8	Formerly proposed waterbird mitigation area.
		WaterbirdMitigation	20	20*	Core Area (to be finished prior to phases 3-6)
			35.1	35.1*	Buffer (including balancing pond) (to be finished prior to phases 3-6)
		Landscape	5.3	5.3	Permanent water
23.6	23.6		Landscaping (inc. 1.2 ha woodland)		
6	6		Pond		
Total	120.6	119.9			
2	2011-2015	WaterbirdMitigation	N/A	12	Extension to Core Area (to be finished prior to phases 3-6)
			N/A	6.8	Extension of Buffer (to be finished prior to phases 3-6)
		Total	N/A	18.8	
3	2013-2015	NW2	13.3	13.3	Warehouse, security cabin, parking & external storage.
		NW3	9.1	9.1	Warehouse, security cabin, parking & external storage.
		NW4	7.7	7.7	Truck stop motel, restaurant & parking.
		NW5	3.1	3.1	Warehouse & security Cabin
		NW6	44.7	44.7	Port related storage, office, vehicle PDI building, security cabin & stores building.
		Road	2.5	1	Inc. cycleways and footpaths
		Landscape	30	30	
Total	110.4	108.9			
4	2014-2016	NE8	8.7	8.7	Warehouse, security cabin, parking.
		NE9	3.8	3.8	Warehouse, security cabin, parking.
		NE10	12.0	12.0	Rail freight terminal, security cabin & office.
		Potential Dev. Area	5.5	5.5	Formerly proposed waterbird mitigation area.
		Landscape	10	10	
Total	40	40			
5	2015-2017	NW7	35		Port related storage, vehicle etching building, office, vehicle PDI building, security cabin, stores building, car parking & external storage.
		Landscape	15		Landscaping and habitat creation
		Total	50		
6	2016-2018	NE12	41.6	25	Transport depot office, workshop, parking and external storage
		Landscape	10	10	Landscape and habitat creation
		Total	51.6		
-----	2012-2014	Floodbank			

*asterisked values replace figures considered to be included in error in the addendum to the Environmental Statement.

Table 3. Potential overlap of phases

Phase	2011	2012	2013	2014	2015	2016	2017	2018
1								
2								
3	To begin after completion of wetland mitigation							
4								
5								
6								
Pipeline								
Flood wall								

Proposed Condition Variations PA/2015/1264

The proposed condition variations are attached in full as Appendix 1.

The stages of development to which the proposed variations apply are attached as Appendix 2.

Conditions 3-48 and the proposed amendments to them, do not have any significant ecological implications in terms of the Habitats Regulations or the features of the Humber Estuary SAC, SPA or Ramsar site. They are not discussed further in this document.

Condition 49

Here, the proposed variation ensures that each stage of development will have a water pollution prevention plan. This is instead of a single plan for the whole development. Natural England has no objection to the variation of this condition.

Condition 50

Here, the proposed variation ensures that each stage of development will have a waterbird protection and construction method statement. This is instead of a single plan for the whole development.

North Lincolnshire Council has requested that this condition should have the words “relevant to that stage” inserted, so that it will apply in a similar manner to condition 49. Provided that this change is made, Natural England has no objection. Able UK has no objection to making the change (Jo Salisbury, pers. comm.).

This condition may usefully work in combination with the varied condition 51 (see overleaf). With the varied condition 51, the developer will not need to submit the conservation management plan for waterbird mitigation areas until during stages 1a and

1b of development. However, it will be necessary for these stages to have a waterbird protection and construction method statement. For works south of the railway, the method statement will need to demonstrate that alternative feeding, roosting and loafing areas will be available for the duration of these works. This will entail demonstrating that land north of the railway will be maintained in a condition suitable for feeding, roosting and loafing, curlew, ruff, lapwing and golden plover in particular and other SPA/Ramsar waterbirds in general.

Condition 51

The original condition ensured that no development could take place until a conservation management plan for waterbird mitigation areas had been submitted to and agreed in writing with the local planning authority. The proposed amendment is intended to allow the applicant to construct a roundabout and spine road south of the railway before needing to submit the management plan. For this reason, the proposed variation needs to be further amended to read as follows:

"No development **with the exception of stages 1a and 1b**, shall take place until a conservation management plan for waterbird mitigation areas has been submitted to and agreed in writing with the local planning authority. The plan shall include:
(as existing condition)."

