

NORTH LINCOLNSHIRE COUNCIL

STATEMENT OF COMMON GROUND



ABLE MARINE ENERGY PARK NORTH & SOUTH KILLINGHOLME NORTH LINCOLNSHIRE

Planning Inspectorate Reference:

TR 030001

AMEP STATEMENT OF COMMON GROUND

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1. INTRODUCTION

1.1 GENERAL

1.1.1 On 12 January 2012 the Infrastructure Planning Commission (IPC) accepted an application (the application) that was submitted by Able Humber Ports Ltd (AHPL) for a Development Consent Order (DCO) to construct and operate a harbour capable of handling over 5 million tonnes of material per year together with associated works.

1.1.2 The application incorporates three geographically distinct areas.

- a) A harbour and associated industrial development on the south bank of the Humber within the administrative area of North Lincolnshire (referred to herein as AMEP).
- b) An intertidal compensatory habitat site on the north bank of the Humber within the administrative area of the East Riding of Yorkshire (referred to herein as the Compensation Site).
- c) A wet grassland site (referred to herein as Old Little Humber Farm OLHF), also within the administrative area of the East Riding of Yorkshire.

1.1.3 This document is the Statement of Common Ground (SoCG) between AHPL and North Lincolnshire Council.

1.1.4 The Infrastructure Planning (Examination Procedure) Rules 2010, defines a SoCG as '*a written statement prepared jointly by the applicant and any interested party, which contains agreed factual information about the application*'.

1.1.5 Section 87 of the Planning Act 2008 provides that when making any decision about how an application is to be examined, the Examining Authority must have regard to any guidance issued by the Secretary of State on how applications for development consent for Nationally Significant Infrastructure Projects (NSIPs) are to be examined. In 2010, the Department for Communities and Local Government issued, '*Planning Act 2008: Guidance for the examination of applications for development consent for nationally significant infrastructure projects*'. That guidance provides the following advice on the contents of an SoCG:

'63. The statement of common ground is a written statement prepared jointly by the applicant and the main objectors, setting out the agreed factual information about the application. A statement of common ground is useful to ensure that the evidence at the examination focuses on the material differences between the main parties. Effective use of such statements is expected to lead to a more efficient examination process.'

64. *The statement should contain basic information on which the parties have agreed, such as the precise nature of the proposed infrastructure, a description of the site and its planning history. In addition to basic information about the application, agreement can often be reached on technical matters and topics that rely on basic statistical data. For example, traffic evidence can be simplified and the issues refined by agreeing matters such as traffic flows, design standards, and the basis for forecasting the level of traffic the application would generate. The topics on which agreement might be reached in any particular instance will depend on the matters at issue and the circumstances of the case.*

65. *As well as identifying matters which are not in real dispute, it may also be useful for the statement to identify areas where agreement is not possible. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence. Agreement should also be sought before the examination commences about the requirements that any order granted should contain.*

66. *How such agreement is reached will vary depending on the nature and complexity of the application and the matters at issue. Where there are only two or three major parties involved and the issues are fairly straight forward, the Examining Authority might simply encourage the parties at the preliminary meeting to get together with a view to producing a SoCG containing agreed facts. For major applications a more formal arrangement may be necessary, particularly where several parties are expected to bring evidence of a technical nature to the examination.*

67. *However, the duty of the Examining Authority is not simply to accept the SoCG or to react to the evidence presented. The role of the Examining Authority is to ensure that all aspects of any given matter are explored thoroughly, especially with regard to the matters fundamental to the decision, rather than seemingly accepting the SoCG without question.*

68. *Consequently, the Examining Authority should probe the evidence thoroughly if their judgement or professional expertise indicates that either:*

- a) All of the evidence necessary for a soundly reasoned decision has not been put before them, or*
- b) That a material part of the evidence they do have has not been adequately tested.*

2. PRE-APPLICATION CONSULTATION

2.1 Before submitting the application to the IPC, Able UK Ltd (acting on behalf of AHPL) held a number of consultation meetings with North Lincolnshire Council.

Meetings held before the formal Section 42 consultation:

Date	Present	Matters Discussed
09-06-2010	NE, NLC	Consultation for AHPF – Phase 3
14-07-2010	HA, NLC	AMEP Transport Consultation
11-09-2010	NLC	Archaeology Consultation 1
07-10-2010	NELC, HINCA, NLC	NLC Consultation 1
19-10-2010	NE, HINCA, NLC	Ecology Consultation Meeting 2
09-11-2010	HA, NLC	A160/A180 Scheme Status

Meetings held during and following on from the Section 42 consultation:

Date	Present	Matters Discussed	Changes Made
01-02-2011	NE, RSPB, HINCA, NLC	Ecology Consultation Meeting 5	Mitigation and compensation site designs developed further
28-02-2011	NE, RSPB, HINCA, NLC	Ecology Consultation Meeting 6	Scope and format of Habitats Regulations Assessment agreed
03-03-2011	NLC	Public Rights of Way (PROW) meeting	Preferred footpath diversion route adopted in design
13-03-2012	NLC	Archaeology	
26-07-2012	NLC	Archaeology	

3. BRIEF DESCRIPTION OF THE SITE

3.1 THE AMEP SITE

3.1.1 The AMEP site, excluding the area of ecological mitigation, covers approximately 265ha, of which approximately 120ha is covered by existing consent for port related storage, 100ha is existing arable land that will be developed for industrial use and 45ha is reclaimed land from the estuary to provide a new quay. A further 48ha of existing arable land will be converted to managed grassland to mitigate for the effects of the development on ecological receptors including birds that use the adjacent Humber Estuary Special Protection Area (SPA).

3.2 THE COMPENSATION SITE

3.2.1 The Compensation Site is located on the north bank of the Humber Estuary, within the East Riding of Yorkshire, opposite the AMEP site and some 4km to the south-west of Keyingham. A new flood defence wall will be constructed landward of the existing flood defence to create a new intertidal area covering 100ha.

3.3 OLD LITTLE HUMBER FARM

3.3.1 The site is existing agricultural land and will be developed as wet roosting and feeding habitat for SPA bird species.

3.4 BRIEF DESCRIPTION OF THE PROJECT

3.4.1 AMEP comprises a harbour development with associated land development, to serve the renewable energy sector. The harbour will comprise a quay of 1,279m frontage, of which 1,200m will be solid quay and 79m will be a specialist berth, and will be formed by the reclamation of intertidal and subtidal land within the Humber Estuary.

