

DELEGATED ASSESSMENT

Application no: PA/2025/521

Proposal: Planning permission to vary condition 49(i) of PA/2015/1264 namely to reference “not less than 20ha core area with appropriate buffers at a further agreed location to be agreed”, instead of the current wording of “not less than 50ha at a further location” as the PA/2015/1264 Decision Notice states

Location: Land North of Power Station, Access Roads to Power Stations Off Chase Hill Road, North Killingholme

Applicant: Miss Jenn Dawes, Able UK Ltd

Officer: Jennifer Ashworth

POLICY

National Planning Policy Framework: Chapters 2, 4, 6, 8, 9, 11, 12, 14 and 15

North Lincolnshire Local Plan: IN6, T2, T19, LC1, LC2, LC20, DS1, DS11 and DS14

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS11, CS16, CS17, CS18, CS19, CS20, CS25

Housing Employment Land Allocations DPD:

Employment Allocation

Waterbird Mitigation East Halton Marsh - Area 2

LC4 - Site of Importance for Nature Conservation (Local Wildlife Site)

CONSULTATIONS

Highways: Proposals acceptable.

Natural England: Natural England is satisfied that Condition 49 can be amended to the proposed wording, however, we will comment further on the suitability of the proposed off-site mitigation, and appropriateness of proposed buffers, at the Discharge of Condition stage.

Ecology: Signed HRA provided and not further comments from the team. The HRA notes there is no likely significant effect on the Humber Estuary SPA and Ramsar site due to the proposed change in wording to condition 49 of PA/2015/1264. The risk of inadequate delivery of waterbird mitigation requirements is considered to be low, provided that adequate proposals are put forward to discharge the revised condition.

TOWN / PARISH COUNCIL

No comments received.

PUBLICITY: A site notice was displayed on 06/05/25; Two comments received.

Comments Received: concern raised that the original permission is out of time and development as not commenced within the required 3-year time limits. Consider a new planning permission is required rather than a variation of condition.

Insufficient explanatory information provided to assess the application and form a view.

No plans provided showing the existing area or the new 20ha area and how this relates.

Lack of appropriate assessment

Lack of updated phasing plan.

Additional conditions should be imposed to ensure there is an updated phasing plan, continuity of wildlife protected zone, works are undertaken within the appropriate season and planting of infill of any retained hedgerows and provision of other planting to part compensate for the removal of hedgerows and improve the landscape within the red line.

Land should be cleaned up and reinstatements undertaken where relevant and appropriate and where there is not intent to build.

MATERIAL CONSIDERATIONS

The main issue in the determination of this planning application is whether the variation of condition 49 i) is acceptable.

Condition 49.

Development shall be phased in accordance with the submitted drawing number KI - 02004B, dated 15 February 2011 as follows:

- i) no development shall take place within areas identified as phases 3, 4, 5 or 6 until commitments have been agreed in writing with the local planning authority to carry out wetland mitigation works in accordance with submitted drawing ALP-08025 Rev A dated 15 February 2011 or to carry out wetland mitigation works in accordance with submitted drawing ALP-08024 Rev A dated 15 February 2011 and carry out wetland mitigation works of not less than 50 hectares at a further location to be agreed in writing with the local planning authority.
- ii) No development shall take place within the areas identified as phases 3, 4, 5 or 6 until the local planning authority has agreed in writing that SPA water bird mitigation area works have been satisfactorily completed in accordance with the agreed conservation management plan and the agreed commitments described in section I above.

- iii) Notwithstanding the above restrictions, the hydrogen pipeline and seawall works shall not be restricted to any given phase.

Reason

To protect features of the Humber estuary SAC, SPA and RAMSAR site in accordance with policies LC-1 and LC-2 of the North Lincolnshire Local Plan.

The proposed revised wording for condition 49 i) is as follows:

“and carry out wetland mitigation works of not less than 20 hectares core area with appropriate buffers at a further agreed location to be agreed in writing with the local planning authority”.

The Site and Proposal

The original planning permission PA/2009/0600 was primarily for port related development on a site area of 379.9 hectares. An 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 was granted on 1 February 2016.

