



Appeal Decision

Inquiry held on 3 March and 19 and 20 July 2011

Site visit made on 20 July 2011

by Clive Sproule BSc MSc MSc MRTPI MEnvSc CEnv

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 October 2011

Appeal Ref: APP/Y2003/A/10/2133721

**Former British Sugar Site, Scawby Brook, Brigg, North Lincolnshire
DN20 9LT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dafydd Williams, ECO2 North Lincs Ltd against the decision of North Lincolnshire Council.
 - The application Ref PA/2009/0334, dated 19 March 2009, was refused by notice dated 7 April 2010.
 - The development proposed is a renewable energy plant which would comprise a biomass fired power station, for which the primary fuel would be straw. The renewable energy plant would be based around four main buildings comprising the turbine and boiler hall, two straw storage barns and a wood storage building. In addition there would be a stack (chimney). The development would also include a series of air cooled condensers, offices, control room and staff welfare facilities, external hardstanding areas for vehicle manoeuvring/parking, a weighbridge, extensive perimeter fencing and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for a renewable energy plant which would comprise a biomass fired power station, for which the primary fuel would be straw. The renewable energy plant would be based around four main buildings comprising the turbine and boiler hall, two straw storage barns and a wood storage building. In addition there would be a stack (chimney). The development would also include a series of air cooled condensers, offices, control room and staff welfare facilities, external hardstanding areas for vehicle manoeuvring/parking, a weighbridge, extensive perimeter fencing and associated infrastructure, at the Former British Sugar Site, Scawby Brook, Brigg, North Lincolnshire DN20 9LT in accordance with the terms of the application, Ref PA/2009/0334, dated 19 March 2009, subject to the conditions in the attached schedule.

Procedural matters

2. The Council's reasons for refusal in this case are in respect of the effect of the proposed development on: the living conditions of local residents in relation to noise and disturbance and straw litter; and on highway safety. Land acquisition enabled a modified scheme to be proposed on the first day of the inquiry that would address both the sightlines from, and the path of vehicles using, the access road junction with the B1206 Scawby Road.

3. The Appellant also brought to the inquiry two unexecuted unilateral undertakings. These were in relation to mitigation for straw deposited on the highway and the provision of a HGV route to and from the appeal site. In addition, off-site highway works were proposed to provide greater carriageway width at both the mini roundabout in Scawby Brook and on the bend between the roundabout and the access road.
4. The Council was unambiguous regarding its position in relation to these matters. They would address two of the Council's reasons for refusal and the local planning authority did not wish to proceed on the basis of the previously revised and publicised scheme. Both the Council and The Scawby Brook Residents' Association (TSBRA) sought an inquiry adjournment to enable the modified scheme to be publicised and consulted upon.
5. The inquiry was adjourned to enable this to be done prior to resumption on 19 July 2011. Additional information in respect to the application's Environmental Statement (ES) was also received and publicised. Executed unilateral undertakings were received during the adjournment in relation to the matters that were the subject of the draft planning obligations referred to above.
6. *An Update to the Statement of Common Ground* (Inquiry Document 7), dated June 2011, confirmed that within the context of the scope of certain planning conditions and the unilateral undertakings, the Council had resolved not to call witnesses to present evidence to the resumed inquiry and this is how the proceedings continued.
7. During the inquiry TSBRA highlighted potential deficiencies in the unilateral undertakings. A three week period following the closure of the inquiry was specified for these matters to be addressed. The timescale was met by the submission of executed unilateral undertakings, dated 8 August 2011. The undertakings have been made under Section 106 of the Town and Country Planning Act 1990.
8. Following closure of the inquiry, parties were also provided with the opportunity to comment on whether the draft National Planning Policy Framework or *Understanding the risks, empowering communities, building resilience - The national flood and coastal erosion risk management strategy for England* had a bearing on the cases made to the inquiry. Representations that addressed the implications of these documents on the cases made to the inquiry have been taken into account.

Main Issues

9. The first three main issues in this case reflect the Council's reasons for refusal and are considered to be the effect of the development proposed on: (a) highway safety in relation to the Heavy Goods Vehicle (HGV) movements on the highway network; (b) the living conditions of local residents in relation noise and disturbance; and, (c) the living conditions of local residents in relation to the deposition of straw. The fourth main issue arises from the representations made by interested persons and exchanges during the inquiry, it is (d), the effect of the proposed development on flood risk.

Reasons

Highway safety

10. North Lincolnshire Local Plan (LP) policy T2 requires all development to be provided with a satisfactory access. Criteria within the policy apply to larger developments and the Council's second reason for refusal refers to Policy T2 criterion (iv), which indicates that the development should be adequately served by the existing highway.
11. The proposed renewable energy plant (Brigg REP) would principally burn straw derived from agriculture and wood chips. This would typically be expected to result in 100 HGV movements per day and 36 car trips per day. An "absolute worse case" HGV scenario could result 202 HGV movements per day. Deliveries of fuel to Brigg REP would occur during a twelve hour working day for 5.5 days per week. No deliveries would be received from 14:00hrs on Saturday afternoons to Monday morning at 07:00hrs.
12. Typically, 44 out of every 50 HGV movements associated with the plant would be straw transporters. A number of potential HGV designs for these vehicles have been referred to in this case. Straw transporters are shown to be articulated and in the region of 16 to 18.7m long.
13. Observed total two-way traffic demand on the B1206 in September 2010 indicates the typical HGV movements associated with the biomass plant would have the potential to increase existing observed HGV traffic through the western part of the village by (very approximately) 50 to 100%. While this would remain a very small percentage of the total traffic flows, which survey data indicates to be in the region of 5000 vehicle movements on a week day, it would be an appreciable increase in articulated/drawbar trailer HGV movements. This would be apparent by the frequency of movements, at typically one additional HGV every 6 to 8 minutes, and to a certain extent, the scale of the vehicles that would be used to transport the Hesston type straw bales.
14. Vehicle movements associated with the appeal scheme also need to be considered within the context of the LP allocation for the former British Sugar site. Land at the appeal site forms part of a larger employment allocation that is the subject of LP policy IN8, which is permissive of development within Use Classes B1, B2 and B8. The previous operation of the British Sugar Site is reported to have resulted in many smaller HGV movements that would have occurred on a seasonal campaign basis. In contrast and in common with the appeal scheme, vehicle movements associated with Use Class B2, and especially B8, would reasonably be expected to result in a noticeable increase in larger HGV movements.
15. Most of the Brigg REP HGV traffic would be routed along the B1206 Scawby Road to the mini roundabout in Scawby Brook, prior to accessing the M180 via junction 4. Only vehicles delivering locally sourced straw would be expected to vary from the route through Scawby Brook, which is defined in a unilateral undertaking (UU).
16. Reference is made to a proposed reduction in the speed limit through the village from 40 to 30mph. However, full details regarding this matter were not before the inquiry and the speed limit remains at 40mph in Scawby Brook and 60mph on the section of the B1206 that includes the junction with the site access.

17. Parties have referred to Personal Injury Accident data for Scawby Brook and the proposed route to and from the M180. These detail some serious incidents. Even so, the information suggests that the frequency and severity of accidents on the route to and from the appeal site is not particularly high for highways of these types and with the traffic flows that use them.

Mini roundabout

18. The Council raised concerns regarding the potential for conflict between HGVs, substandard overrun areas in the mini roundabout arrangement and substandard pedestrian facilities. Evidence indicates that the mini roundabout operates significantly over capacity resulting in queues and delays.
19. Swept path analyses for drawbar trailer HGVs (i.e. rigid bodied lorries with a trailer) turning right from the A18 show how close the trailers could be to the footway to the south of the mini roundabout.
20. HGV trailer bodies would partly pass over the splitter island to the west of the roundabout, but it is not designed as a pedestrian refuge and has no direct pedestrian connection from the northern footway.
21. It was highlighted that tactile paving on the northern side of the roundabout indicated the former position of a pedestrian refuge that had been removed to enable a large load to travel across the mini roundabout. Both the residential development in this area, and the close proximity of Brigg to the east of the roundabout, can be expected to place demands on the pedestrian crossing point between the footways on the northern side of the roundabout. Swept path analyses indicate that trailer bodies of articulated vehicles turning left onto the A18 are extremely close to pedestrians on the tactile paving that remains in the highway. However, this is an established feature and no accidents have been recorded involving HGVs and pedestrians using it.
22. Mitigation works agreed between the Council and the Appellant on the first day of the inquiry were the subject of the Highways Statement of Common Ground 2. These include the reinstatement of a pedestrian crossing feature on the A18 to the north of the mini roundabout, along with works to increase the radius of the left turn onto the A18. Swept path analyses show the highway modifications would provide a greater degree of protection for pedestrians crossing the A18 from potential conflict with traffic, including the HGVs serving Brigg REP.

B1206 corner at western end of Scawby brook

23. Evidence indicates that this corner has a 75m radius and a 6.5m minimum operating carriageway width. This radius is substantially less than the standard of 180m¹ within the relevant section (TD 9/93) of the Design Manual for Roads and Bridges (DMRB). This highway configuration reduces vehicle speeds, but the sharp corner is nevertheless significantly substandard for a highway with a 40mph speed limit.
24. The swept path analyses for the corner and the roundabout have used different maximum vehicle widths of 2.50m and 2.55m respectively. They reveal that two large HGVs rounding the corner at the western end of the village would have very little room for error. Limited carriageway width and the sharpness of

¹ Two Steps below Desirable Minimum Radius with Superelevation of 7%

the corner increase the risk of collision and leave no room for the road to be shared by two large HGVs and a cyclist, motorcyclist or horse and rider. Additionally, the footway on the inside of the bend is narrow and leaving anyone using it exposed to any potential conflict between vehicles traversing the bend.

25. On the outside of the bend the footway is substantially below the level of the carriageway. The agreed mitigation works would widen the carriageway by up to 0.8m. This would bring traffic into closer proximity with the outer footway, but this would also be widened from 1.0m to 1.3m. Two listed buildings are present in the vicinity of the proposed road widening works. If the works were to be carried out, the street scene would nonetheless retain a semi-rural and verdant character that includes the highway. In this respect the road widening would have a neutral effect of the setting of these Listed Buildings.
26. The proposed works would provide greater separation between HGVs and substantially reduce the risk of an accident occurring on this bend involving larger vehicles, such as straw transporters. However, accident records going back over 29 years have been researched and do not include any incidents involving HGVs in this location.