Able UK (Jo Salisbury, pers. comm.) and Natural England have both agreed to this amendment.

Able UK has confirmed that the roundabout to be constructed at stage 1a is at the junction of the existing Eastfield Road and Chase Hill Road, at the very southern end of the development area (Jo Salisbury, pers. comm.).

Natural England has highlighted that the road works in stages 1a and 1b could displace significant numbers of SPA/Ramsar waterbirds. This variation therefore requires more detailed assessment.

Further Assessment of Condition 51

In the appropriate assessment document for PA/2009/0600 the effects of construction disturbance south of the railway line were discussed as set out in Box 1 below. The paragraphs have been re-numbered:

Box 1- Construction disturbance of birds using existing farmland and wetlands for feeding, roosting and loafing.

- 1 Phasing of works will ensure that different areas of the site are available for feeding, roosting and loafing at different stages of the development. Construction of the proposed wetlands in the early phases of development should help to mitigate for construction disturbance of birds in the later phases.
- 2 Field usage maps produced by Mott Macdonald (2009), suggest that for golden plover, lapwing and ruff, the most heavily used fields on the application site are north of the disused railway line. Curlew use fields north and south of the railway line, but the Catley reports (2007a, 2008a) reveal that, much of the time, fields south of the railway line are subject to disturbance and the northern curlew flocks use the fields north of the railway line roughly twice as much as those south of the railway line (2007/08 figures), or fourteen times as much if 2007 figures are applied.
- 3 Save for works to create new wetlands, Phase 1 of development is proposed to be

entirely south of the railway line (Submitted drawing ALP – 02004 Rev B). While these works take place, waterbirds will be able to use the more “important” fields to the north. In Phase 1, the mitigation wetland will be created. If it is not possible to provide any wetland mitigation off-site, there will also be a Phase 2 of wetland mitigation on-site, to be completed prior to the commencement of construction phases 3, 4, 5 and 6.

- 4 However, Table 3 of Section 4 [of the original HRA] shows that whilst there is a notional phasing programme for this project, there is considerable overlap in the phases as proposed. Areas covered by proposed phases 3, 4, 5 and 6, north of the railway line, are all used by significant numbers of birds, according to Mott Macdonald (2009). In theory, three out of four of these areas could be affected by construction works at the same time. However, by this stage waterbird mitigation adequate to support birds from the whole application site will be in place, and is confidently expected to be able to support any displaced birds.
- 5 Some temporary disturbance and displacement of waterbirds from the phase 1 and 2 areas is inevitable with a construction project of the type proposed. Habitat Regulations Guidance Notes 1 and 3 guide competent authorities to consider the magnitude, duration and reversibility of such effects.
- 6 Clearly the construction disturbance is temporary (proposed over 4 years at most for phases 1 and 2) and reversible to the extent that, after the construction period, waterbirds will no longer be subjected to construction activities. In terms of magnitude, displacement of waterbirds is not likely to be absolute until areas become hard-surfaced and affected by built structures. Indeed, at Far Ings and Waters’ Edge, Barton upon Humber, waders including curlew, lapwing and redshank were found to continue using the construction sites while earth-moving and localised construction works were taking place (Catley 2000-2003). Waterfowl using nearby waterbodies were not significantly affected (ibid).
- 7 Nevertheless, there is a likelihood that waterbirds currently using farmland and wetland will be disturbed and displaced. In the case of ruff and curlew, analysis of the Humber INCA bird reports suggests that these birds are strongly linked to the application site, whereas golden plover, lapwing and the less numerous species appear to be more wide ranging and less dependent on the application site.
- 8 Conditions will be required to ensure that habitat continues to be available for ruff and curlew in particular during site works. This requirement will be most acute when works are taking place around East Halton Pits. These conditions need to ensure that land in phases 3, 4, 5 and 6 is available for waterbirds while Phases 1 and 2 are being developed (including creation of the mitigation wetlands). As well as ensuring continued provision for ruff and curlew, this approach is expected to benefit lapwing, golden plover and smaller numbers of other waders and wildfowl.

The approach set out in Box 1 was secured by conditions 51-55 of PA/2009/0600. The proposed variation will ensure that the same approach will still apply. While stages 1a and 1b are carried out south of the railway line, any birds temporarily displaced by the construction noise and visual disturbance will be able to use pasture and arable land north of the railway line for feeding, roosting and loafing.