This application relates solely to condition 49.(i) and does not propose to alter, amend any other part of the application. As such for the purposes of this assessment only matters relevant to the wording of condition 49 (i) will be assessed.

Due to the proposed changes the following considerations are relevant to this proposal:

- Ecology

Assessment

Highways have no objection to the proposal.

Natural England have assessed the proposals and is satisfied that Condition 49 can be amended to the proposed wording, however, Natural England will comment further on the suitability of the proposed off-site mitigation, and appropriateness of proposed buffers, at the Discharge of Condition stage. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Whilst comments have been received from members of the public concerned that insufficient information is provided to assess the proposals both Natural England and NLC Ecology team are satisfied that the proposed amendment is acceptable and further matters can be addressed and considered at the Discharge of Conditions stage.

It is considered that the revised wording secures a core area of not less than 20 ha with appropriate buffers at a further agreed location whereas the original wording failed to be as specific and did not refer to appropriate buffer or a core area.

The signed Habitat Regulations Assessment confirms There is no likely significant effect on the Humber estuary SP A and Ramsar site due to the proposed change in wording to condition 49 of PA/2015/1264. The risk of inadequate delivery of water water bird mitigation requirements is considered to be low, provided that adequate proposals are put forward to discharge the revised condition. Condition 49 only applies to the able logistics part project. No other plans or projects are considered likely to act in combination with the wording change to the planning condition.

North Lincolnshire council does not consider that the plan or project is directly connected with, unnecessary to, the management of the Humber Estuary Special protection area (SPA) and Ramsar site or Humber Extra Special Conservation Area (SAC) for nature conservation.

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.

North Lincolnshire council is also 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 Conservation Area (SAC).

Conditions

Conditions on PA/2015/1264	Assessment / Proposed Conditions for PA/2025/544
Condition 1	Condition 1 relates to a 3 year time limit. The Applicant has confirmed that the development has commenced within the agreed time limit. As such this condition is no longer required. The applicant has provided an email and letter (Nov 2020) from Andrew Law confirming that NLC confirm the consent has been lawfully implemented. It is implemented pursuant to the mitigation works having commenced as well as the roundabout and part of the access road from Chase Hill Road.
Condition 2	Retain Condition as per original DN. Will become condition 1.
Condition 3	<p>19 December 2018 – PA/2018/2203 The details are considered to be acceptable for Stage 1c.</p> <p>17 April 2019 – PA/2018/2513 The details submitted are considered to be acceptable. Stage 1a only</p> <p>Still requiring discharge for stage 1B.</p> <p>The new condition shall read as follows:</p> <p>The development shall be in accordance with the approved information (wheel cleaning facilities) as discharged for Stages 1A and 1C, discharged on 19/12/2018 and 17/04/2019, Condition 3 under PA/2018/2203 and PA/2018/2513. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>Works shall not commence on site on stage 1B of the development until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided</p>

	<p>within the curtilage of the site, and this facility shall be retained for the duration of the works.</p> <p>Will become condition 2.</p>
Condition 4	<p>19 December 2018 – PA/2018/2203 The detailed requirements of the condition are not relevant to Stage 1c; therefore this condition is agreed insofar as it has no bearing on Stage 1c.</p> <p>17 April 2019 – PA/2018/2513 Stage 1a only - The details submitted are considered to be acceptable. Still requiring discharge for stage 1B.</p> <p>The new condition shall read as follows:</p> <p>The development shall be in accordance with the approved information as discharged for Stage 1A, discharged on 17/04/2019, Condition 4 under PA/2018/2513. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>No stage of the development shall take place until details of the drainage, construction, services and lighting of the proposed access road relevant to stage 1B of the development being constructed, including the junction with the adjacent highway, have been submitted to and approved in writing by the local planning authority.</p> <p>Will become condition 3.</p>
Condition 5	<p>19 December 2018 – PA/2018/2203 The detailed requirements of the condition are not relevant to Stage 1c; therefore this condition is agreed insofar as it has no bearing on Stage 1c.</p> <p>17 April 2019 – PA/2018/2513 The details submitted are considered to be acceptable. Stage 1a only</p> <p>Still requiring discharge for stage 1B.</p> <p>The new condition shall read as follows:</p> <p>The development shall be in accordance with the approved information as discharged for Stage 1A, discharged on 17/04/2019, Condition 4 under PA/2018/2513. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>Development of stage 1B shall not begin on site until details of:</p> <ol style="list-style-type: none"> 1. the number, location and layout of vehicular accesses to the site; 2. the number, location and layout of vehicle parking spaces, including access aisles, surface markings and turning facilities; 3. the location and layout of vehicle loading, off-loading and turning facilities for delivery vehicles; and 4. the pedestrian means of access to all buildings; <p>for stage 1B of the development have been submitted to and approved in writing by the local planning authority.</p> <p>Will become condition 4.</p>
Condition 6	<p>19 December 2018 – PA/2018/2203 The detailed requirements of the condition are not relevant to Stage 1c; therefore this condition is agreed insofar as it has no bearing on Stage 1c.</p>