The access road from the B1206 to the appeal site

27. Representations have confirmed the access road from the B1206 to the appeal site to be part of the adopted highway. This junction has tight corner radii that were used by the haulage vehicles serving the British Sugar plant, but these are understood to have been considerably smaller than the HGVs associated with the appeal scheme.
28. Junction changes proposed within the amended scheme would provide significantly improved visibility splays for drivers seeking to join the B1206 from the access road and increased corner radii. These sightlines would be 2.4m by 215m to the south and 2.4 by 185m to the north, where wet weather 85th percentile vehicle speed readings of 51mph have been recorded. DMRB TD 42/95 explains why an "x" distance greater than 2.4m is preferred. Even though a longer distance is not used in this case, the proposed works would improve an existing access and provide the minimum distance necessary for a driver stopped at the junction to see down the road without encroaching into it.
29. These works would bring the access road closer to the junction of the B1206 with Brigg Road. No substantive evidence has been provided that suggests the proposed highway layout would cause an unacceptable increased risk of accident to users of these ghost island junctions.
30. Concerns have been raised regarding the effect of the access road junction works on parking for Sangreat Kennels. Dedicated access points would be provided that would enable vehicles to draw off the highway toward the entrances at the kennels. This would enable vehicles to park at a greater distance from traffic travelling from and to the appeal site, than would be possible at present.

Conclusion regarding highway improvement works

31. HGVs currently make the turning manoeuvres in Scawby Brook that would be required of vehicles delivering to Brigg REP and have done so for many years. These would include the larger types of vehicle that would transport straw and

wood fuels for the Brigg REP. If this appeal were to be allowed, taking their HGVs through Scawby Brook would be a regular task for the professional HGV drivers who would be contracted for the fuel deliveries. Accordingly, there is no reason to conclude that they would have any difficulties in performing the manoeuvres necessary to do this.

32. Proposed highway improvement works to the sharp bend and the mini-roundabout increase the margin of error for vehicles delivering to the appeal site. However, it has not been demonstrated that these works are necessary for highway safety. Any planning condition that would seek to require these works to be carried out would therefore fail the test of necessity for a condition within Circular 11/95 – *The Use of Conditions in Planning Permissions*.
33. In contrast, the works to the access road junction with the B1206 would provide it with much improved visibility splays and considerable unused capacity. By making certain that the development would be adequately served by the highway network, the access road improvements included in the modified scheme ensure compliance with LP policy T2 criterion (iv).

Noise and disturbance

34. The B1206 provides a link between the A18 in Scawby Brook and the A15. Traffic taking this route passes through the villages of Hibaldstow and Redbourne, which lie to the southwest of the appeal site. Recent appeal decisions (Refs: APP/Y2003/A/08/2072544 & APP/Y2003/A/08/2074831) addressed high frequency HGV movements associated with a quarry near Hibaldstow. In those cases it was concluded that 1 HGV movement every 6 minutes would cause noise and disturbance that would be sufficient to be significantly harmful to the living conditions of people who occupy dwellings in close proximity to the highway. However, full details regarding that case and the evidence presented in relation to noise and disturbance are not before this inquiry.
35. The HGV route set out in the relevant UU would provide a convenient and efficient means of accessing the motorway network for the haulage of straw to Brigg REP. In doing so, it would substantially reduce vehicle movements through nearby settlements (including Hibaldstow, Redbourne and Scawby) that lie to the west and south of the appeal site. Brigg REP HGV traffic would be at a level that would not be expected to harm the living conditions of people residing in these places. However, this would focus noise and disturbance associated with Brigg REP HGVs on the occupiers of Scawby Brook. In Scawby Brook there are a number of houses that are in very close proximity to the highway.
36. Many of the houses in Scawby Brook that would lie on the Brigg REP haulage route to and from the A18 are set well back from the highway. The breadth of the highway along this section of the B1206 enables areas of on-street parking to be delineated on part of the highway. While the Appellant considers the circumstances in Hibaldstow and Redbourne to be completely different to Scawby Brook, the house at 193 Scawby Road is notable by its close proximity to the highway. The dwelling has a limited depth of footway and delineated parking between it and the carriageway, and the layout of the building exposes substantial areas of glazing to the road frontage.

37. A suggested planning condition would limit the hours when Brigg REP HGV movements would occur. This would ensure that during evenings, Saturday afternoons, Sundays and on Bank Holidays, the local impacts associated with HGV movements would be reduced. If this appeal were to be allowed, such a condition would provide a relief from the effects of traffic noise at times when local residents are likely to place a particular value on enjoying a degree of peace and quiet; that is, in the evenings, at night and also at weekends and Bank Holidays.
38. Replenishing the fuel stockpile after these periods of non-delivery would be expected to increase the frequency of vehicle movements. In some circumstances this could lead to peak Brigg REP HGV flows approaching the maximum predicted 1 vehicle every 3-4 minutes. However, these would be expected to be relatively infrequent events.
39. Evidence indicates that existing highway traffic causes significantly high noise levels, ranging between approximately 55 and 70 LA10_{18hr} dB, to be experienced at properties on the proposed haulage route. It is clear that the proposed development, even in a worst case scenario, would not result in a predicted degree of noise change that would be significant and perceptible in normal conditions (i.e. of 3dB).
40. Given the information supplied regarding the survey work and the equipment used, there is no reason to doubt the robustness of the data used by the Appellant to draw conclusions in respect of noise from the appeal scheme.
41. DMRB Volume 11 Section 3 Part 7 confirms the sound of a passing heavy diesel lorry to be considerably greater than a car. Individual HGV movements (and any vibration associated with them) would be noticeable from the living space of houses with windows in very close proximity to the highway. However, the proposed haul route is already busy during the times when Brigg REP HGV movements would be expected to occur. Accordingly and in the context of the evidence presented to this inquiry, the additional noise and disturbance resulting from Brigg REP traffic would have an acceptable effect on the living conditions of local residents.
42. The proposed new access road junction would draw traffic further from the elevations of the Sangreat Kennels facing toward the access road. This would considerably reduce the noise experienced at this site from vehicles on the access road. However, modelling has shown that the noise environment in this location would remain dominated by traffic on the B1206, even if the perceived disturbance is reduced by moving the HGV traffic further from the kennels. It has not been established that activity associated with the appeal scheme would materially increase disturbance of animals kept at the kennels in comparison to the factors that already occur at this location.
43. Noise during construction works would also be experienced within the existing background noise levels. While peak noise periods would be expected to result in substantial increases in noise at Sangreat Kennels, these effects would be short-term and could be addressed by a condition in relation to a Construction Management Plan.
44. Not carrying out the corner widening works in Scawby Brook would reduce the potential for pedestrians using the footway on the northern side of the highway at Scawby Brook Farm to be intimidated by the scale and proximity of passing

- Brigg REP HGVs. It was highlighted that this path is often used by people walking toward Scawby Park, which lies between the sharp bend in the B1206 and the village of Scawby to the west. While the scale and increased frequency of the fuel transporters supplying Brigg REP would be expected to cause a degree of fear and intimidation to other users of the highway along the principal haulage route, this type vehicle already uses these roads.
45. Noise from Brigg REP site operations would be expected to be most noticeable during night-time periods. Evidence predicts operational noise would be well below existing average noise levels and often below typical background levels. Convincing evidence has not been produced to challenge the Appellant's assessment of the level and limited effect of operational noise from the Brigg REP site. Noise from the operations would be the subject of a condition on the Environmental Permit (No. EPR/LP3130KG), which seeks to prevent noise pollution outside the site.
46. In addressing the *General Requirements* of development, LP policy DS1 criterion (iii) states that no unacceptable loss of amenity from noise should result from planning proposals. There will be a degree of additional noise and disturbance from the type and frequency of vehicle movements associated with the Brigg REP. However, evidence has demonstrated that, subject to a condition to limit the hours and days when these effects would be experienced, the noise and disturbance would have an acceptable effect on the local living conditions of local residents.
47. Regulation 122 of Statutory Instrument 2010 No.948, The Community Infrastructure Levy Regulations 2010 (CIL), indicates that a planning obligation must be: necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. These matters reflect the themes of the five tests of a planning obligation within Circular 05/2005 – *Planning Obligations*.
48. Attention has been drawn to the area enclosed by the red line in the UUs. It does not include the modified site access that was the subject of the amended scheme. However, the UUs are Deeds in respect of the land within the red line boundary. It encloses the land that would be used for the proposed biomass fired power station that is the subject of the appeal scheme and the processes that would be served by HGV movements. Consequently, there is no apparent reason why the undertakings could not be enforced against the relevant parties to the Deeds.
49. Circular 11/95 highlights that planning conditions are not an appropriate means of controlling the right of passage over public highways. The traffic routing planning obligation in this case is not a condition. As a Deed it would be enforceable due to the contractual arrangements that would be entered into for renewable fuel haulage, and the technologies that are now available for monitoring vehicle movements. The Appellant has referred to *Residents Against Waste Site Limited v Lancashire County Council [2007] EWHC 2558 (Admin)* where it was found that a planning obligation was both appropriate and essential to ensure an enforceable scheme of traffic routing.
50. The executed UU would protect the living conditions of people who live in Hilbaldstow and Redbourne from traffic flows that have previously been identified as potentially harmful to them. As such, the UU complies with CIL Regulation 122 and has been taken into account. Considerable weight is

attributed to this planning obligation as it addresses matters that might otherwise lead to dismissal of the appeal.

Straw deposition

51. A technical appendix to the ES highlights the lack of formal studies that quantify the loss of straw from bales in transit. The highest quantities of straw lost from a load would reasonably be expected to be shed in the first few kilometres of a journey. This is where loose straw would be displaced from the load or dislodged from the bales within it.
52. Brigg REP would be expected to use contracted suppliers of straw to ensure a steady supply of fuel. Stockpiles of straw would be placed in different locations and would, for the most part, be more than a few kilometres distant from Scawby Brook. This would be likely to ensure that the greatest proportion of any loose straw would be lost prior to the haulage truck arriving in Scawby Brook. Nonetheless, it is reasonable to expect some straw to be displaced as straw transporters travel through the village. Given the numbers of loads that would be transported on this route, the quantities of lost straw would be likely to be significantly more than the occasional piece that was apparent during the inquiry site visit.
53. The only operational straw fired power station that provides a possible comparison in relation to straw deposition is at Ely. Straw transporters delivering to the Ely plant were noted to be able to by-pass nearby settlements when en-route to the facility. Loose straw debris has been seen on the approach to the site and consequently, the concern expressed by TSBRA regarding straw deposition in their village is not unfounded.
54. LP policy DS1 (v) and (xii) are clear that pollution that would be detrimental to environmental conditions, and reliance on public finances being available for services, are both considerations in the determination of planning proposals. Evidence in this case has failed to adequately demonstrate that the HGV movements associated with Brigg REP would leave the residential environment in Scawby Brook sufficiently free of straw to avoid the need for increased road sweeping and conflict with LP policy DS1.
55. The UU regarding the deposition of straw would provide a contribution of £24,366.04 toward road sweeping that would be carried out by the Council. At present the B1206 in the village is swept five times per year and the contribution would enable it to be done weekly. Street sweeping of this regularity would help to prevent straw being blown from the road into adjoining properties or blocking any of the drainage features referred to in submissions to the inquiry. For the reasons above, significant weight is attributed to this UU as it addresses matters that might otherwise lead to dismissal of the appeal and meets the tests for a planning obligation within CIL Regulation 122 and Circular 05/2005.

