

DEVELOPMENT CONTROL

INTER

MEMO



OFFICE

To: Chris Barwell

From: Mark Beevers, Principal Strategic Development Officer

Ext: 7505

Date: 22 January 2015

Subject: Application Number PA/2014/1360

Outline permission with some matters reserved to erect 300 dwellings, a small commercial development incorporating a 50 bed hotel, 50 place day nursery and small supermarket, a total of 16 fishing lodges set within 11.42 ha of public open space.

Land off Falkland Way and Barrow Road, Barton upon Humber, North Lincolnshire

This application will go to the 8th April 2015 planning committee in order to ensure the application can be determined within the 16 weeks timescales. Currently there are concerns on ecological grounds (lack of information) as the Environmental Statement is missing important information and survey work. The ecological information missing is regarding Breeding Birds, Overwintering Birds, Bats and Reptiles/Amphibians. The guidance we have had from the applicants ecologists are that these reports cannot be produced until May at the earliest because surveys need to be undertaken at specified times of the year and over accepted periods. The developers are currently looking at opportunities to speed up this process, for example they are going to undertake an assessment of the water bodies on the site to assess their potential as habitats for Great Crested Newts, this may remove the requirement for a full assessment. We now also have an objection from Natural England raising similar concerns.

There is a current objection from the Environment Agency. This references the need for an agreement with the Internal Drainage Board, the Internal Drainage Board have made some observations and drainage matters need to be clarified with both stakeholders.

Environmental Health requested additional noise information on the 5th January 2015 regarding the methodology used and the applicant's future intention to use the site for manufacturing operations. This information has not yet been received and until further information is received Environmental Health has raised an objection to this application. The uncertainty regarding the unrestricted use of the factory for B1, B2 and B8 uses have also raised air quality and odour concerns. The concerns of Environmental Health are summarized below:

The proposed development site is adjacent to industrial and commercial sites. South Humber Industrial Estate lies to the north of the site, the Wren factory is to the east, and there are commercial uses to the south-west of the site. The Environmental Health Team would recommend that residential use should not be introduced into industrial areas due to the uses being incompatible. Residents of the proposed housing may be subject to adverse effects due to nuisance such as odour, dust, noise, light and poor air quality. The introduction of housing will introduce constraints to the existing industrial and commercial activity because of the need to comply with legislation for the control of pollution. The introduction of sensitive receptors would also place constraints on further development of the surrounding employment land use. The costs and limits to what can be achieved for the control of pollution through best available techniques and best practicable means become increasingly challenging for businesses as residents are introduced closer to their activities.

I have also asked the developer for his evidence on housing land supply which I believe has been presented at the public inquiry. This information was also missing from the original submission and should have been part of the original submission to justify the principle of developing a major residential development on an unallocated site. Once this information is submitted I will consider the principle of the proposed development but have not reached any conclusion on this matter yet.

We are still waiting for some consultees to respond; most importantly the Councils Highways Department.

All correspondence referenced within this memo will also be sent for clarity.

I trust that this suitably outlines the current position of this planning application.

Mark Beevers
Principal Strategic Development Officer

I N T E R

MEMO



O F F I C E

To: Head of Development Management
For the attention of Mark Beevers

From: Sarah Nicholson
Environmental Health (Commercial)

Date: 05/01/2015

App. No.: PA/2014/1360

Our Ref: PLU001421

Subject: Outline planning permission to erect 300 dwellings, commercial development and fishing lodges.

Location: Falkland Way, Barton Upon Humber, North Lincolnshire

Initial Comments re. Noise Impact Assessment

Thank you for your invitation to attend a meeting to discuss this application with the developer on 07 January 2015. Unfortunately I am unable to attend due to current work commitments. At this stage I have not yet had time to look at the submitted noise assessment in detail but I will provide a response as soon as possible. In the meantime, I shall be grateful if you are able to provide the following information:

- Please confirm what the existing planning permission class use is for the whole Wren factory site and other surrounding commercial/industrial land, including any hours restrictions or restrictions relating to outdoor activities.