	Retain Condition as per original DN. Will become condition 5.
Condition 7	Retain Condition as per original DN. Will become condition 6.
Condition 8	Retain Condition as per original DN. Will become condition 7.
Condition 9	Retain Condition as per original DN. Will become condition 8.
Condition 10	Retain Condition as per original DN. Will become condition 9.
Condition 11	Retain Condition as per original DN. Will become condition 10.
Condition 12	Retain Condition as per original DN. Will become condition 11.
Condition 13	<p>19 December 2018 – PA/2018/2203 The details are considered to be acceptable</p> <p>Condition 13 has been discharged. It is recommended that the condition be updated as follows:</p> <p>Condition 13 – The development shall be in accordance with the approved information (precise junction location and method of constructing the proposed access road; and details of the method of constructing any such junction and all within highway works) as discharged on 19 December 2019, Condition 13 under PA/2018/2203. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>17 April 2019 – PA/2018/2513 The details submitted are considered to be acceptable. All Stages</p> <p>The new condition shall read as follows:</p> <p>The development shall be in accordance with the approved information (junction location, method of constructing the proposed access road and method of constructing any such junction) as discharged for Stages 1A and 1C, discharged on 17/04/2019 and 19/12/2018, Condition 13 under PA/2018/2513 and PA/2018/2203. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>Will become condition 12.</p>
Condition 14	<p>19 December 2018 – PA/2018/2203 The details are considered to be acceptable for stage 1c</p> <p>17 April 2019 – PA/2018/2513 The details Submitted are considered to be acceptable. Stage 1a only You are advised that there are other numerous works being undertaken in the area over the next few months, including resurfacing works, the bridge demolition and reconstruction on eastfield road and E Halton Rd, as part of the W 12 gauge clearance scheme, northern power grids cable relaying and cable laying for the offshore wind farm. Depending on the time scales of your work it is recommended that you engage with network management to explore this further.</p> <p>Still requiring discharge for stage 1B.</p> <p>The new condition shall read as follows:</p> <p>The development shall be in accordance with the approved information as discharged for Stages 1A and 1C, discharged on 17/04/2019 and 19/12/2018, Condition 14 under PA/2018/2513 and PA/2018/2203. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved and monitored throughout the construction period.</p>

	<p>No development within stage 1B shall take place has been submitted to and approved in writing by the local planning authority (in consultation with Highways England). Once approved the plan shall be implemented and monitored throughout the construction period.</p> <p>Will become condition 13.</p>
Condition 15	Retain Condition as per original DN. Will become condition 14.
Condition 16	Retain Condition as per original DN. Will become condition 15.
Condition 17	<p>19 December 2018 – PA/2018/2203 The council's drainage officer and the NELDB are satisfied with the principles set out within the submitted Surface Water Drainage Strategy (2018 v3.0) and note that further detailed design will be required. The details prudent to Stage 1c are therefore discharged.</p> <p>17 April 2019 – PA/2018/2513 The drainage team considers this submitted information to be acceptable (all stages)</p> <p>Partially approved 19/12/18 PA/2018/2203, but further submissions required on a Phase by Phase basis</p> <p>Condition discharged as confirmed under PA/2018/2513. New Condition wording. The development shall be in accordance with the approved information (disposal of surface water) as discharged for Stages 1A, 1B and 1C, discharged on 17/04/2019, 19/12/2018 and 19/12/2018, Condition 17 under PA/2018/2203, PA/2018/2513 and PA/2018/2203. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved. None of the buildings shall be occupied until it is connected to the approved drainage system.</p> <p>Will become condition 16.</p>
Condition 18	Retain Condition as per original DN. Will become condition 17.
Condition 19	<p>19 December 2018 – PA/2018/2203 The council's drainage officer and the NELDB are satisfied with the principles set out within the submitted Surface Water Drainage Strategy (2018 v3.0) and note that further detailed design will be required. The details prudent to Stage 1c are therefore discharged.</p> <p>17 April 2019 – PA/2018/2513 The drainage team considers this submitted information to be acceptable (all stages)</p> <p>Partially approved 19/12/18 PA/2018/2203, but further submissions required on a Phase by Phase basis</p> <p>The new condition shall read as follows:</p> <p>Development shall not be begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.</p> <p>The details for each phase shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development</p>