Flooding

56. Planning Policy Statement 25 – *Development and Flood Risk* (PPS25) indicates that in areas at risk of flooding, a sequential risk-based approach should be applied to determining the suitability of land for development. The document states that the overall aim of decision-makers is to steer new development to Flood Zone 1. Proposed works at the junction of the access road and the

B1206 would be within Flood Zone 1. However, much of the area of the appeal site that would contain the Brigg REP lies within Flood Zone 3a.

57. PPS25 Practice Guidance states the objectives for a site specific Flood Risk Assessment (FRA) are: to establish if the site is likely to be affected by flooding or the development would lead to an increased risk of flooding elsewhere, and proposed measures would be appropriate; if necessary provide evidence so the Sequential Test can be applied and if appropriate, whether the development would be safe and pass part c) of the Exception Test.
58. A revised FRA was submitted in September 2010 that addressed changes made to the northern boundary of the application site and additional details requested by the Environment Agency (EA).
59. Internal Drainage Boards (IDBs) manage land drainage in areas of special drainage need and undertake flood defence works, but not on "main watercourses". The appeal site lies within the Ancholme IDB area. Flood defence works on Main Rivers are the responsibility of the EA, as are flood forecasts and warnings, and exercising general supervision over matters relating to flood defence. The EA is the statutory consultation body in respect of, amongst other things, planning applications regarding development on land in Flood Zones 2 and 3.
60. The proposed development would remodel the appeal site, creating building floors above the 1 in 100 year (plus climate change) flood level. In doing so, excavated areas would provide floodplain compensation and a flood route across the site at the same level as existing. These measures address the context of the appeal site within Flood Zone 3a and the EA has raised no objection to the appeal scheme.
61. A pipe runs from the former British Sugar site to the Humber and the drainage capacity it provides contributes to the management of the surface water in this locality. The Appellant's proposals would remove the appeal site from the area drained by The Humber Pipe. However, the service provided by The Humber Pipe would be retained and improved through the installation of a new pumphouse and pipework.

The Sequential Test

62. The ES includes an assessment by a Sequential Test within the initial FRA and it was accepted by the Council. This is apparent in the Council's Officer Report on the application, which also considered potential flaws or omissions from the assessment. It is also stated clearly in letters from the EA, dated 28 September 2009 and 25 January 2011, that the process had been adequately carried out and that the EA withdrew its objection in respect of the Sequential Test. An update to the Sequential Test was provided in July 2011 prior to the resumption of the inquiry.
63. The coverage of the assessment in this case has been questioned, including whether nearby areas of land in Flood Zone 1 could have been used. However, it is concluded that the Appellant's sequential approach has demonstrated there to be no other reasonably available sites with less risk of flooding, within an appropriate geographic area, for a development of the type and scale proposed.

The Exception Test

64. PPS25 states that essential infrastructure, which includes electricity generating power stations, should only be permitted in Flood Zone 3a if the Exception Test is passed. There are three parts to this test and PPS25 is unambiguous that all must be passed for development to be permitted.
65. The first part of the test requires it to be shown that the development would provide wider sustainability benefits to the community that outweigh flood risk. In this case, Brigg REP would be constructed on a previously developed industrial site where land contamination can reasonably be expected to occur and site investigation has already occurred to characterise this. Suggested planning conditions would address land contamination. Any remediation that would result from this work would be expected to benefit the quality of the land in this location. It would potentially be a significant environmental betterment and as such would contribute to the sustainability of the development proposed.
66. The Planning Policy Statement: *Planning and Climate Change* ("the supplement to PPS1") indicates that applicants should not be required to demonstrate either the overall need for renewable energy and its distribution, nor should the energy justification for the location of a planning proposal be questioned. Furthermore, it continues by stating that planning proposals that would contribute to the document's Key Planning Objectives should be dealt with quickly and sympathetically. These Objectives include delivering Government's Climate Change programme and energy policies, and encouraging competitiveness and technological innovation in mitigating and adapting to climate change.
67. This appeal proposal is for a form of renewable energy and the Appellant has referred to various national policy and strategy documents, legislation and Ministerial Statements that are supportive of it. These include the UK Renewable Energy Roadmap (July 2011), which is clear that renewable sources of energy will be a key part of the decarbonisation of the energy sector by 2030. The Roadmap notes biomass electricity to be a predictable and non-intermittent technology.
68. Examples of the developing market and capacity for biomass electricity in the wider area around the appeal site were referred to during the inquiry. Brigg REP would generate approximately 40MW of such energy from a source of renewable carbon. It would add to the capacity of this form of renewable energy in the locality and the competitiveness of its delivery.
69. Following *Cala Homes (South) Limited v Secretary of State for Communities and Local Government [2010 EWHC 2866]* The Yorkshire and Humber Plan – Regional Spatial Strategy to 2026 (RSS) remains part of the development plan for this area. The RSS contains targets in relation to grid-connected renewable energy capacity, which are in RSS Policy ENV5. These are to maximise renewable energy capacity by delivering at least 124MW by 2010 and 350MW by 2021 in the Humber sub-regional area.
70. Appellant evidence refers to Government statistics that indicate in 2009 the installed capacity was less than half the regional target of 708MW for 2010. In addition, all of the schemes with planning permission or under construction amounted to less than half the minimum regional target of 1862MW for 2021. Brigg REP would make a significant contribution to the regional target for renewable energy and would add to the capacity in the Council area, which

North Lincolnshire Local Development Framework Core Strategy (CS) paragraph 11.22 confirms to have already met the RSS indicative local target for North Lincolnshire of 112MW by 2021.

71. Planning Policy Statement 22 – *Renewable Energy* (PPS22) recognises that the location of biomass electricity plants will help to address the effects of transporting fuel. Decision-making principles in the supplement to PPS1 indicate that development should limit carbon dioxide emissions. While Brigg REP would not supply steam for local heating, it would be a renewable source of energy that would utilise carbon that might otherwise be released without producing power (for example by decomposition) and bring to fruition the potential benefits of replacing carbon from fossil fuels.
72. Straw fuel for Brigg REP is expected to be held in up to 400 stockpiles located within 50 miles of the appeal site. The proposed plant would not require the straw to be converted to pellets, enabling the straw to be used without this form of processing. There would be competition for the fuel supplies and the contracts entered into by the Appellant would seek to address this. Nevertheless, the Appellant was candid regarding the intended business model and the scrutiny this is subjected to by potential financiers of the appeal scheme. Consequently, the evidence heard by the inquiry was persuasive in suggesting that Brigg REP would be able to source its fuel in a sustainable manner and in this respect would avoid the need to turn to alternative fuels.
73. For the reasons above, it is found that there are potentially very significant wider sustainability benefits to the community that outweigh flood risk, which meets the first part of the Exception Test.
74. The main area of the appeal site that lies within Flood Zone 3a is previously developed land and there are sound planning reasons, which are outlined above, why additional land within Flood Zone 1 should be taken for an improved site access. As previously developed land that is available and apparently ready for re-development, the appeal site meets the second part of the Exception Test.
75. The FRA has demonstrated that the proposed recontouring of the appeal site would both protect the Brigg REP buildings from flooding by raising their floor levels, and significantly increase the floodplain storage volumes available within the main area of the appeal site for flood events up to 3.4m AOD. In 2007, flooding occurred in Scawby Brook when waters rose to almost 3.0m AOD and the proposed increased capacity would be available for such an occurrence. The FRA and evidence presented to the inquiry are convincing that the proposal would protect the development, prevent increased flood risk elsewhere and to a certain extent, it would reduce overall flood risk. This meets the third part of the Exception Test, which is passed in this case.
76. Local residents have expressed concerns regarding the Appellant's flood risk consultants also acting for the Ancholme IDB. However, it has not been shown that the Appellant's assessment of flood risk for this location is flawed. Flood levels result from all of the waters, and the causes, that contribute to them.
77. The CS was adopted in June 2011. It is the Appellant's case that even if the Sequential Test was not passed, CS policy CS19 would be relevant. CS paragraph 11.25 notes that, to some extent, development will need to occur on the significant areas of North Lincolnshire that fall within Flood Zone 3.

78. CS policy CS19 reflects the Exception Test by only being permissive of development in areas of high flood risk where it would have wider sustainability benefits that outweigh flood risk, it would be on previously developed land, and it would not increase the risk of flooding. For the reasons above and having considered responses made in relation to *Understanding the risks, empowering communities, building resilience - The national flood and coastal erosion risk management strategy for England*, the proposed development complies with CS policy CS19.

Other matters

79. Concerns have been raised regarding to extent of public consultation. The application and appeal was the subject to publicity and consultation. Following this, the inquiry provided the opportunity for all matters in relation to this case to be raised and for the evidence to be tested. Modification of the scheme enabled further consultation to take place during the resulting adjournment and all views to be received.
80. Evidence suggests that emissions and health and safety risks from Brigg REP HGVs would be acceptable. Given the existing circumstances in the locality it has not been shown that the development would cause loss of lifestyle, loss of health and amenity, property blight, or property devaluation that would cause a financial burden on local residents and prevent them moving house.

Adequacy of the ES

81. When the application was submitted in March 2009 it was accompanied by an ES. It consisted of a non-technical summary, the volumes containing the ES main report and its technical appendices. The ES and the additional information submitted in April 2011 during the inquiry adjournment have been subject to consultation and publicity. Judging by the number of responses received from public bodies and members of the public, the consultation and publicity process in respect of the ES has been satisfactory.
82. The ES, including the additional information submitted in April 2011, provides comprehensive and detailed coverage of the likely main impacts of the proposed development and the mitigation measures that may be required. The ES is found to be adequate and meets the requirements of the relevant Regulations.

