

DEVELOPMENT ON LAND KNOWN AS
AREA Ja, NORTH KILLINGHOLME
PLANNING STATEMENT

1. Introduction

1.1 Introduction

1.1.1 This planning statement has been prepared as part of a full planning application for the development of a 16 hectare (ha) parcel of land known as Area Ja at Killinghome Marshes. It is accompanied by:

- a. Able Marine Energy Park Areas H & J, Technical Note on Flood Risk, December 2017, prepared by Able UK Ltd;
- b. Transport Statement, Temporary Car Storage Facility, AMEP, January 2018, prepared by SLR; and
- c. AMEP Areas H & J, External Lighting Report, January 2018, prepared by Smith Consult.

1.1.2 Together with the statutory application form and plans referenced below, these documents form the planning application submission for the proposed development.

1.1.3 Plan references:

- AHP-021-00001 A Area Ja Temporary Car Storage - Site Location Plan
- AHP-021-00002 A Area Ja Temporary Car Storage - Planning Application Boundary
- AHP-021-00003 A Area Ja Temporary Car Storage – Existing Site Topographical Survey
- AHP-021-00004 A Area Ja Temporary Car Storage – Proposed Levels
- AHP-021-00005 A Area Ja Temporary Car Storage – General Arrangement
- AHP-021-00006 A Area Ja Temporary Car Storage – Lighting Columns Layout
- AHP-021-00002 A Area Ja Temporary Car Storage – Security Cabin & Welfare Buildings
- AHP-015-00006 B ATCS Lighting Levels (for previous application)

1.1.4 This planning statement has been prepared to address all relevant planning matters and is set out in the following order:

- Section 1 - Introduction, setting out the planning application and the applicant
- Section 2 - The Proposed Development, describing the project and application site
- Section 3- Policy considerations, addressing policy relevant to the development
- Section 4 - Conclusion

1.2 The Applicant

1.2.1 The applicant is Able Humber Ports Ltd (ABLE).

1.2.2 ABLE operates a number of strategic sites, predominantly across the North of England, undertaking full site reclamation and associated property development. The Company's land holding, of nearly 2,000 hectares comprises five river frontage sites on the River Tees and two on the Humber Estuary.

2. The Proposed Development

2.1 The Application Site

- 2.1.1 The application site lies within the administrative district of North Lincolnshire, between ABP Port of Immingham to the south and C.Ro Port (Killingholme) to the north. A development area of 11 ha is provided across a single plot bordering Rosper Road, and referenced Area Ja. In addition a small alteration to the previously consented Access Road 3 and associated drainage works and the route for a foul rising main is included (amounting to another 5 ha). Drawings referenced AHP-021-00001 Area Ja Temporary Car Storage - Site Location Plan, and AHP-021-00002 Area Ja Temporary Car Storage - Planning Application Boundary present the application site.
- 2.1.2 Areas Ja lies within the curtilage of the Able Marine Energy Park (AMEP) and has been subject to enabling works consented under decision notice reference PA/2014/0512 (the Enabling Works). This development comprised: site clearance; ground raising works; felling of a copse; creation of a footpath; removal offsite of the topsoil layer; importation, spreading and compacting of fill material; new drainage ditches and the construction of a new twin cell drainage culvert. The Enabling Works permission has been implemented.
- 2.1.3 The site also has the benefit of an existing permission for the storage and distribution of cars for a temporary period until 4 January 2021, reference planning permission PA/2018/114. Drawing AHP-021-00002 also shows this planning boundary the previously consented temporary car parking and Access Road 3 development for reference.
- 2.1.4 Access Road 2 bounds the site to the north, and beyond that lies car storage. Areas C and E, to the north and north east, are already used for port-related storage, currently the storage of new cars. To the east, the site is bounded by land that has been raised in accordance with the Enabling Works permission and beyond this lies the Killingholme Branch railway line, Area G and the Humber Estuary SPA/SAC/SSSI/Ramsar site. The southern boundary of the site runs parallel with Station Road which is to be improved to form Access Road 3 in accordance with PA/2018/114. Rosper Road runs parallel with the western boundary.
- 2.1.5 There are two former residential properties approximately 1 km east of the site, known as North Killingholme Lighthouse and the Lookout. These are owned by Able Humber Ports Limited and are no longer in residential use.
- 2.1.6 Area Ja will drain into the ditch running north south that is maintained by the North East Lindsey Drainage Board. This ditch carries all the run-off from the Killingholme Marshes catchment and has previously been found to contain water voles, a protected species.