	<p>within each phase and shall be developed in accordance with the principles set out within the submitted Surface Water Drainage Strategy (2018 v3.0) under PA/2018/2203.</p> <p>Will become condition 18.</p>
Condition 20	Retain Condition as per original DN. Will become condition 19.
Condition 21	<p>Retain Condition as per original DN</p> <p>PA/2025/720 Variation submitted to amend to "before occupation" (June 2025, validated 15/7/25) BUT FOR THE PURPOSES OF THIS APPLICATION RETAIN CONDITION.</p> <p>Will become condition 20.</p>
Condition 22	<p>19 December 2018 – PA/2018/2203 The Archaeological Mitigation Strategy and Landscape Management Plan need to be agreed in relation to each stage, and their respective implementation will need to be coordinated. As such, condition 22 can only be discharged in accordance with its relevance to Stage 1c.</p> <p>17 April 2019 – PA/2018/2513 The details submitted are considered to be acceptable. All Stages</p> <p>DISCHARGED</p> <p>The new condition shall read as follows:</p> <p>The development shall be in accordance with the approved information (landscaping) as discharged on 17/04/2019 and 19/12/2018, Condition 22 under PA/2018/2513 and PA/2018/2203. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>Will become condition 21.</p>
Condition 23	<p>19 December 2018 – PA/2018/2203 The condition relates to site works for buildings. Given that Stage 1c includes no building works the details are not of relevance to this stage and are therefore discharged.</p> <p>17 April 2019 – PA/2018/2513 The details submitted are not applicable at this stage. All Stages</p> <p>RETAIN CONDITION as per original DN and ref new condition 52 instead of 53. Will become condition 22.</p>
Condition 24	<p>19 December 2018 – PA/2018/2203 Stage 1c does not include any landscape works, therefore the requirement has no bearing on this stage. The details are therefore agreed</p> <p>17 April 2019 – PA/2018/2513 The submitted information is acceptable. All Stages</p> <p>The development shall be in accordance with the approved information (landscaping) as discharged on 17/04/2019, Condition 24 under PA/2018/2513. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>Will become condition 23.</p>