The planning balance

83. The Council's fourth reason for refusal refers to the planning balance that must be struck between the detrimental effects of development and its merits. In this case, the proposed plant would be a form of renewable energy. There is a considerable level of local opposition to this scheme and concern regarding the potential effects it would have on the issues discussed above.
84. Matters included within the draft National Planning Policy Framework (NPPF) are relevant to this case and regard has been had to them. However, as the document is still in draft form and subject to change, its policies are accorded little weight in this case.
85. The supplement to PPS1 states that significant weight should be attached to the wider social benefits of a renewable energy proposal. This scheme would provide employment in the locality by creating renewable energy from reliable

- resources that are sourced from the area around the appeal site. Both employment and security of renewable energy supply would deliver wider social benefits to the people of North Lincolnshire.
86. The previously developed part of the appeal site is allocated for re-development through LP policy IN8 for a range of employment uses. Developing Brigg REP would provide employment on this land, and environmental betterment through improvements to flood capacity and management, and any contaminated land remediation that is carried out.
87. CS policy 18 seeks the active promotion of development that utilises natural resources as efficiently and sustainably as possible, including where appropriate, by supporting development for waste to energy. Given the findings above, the re-development of the appeal site would sit favourably with the objectives of these policies
88. Representations have been made to the effect that the rights of the residents of Scawby Brook under Articles 8, 1 of the First Protocol and 14 of the European Convention on Human Rights (ECHR) would be violated if this appeal were to be allowed. The Appellant has referred to *David Lough and Others v First Secretary of State and Bankside Developments Ltd - CA (Civ Div) (Pill LJ, Keene LJ, Scott Baker LJ) 2004*. The residents' concerns are considered not to be well-founded for the following reasons.
89. The level and nature of the HGVs that would use the B1206 through Scawby Brook have been found not to be unacceptably harmful in relation to pollution, living conditions, and health and safety. Indeed, these considerations must be balanced against the rights and freedoms of others. Therefore, in respect of Article 8 any effects from the development proposed on local residents would not be disproportionate. If this appeal were to be allowed, Article 8 would not be violated.
90. The routing of Brigg REP vehicles through Scawby Brook would not discriminate against the community and residents as unacceptable harm would not result from these vehicle journeys. Accordingly, Article 14 would not be violated. Additionally, it has not been shown that any residents of Scawby Brook would be deprived of their possessions and therefore, Article 1 would not be violated.
91. LP policy DS21 is permissive of renewable energy proposals provided that any detrimental effects are outweighed by environmental benefits. In this case unacceptable harm would not result from increased traffic movements, noise and disturbance, straw deposition and flood risk associated with the development proposed. There are clear environmental benefits associated with this scheme and it complies with LP policy DS21, CS policies CS18 and CS19, RSS Policy ENV5 and the objectives of national policy, including PPS22.

Conditions

92. A scheme of conditions agreed between the Appellant and the Council were submitted to the inquiry. These conditions were discussed at the inquiry and have been considered against the guidance in Circular 11/95.
93. It was highlighted that recent economic conditions have resulted in extended timescales for securing funding for developments such as this. Accordingly, a five year commencement period was requested to enable the necessary

funding to be arranged from the differing sources that may be used in relation to the appeal scheme. These economic circumstances indicate that a five year commencement period would be appropriate in this case and such a condition shall be imposed.

94. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans. For the avoidance of doubt and in the interests of proper planning, a condition shall therefore be imposed regarding the approved plans. To protect the character and appearance of the locality a condition shall be imposed regarding the materials to be used on external surfaces.
95. In the interests of highway safety, conditions shall be imposed in relation to the provision of travel and traffic management plans.
96. To protect highway safety and the living conditions of local residents in relation to noise and disturbance, a condition shall be imposed that limits the quantity of fuel brought to the appeal site.
97. To reduce the risk and impact of flooding, conditions shall be imposed to address surface water drainage and the implementation of measures regarding the flood risk assessment. While it was suggested that a drainage condition should refer to consultation with the EA and IDB, it is for the local planning authority to carry out the consultations it considers necessary in discharging its functions. The roles of both the EA and IDB are clearly set out in the relevant planning policy and practice guidance.
98. The Appellant has queried the necessity for an aircraft navigational light on the stack. In requesting this condition and others in relation to wildfowl and fish in water bodies on the appeal site, East Midlands Airport's Environment and Safeguarding Advisor highlighted that they are in respect of Humberside International Airport. While the East Midlands Airport representation does not indicate that the appeal site is in the vicinity of the airport, it is nonetheless nearby in respect to aircraft that may be approaching or leaving it. Therefore, the proposed conditions can reasonably be considered necessary to ensure the protection of aircraft and they shall be imposed.
99. In the interests of protecting the historic environment, conditions shall be imposed in relation to archaeology and the provision of a photographic record of the existing development prior to demolition. To protect the natural environment, conditions shall be imposed for mitigation and management in relation to biodiversity and contamination.
100. To protect the character and appearance of the locality conditions shall be imposed in relation to lighting, cables for exporting electricity and landscaping.
101. In the interests of protecting local living conditions, a condition shall be imposed regarding the timings of HGV movements.
102. Noise conditions have also been suggested and supported by the Appellant in relation to the protection of local living conditions. However, an environmental permit (Ref: EPR/LP3130KG) has been issued in relation to the proposed development and it includes a condition in relation to noise and vibration. Circular 11/95 states that, amongst other things, planning conditions should be precise, enforceable, necessary and must serve a planning purpose. The latter is taken to mean that if an issue is also subject to control

through another regulatory regime then, to avoid duplication, it should not be necessary by way of a planning condition. While the suggested planning conditions on noise are, by stating specific noise levels and referencing monitoring standards, more detailed than the permit condition, it has not been demonstrated that the permit condition would fail to protect local living conditions. Therefore, the suggested planning conditions in relation to noise shall not be imposed.

103. However, within the further information submitted in regard to the Environmental Statement reference is made to a Construction Management Plan, for amongst other things, providing a site hoarding to reduce noise levels experienced at Sangreat Kennels. Accordingly, in the interests of protecting local living conditions a condition shall be imposed requiring the provision of such a Plan, which shall also address matters in relation to highway safety.
104. It has been found that of the highway improvement works suggested and that were the subject of the Highways Statement of Common Ground 2, only those regarding the junction of the access road and the B1206 would be necessary to make the appeal scheme acceptable in planning terms. Such a condition shall be imposed in the interests of highway safety.
105. As highlighted above, even though vehicles delivering straw would often have travelled sufficient distances to lose the majority of any loose straw prior to arriving at Scawby Brook, some straw would nonetheless be expected to be deposited on and around the highway in the village. Sheeting the loads on straw transporters would be reasonably expected to further reduce the quantity of straw present in Scawby Brook. However, the Appellant highlights the practical difficulties in doing this, especially when the straw is stored in many different locations prior to its movement to the plant. Additionally, the executed planning obligation regarding straw deposition provides a means of addressing any straw that is deposited. In this respect it has not been demonstrated that a condition requiring sheeting is necessary in this instance.

Conclusion

106. It is a *Key Principle* of PPS22 that it should be possible to accommodate plant such as Brigg REP in locations where environmental, economic and social impacts can be satisfactorily addressed. Following consideration of all of the issues raised in this case, for the reasons above and subject to the imposition of relevant planning conditions, it is found that the matters are satisfactorily addressed and that the appeal should be allowed.

Clive Sproule

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) The development hereby permitted shall be carried out only in accordance with the following approved plans:
 - Drawing 652-01/GA-03 - Planning Application Boundary
 - Drawing 652-01/GA-01 - Proposed Site Access Layout, General Arrangement
 - Drawing 15674/A1/0101 Rev G - Site Layout
 - Drawing 15674/A1/0105 Rev C - Site Section A, B, C & D
 - Drawing 15674/A1/0106 Rev C - Site Section E, F, G & H
 - Drawing 15674/A0/0110 Rev B - Turbine Hall & Boiler House Building Layouts, Elevations and Section
 - Drawing 15674/A0/0115 – Offices, Workshop, Stores & Plant – Building Layout
 - Drawing 15674/A1/0116 – Offices, Workshop, Stores & Plant – Elevations
 - Drawing 15674/A1/0120 Rev B - Straw Barn 1 Building Layout, Elevations & Section
 - Drawing 15674/A1/0125 Rev B - Straw Barn 2 Building Layout, Elevations & Section
 - Drawing 15674/A1/0130 Rev C - Wood Store Building Layout, Elevations & Section
 - Drawing 652-01-01 Rev B - Indicative Landscape Design
- 3) No development shall take place until samples of the external facing materials to be used on the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The final Travel Plan shall be submitted to and approved in writing by the local planning authority within six (6) months of the development being brought into use and all conditions and requirements of the plan, once approved, shall be implemented and retained at all times.
- 5) The Travel Plan, once approved and in place, shall be monitored for a period of three years from the approval date. An annual monitoring report on the impact of the Travel Plan shall be submitted to the local planning authority on the first of January each year following the grant of planning permission. All amendments to the approved Travel Plan identified as a result of the monitoring process shall be implemented as approved and retained.
- 6) Not more than 264,000 metric tonnes of fuel shall be delivered to the site in any single calendar year. A written or electronic record of all deliveries made to the site showing date, time, quantity and type of fuel shall be kept and made available within five working days to the local planning authority on request.
- 7) No part of the development hereby permitted shall be brought into use until a traffic management plan has been submitted to and approved in

- writing by the local planning authority. The development shall thereafter be operated only in accordance with the approved plan.
- 8) The development shall only be carried out in accordance with the flood risk assessment dated March 2009 and addendum dated June 2009 as amended by supplemental documents from JBA Consulting dated October 2010, and the following mitigation measures detailed within the flood risk assessment and addendum thereto:
 1. levels associated with the development
 2. flood plain compensation
 3. surface water scheme
 - 9) The maintenance of the drainage system shall be carried out in accordance with sections 1.1, 1.2, and 1.3 of the addendum to the flood risk assessment, undertaken by JBA Consulting, dated June 2009 as amended by supplemental documents from JBA Consulting dated October 2010.
 - 10) A medium intensity steady red omni-directional light shall be fitted as near to the top of the chimney as is practicable in accordance with details to be submitted to and approved in writing by the local planning authority. The light shall be in place within one week of the chimney being completed, and it shall be used for the protection of aircraft safety and retained thereafter.
 - 11) No feeding of wildfowl shall take place on this site at any time.
 - 12) There shall be no fishing or stocking of fish in the attenuation pond.
 - 13) No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by the North Lincolnshire Sites and Monuments Record Office, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:
 - (i) measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
 - (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
 - (iii) post-fieldwork methodologies for assessment and analyses
 - (iv) report content and arrangements for dissemination, and publication proposals
 - (v) archive preparation and deposition with recognised repositories
 - (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
 - (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Sites and Monuments Record Office of the commencement of archaeological works and the opportunity to monitor such works
 - (viii) a list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.
 - 14) The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