3.4.2 Associated development will include:

- a) Dredging and land reclamation.
- b) The provision of onshore facilities for the manufacture, assembly and storage of wind turbines and related items.
- c) Junction works to local roads and trunk roads.
- d) Surface water disposal arrangements.

- 3.4.3 Ancillary matters will include:
- a) The diversion of two footpaths that run along the shore of the Humber, one on the south bank and one on the north bank.
 - b) The conversion of a railway into a private siding.
 - c) The interference with rights of navigation.
 - d) The creation of a harbour authority.
 - e) A deemed licence under Section 66 of the Marine and Coastal Access Act 2009.
 - f) The modification of public and local legislation, and
 - g) The compulsory acquisition of land and rights in land and powers of temporary occupation of land to allow Able to carry out and operate the above development.

3.5 PLANNING HISTORY OF THE SITE

3.5.1 *The AMEP Site*

3.5.2 The terrestrial areas of the application site include 122.4ha of land that has the benefit of extant planning consents for port related storage and 11.5ha of land that has temporary consent as a lay-down area during the construction of a biomass-fuelled power station.

3.5.3 *The Compensation Site*

3.5.4 Within the East Riding of Yorkshire administrative area.

3.5.5 *The Wet Grassland Site*

3.5.6 Within the East Riding of Yorkshire administrative area.

3.5.7 The terrestrial areas of the application site include 122.4ha of land that has the benefit of extant planning consents for port related storage and 11.5ha of land that has temporary consent as a lay-down area during the construction of a biomass-fuelled power station. Development has commenced in the area for which planning permission has been granted for port related storage; construction of the power station has not commenced. The balance of the terrestrial areas comprises Grade 3 agricultural land that is allocated for industrial development in North Lincolnshire Council's Local Plan. This land allocation is continued within the council's Core Strategy that was adopted in June 2011.

- 3.6 SUMMARY WITH REFERENCE TO THE ENVIRONMENTAL STATEMENT
- 3.6.1 The application to the IPC in respect of AMEP included an Environmental Statement (ES) and the ES referred to in the SoCG is the document accepted by the IPC on 12 January 2012.
- 3.6.2 Chapters 1 to 3 of the ES provide a brief introduction to the project, the EIA process and the overall planning framework relating to the application. Chapters 4 to 6 provide, respectively; a detailed description of the project; an explanation of why the project is needed and a review of the alternative sites considered by the applicant.
- 3.6.3 Chapters 7 to 24 of the ES reports on the main environmental effects of the proposed development on the south bank of the River Humber, while chapters 31 to 43 report the main effects of the proposed development on the north bank of the river. Each chapter of the ES addresses a specific environmental issue and provides:
- a) A review of the specific planning policy context relating to that topic.
 - b) A record of the existing baseline conditions.
 - c) Identification of the receptors that are likely to be affected by the proposed development.
 - d) An assessment of the impact of the development alone on the receptors taking into account baseline conditions.
 - e) An assessment of the impact of the development cumulatively with the impacts of other projects that are not yet implemented but for which planning permission has been granted, or other projects for which an application for consent has been submitted.
 - f) Proposed mitigation measures where the impact of the development when added to the baseline is sufficient to have an effect on a receptor that is significant.
- 3.6.4 'Baseline' means the assessment of the current situation at each location. 'Impact' means the impact of the construction and operation of AMEP and the Compensation Site. 'Receptor' is any component of the environment (population, flora, fauna, water, air, soil, geology, geomorphology, heritage and landscape), whether specifically protected by statute or not. 'Mitigation' means the measures that are proposed in the ES to reduce the impacts to a lower level than would otherwise occur.
- 3.6.5 For each chapter of the ES, the council has identified the issues relevant to their statutory duties.

4. DEVELOPMENT PLAN POLICY

- 4.1 This part of the SoCG considers the contents of chapter 3 of the ES which sets out details of the legislative framework as well as national, regional and local planning policy and guidance in the context of the project. All matters from paragraphs 3.1 to 3.2.5 (including Tables 3.1 and 3.2) are **agreed** except for those matters set out under Areas of Clarity as outlined below.

4.2 AREAS OF CLARITY

- 4.2.1 3.2.1 - This paragraph provides an update on the changes made by the Localism Act and that the IPC will be replaced with a unit of the Planning Inspectorate. Reference is made to the Major Infrastructure Planning Unit; however this is now to be known as National Infrastructure Directorate (NID).
- 4.2.2 3.3.13 and Table 3.1 - At the time this document was drafted the position was that the National Planning Policy Framework (NPPF) was still in a draft form. The NPPF has now come into effect and now supersedes all the previous Planning Policy Statements and Guidance notes (PPSs and PPGs) and therefore the NPPF should be considered in their place. North Lincolnshire Council's Local Impact Report (LIR) highlights that the project is in conformity with the NPPF.
- 4.2.3 3.3.16 - North Lincolnshire Council agrees with the content of this statement but believes the following update is useful.
- 4.2.4 It is acknowledged that at the time of drafting the government had clearly set out its position to revoke Regional Strategies. This is now clearly set out in Section 109 of the Localism Act. However the current legal status of the Yorkshire and Humber Regional Strategy is that it remains in force as part of the Development Plan until it is revoked by order (under section 109(3)). Therefore its policies, particularly HE1, are still relevant.
- 4.2.5 3.3.21 - North Lincolnshire Council agrees with the content of this statement, but believe that it should be made clear that alongside the Core Strategy the Housing and Employment Land Allocations Development Plan Document (HELADPD) sets out the policies for the delivery of the housing and employment allocations, including that of the wider South Humber Bank Strategic Allocation (which includes the AMEP site). The HELADPD is shortly to be subjected to public consultation on its submitted version.