2.2 Relationship with Planning History

- 2.2.1 The site lies within the curtilage of the AMEP that was granted permission as a development consent order (DCO) on 29 October 2014 (reference SI 2014 No: 2935). The AMEP covers approximately 270 ha (excluding areas of ecological mitigation) located on the south bank of the Humber Estuary.
- 2.2.2 This extensive development would provide almost 1,300 metres of new deep water quays, designed specifically for the renewables sector and to provide a multi-user facility for the manufacture, storage, assembly and deployment of offshore wind turbines and their associated supply chains. To address the recognised ecological impacts of the AMEP, a

package of mitigation and compensation measure have been approved, including new habitats.

- 2.2.3 Substantial works to implement the Enabling Works consent were undertaken over years 2015 and 2016, with vegetation stripped and removed from the site and clean stone (chalk) imported, spread and compacted. As shown on drawing reference AHP-021-00004, proposed ground levels on site currently range from 6.7m AOD adjacent to Rosper Road, and 3.15m AOD along the eastern boundary. These are consistent with the levels agreed under the AMEP consent.
- 2.2.4 In addition a number of other planning consents are held for port related storage, including vehicle distribution and storage. The most recent is located at Area H & J; where permission for temporary car storage (reference PA/2018/114) has been granted up until 4 January 2021 and for area G again for temporary car storage (reference PA/2017/1780) granted up until 8 January 2020.
- 2.2.5 Planning permission reference PA/2016/649 for creation of a habitat, primarily wet grassland at Halton Marshes was granted on 8 May 2017 and is now constructed. Mitigation for the loss of Station Road Local Wildlife Site, comprising the creation of 4.26 ha of neutral grassland, is provided within this consent.

2.3 Project Description

- 2.3.1 The proposed development incorporates: the construction of an impermeable surface; the development of Station Road Fields Local Wildlife Site, access road and drainage improvements and temporary use of the site for car storage and distribution (including welfare buildings, packaged pumping station and rising main).
- 2.3.2 Temporary permission, by way of condition, is sought to use the site for storage and distribution of vehicles up to 2.5T GVW¹ for a period of five years. During this period, the development will provide secure storage for up to 4,000 vehicles on an impermeable pavement, and then revert to its intended use as part of the Able Marine Energy Park. Drawing reference AHP-021-00005 presents the general layout for the proposed development.
- 2.3.3 It is acknowledged that North Lincolnshire Council time limited permission PA/2018/114 for occupational use of Areas H & J to no more than 2 years and explained their reason for doing so as follows:

It is acknowledged that this development (PA/2018/114) would not comply with the requirements of policies SHBE-1 and CS12 were it to be proposed on a permanent basis as this would constitute a piecemeal development that would prejudice the delivery of the wider employment site. However, it is considered that the temporary use of the site would not prejudice the delivery of the AMEP development in the future as the site would be available for development following the expiration of the temporary car storage use. On this basis it is considered that the temporary use of the site for port related storage would not be in conflict with policies CS12 of the NLCS or SHBE-1 of the HELADPD.

A response has been received on behalf of Associated British Ports (ABP) which identifies that Article 7 of the AMEP DCO limits the ability to carry out and complete the development of the AMEP scheme to a ten-year period ending in October 2024. If granted consent for the five-

¹ Gross Vehicle Weight - the weight of a vehicle or trailer including the maximum load that can be carried safely when it's being used on the road. The GVW of an Audi A6 Avant, for example, is around 2,500kg

year period requested, the proposed car storage activity would be occupying an AMEP site compound up to early 2024. The current proposals, therefore, appear to have the very real prospect of hindering the delivery of the AMEP scheme. In response to this the applicants have stated that there is a provision within Article 7 which would allow them to apply to the Secretary of State for an extension to the AMEP completion date. However, there is no guarantee that such an extension would be granted.

For these reasons it is considered that, whilst the temporary use of the site for car storage is not considered to conflict with the relevant Development Plan policies, the proposed 5 year period for the car storage would be too long and would have the potential to hinder the delivery of the AMEP development. It is therefore considered that should the proposal be considered to be acceptable in respect of the relevant technical issues and its environmental impact then the temporary period for car storage should be limited to a shorter 2 year period. This will allow the site to be put to constructive use in the short term, providing 60 jobs, whilst allowing a sufficient period of time following the expiry of the car storage use to allow for this part of the AMEP development to be undertaken. It would also allow for an application for an extension to the AMEP completion date to be made and determined should this become necessary. It is considered that a 2 year consent would not prejudice the future implementation of the AMEP scheme and as such the proposed use of the land is acceptable in planning terms. This shorter time-period would also be consistent with a recent approval (PA/2017/1780) for temporary car storage on another area of the AMEP site’.