- 15) A copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy shall be deposited at the North Lincolnshire Sites and Monuments Record Office within six months of the date of completion of the development hereby approved by this permission.
- 16) No development, including any demolition, shall take place until details of measures for barn owl (*Tyto alba*) mitigation and conservation, together with the timescales for their implementation, have been submitted to and approved in writing by the local planning authority. These works shall be implemented as approved and retained thereafter.
- 17) No development shall take place until a biodiversity and landscape management plan has been submitted to and approved in writing by the local planning authority. The plan shall be carried out in its entirety in accordance with the timings set out within it.
- 18) There shall be no permanent lighting installed on the site without the prior written agreement of the local planning authority.
- 19) Cables for the export of electricity from the development shall be laid underground and no overhead lines shall be installed.
- 20) No HGV vehicles shall deliver to the site outside the hours of 07:00hrs to 19:00hrs Monday to Friday, 08:00 to 14:00hrs on Saturdays and not at all on Sundays or Bank Holidays.
- 21) No development shall take place until proposals for landscaping have been submitted to and approved in writing by the local planning authority. The proposals shall include a survey of all existing trees and hedgerows on the site, and details of any to be retained, together with a programme for the implementation of works including measures for the protection of trees and hedgerows during the course of development. Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.
- 22) No development shall take place until a scheme to deal with the risks associated with contamination of the site shall each have been submitted to and approved in writing by the local planning authority:
 - (1) a preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 - (2) a site investigation scheme, based on (1), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site
 - (3) the site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken

- (4) a verification plan works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action
Any changes to these components require the written approval of the local planning authority. The scheme shall be implemented as approved and retained thereafter.
- 23) Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.
- 24) If, during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted to, and obtained the written approval of the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- 25) No infiltration of surface water drainage into the ground is permitted other than with the written approval of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
- 26) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written approval of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- 27) Prior to development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.
- 28) The development shall not commence until highway mitigation works have been implemented at the following location, in accordance with the general arrangements set out in the referenced plans:
- A B1206/Site Access Road Junction Improvement Scheme (Axis Drawing No: 652-01/BA-01/RevA)

The mitigation works shall incorporate any two dimensional and three dimensional revisions as recommended in subsequent Safety Audits.

The said works shall be carried out in accordance with engineering details which shall first have been submitted to and approved in writing by the Local Planning Authority prior to commencement of the said mitigation works.

- 29) No development shall take place until the diversion of existing surface water drainage infrastructure has been fully implemented in accordance with a scheme submitted to and approved in writing by the local planning authority. Such a scheme shall include:
- a replacement pumping installation;
 - a new interceptor drain to be constructed along the southern boundary of the application site linking to the new pumping installation;
 - a discharge pipeline from the new pumping installation to be connected into the existing main which runs between the existing pumping installation and the Humber Pump House.
- 30) No demolition or development shall take place until the applicant, or their agents or successors in title, has produced a photographic record of the Old Sugar Factory buildings in accordance with a written specification, including a timetable for the recording, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The photographic recording shall be carried out in accordance with the approved details and timings. The photographic archive shall be deposited at the North Lincolnshire Historic Environment Record prior to the date of commencement of development hereby approved by this permission.
- 31) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
- i) the hours of construction / demolition works (including deliveries)
 - ii) the parking of vehicles of site operatives and visitors
 - iii) loading and unloading of plant and materials
 - iv) storage of plant and materials used in constructing the development
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - vi) wheel washing facilities
 - vii) surface water management
 - viii) a construction phase traffic plan
 - ix) measures to control the emission of dust during construction
 - x) measures to control the emission of noise during construction
 - xi) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - xii) construction lighting

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Easton of Counsel	(Only on 3 March 2011)
Mark Simmonds	North Lincolnshire Council
Angela Taylor	North Lincolnshire Council
Valerie Wilcockson	North Lincolnshire Council

FOR THE APPELLANT:

David Hardy of Counsel	
LL.B(Hons) B.C.L.(Hons)(Oxon)	
who called:	
Dean Kettlewell	Managing Director and Principal Acoustic
MSc MIOA MAE I.Eng	Consultant – Noise & Vibration Consultants Ltd
Andrew Bell	Technical Director – AXIS
BA MSc MCIHT MCILT	
Dr Andrew Toft	Director of Projects – Eco2 Limited
BEng PhD	
Nicholas Roberts	Founding Director – AXIS
BA(Hons) DipLA MLI	

FOR THE SCAWBY BROOK RESIDENTS ASSOCIATION:

Sue Whitfield	
Andy Bourne	
Gary Reeve	
who called:	
Cllr Trevor Foster	North Lincolnshire Council
Cllr Neil Poole	North Lincolnshire Council

INTERESTED PERSONS:

Mrs Perkins	Local resident
Mrs Rayner	Local resident
Mr Fawcett	Local resident

DOCUMENTS

- 1 Proposed site access modifications: Drawing Nos: 652-01/GA-01; 652-01/GA-02; 652-01/ATR-0-1
- 2 Draft conditions (subsequently superseded by the Statement of Common Ground dated 21/06/11)
- 3 Draft unilateral undertaking in relation to traffic
- 4 Draft unilateral undertaking in relation to street sweeping
- 5 Errata of appendices to Mr Dean Kettlewell's main proof
- 6 Highways Statement of Common Ground – Final Draft v1 – Unsigned
- 7 Update to Statement of Common Ground of 15 September 2010, February 2011 and March 2011 – Dated June 2011 and signed

- 8 UK Renewable Energy Road Map – Department of Energy and Climate Change (July 2011)
- 9 Core Strategy adopted June 2011
- 10 Statement of Mrs Perkins
- 11 Statement of Mr Fawcett

DOCUMENTS RECEIVED AFTER CLOSURE OF THE INQUIRY

- 12 Draft conditions - including amendments discussed on the final day of the inquiry
- 13 Unilateral undertaking in relation to traffic – executed 8th August 2011
- 14 Unilateral undertaking in relation to street sweeping – executed 8th August 2011

DATED 8th AUGUST 2011

ROSSFLEET BRIGG LTD

-and-

ECO2 NORTH Lincs LIMITED

-to-

NORTH LINCOLNSHIRE COUNCIL

UNILATERAL UNDERTAKING

pursuant to section 106 of the Town and Country Planning Act 1990
relating to

Land at Former British Sugar Site, Scawby Brook, Brigg DN20 9LT

Cobbetts LLP
No1 Whitehall Riverside
Leeds
LS1 4BN

THIS DEED is made the 8th day of AUGUST 2011

BETWEEN:

- (1) **ROSSFLEET BRIGG LIMITED** (Company Registration Number 04530306) whose registered office is at Manor Farm, Bridgham, Norwich, Norfolk NR16 2RX ("the Owner"); and
- (2) **ECO2 NORTH LINCS LIMITED** (Company Registration Number 06337326) whose registered office is at Vision House, Oak Tree Court, Mulberry Drive, Cardiff Gate Business Park, Cardiff CF23 8RS ("the Developer")

TO

- (3) **NORTH LINCOLNSHIRE COUNCIL** whose offices are situated at Pittwood House, Ashby Road, Scunthorpe, North Lincolnshire DN16 1AB ("the Council")

WHEREAS

- (1) The Council is the local planning authority for the area within which the Site is situated for the purposes of the 1990 Act.
- (2) The Owner is the freehold owner of those parts of the Site registered at the Land Registry under title number HS230447
- (3) By agreement dated 24 August 2007 and varied on 21 April 2010 the Owner granted to the Developer an option to purchase the freehold of the Site.
- (4) By a written application submitted on 19 March 2009 the Developer submitted the Application for planning permission to the Council.
- (5) The Council refused planning permission for the Development by notice dated 7 April 2010. By notice dated 2 August 2010 the Developer submitted the Appeal against the refusal of the Council to grant planning permission for the Development.
- (6) The Developer has determined that this planning obligation by unilateral undertaking should be entered into with the intent of making suitable provision for the routing of lorries travelling to and from the Site throughout its operational lifetime.

1 INTERPRETATION

- 1.1 In this Undertaking including the recitals hereto the words in column 1 below shall have the

meanings respectively ascribed thereto in column 2 below unless the context otherwise requires:

Column1

Column 2

"the 1990 Act"

the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991 and any subsequent legislation);

"Additional Street Sweeping"

means street sweeping along the Straw Street Sweeping Route which is required in addition to the Routine Street Cleaning to remove any straw falling from heavy goods vehicles travelling to and from the Development;

"Additional Street Sweeping Costs"

means the sum of up to twenty four thousand three hundred and sixty-six pounds and four pence (£24, 366.04) per annum Index Linked being the annual costs of Additional Street Sweeping as notified in writing by the Council and payable to the Council in accordance with the provisions of the Schedule, such monies to be used by the Council to meet the costs of Additional Street Sweeping;

"Appeal"

the appeal against the Council's refusal of the Application, registered under appeal reference
APP/Y2003/A/10/2133721/NWF;

"the Application"

the application for full planning permission for the development of a renewable energy plant (fuel primarily consisting of straw) with a turbine, boiler hall, two storage barns, wood storage building and a lagoon submitted to the Council by the

Developer under planning application reference number PA/2009/0334;

"Commencement of Development"

the date upon which the Development shall begin by the carrying out of a material operation in accordance with the provisions of Section 56 of the 1990 Act PROVIDED THAT any works of or associated with demolition, site clearance, remediation works, environmental or archaeological investigations, site and soil surveys, erections of contractors work compound, erection of site office, erection of fencing to site boundaries, marking of site boundaries and laying out of access roads, diversion and laying out of services shall for the purposes of this Undertaking be deemed not to be material operations and "Commence Development" and "Commenced" shall be construed accordingly;

"the Development"

the development of the Site in accordance with the Planning Permission;

"Generation Date"

the date when electricity is first generated and sold from the Development to the Grid;

"Grid"

the local electricity distribution network;

"Index Linked"

adjusted annually on the anniversary of the date of this Undertaking by the percentage change if any in the Retail Price Index All Items (or such other index as may be agreed between the parties) between the date of its last publication prior to the date of this Undertaking and the anniversary of the date of this Undertaking

"Occupation"	means occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, installation and testing of plant and machinery, fitting out or security and "Occupied" and "Occupy" shall be construed accordingly;
"Original Undertaking"	the s106 undertaking dated 18 March 2011 and made by the Owner and the Developer to the Council in respect of straw litter;
"Plan 1" "Plan 2" and "Plan 3"	the plans so numbered attached to this Undertaking;
"the Planning Permission"	any grant of planning permission by the Secretary of State under the 1990 Act in respect of the Development pursuant to the Application following determination of the Appeal;
"Routine Street Cleaning"	the routine street cleaning undertaken by the Council on the Straw Street Sweeping Route in accordance with its street cleaning programme once every eight to twelve weeks;
"the Site"	the land shown edged red on Plan 1 attached to this Undertaking being land at Former British Sugar Site, Scawby Brook, Brigg, DN20 9LT;
"Straw Street Sweeping Route"	the length of road (including a section of the access road to the Site running for a distance of two hundred metres from the B1206) as shown marked green on Plan 2, or in the event of realignment of the access to the Site the length of road

(including a section of the access road to the Site running for a distance of two hundred metres from the B1206) as shown indicatively marked green on Plan 3 (subject to any amendments to final alignment in construction) attached to this Undertaking

- 1.2 Clause headings are for ease of reference only and shall not affect the interpretation of this Undertaking and unless otherwise stated references to Clauses are to the clauses of this Undertaking.
- 1.3 The plural shall include the singular and vice versa.
- 1.4 Words importing any gender include every gender.
- 1.5 Words importing any person or persons include firms companies and corporations.
- 1.6 Unless otherwise stated or the context otherwise requires references to the "Owner" or "Developer" shall be deemed to include any person deriving title from the Owner or Developer as the case may be and reference to the "Council" shall be deemed to include any successor to the relevant successor to the statutory functions of the Council.