Condition 25	<p>19 December 2018 – PA/2018/2203 The detailed requirements of the condition are not relevant to Stage 1c; therefore this condition is agreed insofar as it has no bearing on Stage 1c.</p> <p>17 April 2019 – PA/2018/2513 The submitted information is acceptable. All Stages</p> <p>The new condition shall read as follows:</p> <p>The development shall be in accordance with the approved information (acoustic fence) as discharged on 17/04/2019, Condition 25 under PA/2018/2513. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>Will become condition 24.</p>
Condition 26	<p>19 December 2018 – PA/2018/2203 The detailed requirements of the condition are not relevant to Stage 1c; therefore this condition is agreed insofar as it has no bearing on Stage 1c.</p> <p>17 April 2019 – PA/2018/2513 The submitted information is acceptable. All Stages</p> <p>RETAIN CONDITION as per original DN (update reference to previous condition if updated numbers – currently refers to condition 25 and so new reference will be 24)</p> <p>Will become condition 25.</p>
Condition 27	<p>19 December 2018 – PA/2018/2203 The archaeological work specified in the WSI for Stage 1c has now been implemented in full and the report completed. Therefore, the council has no objection to the discharge of condition 27 as it relates to the area of Stage 1c.</p> <p>17 April 2019 – PA/2018/2513 The submitted information is acceptable. Stage 1a only.</p> <p>Stage 1B - Required, but all mitigation works are complete</p> <p>The new condition shall read as follows:</p> <p>The development shall be in accordance with the approved information (Programme of Archaeological Works) as discharged for Stages 1A and 1C, discharged on 17/04/2019 and 19/12/2018, Condition 27 under PA/2018/2513 and PA/2018/2203. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>Will become condition 26.</p>
Condition 28	Retain Condition as per original DN. Will become condition 27.
Condition 29	Retain Condition as per original DN. Will become condition 28. (update reference to previous condition if updated numbers – currently refers to condition 24 and so new reference will be 27) Will become condition 28.
Condition 30	Retain Condition as per original DN. Will become condition 29.
Condition 31	<p>19 December 2018 – PA/2018/2203 The Archaeological Mitigation Strategy and Landscape Management Plan need to be agreed in relation to each stage, and their respective implementation will need to be coordinated. As such, condition 31 can only be discharged in accordance with its relevance to Stage 1c.</p>

	<p>17 April 2019 – PA/2018/2513 The submitted information is acceptable. Stage 1a only</p> <p>The new condition shall read as follows:</p> <p>The development shall be in accordance with the approved information (Archaeological mitigation strategy) as discharged for Stages 1A and 1C, discharged on 17/04/2019 and 08/06/2018, Condition 31 under PA/2018/2513 and PA/2018/805. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>No planting or landscaping shall take place in relation to Stage 1B until an archaeological mitigation strategy has been submitted to and approved in writing by the local planning authority.</p> <p>Will become condition 30.</p>
Condition 32	Retain Condition as per original DN. Will become condition 31.
Condition 33	Retain Condition as per original DN. Will become condition 32.
Condition 34	Retain Condition as per original DN. Will become condition 33.
Condition 35	Retain Condition as per original DN. Will become condition 34.
Condition 36	Retain Condition as per original DN. Will become condition 35. Refer to condition 34 not 35 as previous.
Condition 37	<p>19 December 2018 – PA/2018/2203 The detailed requirements of the condition are not relevant to Stage 1c; therefore this condition is agreed insofar as it has no bearing on Stage 1c.</p> <p>17 April 2019 – PA/2018/2513 The submitted information is acceptable. Stage 1a only.</p> <p>The new condition shall read as follows:</p> <p>The development within Stage 1A shall be in accordance with the approved information (as it relates to dimensions and construction materials of all acoustic barriers in that stage including predicted noise levels at relevant receptors) as discharged on 17/04/2019, Condition 37 under PA/2018/2513. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>Before stage 1B commences details of the location, dimensions and construction materials of all acoustic barriers in that stage, including predicted noise levels at relevant receptors, shall be submitted to and approved in writing by the local planning authority.</p> <p>Will become condition 36.</p>
Condition 38	Retain Condition as per original DN but refer to condition 36 not 37 as numbering will change. Will become condition 37.
Condition 39	Retain Condition as per original DN. Will become condition 38.
Condition 40	Retain Condition as per original DN. Will become condition 39.
Condition 41	Retain Condition as per original DN. Will become condition 40.
Condition 42	Retain Condition as per original DN. Will become condition 41.
Condition 43	Retain Condition as per original DN. Will become condition 42.
Condition 44	Retain Condition as per original DN. Will become condition 43.
Condition 45	Retain Condition as per original DN. Will become condition 44.
Condition 46	<p>19 December 2018 – PA/2018/2203 The detailed requirements of the condition are not relevant to Stage 1c; given the limited works, a bespoke water pollution prevention plan is not considered appropriate. Therefore this condition is agreed insofar as it has no bearing on Stage 1c</p>