Whilst stages 1a and 1b are carried out the following protective restrictions shall apply:

- Waterbird protection and construction method statement (condition 50)
- Bird monitoring and implementation of remedial measures (condition 53)
- Environmental Steering Group (condition 55)

This will help to ensure that the numbers of birds likely to be displaced are within the range anticipated and that the farmland north of the railway line is maintained in a condition suitable to support SPA/Ramsar waterbirds for the duration of stages 1a and 1b.

Determination of Likely Significant Effect under The Conservation of Habitats and Species Regulations 2010

1. North Lincolnshire Council does not consider that the plan or project is directly connected with, or necessary to, the management of the Humber Estuary Special Protection Area (SPA) and Ramsar site or Humber Estuary Special Conservation Area (SAC) for nature conservation.
2. North Lincolnshire Council is of the opinion that the plan or project is not likely to have a significant effect alone or in combination with other plans and projects on the Humber Estuary Special Protection Area (SPA) and Ramsar site or Humber Estuary Special Conservation Area (SAC).

Reasons for Likely Significant Effect (LSE) determination:

With the minor amendments described, the variations to conditions 49 and 50 will provide the same safeguards as the originals. The original conditions arose from a signed and approved appropriate assessment of PA/2009/0600 and contributed to the conclusion that the development would have no adverse effect on the integrity of the Humber Estuary SAC, SPA or Ramsar site.

The more detailed assessment of condition 51 reveals that, with the amendments described the varied condition will provide the same safeguards as the original.

Potential hazards to the features of the International Nature Conservation Site that have been considered are as follows:-

- Construction disturbance of birds using existing farmland and wetlands for feeding, roosting and loafing.

In-combination Plans and Projects

In-combination plans and projects were considered in detail in the Habitats Regulations Assessment for PA/2009/0600. As the varied conditions will provide the same safeguards as the originals, it is not necessary to consider the variations in combination with other plans or projects in detail.

It is worth noting that two or three Nationally Significant Infrastructure Projects could potentially be under construction between the railway line and Chase Hill Road at the same time as PA/2009/0600 stages 1a and 1b. These are:

- North Killingholme Power Project- CGen Killingholme Ltd.
- Hornsea Offshore Wind Farm (Zone 4) - Project One
- Hornsea Offshore Wind Farm (Zone 4) - Project Two

Taken together, the requirements for these projects and conditions 50-55 (with variations) of PA/2009/0600 will provide the necessary safeguards for SPA/Ramsar waterbirds as previously described in this document.

Signed  Date 23 December 2015
Andrew Taylor

Designation Project Officer (Ecologist)

References

Catley G. 2000-2003 Waters Edge and Far Ings Bird Disturbance Reports (unpublished)

Catley, G. 2007a Winter bird survey of East Halton and Killingholme Marshes and inland fields encompassed by North Lincolnshire Council boundary; January to March 2007 (unpublished report)

Catley, G. 2008a Winter bird survey of East Halton and Killingholme Marshes and inland fields encompassed by North Lincolnshire Council boundary; July 1st to March 31st 2007 – 2008 (unpublished report)


Mott Macdonald 2009 South Humber Bank Zone Final Report: Field Usage by Bird Species from the Humber Estuary SPA

Smartwind 2015 Hornsea Offshore Wind Farm Project Two – Application for Development Consent. Draft Development Consent Order

2014 No. 2434 INFRASTRUCTURE PLANNING The North Killingholme (Generating Station) Order 2014

2014 No. 3331 INFRASTRUCTURE PLANNING The Hornsea One Offshore Wind Farm Order 2014

Appendix 1 Proposed Condition Variations.