NOW THIS DEED WITNESSES as follows:-

2 PLANNING OBLIGATION

This Undertaking which is a planning obligation for the purposes of the 1990 Act is made pursuant to the provisions of section 106 of the 1990 Act with the intent that covenants hereinafter contained shall be enforceable by the Council acting under the powers contained in section 106 of the 1990 Act against the Owner and the Developer.

3 OWNER'S AND DEVELOPER'S COVENANTS

The Owner and the Developer hereby covenant with the Council so as to bind the Site to fully observe and perform the obligations set out in the Schedules to this Undertaking.

IT IS HEREBY AGREED AND DECLARED AS FOLLOWS:

- 4 This Undertaking is conditional and the obligations created shall not take effect until the following has occurred:
 - 4.1 the Planning Inspector appointed to determine the Appeal confirming in his or her written decision in respect of the Appeal (a copy of which will subsequently be attached to this Undertaking with the relevant passages highlighted for ease of reference) that the existence of this Deed was a material consideration in his or her decision that the Appeal should be allowed pursuant to section 79 of the 1990 Act; and
 - 4.2 the Commencement of Development.
- 5 This Undertaking shall cease to have effect if:
 - 5.1 the Planning Permission has not been implemented by the carrying out of a material operation as defined in section 56(4) of the 1990 Act within the statutory period set out in sections 91 and 93 of the 1990 Act or such longer period for implementation as set out in the Planning Permission; or
 - 5.2 the Planning Permission is revoked or modified in whole or part (other than with the approval of the Developer) or quashed or declared unlawful as a result of legal proceedings.
- 6 Neither the Owner nor the Developer nor any successor in title to the Site shall be bound by the terms of this Undertaking or be liable for the breach of any covenants restrictions or obligations contained in this Undertaking (but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest):
 - 6.1 Occurring after he or it has parted with his or its interest in the Site or the part of the Site in respect of which such breach occurs; or
 - 6.2 In respect of any part or parts of the Site in respect of any period during which it or they shall no longer have an interest in such part or parts of the Site.
- 7 Save as provided in respect of the successors in title to the Site or to the Council or any successor to the relevant statutory functions of the Council this Undertaking shall not be enforceable by any third party pursuant to the Contracts (Rights of Third Parties) Act 1999.
- 8 Nothing in this Undertaking shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Undertaking, nor shall any payment be due to

the Council under this Undertaking in respect of any development pursuant to any such further planning permission.

- 9 The planning obligation hereby created shall be registered as a Local Land Charge.
- 10 Insofar as any of the provisions of this Undertaking are found (for whatever reason) to be invalid, illegal or unenforceable then such invalidity, illegality or unenforceability shall not affect the validity legality or enforceability of the remaining provisions of this Undertaking.
- 11 The Developer hereby covenants with the Owner as follows:
 - 11.1 To observe and perform the covenants on the Owner's and Developer's part in this Undertaking and to indemnify the Owner in respect of any breach or non-observance of them by the Developer and
 - 11.2 PROVIDED THAT the Owner does not undertake the construction of or Occupy the Development to indemnify the Owner against any costs, claims and demands which may be made against the Owner by reason of entering into this Undertaking where such costs claims and demands are not as a result of the negligence of the Owner.
- 12 The parties agree that this Undertaking may be executed in any number of counterparts
- 13 For the avoidance of doubt it is hereby agreed and declared that the Original Undertaking is superseded and replaced by this Undertaking and the Original Undertaking shall have no force or effect. Neither the Owner nor the Developer will be required to undertake any of the obligations set out in the Original Undertaking.

IN WITNESS WHEREOF the Owner and the Developer have executed this Undertaking as a Deed on the day and year first before written

Schedule 1

THE DEVELOPER'S AND OWNER'S COVENANTS

The Developer and the Owner covenant with the Council:

- 1 To pay to the Council the Additional Street Sweeping Costs prior to the Generation Date.
- 2 To pay the Additional Street Sweeping Costs to the Council each year within 14 days on the of the anniversary of the first payment in accordance with paragraph 1 of this Schedule 1 during operation of the Development and whilst deliveries of straw are made to the Development.

EXECUTED as a DEED)

(but not delivered until the date hereof))

by **ROSSFLEET BRIGG LIMITED**)

acting by a Director and Company)

Secretary or two Directors:)

Director

Director/Secretary

EXECUTED as a DEED)

(but not delivered until the date hereof))

by **ECO2 NORTH Lincs LIMITED**)

acting by a Director and Company)

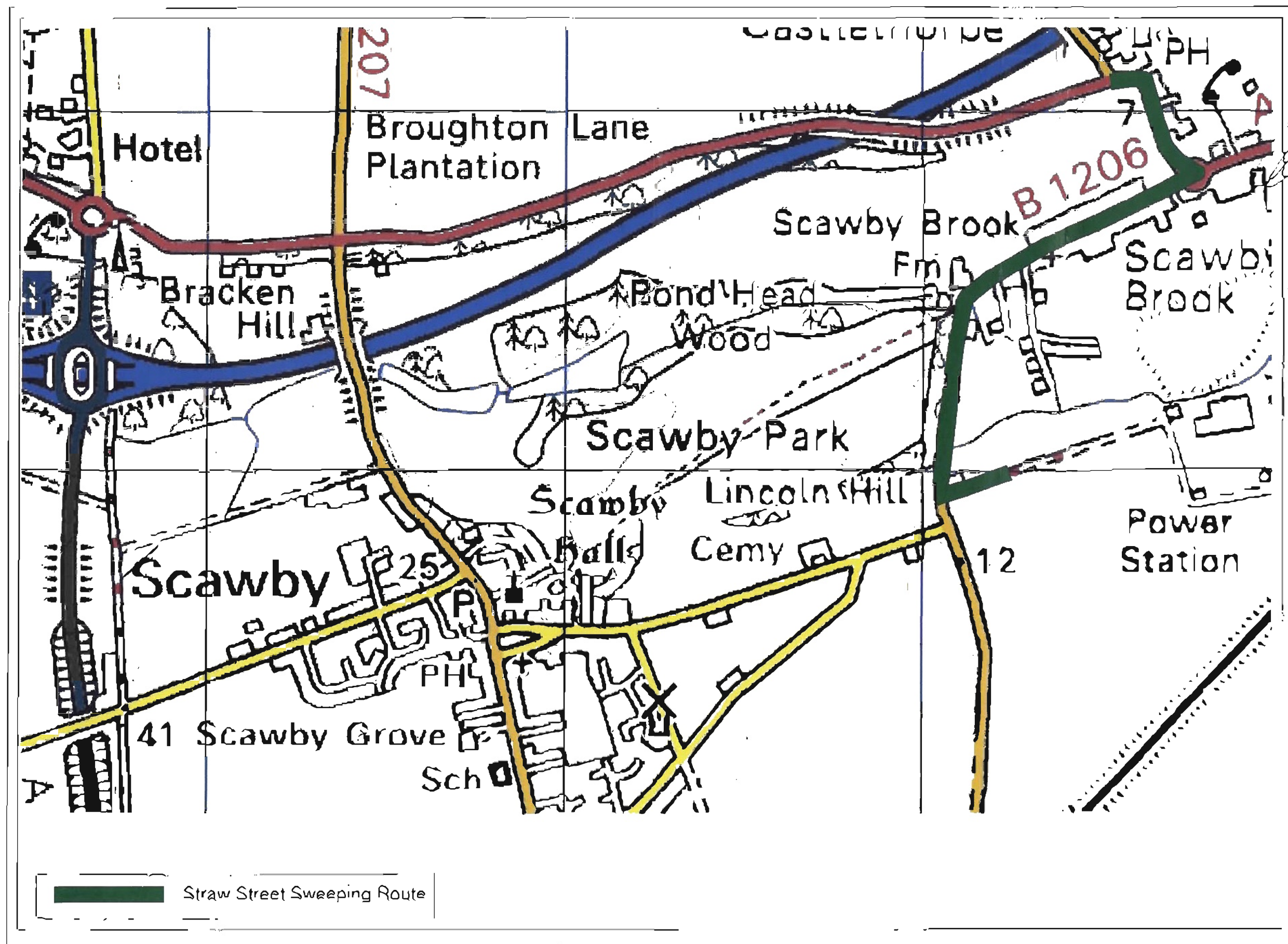
Secretary or two Directors:)