Please will you ask the applicant for the following information:

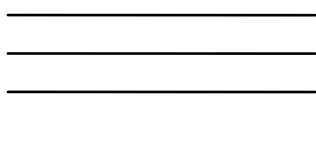
1. The submitted Noise Assessment (WYG November 2014) includes predicted noise level data that has been calculated using the Cadna modelling software. I shall be grateful if the applicant will provide the Cadna files electronically.
2. The Noise Assessment has not provided sufficient information to indicate what noise levels are from the Wren factory building – in addition to the delivery noise. Although there is some L_{Aeq} data covering periods up to 62h for locations near the factory; there is no assessment to show what the factory noise contribution is to the noise levels here. This information should be provided, including L_{Amax} data and information on acoustic characteristics of the factory noise, with the L_{Aeq} data in time periods short enough to allow appropriate BS4142 assessment.

3. At the time of the Noise Assessment, I understand that the Wren factory building was being used for storage and distribution of products that had been manufactured elsewhere. However, Section 5.18 of the Scoping Opinion Request (May 2014) states:
“The manufacturing operation is yet to be established on site and when this comes into operation it will comprise the manufacture and assembly of furniture”.
Such change of use would involve the installation of new plant within the factory building that may result in increased noise levels. No information has been submitted concerning the noise attenuation capabilities of the factory building envelope or the noise suppressant cowls referred to in Section 5.18 of the Scoping Opinion Request. This information should be provided.
4. Delivery noise: Please confirm whether the figures in Table 5.7 are L_{Amax} . Why the figures for “windows closed” higher than the figures for “windows open”.
5. The Noise Assessment does not include any description or noise data relating to surrounding commercial/industrial use other than the Wren factory site. All relevant noise sources need to be considered for the noise assessment. For example, our mapping data indicates that Barton Water Gardens & Nurseries are directly adjacent to the proposed development site. This site may require the use of plant 24/7 for operation of pumps, ventilation, heating etc. Please ask the applicant to provide information relating to all relevant surrounding commercial/industrial use.

Please give me a call if you would like to discuss this.

Sarah Nicholson
Environmental Protection Officer

I N T E R



O F F I C E

MEMO



To: Mark Beevers, Development Control
From: Andrew Taylor, Environment Team
Your Ref: PA/2014/1360
Date: 05 January 2015

Subject: Outline permission with some matters reserved to erect 300 dwellings, a small commercial development incorporating a 50 bed hotel, 50 place day nursery and small supermarket, a total of 16 fishing lodges set within 11.42ha of public open space.
Falklands Way, Barton-upon-Humber, DN18 5RX

Summary

- This proposal should be screened to see whether it would have a likely significant effect (LSE) on the Humber Estuary SPA and Ramsar site.
- The application should not be determined, except for a refusal, until the necessary information has been provided and we have had an opportunity to carry out a Habitats Regulations Assessment.
- The application should not be determined, except for a refusal, until the protected and priority species survey information has been provided.
- If permission is ultimately granted, there will be a need to secure biodiversity enhancements in accordance with the National Planning Policy Framework. At present, no firm proposals for biodiversity enhancement have been produced.

Thank you for consulting the Environment Team on the above application.

Habitats Regulations

At the EIA scoping stage, I provided the following advice:

“This proposal should be screened to see whether it would have a likely significant effect (LSE) on the Humber Estuary SPA and Ramsar site. Potential effects include

- Loss of feeding, roosting and loafing habitat used by waterbirds linked to the Humber Estuary. There are anecdotal reports of potentially significant numbers of wigeon, gadwall and redshank regularly using the waterbody and grassland on the application site in the winter and passage periods. Some of the habitat used may be lost.
- Noise, lighting and visual disturbance and displacement of waterbirds linked to the Humber Estuary. Where habitat remains, the birds currently using the habitat may be displaced by increased levels of disturbance, and may also be displaced from the functionally connected parts of the SPA and Ramsar site. In addition to waterbirds found on site, it will be necessary to consider birds such as curlew and lapwing that may use nearby agricultural land.
- Recreational disturbance of SPA/Ramsar waterbirds within the designated site. Construction of a pub, hotel, holiday lodges and further housing may be expected to lead to an increase in the recreational use of the Estuary and land around the Estuary. This in turn could lead to disturbance and displacement of waterbirds.