5. Landscape and Visual Impacts

- 5.1 North Lincolnshire Council and Able (UK) (the parties), **agree** that the various methodologies referred to and employed in the submitted ES concerning the potential impact of the proposed development upon landscape character and visual amenity are representative of current best practice and provide a sound basis for the assessment of these impacts.
- 5.2 The parties similarly **agree** concerning the methodologies referred to in the ES relating to the assessment of cumulative landscape character and visual impacts.
- 5.3 The parties also **agree** that the generality of the design and application of the methodologies concerning the assessment of the impact of the proposed development upon landscape character, and visual amenity, and; the assessment of the cumulative Impact of the proposed development are sound.
- 5.4 The parties further **agree** that results arising from these methodologies and the interpretation of these results within the framework of professional opinion as reported in the ES, amount to a fair and reasonable assessment of the impact and cumulative of the proposed development upon existing landscape character and visual amenity.
- 5.5 In accordance with North Lincolnshire Council statement upon local impacts however, the council is **unable to agree** with statement concerning building colour (20.7.2), and the effectiveness of the planting proposed in the *Landscape Master Plan (Annex 4.5)*, (20.7.4), in so far that:
- a) The use of a Gooswing Grey colour is unlikely to mitigate the potential visual impact of the proposed buildings, indeed such a colouration will make buildings stand out in the landscape particularly as viewed from the Humber. [*This matter is dealt with in the council's local impact submission where it is suggested that the scale of the buildings is such that a combination of muted colours combined in such a way as to "break up" the appearance of the buildings is called for.*]
 - b) The landscape planting proposed is considered limited in scope and extent such that it is unlikely to mitigate visual impacts in the local area. [*It is suggested in the local impact submission that; landscaping based upon the developed woodland planting as proposed for the applicant's land to the north is a necessary feature of any scheme.*]

6. TRAFFIC AND TRANSPORT

6.1 SCOPE

6.1. This section of the statement reviews the issues that have been **agreed** with the applicant in respect to the Highways and Transport evidence presented as part of the application.

6.1.2 Reference is made to the following core pieces of transport evidence that have been prepared by the applicant:

- a) Marine Energy Park Scoping Report (26 August 2010).
- b) Framework Travel Plan (October 2010, Revision D).
- c) Transport Assessment First Draft (28 April 2011).
- d) Transport Assessment Final Draft (28 July 2011).

6.1.3 It is noted that these documents are substantial in size and as some are in excess of 1500 pages it is not the intention to repeat the full detail of the points in agreement but summarise the pertinent points and general approach. Thus where appropriate, reference has been made to the appropriate sections of the final draft Transport Assessment (TA) for full details.

6.2 CONSULTATION

6.2.1 It is noted that since the end of 2010, North Lincolnshire Council has consulted extensively with the applicant and their consultants, JMP to scope out and agree the content of the supporting Transport Assessment. These consultations have been held in conjunction with the Highways Agency, as the scheme also has a significant impact on the trunk road network.

6.2.2 To that end, a series of scoping and review meetings were held on the following dates to facilitate the development of the Transport Assessment and Travel Plan.

- a) 14 July 2010.
- b) 09 November 2010.
- c) 08 March 2011.
- d) 29 June 2011.
- e) 14 September 2011.

- 6.2.3 A number of draft Transport Assessment and Travel Plan revisions were issued by JMP and reviewed by North Lincolnshire Council and their advisors Pell Frischmann during the consultation period. Prior to issuing these drafts, JMP also issued various revisions of a Scoping Note, which included the proposed trip generation and distribution methodology to be included within the Transport Assessment and these documents were again also reviewed by Pell Frischmann and North Lincolnshire Council.

6.3 RELEVANT TRANSPORT POLICY

- 6.3.1 The relevant local and national transport and planning policy applicable to the development proposals has been **agreed** as part of the Transport Assessment development, this included:

- a) Department for Communities and Local Government (2011), 'Planning Policy Statement 13: Transport'.
- b) Department for Transport (1998) – A New Deal for Transport.
- c) Department for Transport (2004) – The Future of Transport.
- d) Department for Transport (2011) – Creating Growth, Cutting Carbon: Making Sustainable Local Transport Happen.
- e) Department for Transport (2007) – Guidance on Transport Assessments.
- f) Department for Transport (2007) – Circular 2007/02.
- g) Department for Transport (April 2009) – Good Practice Guidelines: Delivering Travel Plans through the Planning Process.
- h) Draft National Policy Statement (NPS) for Ports.
- i) North Lincolnshire Council Local Plan.
- j) North Lincolnshire Local Transport Plan 2
- k) North East Lincolnshire Local Transport Plan 2.

- 6.3.2 Full details of these policies can be found in Section 2 of the Transport Assessment.

6.4 EXISTING CONDITIONS

- 6.4.1 The existing conditions have been **agreed** with the applicant and full details of these can be found in Section 3 of the TA. The following key elements are highlighted in the remainder of this section.
- 6.4.2 At present there is no direct access to the application site via a public bus service. The closest bus stops to the applicant site are located in East Halton and South Killingholme, approximately 3.5km by road from the nearest proposed site entrance.
- 6.4.3 The nearest mainline station is Habrough (approximately 5km), which is currently served by Northern Rail Service 31 (Barton-on-Humber to Cleethorpes) every two hours. Trains serve this station as well as the Ulceby and Thornton Abbey stations, every two hours.
- 6.4.4 Despite agreement on the factual level of service and general parameters of accessibility for all sustainable modes of travel, the Authority **do not agree** with the summation in the TA that there is a 'reasonable level of access to the site by sustainable modes' (paragraph 3.35), when there is a very poor level of accessibility by sustainable modes.

6.5 BASE TRAFFIC CONDITIONS

- 6.5.1 The completion of the A160/A180 Saturn model for the A160 major scheme proposals has provided considerable base traffic survey data to inform the appraisal of the AMEP development. This includes:
- a) 18 sites where full turning movement counts have been undertaken.
 - b) 9 Automatic Traffic Counts sites.
 - c) 24 ANPR (Automatic Number Plate Recognition) sites.
- 6.5.2 A full list of locations is included in Section 4 of the TA.
- 6.5.3 The applicant has supplied a considerable amount of data where necessary and the scope and volume of data available is considered more than adequate for the Transport Assessment exercise.

6.6 PEAK HOURS

6.6.1 The TA proposed an AM peak hour assessment period of 0800-0900 and a PM peak hour of 1700-1800. However, agreement on the actual AM period to be taken forward and assessed proved to be difficult due to a number of factors:

- a) The existing base traffic flows suggested a variation in the peak traffic hour between 0600-0700 and 0800-0900 depending on the location.
- b) The forecast development traffic flows were in fact higher between 0600-0700 than the traditional 0800-0900 peak period.
- c) No committed development traffic was available between 0600-0700 period but was available between 0800-0900, making a detailed assessment of an earlier peak difficult.

6.6.2 Given the above issues, the Authority **agreed** that an AM peak assessment hour of 0800-0900 be adopted with sensitivity tests included to provide a robust assessment of junctions within the vicinity of the site.