 www.ableuk.com	ABLE LOGISTICS PARK PROPOSED REVISIONS TO PLANNING CONDITIONS (PA/2009/0600)	SEPTEMBER 2015
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Cond'n No.	Original Condition	Proposed Condition
3	Works shall not commence on site until wheel-cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.	Works shall not commence on site <i>on each stage of the development</i> until wheel-cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.
4	No development shall take place until details of the drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway, have been submitted to and approved in writing by the local planning authority.	No stage <i>of the</i> development shall take place until details of the drainage, construction, services and lighting of the proposed access road <i>relevant to the stage of the development being constructed</i> , including the junction with the adjacent highway, have been submitted to and approved in writing by the local planning authority.
5	No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.	No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established. DELETE CONDITION.
6	Development shall not begin on site until details of: (i) the number, location and layout of vehicular accesses to the site; (ii) the number, location and layout of vehicle parking spaces, including access aisles, surface markings and turning facilities; (iii) the location and layout of vehicle loading, off-loading and turning facilities for delivery vehicles; and (iv) the pedestrian means of access to all buildings; have been submitted to and approved in writing by the local planning authority.	Development <i>of each stage</i> shall not begin on site until details of: (i) the number, location and layout of vehicular accesses to the site; (ii) the number, location and layout of vehicle parking spaces, including access aisles, surface markings and turning facilities; (iii) the location and layout of vehicle loading, off-loading and turning facilities for delivery vehicles; and (iv) the pedestrian means of access to all buildings; <i>for that stage of the development</i> have been submitted to and approved in writing by the local planning authority.

<p>7</p>	<p>The development shall not be brought into use until:</p> <p>(i) the access roads to the service and customer parking area;</p> <p>(ii) the loading, off-loading and turning areas for all vehicles; and</p> <p>(iii) the parking spaces and access aisles (including surface markings);</p> <p>have been provided and all these facilities shall thereafter be so retained.</p>	<p>The<i>Each stage of the</i> development shall not be brought into use until:</p> <p>(i) the access roads to the service and customer parking area;</p> <p>(ii) the loading, off-loading and turning areas for all vehicles; and</p> <p>(iii) the parking spaces and access aisles (including surface markings);</p> <p>have been provided <i>for that stage</i> and all these facilities shall thereafter be so retained.</p>
<p>15</p>	<p>No development shall take place until details of a construction phase traffic management plan have been submitted to and approved in writing by the local planning authority (in consultation with the Highways Agency). Once approved the plan shall be implemented and monitored throughout the construction period.</p>	<p>No development shall take place until details of a construction phase traffic management plan <i>for the stage to be constructed</i> have been submitted to and approved in writing by the local planning authority (in consultation with the Highways Agency). Once approved the plan shall be implemented and monitored throughout the construction period.</p>
<p>19</p>	<p>Notwithstanding the provisions of sections 94, 98 and 106 of the Water Industry Act 1991, no development shall commence until details of a scheme for the satisfactory provision of sufficient capacity within the public sewerage system and at the wastewater treatment works to meet the needs of the approved development has been submitted to and approved in writing by the local planning authority. No buildings shall be occupied until the works have been carried out in accordance with the scheme.</p>	<p>Notwithstanding the provisions of sections 94, 98 and 106 of the Water Industry Act 1991, <i>no building works which comprise the erection of a building required to be served by water services</i> no development shall commence until details of a scheme for the satisfactory provision of sufficient capacity within the public sewerage system and at the wastewater treatment works to meet the needs of the approved development has been submitted to and approved in writing by the local planning authority. No buildings shall be occupied until the works have been carried out in accordance with the scheme <i>so far as they relate to the building(s) occupied.</i></p>