Under the Habitats Regulations, the applicant has a responsibility to provide the information reasonably required for the Competent Authority (the Council in this case) to determine whether the project will have a LSE on the International Nature Conservation Sites and to carry out an appropriate assessment, if necessary. In this case, it will be necessary for the Council to have the following information:

- Wintering and passage bird survey data. Natural England should be consulted on the degree of survey effort required. However, it is typical for at least one year’s data to be required, covering the period from July/August through to February, with weekly or fortnightly counts carried out by an experienced ornithologist employing appropriate fieldcraft and survey methods. Surveys are likely to be concentrated around high tide, but should also cover a variety of tidal states. Given anecdotal records of birds using the site at night, a number of dusk or night-time surveys will be required.
- Details of proposed construction methods, noise levels, lighting levels and sources of visual disturbance .
- Details of other plans and projects that could act in combination with this project, including Local Development Documents and other developments. Details should include the nature and location of each plan or project, any likely significant effects, details of features affected, any mitigation measures in place and any residual effects after mitigation.”

None of the above information has been submitted with the application.

The Environmental Statement advises that wintering and passage bird survey data will not be available until March 2015. Noise impacts have only been assessed in relation to human receptors. No information is available on lighting or visual disturbance. No in combination information has been provided.

The application should not be determined, except for a refusal, until the above information has been provided and we have had an opportunity to carry out a Habitats Regulations Assessment.

Protected and Priority Species

I have considered this application in accordance with Natural England's recently published standing advice for protected species- <http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/default.aspx>.

At the EIA scoping stage, I advised that survey information would be required in relation to the following species/groups:

- Great crested newts
- Other amphibians
- Reptiles
- Bats
- Badgers
- Water voles
- Otters
- Breeding Birds
- Vascular plants
- Other Species- Any protected or priority species or habitats not listed above should be addressed in the ES if they are revealed through surveys or if there is a reasonable likelihood of them being affected by the proposal.

The submitted ES and appendices reveal that the site has been surveyed for badgers, water voles and otters. No evidence of badgers was found, and the report authors consider that the security fencing excludes badgers. No evidence of water voles or otters was found, despite surveys of waterbodies being carried out at the appropriate time of year.

None of the other required survey information has been provided as yet. Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

Therefore, the application should not be determined, except for a refusal, until the above information has been provided.

Biodiversity Enhancement

The National Planning Policy Framework states that:

“The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...”

and

“opportunities to incorporate biodiversity in and around developments should be encouraged;”

At the EIA scoping stage, I advised that:

“With this application, biodiversity enhancement should be secured by use of native trees, shrubs and hedgerows of local origin in landscaping. Waterbodies and open areas should be designed to enhance biodiversity. Buildings should make use of bat boxes, bat lofts, green roofs and sustainable urban drainage schemes where possible.”

No firm proposals for biodiversity enhancement have been produced.

Overall, I recommend that the application should be refused or withdrawn until the information required has been produced.

If you have any questions, please do not hesitate to contact me.

Andrew Taylor
Project Officer (Ecologist)

Planning Department
North Lincolnshire Council
Civic Centre
Ashby Road
Scunthorpe
DN16 1AB

Our ref: AN/2014/120855/01-L01
Your ref: PA/2014/1360
Date: 09 January 2015

FAO Mark Beevers

Dear Mr Beevers

**Outline permission with some matters reserved to erect 300 dwellings, a small commercial development incorporating a 50 bed hotel, 50 place day nursery and small supermarket, a total of 16 fishing lodges set within 11.42ha of public open space
Falklands Way, Barton-upon-Humber, DN18 5RX**

Thank you for referring the above application, on 22 December 2014.

Environment Agency position

We are pleased to note that all built development will be located within the part of the site in Flood Zone 1 (low risk of flooding), with minimum finished floor levels at 6.1mAOD and use of flood resilient and resistant construction. We are also pleased to see the Flood Warning and Evacuation Plan, which needs to be agreed with your emergency planners.

However, we **object** to the grant of planning permission at present as we consider that further information on surface water management is required to ensure that flood risk is not increased.

Reasons

Following discussions with North East Lindsey Internal Drainage Board (IDB), we understand that the applicant has not yet obtained comments from them regarding discharge into their system. We object until an in-principle agreement has been provided by the IDB, with confirmation that they are satisfied with the proposed discharge rate.

The submitted Flood Risk Assessment (FRA) briefly discusses the incident in 2007 where the emergency services were called in order to remove water to release pressure in the lake. The FRA needs to consider this further as the balancing lake is proposed as attenuation storage for the entire site, including the implications if the lake were to overtop.