(Delegated Assessment of PA/2018/114, NLC, underline added.)

- 2.3.4 In deciding to limit the temporary use to 2 years, the principal concern of NLC was, therefore, that the use of 41 ha of the AMEP site for car storage for up to 5 years might prevent part of the development consented by the AMEP DCO from being constructed. The contention being that this might happen because the permission to construct would have expired by 29 October 2024 and there was 'no guarantee' that The Secretary of State would extend the deadline and allow completion of the development. However, because the development of the onshore facilities at AMEP for manufacture, assembly and storage is merely 'associated development' and does not comprise the nationally significant infrastructure project (NSIP), even if no extension to the completion date was given by the Secretary of State, consent for the onshore facility could be given by the LPA. This is because it is only the NSIP development (which in this case is the quay itself) that the Secretary of State has sole jurisdiction over. Any '*associated development*' not completed within the timescale set out in Article 7 can be lawfully consented under the Town and Country Planning regime by the local planning authority after the expiry of the 10 year timescale. It is difficult to understand how such an application to the LPA to complete AMEP could be lawfully refused, so the position of the Secretary of State is immaterial and no '*guarantee*' is required on the part of LPA.
- 2.3.5 Relevantly also, the spatial extent of the associated port development consented by the AMEP DCO is 222ha, so the extent to which the temporary use of this 11 ha site would actually hinder the delivery of AMEP is plainly trivial given that it represents less than 5 per cent of the associated port development. For these reasons the applicant considers a five year permission to be entirely reasonable.
- 2.3.6 All cars stored on the site will be imported on car carrier vessels berthed either at C.Ro Port (Killingholme) or the DFDS terminal at the Port of Immingham. Each car will be driven in turn from the vessel, through the respective port estate, onto the public highway and into the application site using Access Road 2. The transfer of cars from the ports is likely to result in a peak flow of 84 vehicles movements per hour, with 1,426 trips calculated to be generated

over a 24 hour period. Cars will be removed from the site on car transporters using new load-stick facilities provided on the site.

- 2.3.7 As the development is similar to, but much smaller than that permitted by PA/2018/114, the Transport Statement submitted in support of the existing consent for temporary storage is re-submitted in support of this new application.
- 2.3.8 The project will generate 25 full time equivalent jobs: 10 office staff, 48 part time drivers; and 3 security guards with one present on site at all times. In order to be able to respond to client requirements and any situations that might affect health and safety, the site will need the ability to operate at all times. None of the planning permissions for port-related storage on the AMEP site restrict operating times and it is proposed that this temporary application is similarly unrestricted.
- 2.3.9 Existing site levels will generally be raised by 100mm to provide the impermeable surfacing of concrete or bitumen. A site drainage strategy has been developed to accommodate and convey surface water run-off to the Drains 9B and 10A that run to the east of the site. Runoff will discharge into the Killingholme Marsh Main Drain without attenuation, in accordance with an interim drainage strategy agreed with the North East Lindsey Drainage Board (NELDB).

2.4 Habitats Regulations Assessment

- 2.4.1 The site lies close to the Humber Estuary, a Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site; the two latter designations are relevant to habitats of particular importance to waterbirds. It is, consequently, subject to the Habitats Directive.
- 2.4.2 The Habitats Directive was originally translated into law in Great Britain by the Conservation (Natural Habitats, &c.) Regulations 1994. In England and Wales, subsequent amendments to the 1994 Regulations were consolidated into the Conservation of Habitats and Species Regulations 2010, usually called simply 'the Habitats Regulations'.
- 2.4.3 The Habitats Regulations set out a consenting procedure requiring all competent authorities to carry out an appropriate assessment (AA) of a plan or project if it is likely to have a significant effect on an SPA or SAC, collectively called Natura 2000 sites, or a Ramsar site. This is known as a Habitats Regulations Assessment (HRA).
- 2.4.4 Deciding if an aspect of a plan or project is likely to have a significant effect on a Natura site acts as a screening stage in an HRA. It removes from the rest of the HRA process aspects of a plan or project which clearly have no ecological connectivity to a site's qualifying interests, or those where it is very obvious that whilst connected, the conservation objectives for a site's qualifying interests will not be undermined. All remaining aspects of a plan or project should go to an AA.
- 2.4.5 The legal procedure includes a check for likely significant effects 'in-combination with other plans and projects'. This means that any effects of a plan or project on a Natura 2000 site, which have been identified but are not likely to be significant alone, should be considered 'in-combination' with both the assessed effects of other plans published for consultation and projects that have been applied for; and for completed plans or projects which have continuing negative effects on the Natura 2000 site. This is to check if the effects of other plans and projects might increase the likelihood and/or significance of an effect on a qualifying interest of a Natura 2000 site.
- 2.4.6 The Habitats Regulations define a competent authority as any public body or statutory undertaker that has the power to undertake or give any consent or other authorisation for a