6.7 COMMITTED DEVELOPMENTS

6.7.1 A number of committed development sites were identified and **agreed**, and thus incorporated into the TA exercise, these included the following locations:

- a) Able UK Ltd Port and Logistics PA/2009/0600.
- b) Able UK Ltd Able Humber Port Facility PA/2007/0101.
- c) Drax Heron Renewable Energy Plant PA/2009/1269.
- d) Bioethanol Ltd Bioethanol Plant PA/2010/0325.
- e) URSA Insulation SA Glass Wool Manufacturing Plant PA/2008/0988.
- f) HM Estates Business Park DC/1258/06/IMM.
- g) Helius Bio-Power/Fuel Bioethanol Plant DC/303/07/IMM.
- h) Vireol PLC Bioethanol Plant DC/202/08/WOL.
- i) Abengoa Bioenergy Bioethanol Plant DC/70/07/IMM.

- j) Magna Holdings B1, B2 & B8 Industrial Development
DC/730/07/IMM

6.8 PROPOSED DEVELOPMENT

6.8.1 The development will comprise a new quay with associated onshore facilities to accommodate wind turbine manufacture, assembly and installation as well as the associated supply chains. The MEP is predicted to employ approximately 4,200 workers and will include the following:

- a) Ancillary plant, equipment and buildings.
- b) Internal roads, including car and HGV parking.
- c) Security fencing.
- d) Landscaping of land within the site boundary.
- e) Changes to access from Rosper Road.
- f) Diversion of existing public footpaths around the site.
- g) Connection to the electricity grid infrastructure.
- h) Surface water management systems and foul drainage provision.
- i) Lighting and other aids to navigation.

6.9 TRIP GENERATION AND DISTRIBUTION

6.9.1 The following approach to trip generation and distribution was **agreed** with the applicant and the HA:

- a) Distribute and assign the trip generation to the network, agreeing this with NLC and the HA.
- b) Obtain the committed development traffic flows to include in the assessment.
- c) Run junction capacity models for those junctions with a significant impact, ie over 30 two-way trips.
- d) Identify any mitigation required. It has been **agreed** that any mitigation proposed should ensure junction capacity is 'no worse off' than the 'base + committed development' scenario.

- 6.9.2 Given the uncertainty regarding the delivery of the A160 major scheme, it was **agreed** that the TA would consider scenarios without the major scheme in place to ensure it assessed a worst-case scenario.
- 6.9.3 It was **agreed** that any mitigation by Able UK should be no worse off than the 'base + committed development' scenario ie mitigate MEP development traffic only and not existing congestion or congestion that would result from committed development that was not being mitigated.
- 6.9.4 The applicant has supplied details of proposed staffing and shift patterns in order for vehicular trip generations to be appraised. It is acknowledged that little data exists in traditional trip generation sources (ie TRICS database) to reflect a land use as unique as this.
- 6.9.5 Full details of the trip generation calculations can be found in Section 6 of the TA and the process to identify these has been **agreed** with the Authority. In brief summary, census data in respect to mode of travel for the surrounding wards has been applied to the forecast levels of employees and shift patterns to appraise trip generation.
- 6.9.6 It is however noted that there is a great reliance on shift patterns being outside the peak network hours, which is supported in principal by the Authority, but requires careful control as if this were not the case, then there would be significantly greater levels of traffic and impact on the network.
- 6.9.7 Reductions have been applied to the forecast trip generations to reflect 'netting off' of the existing land uses, an approach **agreed** in the scoping discussions.
- 6.9.8 A gravity model was prepared to distribute the resultant trips onto the network and after refinement through the scoping process this has been **agreed** with the Authority.
- 6.9.9 The gravity model was based on the car travel times from selected wards to the site and weighted by the population of the ward. The population data was sourced from the 2001 census with the travel times being derived through a car accessibility analysis within the Accession package. A time penalty was incorporated into the network to reflect the toll incurred when crossing the Humber Bridge. These trips were then allocated to roads based on the expected route from ward to site. The results of this process are summarised in the table below:

6.10 ROUTE ALLOCATION FROM THE GRAVITY MODEL

Origin	Route	Percentage
Hull & the coast to the northeast	A15 via Humber Bridge/A1077/A160	11.3%
Lincoln & south of the study area	A46/A1173/Manby Road /A1173	5.0%
Brigg & surrounding area	A18/A180/A160	0.1%
Grimsby & the coast to the southeast	A180/A1173	19.1%
West of Grimsby	A1136/A180/A1173	5.5%
York, Wakefield, Doncaster and area to the west of the study area	M180/A180/A160	50.0%
Area local to MEP	Journey to work allocation used	9.0%

6.10.1 The distribution of trips in the local area to the MEP was based on journey to work data from the 2001 census. The results of this are summarised in the table below:

6.11 ROUTE ALLOCATION FOR THE AREA LOCAL TO MEP

Origin	Route	Percent Allocation	Proportion of 9.0%	Redistribution of unallocated wards
Goxhill & area to west of MEP	A1077/A160	26.5%	2.4%	2.8%
Immingham & south	Manby Road/A1173	51.9%	4.7%	5.6%
Immingham Docks	Humber Road	1.5%	0.1%	0.2%
Area east of Immingham	North Moss Lane/A1173	3.9%	0.4%	0.4%
Unallocated wards		16.2%	1.5%	0.0%

6.12 TRAFFIC IMPACT

6.12.1 Junction capacity assessments have been undertaken at junctions where there are 30 or more two-way MEP vehicle trips, as per the Guidance on Transport Assessment.

- 6.12.2 The following junctions have been modelled as part of the TA:
- a) A1173/Manby Road.
 - b) Chase Hill Road/Rosper Road/Haven Road.
 - c) Rosper Road/Humber Road (with sensitivity MEP traffic flows).
 - d) A160/Top Road/Habrough Road.
 - e) A160/A1173/Humber Road (with sensitivity MEP traffic flows).
 - f) Eastfield Road/Chase Hill Road.
 - g) A1173/Kings Road.
 - h) A1173/North Moss Lane / Kiln Lane.
 - i) A180/A1173.
 - j) A180/A1136 /Europarc.
 - k) A160/A1077.
 - l) A160/Eastfield Road.
- 6.12.3 Merge/diverge assessments have also been undertaken. These assessments were at two grade separated junctions along the A180; the junction with the A160 (Brocklesby Interchange) and the junction with the A1173 (Stallingborough Interchange).
- 6.12.4 This is considered by the Authority to cover the significantly affected locations and form a robust basis for appraising the development.
- 6.12.5 It has been **agreed** with NLC and the HA that any mitigation measures will maintain a 'no worse off' scenario at the capacity of the junctions with the 'base + committed development' traffic flows. It was also requested by the HA that any junction improvements propose on the A160 should be 'in-line,' as far as possible, with the future proposals of the A160/A180 upgrade scheme. Therefore, any mitigation proposed should be within the highway boundary and not compromise the future proposals.
- 6.12.6 The two closest junctions to the vicinity of the site and those which the MEP has the most significant impact on are the Rosper Road/Humber Road priority junction and the Humber Road/A160/A1173 roundabout.