It is not apparent from the application documents or your website whether application PA/2013/1496 (for modifications to the factory site) has been granted and/or implemented. We request clarification regarding the existing surface water drainage of the wider site, and whether this been accounted for in the surface water calculations.

Overcoming our objection

The applicant can overcome our objection by submitting a revised FRA which covers the deficiencies highlighted above and demonstrates that the development will be safe, not increase risk elsewhere and where possible will reduce flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application.

If the applicant would like to discuss the above comments with us they should contact Emma Kirk on 01522 78553 or emma.kirk@environment-agency.gov.uk

If an amended FRA is submitted to support this application, please re-consult us and we will provide further comments within 21 days.

Foul drainage

The only information relating to foul drainage is in the FRA (Section 3.3.2). The document states that 'after extensive investigations by Anglian Water into the foul water network, it can be confirmed that capacity for foul flows does exist and the nearest connection point with capacity to accommodate gravity flows from the site is manhole 5302 in Pasture Road.' We advise that confirmation is obtained that this development has been given permission to connect to Anglian Water Services foul drainage system.

Discharge permit PRNNF09364

The discharge permit for this site that was held by the previous occupier was surrendered on 27 September 2013. The new owners of this site should ensure that no new discharge permit is required: discharge of clean surface water only does not require a permit.

Construction work

All construction works should be carried out in accordance with PPG6: Working at Construction and Demolition Sites. This is available online at <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Groundwater protection

Should our objection be overcome, we will request planning conditions to protect groundwater from potential contamination at the site.

If you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

Nicola Farr
Sustainable Places - Planning Adviser

Direct dial 01522 785865

Direct fax 01522 785040

Direct e-mail nicola.farr@environment-agency.gov.uk

End

Date: 12 January 2015
Our ref: 140666_Barton Wren devt
Your ref: PA/2014/1360



Phil Wallis
Head of Development Management
North Lincolnshire Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Mr Wallis

Planning consultation: Outline permission with some matters reserved to erect 300 dwellings, a small commercial development incorporating a 50 bed hotel, 50 place day nursery and small supermarket, a total of 16 fishing lodges set within 11.42ha of public open space. Applicant : Wren Living.

Location: Falklands Way, Barton upon Humber

Thank you for your consultation on the above dated 22 December 2014 which was received by Natural England on 22 December 2014.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Planning issues

We note that this land is not currently allocated for housing or business use. In the North Lincolnshire housing and employment land allocations Development Plan Documents (draft April 2014) the land is currently allocated for 'landscape proposals' (LC15 – LC16). If this land is lost to development, we would expect the landscape proposals to be replaced elsewhere in the Barton area. We also notice that the applicants are planning to make a representation to alter the allocations and development limits of Barton to accommodate this development.

Internationally and nationally designated sites

The application site is in close proximity (within 500m) to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Humber Estuary Special Protection Area (SPA) and Special Area of Conservation (SAC) which are European sites. The sites are also listed as Humber Estuary Ramsar site¹ and also notified at a national level as Humber Estuary Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

¹ Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.



In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have². The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Humber Estuary SPA and SAC Objection/Further information required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help you undertake a Habitats Regulations Assessment:

- 1) Bird survey data to identify whether any birds that are notified as features of the Humber Estuary SPA use the site, in particular the pond/ wetland areas, and will therefore be affected by habitat loss. Bird survey information should also be obtained to determine whether any birds that are notified as features of the Humber Estuary SPA use the adjacent areas, and therefore may be disturbed by the development during construction and once the site is occupied. Bird survey data should be used to assess the usage of SPA birds throughout the year, that is for breeding, wintering and on spring/ autumn migration. We understand that the developers have commissioned bird survey work and we will provide our advice on this aspect once we have the results.
- 2) Drainage plans which can be used to determine whether the development of the site will result in increased runoff into the Barton and Barrow Claypits SSSI which are designated as part of the Humber Estuary SSSI and SPA. These pits already have water quality problems, so any additional drainage from urban areas should be avoided.
- 3) Clarification whether there is any linkage between the proposed development site and the Humber Estuary SAC, for example from site drainage.
- 4) Assessment of the potential Increase in disturbance of birds which are features of the Humber Estuary SPA, due to the increased number of houses in the area. Reference should be made to the Footprint Ecology assessment work carried out for the Development Plan process.