plan or project. The proposed development is submitted as a planning application; consequently North Lincolnshire Council will be the Competent Authority.

- 2.4.7 Appropriate Assessments were carried out as part of the planning approval process for the AMEP and Enabling Works developments, they concluded that:
- the adverse effect of the AMEP on the integrity of the Humber Estuary SPA/SAC/Ramsar site can be appropriately mitigated and compensated; and
 - the Enabling Works would not have an adverse effect on the Humber Estuary SAC, SPA and Ramsar Site alone or in combination with other plans or projects, subject to compliance with certain conditions included in the decision notice.
- 2.4.8 The mitigation and compensation approved under the AMEP DCO and Enabling Works permissions enables those developments to be implemented in accordance with European and national habitat policy and legislation.
- 2.4.9 The proposed development is not considered likely to have a significant effect on a Natura site beyond that previously considered through Appropriate Assessment and concluded to be acceptable, with conditions, given the mitigation and compensation already approved.

2.5 Environmental Impact Assessment

- 2.5.1 The need to undertake an environmental impact assessment is governed by EU Directive 2011/92/EU, transposed into UK law by the EIA Regulations 2017². An application should be considered as an 'EIA development' only if the particular type of development and its specific impacts are likely in that particular location to result in significant effects on the environment.
- 2.5.2 The EIA Regulations 2017 categorise a range of developments as either 'Schedule 1', where EIA will always be required, and 'Schedule 2' where EIA may be required if the development 'is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.'
- 2.5.3 An urban development of this scale does fall under the definition of Schedule 2 development. However, it is noted that the LPA adopted a Screening Opinion before determining the existing temporary consent that covers the site for the same occupational use as proposed in this application. On the basis that the LPA determined that an Environmental Statement was not required for the larger development, it is reasonable to expect that a similar Opinion will be adopted in this case.
- 2.5.4 In any event, most of the construction works on site have already occurred, through implementation of the previous consents, and the operational effects (discussed further in section 3 of this planning statement) are well within the development envelope approved under the AMEP and other relevant developments on the application site and Area C. The proposed temporary development is not likely to have significant effects on the environment.

² Town and Country Planning (Environmental Impact Assessment) Regulations 2017

3. Policy Consideration

3.1 Introduction

- 3.1.1 The merits of the three consented developments for this site (the AMEP, the Enabling Works, and the temporary use for car storage and distribution) have previously been demonstrated; they have gained consent and constitute relevant planning history. This application is principally focused upon an extended temporary use of the application site, which for the reasons explained in paragraphs 2.3.4 et seq. is not considered to conflict with the approved land use. Consequently, the policy consideration shall focus on issues relevant to the project as proposed.
- 3.1.2 Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for North Lincolnshire, relevant to this project comprises:
- Core Strategy, June 2011;
 - Housing and Employment Allocations Development Plan Document, March 2016 (H&E DPD); and
 - Saved policies of the North Lincolnshire Local Plan, May 2003, that have not been superseded by either the Core Strategy or the H&E DPD (Local Plan).
- 3.1.3 In addition, the National Planning Policy Framework (March 2012, the NPPF) and the South Humber Gateway Mitigation Strategy, January 2015 (the SHG Mitigation Strategy) are considered to be material considerations and consequently are also addressed.
- 3.1.4 This section is focussed on topic rather than policy document, addressing each of the following matters in turn:
- Principle of development;
 - Ecology;
 - Landscape and recreation;
 - Water resources, including flood risk;
 - Transport and related noise and air quality;
 - Heritage; and
 - Crime.