<p>26</p>	<p>Prior to any site works for any of the buildings being commenced, a scheme for the reinforcement of agricultural hedgerows with native tree and shrub planting for the land edged blue on the submitted drawing numbered KI-02000 D shall be submitted to and agreed in writing by the local planning authority.</p> <p>Any such scheme should pay particular attention to any potentially adverse impact of new planting upon the setting of the heritage asset (Ancient Monument Moated Site) located at TA14032014. Once agreed all planting in this area shall be completed within the next available planting season (end October to end March) and shall thereafter be maintained in accordance with the tree and biodiversity management plan required by condition 56.</p>	<p>Prior to any site works for any of the buildings being commenced, a scheme for the reinforcement of agricultural hedgerows with native tree and shrub planting for the land edged blue <i>to the west of the development</i> on the submitted drawing numbered KI-02000 D shall be submitted to and agreed in writing by the local planning authority.</p> <p>Any such scheme should pay particular attention to any potentially adverse impact of new planting upon the setting of the heritage asset (Ancient Monument Moated Site) located at TA14032014. Once agreed all planting in this area shall be completed within the next available planting season (end October to end March) and shall thereafter be maintained in accordance with the tree and biodiversity management plan required by condition 56.</p>
<p>35</p>	<p>Before development commences on site, a scheme shall be submitted to and approved in writing by the local planning authority that provides for a minimum of 10% in Phases 1 and 2, 15% in Phases 3 and 4 and 20% in Phases 5, 6 and 7 of the approved buildings' total energy requirements to be provided by on-site renewable energy sources production equipment.</p> <p>Such sources/equipment shall be provided/installed and fully operational prior to the occupation of any of the buildings hereby approved. (A phased approach to this provision may be agreed in consultation with the local planning authority at an early stage.)</p>	<p>Before development <i>any stage that includes the erection of a building</i> commences on site, a scheme shall be submitted to and approved in writing by the local planning authority that provides for a minimum of 10% in Phases 1 and 2, 15% in Phases 3 and 4 and 20% in Phases 5, 6 and 7 of the approved buildings' total energy requirements to be provided by on-site renewable energy sources production equipment.</p> <p>Such sources/equipment shall be provided/installed and fully operational prior to the occupation of any of the buildings hereby approved. (A phased approach to this provision may be agreed in consultation with the local planning authority at an early stage.)</p>
<p>38</p>	<p>Before development is commenced, a scheme shall be submitted to and agreed in writing by the local planning authority of the method of insulating each building. Such a scheme shall provide that the sound reduction index (SRI value) of each building envelope shall be sufficient to ensure that activities within the buildings do not give rise to adverse noise impact at sensitive receptors' locations.</p>	<p>Before development is commenced, <i>Before any stage that includes the erection of a building is commenced,</i> a scheme shall be submitted to and agreed in writing by the local planning authority of the method of insulating each building <i>within that stage</i>. Such a scheme shall provide that the sound reduction index (SRI value) of each building envelope shall be sufficient to ensure that activities within the buildings do not give rise to adverse noise impact at sensitive receptors' locations.</p>

40	Before development commences, details of the location, dimensions and construction materials of all acoustic barriers, including predicted noise levels at relevant receptors, shall be submitted to and approved in writing by the local planning authority.	Before development commences, <i>Before each stage commences,</i> details of the location, dimensions and construction materials of all acoustic barriers <i>in that stage,</i> including predicted noise levels at relevant receptors, shall be submitted to and approved in writing by the local planning authority.
48	No development shall commence until details of a scheme for the satisfactory provision of sufficient capacity within the public sewerage system and at the wastewater treatment works to meet the needs of the approved development has been submitted to and approved in writing by the local planning authority. No buildings shall be occupied until the works have been carried out in accordance with the approved scheme.	<i>No building works which comprise the erection of a building required to be served by water services</i> No development shall commence until details of a scheme for the satisfactory provision of sufficient capacity within the public sewerage system and at the wastewater treatment works to meet the needs of the approved development has been submitted to and approved in writing by the local planning authority. No buildings shall be occupied until the works have been carried out in accordance with the approved scheme.
49	No development shall take place until a water pollution prevention plan has been submitted to and approved in writing by the local planning authority. The plan shall include: (i) details of measures to avoid water-borne pollution during construction in accordance with sections 10.5.16 to 10.5.22 of the submitted environmental statement; (ii) details of measures to avoid water-borne pollution in accordance with sections 8.6.36 to 8.6.39 and 16.3.43 of the submitted environmental statement.	No <i>stage of the</i> development shall take place until a water pollution prevention plan <i>relevant to that stage</i> has been submitted to and approved in writing by the local planning authority. The plan shall include: (i) details of measures to avoid water-borne pollution during construction in accordance with sections 10.5.16 to 10.5.22 of the submitted environmental statement; (ii) details of measures to avoid water-borne pollution in accordance with sections 8.6.36 to 8.6.39 and 16.3.43 of the submitted environmental statement.