Humber Estuary SSSI Objection/ Further information required

This application is in close proximity to Humber Estuary Site of Special Scientific Interest (SSSI). Natural England objects to this development on the grounds that the application, as submitted, is likely to damage or destroy the interest features for which Humber Estuary has been notified. Our concerns are set out above.

² Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate.

If your Authority is minded to grant consent for this application contrary to the advice relating to Humber Estuary contained in this letter, we refer you to Section 281 (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Protected Species (including Schedule 1 breeding birds such as barn owl which may be using the site)

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are

beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

We support the retention of woodland and wetland features of the site, but additional detail is required with respect to the management of these features in the future to maximise their biodiversity potential, preferably within an ecological management plan. It would be particularly relevant to know whether the existing ponds have a resident fish population. If not, the ecological potential of the ponds can be maximised by ensuring that fish are not introduced and planting more native wetland species on the margins. We would be particularly interested in commenting on a draft Ecological Management Plan for the site with the aim of maximising the biodiversity potential of the site.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.


For any queries relating to the specific advice in this letter only please contact Susan Wilson on 0300 060 1877. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

We also welcome your feedback on Natural England's revised standing advice in terms of its usability (ease of access, presentation), quality of content and, its clarity and effectiveness as a tool in guiding decision-making. Please provide this, with any suggested improvements, by filling in the attached customer feedback form or by emailing your feedback direct to consultations@naturalengland.org.uk.

Yours sincerely

Susan Wilson
Lead Adviser, Marine and Sustainable Development Team.
Yorkshire and Northern Lincolnshire Area.

| | | |
|----------------------------|---------------|---|
| I N T E R | <h1>MEMO</h1> |  |
| | | |
| | | |
| | | |
| O F F I C E | | |

To: Mark Beevers, Development Management

From: Environmental Health (Commercial)

Your Ref: PA/2014/1360

Our Ref: PLU 001421

Subject: Outline permission with some matters reserved to erect 300 dwellings, a small commercial development incorporating a 50 bed hotel, 50 place day nursery and small supermarket, a total of 16 fishing lodges set within 11.42 ha of public open space.

Land off Falkland Way and Barrow Road, Barton upon Humber, North Lincolnshire

Date: 19 January 2015

Thank you for your memo of 22 December 2014 requesting this department's comments in respect of the above planning application. This department has the following comments to make:

Summary

Recommend refusal

The proposed development site is adjacent to industrial and commercial sites. South Humber Industrial Estate lies to the north of the site, the Wren factory is to the east, and there are commercial uses to the southwest of the site. The Environmental Health Team would recommend that residential use should not be introduced into industrial areas due to the uses being incompatible. Residents of the proposed housing may be subject to adverse effects due to nuisance such as odour, dust, noise, light and poor air quality. The introduction of housing will introduce constraints to the existing industrial and commercial activity because of the need to comply with legislation for the control of pollution. The introduction of sensitive receptors would also place constraints on further development of the surrounding employment land use. The costs and limits to what can be achieved for the control of pollution through best available techniques and best practicable means become increasingly challenging for businesses as residents are introduced closer to their activities.

1. Noise

(Comments provided by Sarah Nicholson: x7318 for queries relating to noise and vibration)

I refer to my memo of 05 January 2015 and confirm that I have received no further information from the applicant in response to the questions raised.

I understand that the Wren factory site and the other surrounding industrial and commercial sites have 24/7 planning permission. I understand that some changes to industrial activity here may take place without the need for further planning permission.

The introduction of sensitive receptors including housing will introduce constraints to the existing industrial and commercial activity because of the need to comply with statutory noise nuisance legislation. This may result in requirement for significant investment and/or changes to activities for local businesses, which may still not guarantee that suitable noise levels will be achieved for the protection of residential amenity. The introduction of sensitive receptors would also place constraints on further development of the surrounding employment land use.

Whilst the use of the Wren industrial site currently centres on storage, assembly and distribution, the application details indicate that there are plans to introduce manufacturing with further industrial activity at this site. The noise assessment has not addressed the noise impacts associated with these proposed activities at the Wren site.