	<p>17 April 2019 – PA/2018/2513 The submitted information is acceptable. Stage 1a only.</p> <p>The new condition shall read as follows:</p> <p>The development shall be in accordance with the approved information (water pollution prevention plan relevant to Stage 1A and 1C) as discharged on 17/04/2019, Condition 46 under PA/2018/2513. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>No development within Stage 1B shall take place until a water pollution prevention plan relevant to that stage has been submitted to and approved in writing by the local planning authority. The plan shall include:</p> <p>(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;</p> <p>(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> <p>Will become condition 45.</p>
Condition 47	<p>19 December 2018 – PA/2018/2203 The correspondence and Water Bird Conservation Management Plan, as received by the local planning authority on 17 December 2018, is acceptable. Therefore condition 47 is agreed.</p> <p>17 April 2019 – PA/2018/2513 The submitted information is acceptable. Stage 1a only</p> <p>The new condition shall read as follows:</p> <p>The development shall be in accordance with the approved information (Water Bird Protection and Construction Method Statement) as discharged for Stages 1A and 1C, discharged on 17/04/2019 and 08/06/2018, Condition 47 under PA/2018/2513 and PA/2018/805. The scheme shall be implemented as approved. 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 development within Stage 1B shall take place until a waterbird protection and construction method statement relevant to that stage have been submitted to and approved in writing by the local planning authority. The plan shall include:</p> <p>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;</p> <p>ii) a prohibition on earthworks to raise or lower ground levels between October and February;</p> <p>iii) details of measures that shall be put in place during construction to avoid impacts upon waterbirds</p>

	<ul style="list-style-type: none"> 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 within Stage 1B 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>Will become condition 46</p>
Condition 48	<p>19 December 2018 – PA/2018/2203 The Water Bird Conservation Management Plan, submitted on 9 May 2018, is acceptable. Therefore condition 48 is agreed.</p> <p>17 April 2019 – PA/2018/2513 Stage 1a only. This submitted conservation management plan for water bird migration areas revision 3 dated 18 January 2019 is considered to be acceptable. This condition is therefore discharged.</p> <p>The new condition shall read as follows:</p> <p>The development shall be in accordance with the approved information (conservation management plan for waterbird mitigation areas) as discharged on 19/12/2018, Condition 48 under PA/2018/2203. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>The approved 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>

	Will become condition 47.
Condition 49	<p>Condition to be updated as per this assessment and as follows:</p> <p>Development shall be phased in accordance with the submitted drawing number KI - 02004B, dated 15 February 2011 as follows:</p> <ul style="list-style-type: none"> i) no development shall take place within areas identified as phases 3, 4, 5 or 6 until commitments have been agreed in writing with the local planning authority to carry out wetland mitigation works in accordance with submitted drawing ALP-08025 Rev A dated 15 February 2011 or to carry out wetland mitigation works in accordance with submitted drawing ALP-08024 Rev A dated 15 February 2011 and carry out wetland mitigation works of not less than 20 hectares core area with appropriate buffers at a further agreed location to be agreed in writing with the local planning authority. ii) No development shall take place within the areas identified as phases 3, 4, 5 or 6 until the local planning authority has agreed in writing that SPA water bird mitigation area works have been satisfactorily completed in accordance with the agreed conservation management plan and the agreed commitments described in section I above. iii) Notwithstanding the above restrictions, the hydrogen pipeline and seawall works shall not be restricted to any given phase. <p>Reason</p> <p>To protect features of the Humber estuary SAC, SPA and RAMSAR site in accordance with policies LC-1 and LC-2 of the North Lincolnshire Local Plan.</p> <p>Will become condition 48.</p>
Condition 50	<p>19 December 2018 – PA/2018/2203 It is noted that a meeting is arranged for early January 2019 between Able UK Ltd, North Lincolnshire Council's biodiversity officer and Natural England. The details cannot be formally discharged until after this meeting, assuming a consensus is agreed.</p> <p>25 January 2019 – PA/2018/2203 Following submission of the 'Bird Monitoring Programme' revision 9 dated 23 January 2019 this condition can be discharged.</p> <p>17 April 2019 – PA/2018/2513 Stage 1a only. This submitted Bird monitoring programme revision 9 dated 23rd January 2019 is considered to be acceptable. This condition is therefore discharged.</p> <p>DISCHARGED</p> <p>The new condition shall read as follows:</p> <p>The development shall be in accordance with the approved information (Bird Monitoring Programme) as discharged on 25/01/2019, Condition 50 under PA/2018/2203.</p>