3.2 Principle of development

Key policy

- 3.2.1 Relevant policy references are:
- Core Strategy: CS1(d); CS11; CS12
 - H&E DPD: SHBE-1
 - Local Plan: DS1; DS12
 - NPPF: paragraphs 120; 125; 157; 160

- SHG Mitigation Strategy

How policy is met

- 3.2.2 The South Humber Bank is identified in the adopted local plan as a Global Gateway and as the most important employment site in the Humber sub-region. Policy CS1 d) of the Core Strategy supports the development of key strategic employment sites at the South Humber Bank and policy CS12 seeks to maintain, increase and enhance the role of Immingham Port by extending port-related development northwards from the port. Development plan policy makes clear the balance to be made between enabling significant economic development and protecting the important ecology of the area.
- 3.2.3 Policy CS11 on the provision and distribution of employment land supports development within North Lincolnshire that meets local employment needs and maximises other special locations. The supporting text recognises that there is a major opportunity for the ports of the South Humber Bank to have significant growth and expansion and confirms that the continuing development of the South Humber Bank is the Council's key economic driver.
- 3.2.4 The proposed development directly fulfils Core Strategy policy by helping to deliver new employment (25 full time job equivalents) within the South Humber Bank area. The activity which is proposed to take place on site is port-related, being concerned with the reception and onward distribution of imported new cars, including electric vehicles, and is therefore appropriate for this location.
- 3.2.5 The temporary storage of cars will have little, if any, adverse impact on amenity. There is only one residential property in the vicinity of the site, Hazeldene on Marsh Lane, and limited construction is proposed (principally the installation of a pavement). Drawing reference AHP-015-00006 A shows the location of the lighting poles that are already consented and the consequent levels of lux across the areas that will be illuminated by external lighting. This application will use the same layout (slightly amended for the layout proposed (see AHP-021-00006)) and type of columns. No additional lighting is proposed.
- 3.2.6 Section 3.3 of this planning statement considers the potential for noise effects in some detail. Whilst that text is focussed on the potential for impact on priority bird species, the overall conclusion, of no unacceptable adverse impact, is also relevant to residential amenity. As is demonstrated within the Transport Statement, the flow of traffic estimated as a result of the temporary car storage for the consented use of the larger 41ha site is well within the expectations of the DCO; the resultant noise and dust etc should cause no unacceptable adverse impact to residential amenity. The traffic generated by this proposal is subsumed within the existing assessment and is not additional to it.
- 3.2.7 This planning application proposes to extend the two year limit on the use of the 41 ha of Areas H and J to five years on about 11 ha (i.e. only about a quarter of the original H & J site). An opportunity has arisen for temporary use of the land as an enhanced car storage facility with a hard pavement, and the current application seeks to gain permission to use the land for this purpose as a temporary measure in response to the changing needs of business. This will enable Able UK to bring some jobs to the area and generate income in the intervening period prior to implementing the AMEP DCO.
- 3.2.8 Also delivering policy of the NPPF, the proposed development is appropriate to its location, and will not result in significant adverse effects on health, the natural environment, general amenity or sensitivity of the area.

3.2.9 The following sections of the document show how the environmental requirements of policies SHBE-1 and DS1 and paragraph 120 of the NPPF are addressed such that the proposed development is demonstrated to be acceptable. Policy in relation to the principle of development is met.

3.3 Ecology

Key policy

3.3.1 Relevant policy references are:

- Core Strategy: CS12(d); CS17
- H&E DPD: SHBE-1
- Local Plan: LC1; LC2; LC4; LC5; LC12
- NPPF: paragraph 118
- SHG Mitigation Strategy

How policy is met

3.3.2 Development plan policy, including CS12(d) of the Core Strategy seeks to ensure development on the South Humber Bank protects and enhances biodiversity and landscape character by implementing the South Humber Gateway Conservation Mitigation Strategy Delivery Plan.

3.3.3 Implementation of the Enabling Works in years 2015 and 2016 means that the original habitats present across the site have been removed and replaced with raised land, largely comprising chalk. This has removed much of the potential for any further impact on ecology and biodiversity.

3.3.4 Water voles, a protected species, are known to have been present within the ditches that run through the site. The Final Water Vole Survey Report, dated November 2017, states that no current water vole signs were observed during the surveys undertaken in 2017, concluding that they are absent from the ditches.

3.3.5 The application site lies approximately 1 km west of the Humber SPA, SAC, Ramsar site and SSSI. Consequently, the main ecological matters to consider are this designated habitat and the feeding and roosting birds on the foreshore and in Field D.