I will have a look at the noise assessment again when I have received a response to my memo of 05 January 2015. In the meantime, I do not have sufficient information to demonstrate that suitable noise levels can be achieved for residents at this site.

2. Air Quality and Odour

(Comments provided by Robert Vickers: x7336 for queries relating to air quality and odour)

Presently, with the current use of the Wren factory, there are no concerns due to odour or airborne pollutants. However, there are no planning constraints on the existing factory that would prevent future residents from being affected by emissions. Further, should future developments at the Wren factory or any of the other surrounding industrial or commercial sites require planning permission or an environmental permit, the siting of an adjacent residential development may result in constraints that would affect this.

3. Contaminated Land

(Contact Pattie Rennison x7620 for queries relating to contaminated land)

This department has reviewed an Environmental Statement (ES) dated November 2014 and prepared by Johnson Brook for the applicant. Chapter 11 refers to ground conditions and a geo-environmental assessment.

Chapter 11 of the ES states that a Desk Top Study has been undertaken, which appears to comprise information obtained from Groundsure.

Chapter 11 of the ES states that there is no risk from historic landfills as they are sufficiently distant from the proposed development site as indicated by the 'Overview of Findings' in the Groundsure report which notes there are none within 250m of the site. However, mapping data held by this department indicates that there is a former landfill within 160m of the site and consideration of the presence of this site would need to be included in any intrusive site investigation reported upon.

Whilst chapter 11 of the ES states that an intrusive site investigation is to be undertaken, there is no conceptual site model to inform on the rationale for how this will be undertaken. Chapter 11 has not:-

- identified sources, pathways and receptors,
- explained why samples will be removed and from where, nor for what contaminants of concern the samples will be analysed.

For the reasons set out above it is this department's considered opinion that the information submitted and referred to as a Desk Study does not satisfactorily meet the definition of a Desk Top Study as detailed in the Defra/Environment Agency document 'Contaminated Land Report 11 – Model Procedures for the Management of Land Contamination'.

In view of the above comments and the applicant's stated intention to undertake an intrusive site investigation, this department would recommend the inclusion of the following conditions should the application be approved.

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the Local Planning Authority for approval prior to proceeding to further site investigation.

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a

scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part 3.

Note to Applicant

The applicant is strongly recommended NOT to have an intrusive site investigation undertaken until a sampling strategy has been submitted to and agreed by Environmental Health (Commercial)

4. Lighting

No information has been submitted to indicate how lighting from the surrounding industrial and commercial use would affect the residential properties. If planning permission is granted, it would be necessary to include a condition requiring assessment and mitigation to be agreed before development begins so that the introduction of housing will not result in the residents being exposed to light nuisance and to ensure that no undue constraints are placed on the local commercial and industrial sites for their lighting.

5. Construction phase

Amenity should be protected for local residents during the construction phase of this project. The applicant will need to submit, for approval, a dust management plan prior to any development taking place.

Any site-specific mitigation measures need to be written into a dust management plan that should be prepared in accordance with the latest IAQM guidance. The guidance can be downloaded from –

<http://iaqm.co.uk/text/guidance/construction-dust-2014.pdf>

It will be necessary to include conditions for the control of pollution during the construction phase if permission is granted.

Friday 19 December 2014
12:11PM

Planning application enquiry

Name

Title
First name(s)
Surname

Mr
NE Lindsey Drainage Board

Address

If the address is within North Lincolnshire, enter the postcode or street name in the box below and then select **[Lookup]**. If the address is outside of North Lincolnshire, or your address is NOT SHOWN in the list or is incorrect, you will need to enter the address in the boxes provided below.

Postcode or street name to search for
DN396TG

Flat
House
Street
Town
Locality
County
Postcode

HALMSHAW'S YARD
HIGH STREET
ULCEBY
NORTH LINCOLNSHIRE
DN39 6TG

Email Address
Telephone Number
Mobile Number

trevor@northeastlindsey-idb.org.uk
01469 588991

Preferred contact method
Email

Enquiry details

Application referencee.g. PA/YYYY/APPNO*
PA/2014/1360

Do you...*
General observation

Comments
A development of this size will require major infrastructure improvement in order to accept surface water flows in the open drainage system. The developer should consult with the Board at a very early stage in order to agree an acceptable way forward and a written consent issued prior to works commencing. The above comments must be included as a condition of any planning approval