6.12.7 In respect to the Rosper Road/Humber Road priority junction, a suitable scheme to upgrade this junction to traffic signal control has been **agreed** with the Authority. This will include the provision of MOVA control to improve the performance of the signals and reduce queues.

6.13 FRAMEWORK TRAVEL PLAN

6.13.1 A Travel Plan (TP) has been prepared as part of the planning application. The Travel Plan will be used as a framework for future occupiers at the site to develop subsidiary Travel Plans. Given the nature of the location of the proposed development, the Travel Plan focuses on initiatives that will provide the most achievable solution for reducing single car occupancy journeys to and from the site. The key measures are focused on the following:

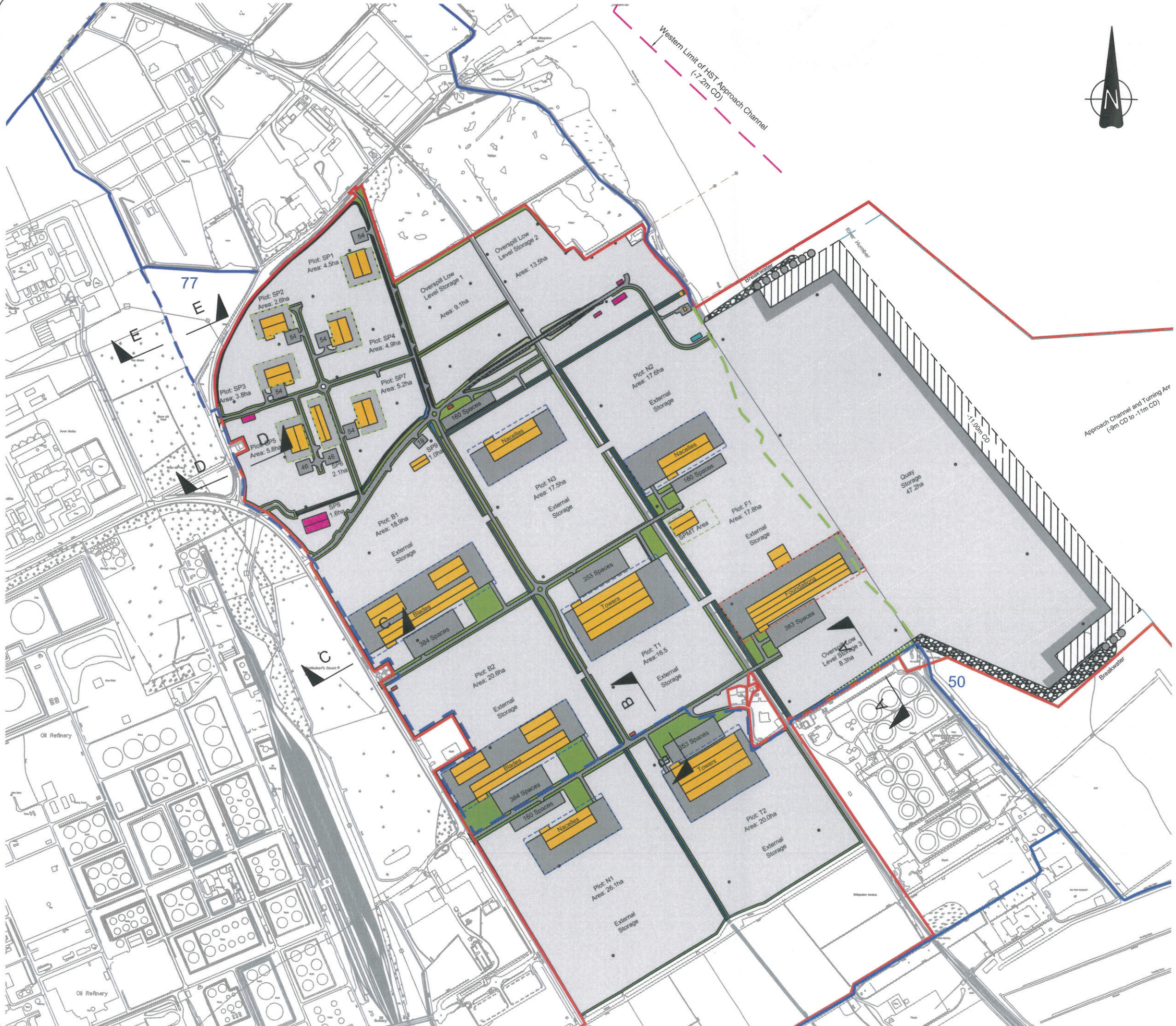
- a) Minibus services for employees.
- b) Car sharing.
- c) Staggered shifts.
- d) Allocated spaces for car sharers.

6.13.2 The Travel Plan also states that a Travel Plan Co-ordinator will be appointed for the whole site and Travel Plan Managers will be appointed at each individual unit. The Travel Plan Co-ordinator and Travel Plan Manager will meet at least on an annual basis, inviting the Travel Plan Officer from North Lincolnshire Council (and a nominee from the HA, where appropriate) and a Steering Group is also to be established.

6.13.3 The Travel Plan also supports the development and implementation of an 'International Gateways: Area-Wide Travel Plan' that is currently being prepared by North Lincolnshire Council, with support from partners.