3.3.6 The cars to be stored on site are new, and pose negligible pollution risk. Run-off from the site will continue to be directed into the Killingholme Marshes Drainage system and discharge into the estuary with no increase risk to the SPA and Ramsar site in relation to water pollution.

3.3.7 Advice from Natural England and RSPB on suitable buffers for SPA and Ramsar waterbird mitigation areas within the South Humber Gateway concludes that a distance of 150m can prove an appropriate buffer so as to avoid disturbance to the birds. The proposed development is located significantly beyond this distance.

3.3.8 The Appropriate Assessment prepared for the Enabling Works at Area G³ (paragraphs 1.4.11.1, 6.6.2 and 8.4.2) demonstrates the beneficial effects of the bunding placed along the southern

³ Appropriate Assessment under the under The Conservation of Habitats and Species Regulations 2010, 13 June 2014

boundary. The noisiest activity of the Area G Enabling Works was the creation of the bunding, which is now in place. Subsequent monitoring reported by the Institute of Estuarine & Coastal Studies^{4, 5} confirmed that the relevant birds were not disturbed.

- 3.3.9 Noise generated from operation of the application site as a car storage facility will be lower and far more remote than those generated from the Enabling Works.
- 3.3.10 This conclusion is confirmed by reference to other relevant noise assessments. To accompany a planning application for the Marsh Lane Car Storage and Distribution Facility, SLR Consulting was commissioned to prepare the noise assessment (reported in chapter 11 of the EIA). This assessment demonstrated very little operational noise effect beyond the application site boundary and concluded that the overall impact was negligible.
- 3.3.11 Reference to the extensive assessment work completed for the AMEP, also confirms that noise from the proposed development will not cause an unacceptable level of disturbance for the birds.
- 3.3.12 Firstly, Appendix 16.3⁶ to the AMEP Environmental Statement provides baseline information for a measurement position referenced EC01, North Killingholme Haven Pits. The description for this measurement reads (paragraph 16.3.12 to 14):
- Approximately 300 m south of Immingham Docks, the microphone was positioned on the north-east bank of Haven Pits, immediately north of the railway line and 10 m from the road side.*
- Environmental noise at ECO1 was dominated by activities from the Humberside Shipping Terminal (HST).*
- Industrial noise was noticeable emanating from the metal work yard to the east of measurement position ECO1 but the overall influence of noise from this source is considered to be relatively low when compared to noises from Immingham Docks.*
- 3.3.13 The overall levels for measurement position EC01 range from 40 to 54dB(A). Taken close to an operational car storage facility, this baseline data provides relevant information regarding the noise that is generated by car storage operations. These levels are of themselves relatively low and it is notable that they are significantly below the noise level restriction set in conditions attached to planning permission reference PA/2007/0101, the Area C storage facility.
- 3.3.14 In addition, the AMEP Environmental Statement concluded that predicted operational noise levels from the AMEP would be significantly below the lower range of existing background noise levels. A review of other approved projects in the Humber Estuary area revealed that noise emissions from those projects were generally predicted to be below the existing ambient noise levels, or at a level that the noise contribution from the AMEP would not result in a detectable increase in noise levels. The Environmental Statement concluded that in the vicinity of East Halton, Killingholme and Immingham, it was reasonable to expect no adverse cumulative noise impacts from the operation of the AMEP; a conclusion upheld in the

⁴ Assessment Methods for Terrestrial Field Usage by Waterbirds Associated with the Humber SPA, Institute of Estuarine and Coastal Studies, October 2014

⁵ Ornithological Baseline Usage & Disturbance Survey, Killingholme (Field D), Final Report, Report to Able UK Ltd, Institute of Estuarine and Coastal Studies, University of Hull, July 2014

⁶ Annex 16.3, Baseline Noise Survey, Detailed Results

consequent approval of the application. It is evident that the use of Area Ja for the proposed development would not lead to a more significant noise impact than the AMEP as a whole.