	<p>The agreed bird monitoring programme shall be implemented in its entirety, in accordance with agreed timings and methods, unless otherwise agreed in writing by the local planning authority.</p> <p>Will become condition 49.</p>
Condition 51	<p>19 December 2018 – PA/2018/2203 It is noted that a meeting is arranged for early January 2019 between Able UK Ltd, North Lincolnshire Council's biodiversity officer and Natural England. The details cannot be formally discharged until after this meeting, assuming a consensus is agreed.</p> <p>25 January 2019 – PA/2018/2203 Following submission of the 'Water Bird Protection Plan' revision 4 dated 24 January 2019 this condition can be discharged.</p> <p>17 April 2019 – PA/2018/2513 Stage 1a only. This submitted Water bird protection plan revision 4 dated 24 January 2019 is considered to be acceptable. This condition is therefore discharged.</p> <p>DISCHARGED</p> <p>The new condition shall read as follows:</p> <p>The development shall be in accordance with the approved information (Water Bird Protection Plan) as discharged on 25/01/2019, Condition 51 under PA/2018/2203.</p> <p>The agreed waterbird protection plan shall be implemented in its entirety, in accordance with agreed timings, unless otherwise agreed in writing by the local planning authority. Any agreed remedial measures shall be retained thereafter. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>Will become condition 50.</p>
Condition 52	<p>19 December 2018 – PA/2018/2203 The detailed conditions are as per those submitted to discharge conditions 9, 14 and 15 associated with application PA/2016/649. Therefore, as per the submitted Terms of Reference for HMWG Steering Group (Rev 2), the requirement is agreed.</p> <p>17 April 2019 – PA/2018/2513 The submitted information is acceptable. All Stages</p> <p>UPDATE TO BE INACCORDANCE WITH THE INFORMATION AS PER DISCO</p> <p>The new condition shall read as follows:</p> <p>The development shall be in accordance with the approved information (Terms of reference for an environmental steering group to oversee implementation of mitigation measures and sensitive working practices) as discharged on 19/12/2018, Condition 52 under PA/2018/2203.</p> <p>The steering group shall meet at least annually from the commencement of development to at least five years after the completion of all wetland mitigation areas for an annual monitoring review, unless otherwise agreed</p>

	<p>in writing with the local planning authority. Prior to the meeting, an environmental report, completed to an agreed standard, shall be provided by the applicant or their successor in title to all steering group members.</p> <p>Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>Will become condition 51.</p>
Condition 53	<p>19 December 2018 – PA/2018/2203 It is noted that a meeting is arranged for early January 2019 between Able UK Ltd, North Lincolnshire Council's biodiversity officer and Natural England. The details cannot be formally discharged until after this meeting, assuming a consensus is agreed.</p> <p>25 January 2019 – PA/2018/2203 Following submission of the 'Landscape and Biodiversity Strategy' revision 2 with corrigenda dated January 2019 this condition can be discharged.</p> <p>17 April 2019 – PA/2018/2513 This submitted landscape and biodiversity strategy revision 2 with corrigenda dated January 2019 is considered to be acceptable this condition is therefore discharged. All Stages</p> <p>DISCHARGED</p> <p>The new condition shall read as follows:</p> <p>The development shall be in accordance with the approved information (Landscape and Biodiversity Management Plan) as discharged on 25/01/2019, Condition 53 under PA/2018/2203.</p> <p>The management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority</p> <p>Will become condition 52.</p>

Conclusion

The proposed changes are considered to be acceptable subject to the aforementioned amended conditions and will align with relevant policies of the NLLP, Core Strategy and the NPPF.

Natural England is satisfied that Condition 49 can be amended to the proposed wording, however, we will comment further on the suitability of the proposed off-site mitigation, and appropriateness of proposed buffers, at the DoC stage.

An assessment of all conditions on the previous application has been undertaken and those which have previously been discharged have been amended and re-worded as compliance conditions where necessary. The applicants agent has seen sight of the draft decision notice and has agreed the wording of all conditions.

RECOMMENDATION: Grant Permission subject to conditions