7. PUBLIC RIGHTS OF WAY

- 7.1 One public right of way only is affected by the site. This is Public Footpath 50, which runs along the top of the Humber flood defence. It therefore passes over the full width of the proposed quay. Arguably, development consent cannot be implemented unless the footpath is diverted or extinguished.
- 7.2 Under Section 136 of the Planning Act 2008, an order granting development may extinguish a public right of way. However, this is only if an alternative right of way has been or will be provided or the provision of an alternative right of way is not required.
- 7.3 The applicant has made provision for an alternative right of way. North Lincolnshire Council consulted the public in 2011 about this and the alternative line received their general acceptance. This was based on an understanding that the applicant would also provide a footpath off-site along the western side of Chase Hill Wood and a further footpath linking Public Footpaths 74 and 77 north east of the proposed glass-wool manufacturing plant (see attached map and profiles).
- 7.4 The proposed alternative footpath provides continued access to the Humber with its dramatic panorama; the Humber is a logical destination for the public in its own right. Moreover, the further creations off-site allow the public to regain the Humber bank after deviating round the Marine Energy Park. And the length of Public Footpath 50 between North Killingholme Haven and the north side of the proposed quay would remain in situ as a cul-de-sac, from which views of the Humber would be preserved.
- 7.5 The applicant states that the length of new footpath within the Marine Energy Park between the Humber and Rosper Road will not be available for approximately two years from when development begins. They add, however, that an alternative will thus be provided within the site alongside Rosper Road between the southern end of the permanent new footpath alongside Rosper Road and Public Footpath 100 (Marsh Road).
- 7.6 North Lincolnshire Council supports these proposals for Public Footpath 50. It is important that as much of the public rights of way network as possible is preserved. As well as having public support in this instance, preservation accords with the government's National Planning Policy Framework for achieving sustainable development, especially with respect to promoting sustainable transport and promoting healthy communities.



KEY

- Existing Footpaths
- Footpath to be Diverted
- Proposed Footpath Diversions

For footpath sections see drawing AME - 02024

A	28/02/11	Preliminary Issue	JH	RC	RC
Rev	Date	Description	By	Chk	App



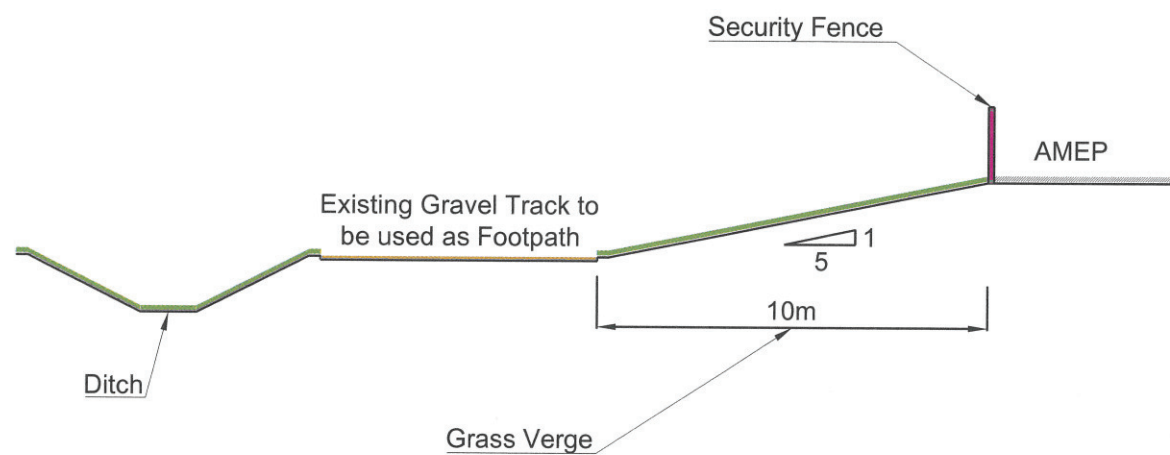
able UK Ltd
Able House
Billingham
Teesside UK
TS23 1PX
www.ableuk.com

Tel: +44-(0)1642 806080
Fax: +44-(0)1642 656555
email: info@ableuk.com
www.ableuk.com

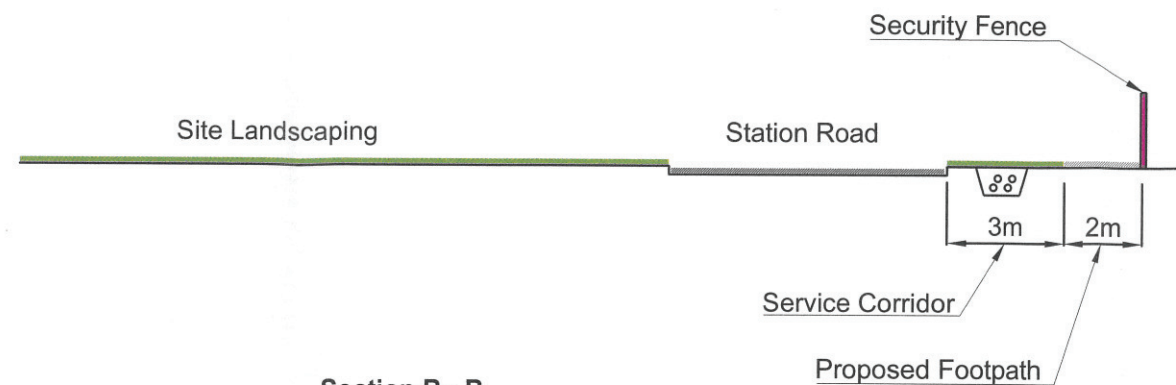
Project:	ABLE Marine Energy Park
Client:	ABLE UK Ltd
Title:	Footpath Diversion Routes

PRELIMINARY

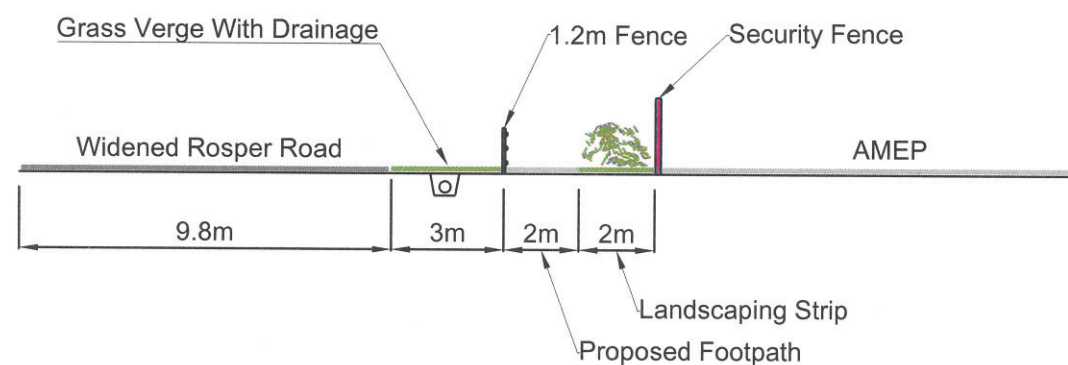
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Date:	28/02/2011	Date:	28/02/2011	Date:	28/02/2011	Date:	28/02/2011
Drawing No.	AME - 02023	Revision:	A				