<p>50</p>	<p>No development shall take place until a waterbird protection and construction method statement has been submitted to and agreed in writing by the local planning authority. The plan shall include:</p> <ul style="list-style-type: none"> i) a prohibition on floodbank works or other works within the Humber Estuary SPA between October and February within, and up to 500 metres to the south of East Halton Skitter; (ii) a prohibition on earthworks to raise or lower ground levels between October and February; (iii) details of measures that shall be put in place during construction to avoid impacts upon waterbirds; (iv) a programme of construction noise and visual disturbance monitoring and bird disturbance studies to be carried out with results to be submitted to the local planning authority quarterly during the construction period; (v) details of thresholds for disturbance and/or displacement of waterbirds that shall trigger amendment of working methods in response to monitoring results; (vi) details of the means by which amended sensitive working methods shall be agreed with the local planning authority; (vii) details of sensitive working methods for installation of the hydrogen pipeline and construction of the pumping station; (viii) details of measures to control construction-phase light pollution in accordance with section 10.5.127 of the submitted environmental statement. <p>All site clearance and construction works shall be carried out strictly in accordance with the agreed waterbird and construction method statement unless otherwise agreed in writing by the local planning authority.</p>	<p>No <i>stage of the development</i> shall take place until a waterbird protection and construction method statement has been submitted to and agreed in writing by the local planning authority. The plan shall include:</p> <ul style="list-style-type: none"> i) a prohibition on floodbank works or other works within the Humber Estuary SPA between October and February within, and up to 500 metres to the south of, East Halton Skitter; (ii) a prohibition on earthworks to raise or lower ground levels between October and February; (iii) details of measures that shall be put in place during construction to avoid impacts upon waterbirds; (iv) a programme of construction noise and visual disturbance monitoring and bird disturbance studies to be carried out with results to be submitted to the local planning authority quarterly during the construction period; (v) details of thresholds for disturbance and/or displacement of waterbirds that shall trigger amendment of working methods in response to monitoring results; (vi) details of the means by which amended sensitive working methods shall be agreed with the local planning authority; (vii) details of sensitive working methods for installation of the hydrogen pipeline and construction of the pumping station; (viii) details of measures to control construction-phase light pollution in accordance with section 10.5.127 of the submitted environmental statement. <p>All site clearance and construction works shall be carried out strictly in accordance with the agreed waterbird and construction method statement unless otherwise agreed in writing by the local planning authority.</p>
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<p>51</p>	<p>No development shall take place until a conservation management plan for waterbird mitigation areas has been submitted to and agreed in writing with the local planning authority. The plan shall include:</p> <ul style="list-style-type: none"> - the aims and objectives of the plan, including proposed indicators of success; - details of the ecological requirements of target species and the ecological trends affecting them; - plans and details of habitats to be created and managed to support the target species, including details of earthworks, ground levels, islands, scrapes, soil properties, water control structures, ditches, waterbodies, target grassland sward types and any screening banks, hedgerows or reedbeds; - ongoing management measures to be implemented to maintain habitats in favourable condition; - detailed grazing prescriptions for wetland mitigation areas, including the means by which cattle shall have access to the proposed grassland areas; - details of measures required to ensure the welfare of grazing animals; - confirmation that areas of grass, rush and sedge shall be managed by cattle grazing, rather than mowing, unless agreed in writing by the local planning authority; - detailed prescriptions for control of water levels, inputs and output, including water budgets for average, dry and wet years; - timing of proposed works; - details of remedial measures to be carried out in the event of water levels or other target measures rising or falling beyond agreed limits; - persons responsible for: <ul style="list-style-type: none"> • compliance with legal consents relating to nature conservation; • compliance with planning conditions relating to nature conservation; • installation of physical protection measures during construction; 	<p>No development <i>with the exception of stages 1 and 2</i>, shall take place until a conservation management plan for waterbird mitigation areas has been submitted to and agreed in writing with the local planning authority. The plan shall include:</p> <ul style="list-style-type: none"> - the aims and objectives of the plan, including proposed indicators of success; - details of the ecological requirements of target species and the ecological trends affecting them; - plans and details of habitats to be created and managed to support the target species, including details of earthworks, ground levels, islands, scrapes, soil properties, water control structures, ditches, waterbodies, target grassland sward types and any screening banks, hedgerows or reedbeds; - ongoing management measures to be implemented to maintain habitats in favourable condition; - detailed grazing prescriptions for wetland mitigation areas, including the means by which cattle shall have access to the proposed grassland areas; - details of measures required to ensure the welfare of grazing animals; - confirmation that areas of grass, rush and sedge shall be managed by cattle grazing, rather than mowing, unless agreed in writing by the local planning authority; - detailed prescriptions for control of water levels, inputs and output, including water budgets for average, dry and wet years; - timing of proposed works; - details of remedial measures to be carried out in the event of water levels or other target measures rising or falling beyond agreed limits; - persons responsible for: <ul style="list-style-type: none"> • compliance with legal consents relating to nature conservation; • compliance with planning conditions relating to nature conservation; • installation of physical protection measures during construction;
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51 cont'd	<ul style="list-style-type: none"> • implementation of sensitive working practices during construction; • regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; • implementation of the management plan. <p>The conservation management plan shall be reviewed by the applicant or their successor in title every five years in order to achieve the stated aims and objectives. Following such five yearly reviews, any changes agreed between the applicant or their successor in title and the local planning authority shall be incorporated into a revised conservation management plan which shall thereafter be the conservation management plan for the purposes of all associated planning conditions.</p> <p>The agreed conservation management plan shall be implemented in its entirety, in accordance with agreed timings, unless otherwise agreed in writing by the local planning authority. The features provided through implementation of the plan shall be retained and managed as agreed thereafter.</p>	<ul style="list-style-type: none"> • implementation of sensitive working practices during construction; • regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; • implementation of the management plan. <p>The conservation management plan shall be reviewed by the applicant or their successor in title every five years in order to achieve the stated aims and objectives. Following such five yearly reviews, any changes agreed between the applicant or their successor in title and the local planning authority shall be incorporated into a revised conservation management plan which shall thereafter be the conservation management plan for the purposes of all associated planning conditions.</p> <p>The agreed conservation management plan shall be implemented in its entirety, in accordance with agreed timings, unless otherwise agreed in writing by the local planning authority. The features provided through implementation of the plan shall be retained and managed as agreed thereafter.</p>
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Appendix 2 Stages of Development