- 3.3.15 External illumination is proposed throughout the hours of darkness, not least to ensure security at the site but also for health and safety best practice. The lighting will be installed, maintained and operated in accordance with Condition 5 of planning permission PA/2018/114.
- 3.3.16 Burkinshaw's Covert is located opposite the site on the other side of Rosper Road. The woodland was originally planted in the 19th Century, during the Parliamentary Enclosure of North and South Killingholme. In the 1960s it was expanded alongside construction of the Lindsey Oil Refinery. It is currently managed by the Humber Nature Partnership.
- 3.3.17 The application site is in the vicinity of a number of nationally and locally important nature conservation sites: Chase Hill Wood at 770m; North Killingholme Haven Pits SSSI at 920m; Rosper Road Pools SNCI at 1.2km; and Halton Marsh Clay Pits SNCI at approximately 3km. These sites are more distant from the application site than the SPA and Ramsar site and supporting habitats, the proposed use of the application site is unlikely to lead to adverse effects on these national and local sites.
- 3.3.18 The application seeks approval to develop the Station Road Local Wildlife Site. The loss of this site is being mitigated as part of the consented scheme to create wet grassland at Halton Marshes.
- 3.3.19 The elm hedges forming part of the local wildlife site need to be removed in order to make way for the widened access road consented in the previous application (PA/2018/114). This loss will be mitigated by using elm hedging to infill along the currently "gappy" hedge on Rosper Road to the south of this development.
- 3.3.20 It is demonstrated that protected species both on and off site, and designated habitats located off site, will not be adversely affected to an unacceptable level. The proposed development does not include any measures for ecological enhancement; however, consent is sought for a temporary permission only and there is limited opportunity provided through the proposed use of the application site. Ecology policy is met.

3.4 Landscape and recreation

Key policy

- 3.4.1 Relevant policy references are:
- Core Strategy: CS16; CS23
 - Local Plan: LC7; LC20; IN3; DS6

How policy is met

- 3.4.2 The application site is located immediately adjacent to other car storage areas (both permanent and temporary) and consequently is compatible with adjacent development. Lying within the South Humber Gateway area, the proposed use for port-related storage will be compatible with other nearby development.
- 3.4.3 Lighting is required across the site for health and safety requirements. Details of the proposed lighting are shown on drawing numbered AHP-021-00006 Area Ja Temporary Car Storage - Lighting Levels. The proposed lighting scheme is already consented and does not

significantly adversely affect the local landscape or recreation activities, and consequently is also demonstrated to not have an unacceptable adverse effect on residential amenity or the environment.

- 3.4.4 Two prefabricated office buildings will be provided at the entrance to the site with dimensions 12m long by 3m wide by approximately 3m high. These details, elevations and the internal layout are provided at drawing reference AHP-021-00005. The offices will be visible from the access roads, but they are not considered to be detrimental to the landscape or amenity of the area. They are all located on land that has been developed to provide a construction compound for the AMEP and adjoins land already used for car storage. In addition a small security hut is also included in the proposals, this is also detailed on drawing AHP-021-00005.
- 3.4.5 A public right of way, footpath FP50, runs along the top of the sea wall, some 1 km to the east of the site. The proposed development will not have a significant impact on this recreational resource.
- 3.4.6 Landscape and recreation policy is met.

3.5 Water resources, including flood risk

Key policy

- 3.5.1 Relevant policy references are:
- Core Strategy: CS18; CS19
 - Local Plan: DS16; DS13; DS14
 - NPPF: paragraphs 99; 100

How policy is met

- 3.5.2 The entire site lies within Flood Risk Zone 2/3a, at risk from flooding from the Humber Estuary; it is not within an area designated as functional floodplain. It is adequately protected from flooding by defences that are maintained by the Environment Agency.
- 3.5.3 The Technical Note on Flood Risk (December 2017) which accompanied planning application PA/2018/114 is re-submitted with this application and confirms that the flood risk posed to that development proposal, and consequently to this proposal, will be appropriately mitigated and managed and the development will not give rise to any unacceptable flood impacts.
- 3.5.4 The office accommodation is located on the higher ground within the site, mitigating the risk to workers. To further ensure the safety of these staff it is proposed that site management will subscribe to the EA flood warning service and based on this, they will implement an emergency flood response and evacuation plan as set out in the Technical Note on Flood Risk.
- 3.5.5 Surface water drainage will discharge into slot drains incorporated into the pavement and these will discharge into drainage ditches already present on site and maintained by the NELDB. Improvement works to the ditches have been identified, but may not be fully implemented prior to the proposed development. In this eventuality, the NELDB's Interim Strategy will be adopted.
- 3.5.6 Foul water will be generated by the proposed development. Foul flows will be discharged into the public sewage system via a pumped system to the terminal pumping station in Area E.