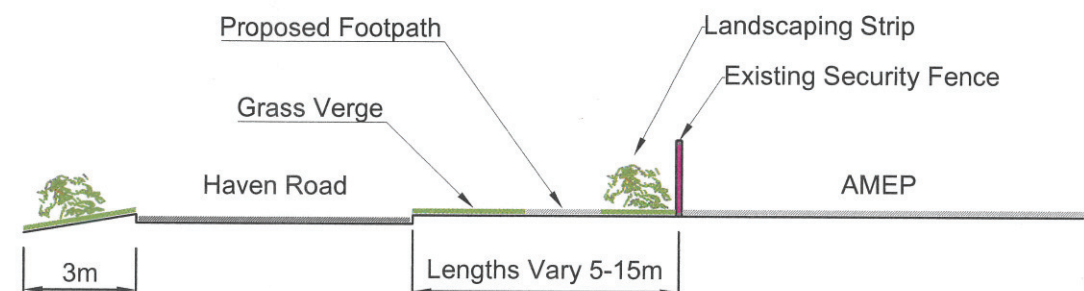
Section A - A



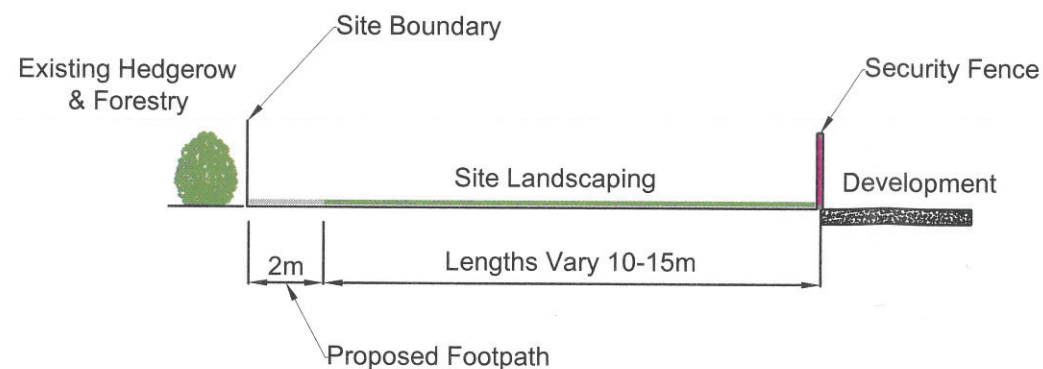
Section B - B



Section C - C



Section D - D



Section E - E

KEY

Note:

All Security Fences 2.00m High

A	28/02/11	Preliminary Issue	JH	RK	RC
Rev	Date	Description	By	Chk	App



Able UK Ltd
Able House
Billingham
Teesside UK
TS23 1PX
Tel: +44-(0)1642 806080
Fax: +44-(0)1642 655655
email: info@ableuk.com
www.ableuk.com

Project:	ABLE Marine Energy Park
Client:	ABLE UK Ltd
Title:	Footpath Diversion Sections

PRELIMINARY

Scale:	1:200@A3	Drawn By:	J Harris	Checked By:	R Keirl	Approved By:	R Cram
Date:	28/02/2011	Date:	28/02/2011	Date:	28/02/2011	Date:	28/02/2011
Drawing No.	AME - 02024					Revision:	A

8. HISTORIC (BUILT) ENVIRONMENT (INCLUDING ARCHAEOLOGY)

8.1 SCOPE OF COMMENTS

- 8.1.1 This section of the SoCG shall broadly mirror chapter 18 of the submitted ES. It will refer to the document *Able UK Ltd Marine Energy Park: Framework for Archaeological Investigation and Mitigation Strategies* prepared by Peter Cox of AC Archaeology on behalf of Able UK Ltd dated June 2012 (document ACW283/3/1). This document was not submitted with the application but is referred to in the ES as the Written Scheme of Investigation (WSI) and is fundamental to the SoCG with the council. The WSI remains under discussion and ongoing review. North Lincolnshire Council commented in detail at the pre-application stage, on the Scoping Report and on the **Preliminary** Environmental Information Report (PEIR). The council stressed the need to complete all archaeological assessment work, including the field surveys, in order to inform the EIA prior to submitting the application. Although this has not happened, the majority of the council's comments made previously and during ongoing consultation have been considered by the applicant and incorporated into the WSI.

8.2 ES SECTION 18.2 LEGISLATION, POLICY AND GUIDANCE

- 8.2.1 North Lincolnshire Council **agrees** that the key legislation and national guidance has been included in this section. The council notes however that the full text of Local Plan Policy HE9 referring to archaeological evaluation (ie the field based surveys referred to in paragraph 18.2.5) is not included at paragraph 18.2.9; the relevant missing text is as follows:

'Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment to be submitted prior to the determination of a planning application will be required. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.'

- 8.2.2 *Sites of known archaeological importance.....'*

- 8.3 ES SECTION 18.3 ASSESSMENT METHODOLOGY AND CRITERIA
- 8.3.1 *Marine Historic Environment*
- 8.3.2 North Lincolnshire Council **agrees** that the method employed for the desk-based assessment and geophysical survey for the marine historical environment (Annex 18.1) is appropriate.
- 8.3.3 The council **agrees** the programme of work for additional investigation of the foreshore as set out in 'Able Marine Energy Park and Compensation Site, Written Scheme of Investigation: Coastal and Marine' prepared by Wessex Archaeology for Able UK dated March 2012 (reference 76490.02); as this falls within the council's remit.
- 8.3.4 *Terrestrial Historic Environment*
- 8.3.5 North Lincolnshire Council **agrees** that the method employed for the desk-based assessment and geophysical survey (Annexes 18.2 and 18.3) is appropriate.
- 8.3.6 The council **agrees** with the methodology for the assessment of designated assets (18.3.6). The council **does not agree** that the heritage setting assessment (Annex 18.4) provides adequate information with which to form the assessment as relevant photomontages showing the proposed development have not been prepared for the designated assets, in particular of the three listed lighthouses (Step 3, Table 18.2).
- 8.3.7 Only one of the viewpoints and photomontages produced for the General Landscape and Visual Impact Assessment is useful for this heritage assessment, that from the listed brickworks chimney. There is some inconsistency between these assessments; comparisons can be made of the visual impact on Thornton Abbey, a significant visitor attraction in North Lincolnshire, with the landscape visual impact assessment in the vicinity of Wootton and Ulceby, and on residential receptors at South End, Goxhill, where there is predicted to be moderate adverse impact, but the assessment of impact on the heritage setting is for a minor adverse impact. The council is therefore seeking the preparation of appropriate photomontages as essential for an informed assessment of impact upon significance.
- 8.3.8 The council **agrees** that the necessary archaeological field investigations set out in the document 'Able UK Ltd Marine Energy Park: Framework for Archaeological Investigation and Mitigation Strategies' prepared by Peter Cox of AC Archaeology on behalf of Able UK Ltd dated June 2012 (document ACW283/3/1 and any subsequent issues) need to be completed and shall form the basis

for further archaeological investigations of the development site. It is further **agreed** that the findings arising from investigations as required by and as set out in that document shall inform any necessary review of archaeological works and the subsequent assessment of significance of effect upon the heritage assets. The council therefore suggests that the examiner requests sight of this document and any subsequent updates and/or amendments to it.