1 STAGES OF DEVELOPMENT

- 1.1.1 The original planning consent PA/2009/0600 allowed for some conditions to be discharged in accordance with the original phasing proposed, but this was not written into all the conditions therefore requiring, for example, the car parking spaces to be detailed on the *whole* scheme even if only the first part of the access road was to be built.
- 1.1.2 It is therefore proposed to introduce stages of the development that will allow primarily the roads to proceed ahead of the discharge of all the pre commencement conditions.
- 1.1.3 Following consultation, clarification of the relationship between the phases and the stages has been addressed. The phases will remain with the stages being the subdivision of these phases, see below. Phases are taken from the Addendum to the Environmental Statement (April 2011).

Phase	Proposed Stage	Plot No.	Facility
1	1a	Roundabout	Section 278 highway works
1	1b	Road	Spine road south of railway inc cycleways
1	1c-k to be determined as tenants are signed up	NE1	Transport depot office, workshop, parking & external storage.
1		NE2	HGV services office, HGV workshop, parking & external storage.
1		NE3	Waste management facility.
1		NE4	Transport depot office, workshop, parking & external storage.
1		NE5	Transport depot office, workshop, parking & external storage.
1		NE6	Warehouse, security cabin, parking & external storage.
1		NE7	Warehouse, security cabin, parking & external storage.
1		NW1	Offices including road
1		Potential Development Area	Former mitigation area
1		1c	Conservation Mitigation Area
1	1a-k	Landscaping	Permanent water Landscaping (incl. 1.2 ha woodland) Pond
2	2a	Extension to core mitigation and buffer	Only required with Option 1. If Option 2 then this work goes to Phase 6.

Phase	Proposed Stage	Plot No.	Facility
3	3a	Road	North of railway, including cycle and footways
3	3b-f	NW2	Warehouse, security cabin, parking & external storage.
3		NW3	Warehouse, security cabin, parking & external storage.
3		NW4	Truck stop motel, restaurant & parking.
3		NW5	Warehouse & security Cabin
3		NW6	Port related storage, office, vehicle PDI building, security cabin & stores building.
3	3a-f	Landscaping	
3	3b	Drainage	Pumping station and outfall
4	4a-c	NE8	Warehouse, security cabin, parking.
4		NE9	Warehouse, security cabin, parking.
		Potential development area	Former mitigation area.
4	4d	NE10	Rail freight terminal, siding, security cabin & office.
4	4a-d	Landscape	
5	5a	Landscape	Bund from topsoil strip from plots
5	5b	NW7	Port related storage, vehicle etching building, office, vehicle PDI building, security cabin, stores building, car parking & external storage.
6	6a	NE12	Transport depot office, workshop, parking & external storage.
6	6a	Landscaping	
6	6a	Extension to core mitigation and buffer	Only required with Option 2. If Option 1 then this work goes to Phase 2.

1.1.4 Note that the mitigation required by the planning consent that is appropriate for the stage under construction will be constructed alongside or ahead of that stage as required.