- 3.5.7 Standard precautions will be taken to avoid pollution of watercourses in accordance with the Pollution Prevention Guidelines issued by the Environment Agency, albeit that these guidelines are no longer maintained.
- 3.5.8 Water resource and flooding policy is met.

3.6 Transport and related noise and air quality

3.6.1 Relevant policy references are:

- Core Strategy: CS2; CS18; CS24
- Local Plan: T2; IN3

How policy is met

- 3.6.2 All cars stored on the site will be imported on vessels berthed at either C.Ro Port (Killingholme) or the DFDS terminal at the Port of Immingham. Each car will be driven in turn from the vessel through the respective port estate and then onto the public highway. Cars will be removed from the site on car transporters. It is proposed to use the existing highway network.
- 3.6.3 The Transport Statement submitted in support of the existing consent for car storage on 41 ha remains valid and assessed both the vehicle movements generated by this development and the impact when combined with the permanent car storage facility proposed at Areas K and L.
- 3.6.4 The Transport Statement identifies that the majority of vehicle movements are associated with the delivery of vehicles from the ports to the site by a team of drivers. The proposal is calculated to generate in the region of 1,400 trips each 24 hour period; this falls well within the envelope of traffic assessed, and approved, for the AMEP DCO. Furthermore, the peak traffic associated with Area Ja in isolation is likely only to occur over one day of the week and would be confined to the immediate local highway network.
- 3.6.5 The Transport Assessment concludes that the proposed access is appropriate and safe, and that the proposed development will not result in a severe impact on the local highway network.
- 3.6.6 The proposed development is not, inherently, a noise generating activity, except when the cars are being moved on/off site. Section 3.3 of this planning statement demonstrates no unacceptable adverse impact.
- 3.6.7 North Lincolnshire has two Air Quality Management Areas located at Scunthorpe and Low Santon; neither of these is in proximity to the application site; therefore the proposed development is not likely to adversely affect air quality.
- 3.6.8 The proposed development will not place significant demands on the public highway network or materially affect air quality; relevant policy is met.

3.7 Heritage

3.7.1 Relevant policy references are:

- Core Strategy: CS6

- Local Plan: HE8; HE9
- NPPF: paragraph 132

How policy is met

- 3.7.2 There are three grade II listed buildings to the south of the application site: Killingholme North Low Lighthouse; Killingholme High Lighthouse; and Killingholme South Low Lighthouse. The closest is over 1km from the site.
- 3.7.3 The proposed development will not impact on any of these designated assets, and none of the three detailed list entries on the National Heritage List for England makes reference to their settings being of importance.
- 3.7.4 Limited construction is proposed as part of this development and earthworks have been previously completed, removing the risk of damage to archaeological remains.
- 3.7.5 The proposed development will not impact upon cultural heritage and policy is met.

3.8 Crime

- 3.8.1 Relevant policy references are:
- Core Strategy: CS5
 - Local Plan: DS3
 - NPPF: paragraph 58

How policy is met

- 3.8.2 Development plan policy places emphasis on the importance of planning out crime, whilst the NPPF requires development to create safe environments where crime and disorder do not undermine quality of life.
- 3.8.3 In designing the proposed development, care has been taken to secure the site and protect it from crime. It is proposed to fully enclose the site with 2.4m high fencing and adequate lighting. On-site security will be provided at all times and the site is proposed to be lit.
- 3.8.4 Policy is met.

4. Conclusion

- 4.1.1 The South Humber Gateway is an important asset to North Lincolnshire, the region and the UK as a whole. It is promoted in policy to deliver sustainable development achieving economic, social and environmental objectives.
- 4.1.2 Planning permission for the AMEP has been gained, and this development will bring forward substantial economic and social opportunities, supplemented by significant ecological mitigation and compensation. To enable the delivery of the AMEP, the application site has been subjected to Enabling Works. As quay construction work is delayed, Able is seeking a temporary consent to make good use of the application site in the meantime, servicing local ports and providing additional employment opportunity; consent for the car storage is sought for a temporary period of five years.
- 4.1.3 Permanent consent for a small area of additional pavement is also sought in order to complete the development of the land between Access Roads 2 and 3. After mitigation, which is already consented, this development will not result in any unacceptable adverse impacts and will provide key elements of infrastructure to underpin future development in the area.
- 4.1.4 This planning statement has considered the key environmental effects from the proposed development of the site known as Area Ja, demonstrating unacceptable adverse effects should not arise, either to humans or to key ecology.
- 4.1.5 The proposed development complies with relevant development plan policy and all other material considerations.