Director

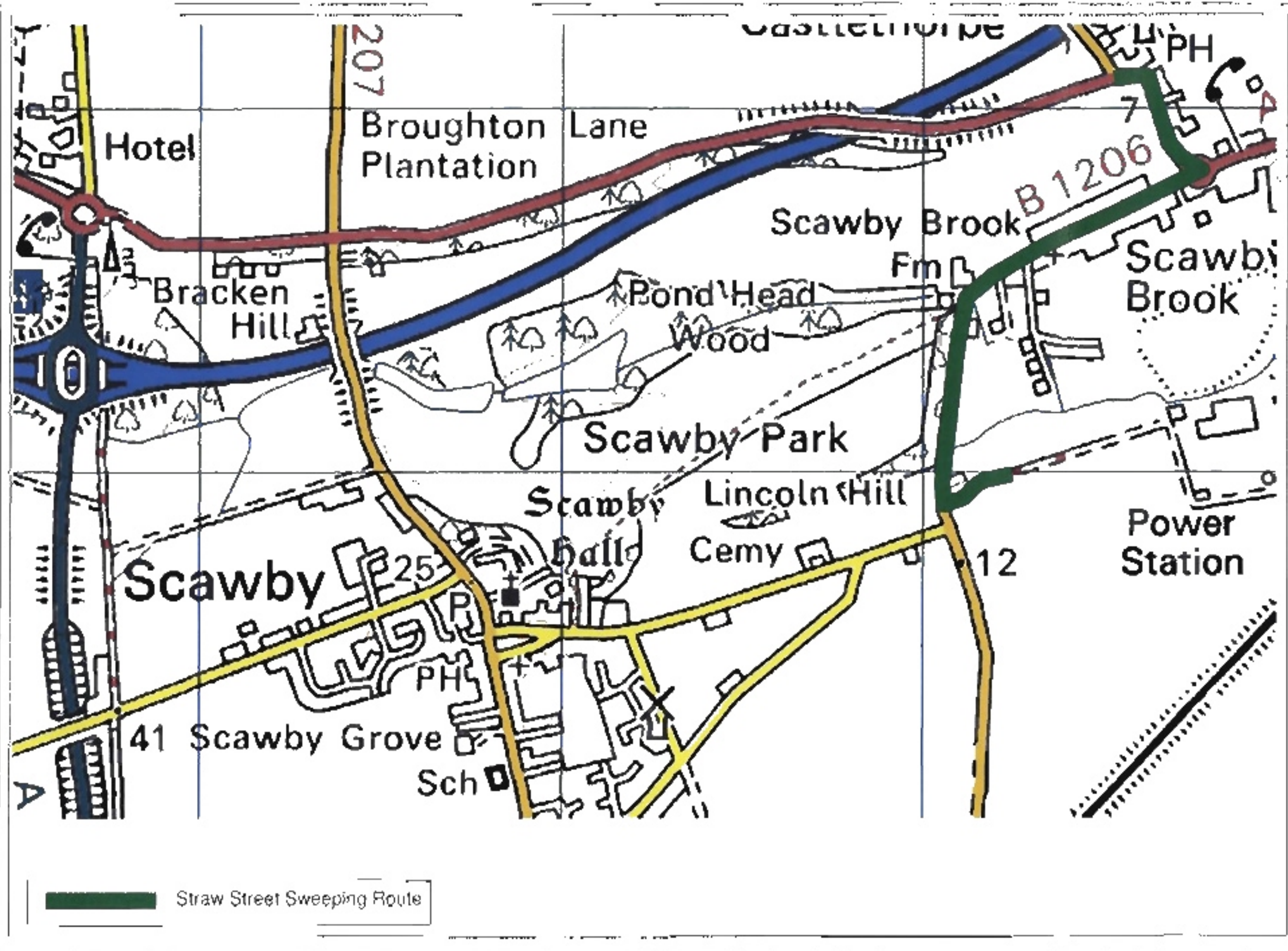
Director/Secretary

PLAN 1

PLAN 2



PLAN 3



DATED 8th AUGUST 2011

ROSSFLEET BRIGG LTD

-and-

ECO2 NORTH Lincs LIMITED

-to-

NORTH LINCOLNSHIRE COUNCIL

UNILATERAL UNDERTAKING

pursuant to section 106 of the Town and Country Planning Act 1990
relating to

Land at Former British Sugar Site, Scawby Brook, Brigg DN20 9LT

Cobbetts LLP
No1 Whitehall Riverside
Leeds
LS1 4BN

THIS DEED is made the **8th** day of **AUGUST** 2011

BETWEEN:

- (1) **ROSSFLEET BRIGG LIMITED** (Company Registration Number 04530306) whose registered office is at Manor Farm, Bridgham, Norwich, Norfolk NR16 2RX ("the Owner"); and
- (2) **ECO2 NORTH Lincs LIMITED** (Company Registration Number 06337326) whose registered office is at Vision House, Oak Tree Court, Mulberry Drive, Cardiff Gate Business Park, Cardiff CF23 8RS ("the Developer")

TO

- (3) **NORTH LINCOLNSHIRE COUNCIL** whose offices are situated at Pittwood House, Ashby Road, Scunthorpe, North Lincolnshire DN16 1AB ("the Council")

WHEREAS

- (1) The Council is the local planning authority for the area within which the Site is situated for the purposes of the 1990 Act.
- (2) The Owner is the freehold owner of those parts of the Site registered at the Land Registry under title number HS230447.
- (3) By agreement dated 24 August 2007 and varied on 21 April 2010 the Owner granted to the Developer an option to purchase the freehold of the Site.
- (4) By a written application submitted on 19 March 2009 the Developer submitted the Application for planning permission to the Council.
- (5) The Council refused planning permission for the Development by notice dated 7 April 2010. By notice dated 2 August 2010 the Developer submitted the Appeal against the refusal of the Council to grant planning permission for the Development.
- (6) The Developer has determined that this planning obligation by unilateral undertaking should be entered into with the intent of making suitable provision for the routing of lorries travelling to and from the Site throughout its operational lifetime

1 INTERPRETATION

- 1.1 In this Undertaking including the recitals hereto the words in column 1 below shall have the

Traffic Routing

meanings respectively ascribed thereto in column 2 below unless the context otherwise requires:

Column1	Column 2
"the 1990 Act"	the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991 and any subsequent legislation),
"Appeal"	the appeal against the Council's refusal of the Application, registered under appeal reference APP/Y2003/A/10/2133721/NWF;
"the Application"	the application for full planning permission for the development of a renewable energy plant (fuel primarily consisting of straw) with a turbine, boiler hall, two storage barns, wood storage building and a lagoon submitted to the Council by the Developer under planning application reference number PA/2009/0334,
"Commencement of Development"	the date upon which the Development shall begin by the carrying out of a material operation in accordance with the provisions of Section 56 of the 1990 Act PROVIDED THAT any works of or associated with demolition, site clearance, remediation works, environmental or archaeological investigations, site and soil surveys, erections of contractors work compound, erection of site office, erection of fencing to site boundaries, marking of site boundaries and laying out of access roads, diversion and laying out of services shall for the purposes of this Undertaking be deemed not to be material operations and "Commence Development" and

	"Commenced" shall be construed accordingly;
"the Development"	the development of the Site in accordance with the Planning Permission;
"HGV Traffic"	heavy goods vehicles travelling to or departing from the Site to deliver fuel supplies to the Development;
"HGV Route"	the route to be taken by HGV Traffic to and from the Site, being the roads identified in green on the Route Plan;
"Index Linked"	adjusted annually on the anniversary of the date of this Undertaking by the percentage change if any in the Retail Price Index All Items (or such other index as may be agreed between the parties) between the date of its last publication prior to the date of this Undertaking and the anniversary of the date of this Undertaking
"Occupation"	means occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, installation and testing of plant and machinery, fitting out or security and "Occupied" and "Occupy" shall be construed accordingly;
"Original Undertaking"	the s106 undertaking dated 18 March 2011 and made by the Owner and the Developer to the Council in respect of traffic routing;
"Plan 1" "Plan 2" and "Plan 3"	the plans so numbered attached to this Undertaking;

"the Planning Permission"

any grant of planning permission by the Secretary of State under the 1990 Act for the Development pursuant to the Application following determination of the Appeal;

"Prohibited Route"

roads identified in red on the Route Plan being roads not to be used by HGV Traffic gaining access to or egress from the Site except in exceptional circumstances (to be approved as part of the Traffic Management Plan) when roads are blocked such that access to the Development over part of the Prohibited Route may be permitted for a limited period;

"Route Plan"

the plan attached to this Undertaking identifying the HGV Route and the Prohibited Route marked Plan 2 or, in the event of realignment of the access to the Site, Plan 3 (or a plan approved by the Council in writing showing approved amendments to the HGV Route and the Prohibited Route showing the final alignment of the access to the Site pursuant to an approved scheme in accordance with a planning condition attached to the Planning Permission);

"Signage Scheme"

a scheme which shall detail the specification for signage to be erected and maintained at the exit of the Site informing drivers of HGV Traffic of the requirement to follow the HGV Route;

"the Site"

the land shown edged red on Plan 1 attached to this Undertaking being land at Former British Sugar Site, Scawby Brook, Brigg, DN20 9LT;

"Traffic Management Plan"

A traffic management plan in respect of HGV Traffic to be approved by the Council in accordance with the provisions of Schedule 1;

- 1.2 Clause headings are for ease of reference only and shall not affect the interpretation of this Undertaking and unless otherwise stated references to Clauses are to the clauses of this Undertaking.
- 1.3 The plural shall include the singular and vice versa.
- 1.4 Words importing any gender include every gender.
- 1.5 Words importing any person or persons include firms companies and corporations.
- 1.6 Unless otherwise stated or the context otherwise requires references to the "Owner" or "Developer" shall be deemed to include any person deriving title from the Owner or Developer as the case may be and reference to the "Council" shall be deemed to include any successor to the relevant successor to the statutory functions of the Council.

NOW THIS DEED WITNESSES as follows:-

2 PLANNING OBLIGATION

This Undertaking which is a planning obligation for the purposes of the 1990 Act is made pursuant to the provisions of section 106 of the 1990 Act with the intent that covenants hereinafter contained shall be enforceable by the Council acting under the powers contained in section 106 of the 1990 Act against the Owner and the Developer.

3 OWNER'S AND DEVELOPER'S COVENANTS

The Owner and the Developer hereby covenant with the Council so as to bind the Site to fully observe and perform the obligations set out in the Schedules to this Undertaking.

IT IS HEREBY AGREED AND DECLARED AS FOLLOWS:

- 4 This Undertaking is conditional and the obligations created shall not take effect until the occurrence of the last to occur of the following:
- 4.1 the expiry of a period of seven weeks after the grant of the Planning Permission unless within the said period of seven weeks legal proceedings have been commenced by any person to challenge the validity of the Planning Permission in which case the seven week period will be extended until seven days after the final determination of those legal proceedings (such proceedings not to be deemed to be finally determined until the expiry of any period allowed for appeal) leaving the Planning Permission in place or;
 - 4.2 the Commencement of Development.
- 5 This Undertaking shall cease to have effect if:
- 5.1 the Planning Permission has not been implemented by the carrying out of a material operation as defined in section 56(4) of the 1990 Act within the statutory period set out in sections 91 and 93 of the 1990 Act or such longer period for implementation as set out in the Planning Permission; or
 - 5.2 the Planning Permission is revoked or modified in whole or part (other than with the approval of the Developer) or quashed or declared unlawful as a result of legal proceedings.
- 6 Neither the Owner nor the Developer nor any successor in title to the Site shall be bound by the terms of this Undertaking or be liable for the breach of any covenants restrictions or obligations contained in this Undertaking (but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest):
- 6.1 Occurring after he or it has parted with his or its interest in the Site or the part of the Site in respect of which such breach occurs; or
 - 6.2 In respect of any part or parts of the Site in respect of any period during which it or they shall no longer have an interest in such part or parts of the Site.
- 7 Save as provided in respect of the successors in title to the Site or to the Council or any successor to the relevant statutory functions of the Council this Undertaking shall not be enforceable by any third party pursuant to the Contracts (Rights of Third Parties) Act 1999.
- 8 Nothing in this Undertaking shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Undertaking, nor shall any payment be due to the Council under this Undertaking in respect of any development pursuant to any such further planning permission.

- 9 The planning obligation hereby created shall be registered as a Local Land Charge
- 10 Insofar as any of the provisions of this Undertaking are found (for whatever reason) to be invalid, illegal or unenforceable then such invalidity, illegality or unenforceability shall not affect the validity legality or enforceability of the remaining provisions of this Undertaking
- 11 The Developer hereby covenants with the Owner as follows:
- 11.1 To observe and perform the covenants on the Owner's and Developer's part in this Undertaking and to indemnify the Owner in respect of any breach or non-observance of them by the Developer and
- 11.2 PROVIDED THAT the Owner does not undertake the construction of or Occupy the Development to indemnify the Owner against any costs, claims and demands which may be made against the Owner by reason of entering into this Undertaking where such costs claims and demands are not as a result of the negligence of the Owner
- 12 The parties agree that this Undertaking may be executed in any number of counterparts
- 13 For the avoidance of doubt it is hereby agreed and declared that the Original Undertaking is superseded and replaced by this Undertaking and the Original Undertaking shall have no force or effect. Neither the Owner nor the Developer will be required to undertake any of the obligations set out in the Original Undertaking.

IN WITNESS WHEREOF the Owner and the Developer have executed this Undertaking as a Deed on the day and year first before written

Schedule 1

THE DEVELOPER'S AND OWNER'S COVENANTS

The Developer and the Owner covenant with the Council to:

1 TRAFFIC MANAGEMENT PLAN



- 1.1 Prior to Commencement of Development to provide the draft Traffic Management Plan to the Council for its approval. The Traffic Management Plan shall include the following matters:
 - 1.1.1 A Signage Scheme
 - 1.1.2 Training for drivers of HGV Traffic
 - 1.1.3 An appropriate method of GPS monitoring or other agreed form of monitoring of the routes used by HGV Traffic
 - 1.1.4 Methods of periodic reporting to the Council
 - 1.1.5 Provision of monitoring data on request by the Council
 - 1.1.6 Publishing of Developer contact details to report any complaint by members of the public of use of the Prohibited Route by HGV Traffic
 - 1.1.7 A complaint resolution scheme
 - 1.1.8 A scheme of reasonable payments by the Developer in the event of material failure to comply with the Traffic Management Plan PROVIDED THAT no payment for any individual infringement shall exceed £100 Index Linked, such monies to be used for agreed traffic management measures in relation to the Development.
- 1.2 Not to Occupy the Development until the approved Traffic Management Plan is in place and operating.
- 1.3 To Operate the Development in accordance with the provisions of the approved Traffic Management Plan during the Operation of the Development.
- 1.4 All reasonable endeavours shall be made to ensure that during the construction of the Development all employees, contractors and sub-contractors will comply with the HGV Route at all times.

EXECUTED as a DEED)
(but not delivered until the date hereof))
by ROSSFLEET BRIGG LIMITED)
acting by a Director and Company)
Secretary or two Directors:)

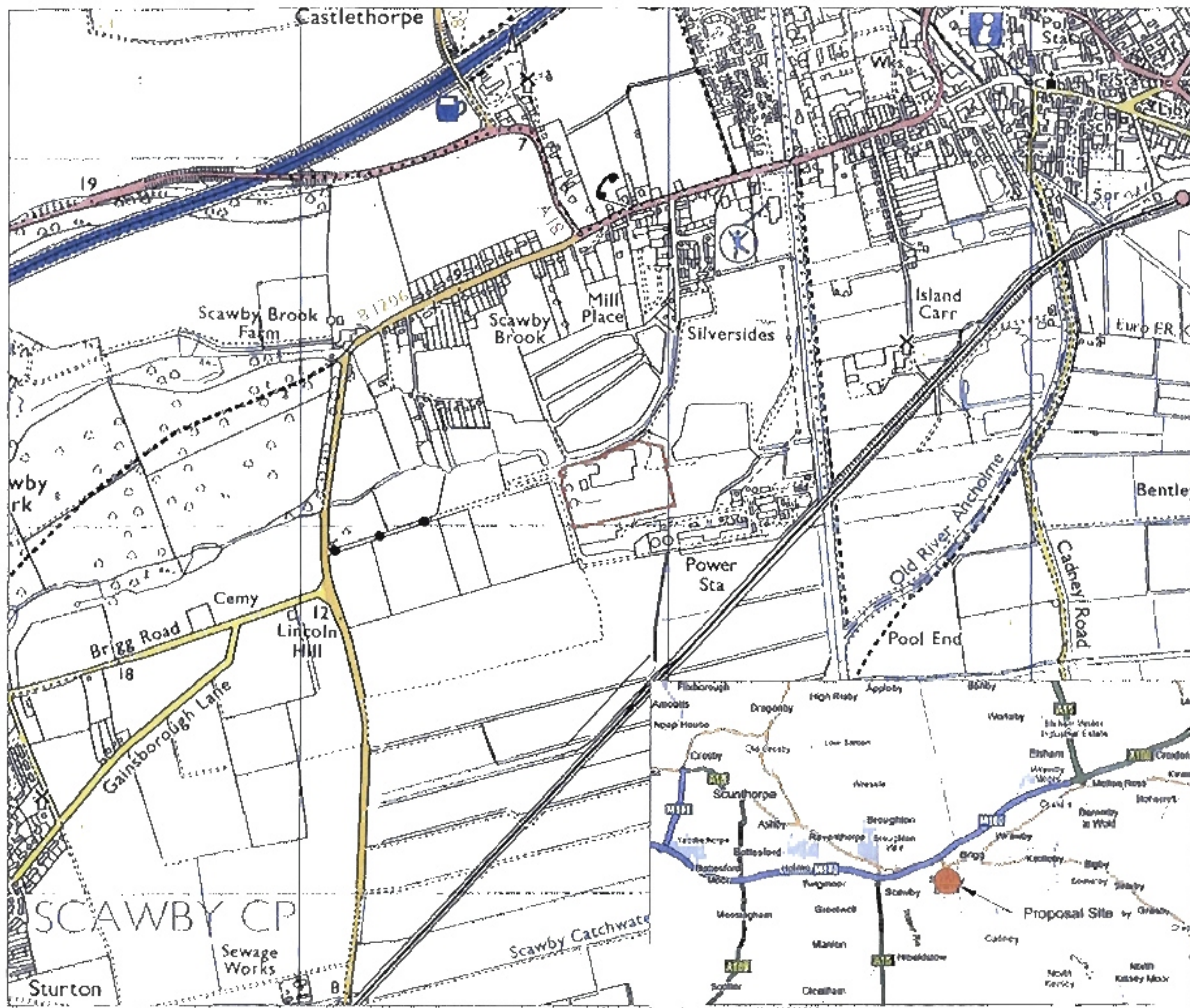
Director 

Director/Secretary 

EXECUTED as a DEED)
(but not delivered until the date hereof))
by ECO2 NORTH LINGS LIMITED)
acting by a Director and Company)
Secretary or two Directors:)

Director 
Director/Secretary 

PLAN 1



RPS

axis

Site Location

eco 2

Brigg Renewable Energy Plant

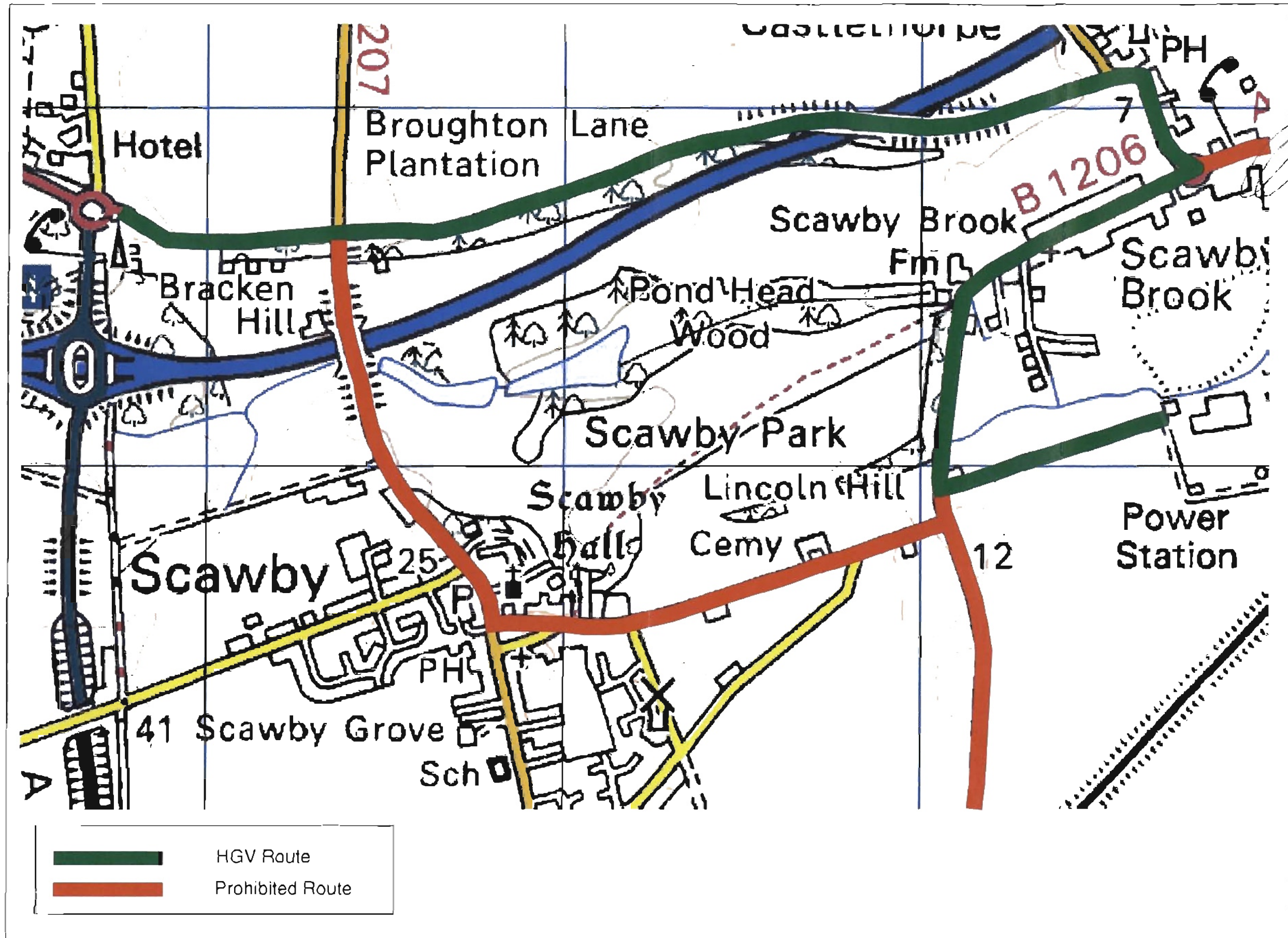
Figure 1.1

Site Location

Scale
1:10,000@A3

Date
February 2008

PLAN 2



PLAN 3