8.3.9 The council also suggests that the examiner requests sight of the Marine Written Statement of Investigation referred to above.

8.3.10 The council **agrees** with the Significance Criteria (18.3.7), though the council **does not agree** that there is sufficient explanation of the scoring methodology and thresholds of the high, moderate or low scores (Table 18.1) using the non-statutory criteria for assessing scheduled monuments, though it is **agreed** that the grading of significance is a largely subjective exercise.

8.4 ES SECTION 18.5 BASELINE

8.4.1 North Lincolnshire Council **agrees** that the key designated heritage assets are quantified in paragraphs 18.5.1 to 18.5.4 and Table 18.3. The council **agrees** with the description of the marine and terrestrial archaeological background to the Marine Energy Park and the potential for the marine and terrestrial site to contain as yet undiscovered heritage assets, such as well-preserved organic remains including the possibility for wooden jetties and boat remains of any period, and military aircraft remains (18.5.6 to 18.5.69)

8.4.2 The council **agrees** that all relevant heritage assets, as known at the time of preparation, are identified in Table 18.4. In general the council **agrees** with the Descriptions and Grades of Significance provided in Table 18.4. However, the significance of some of these heritage assets cannot be fully understood until information from archaeological evaluation investigation is available. The significance of some of the assets that have yet to be fully assessed is likely to be understated in the table.

8.4.3 The council **does not agree** with some of the Grades of Significance, including but not exclusive to Sites 61 to 64 currently graded D (ie not significant, of no archaeological or other heritage interest). These sites, identified as anomalies from magnetometer (geophysical) survey undertaken for the EIA (Annex 18.3) appear to be typical of the form of later prehistoric/Romano-British settlement in this area and, as such, should be graded as B/C (regional/local significance); this would be consistent with the grading applied to other magnetic anomalies identified in the marine environment that require further evaluation. Further archaeological investigation will elucidate their significance.

8.4.4 *Further Surveys*

8.4.5 The council **agrees** with the proposal to carry out additional archaeological investigations to ascertain the nature, extent and significance of heritage assets that will be impacted and to develop appropriate detailed mitigation strategies (18.5.70). The council is in discussion with the applicant to **agree** the full scope and detailed methodologies of these investigative works as set out in the WSI.

8.4.6 The council and the applicant **agree** that the additional archaeological investigations are likely to lead to a re-assessment of the Significance Grades for several heritage assets and the WSI will be updated in the light of the results of these investigations.

8.5 ES SECTION 18.6 IMPACTS

8.5.1 *Construction Phase*

8.5.2 The council **agrees** that the nature and magnitude of the impacts on marine and terrestrial archaeology associated with the Construction Phase are correctly identified in Tables 18.6, 18.7 and 18.8 subject to appropriate re-evaluation of the overall magnitude of the impact following the results of the further archaeological investigations proposed in the relevant WSIs.

8.5.3 The council **agrees** that the WSI for the terrestrial site as a live document will provide for a suitable mechanism for reporting the re-assessment of impacts and review of the mitigation strategy to PINs for their examination and determination of the application.

8.5.4 The council will also **seek to agree** that the impacts from the construction of individual buildings, including the new pumping station, are considered and that the impact of groundwork for the creation of the bird conservation mitigation areas, and of any landscaping scheme for the AMEP is assessed.

8.5.5 The council **agrees** that the use of large construction plant, cranes, etc may cause damage to the group of three listed lighthouses through vibration during piling or other works (Table 18.6) and **agrees** that the impacts of the construction on the listed lighthouses can be adequately assessed without additional structural surveys referred to in section 16.6 of the ES. As part of the WSI Management Plan for the lighthouses however, the council and the applicants **agree** to jointly identify and discuss any need for appropriate mitigation strategies to ensure the structural integrity of the lighthouses and thereafter to develop such strategies if needed.

8.5.6 *AMEP Operational Phase*

8.5.7 The council **agrees** that the general nature of the visual impacts of the development, and that of the dynamic nature of the industrial backdrop, are correctly identified (18.6.32). The council concludes however that the impact upon the historic setting of various of the heritage assets would benefit from further explanation which the council feels would be assisted by the use of visualisation techniques such as the preparation of wireframes and photomontages.

8.5.8 Notwithstanding this suggestion for additional photographic evidence, the council **agrees** with the assessment of overall magnitude of impact on the setting of the group of three lighthouses will be of major significance (Table 18.9), in particular of the Killingholme North Low Lighthouse (Site 15) standing within the AMEP site. The council **agrees** that 'there will be a high adverse impact on the significance as the group as a whole' (Annex 18.4).

8.5.9 The council **agrees** that AMEP will no longer allow clear visibility of the group of lighthouses from the river, but has concerns that the impact on the significance of the maritime setting of the group of three lighthouses has been adequately recognised.

8.5.10 The council has however **agreed** with the applicant that a more detailed assessment of the various impacts upon the historic setting of the lighthouses (both terrestrial and marine settings) will be provided as part of the Management Plan for the lighthouses.

8.6 ES SECTION 18.7 MITIGATION

8.6.1 *AMEP Construction Phase*

8.6.2 The council **agrees** that a programme of archaeological site investigations should be provided for in a WSI to be **agreed** with the council and English Heritage (18.7.1). The council is currently **seeking to agree** the scope and detailed methodologies set out in the draft WSI.

8.6.3 The council is also currently **seeking to agree** the detailed mitigation strategies for those heritage assets where sufficient information is now available. The council and the applicant have **agreed** that preservation in situ of archaeological remains on the AMEP site, for example of Site 14 (18.7.2), will not generally be feasible. The alternative mitigation proposal for archaeological excavation as presented in the WSI is agreed, subject to the inclusion of a detailed project design for Site 14 within the next issue of the WSI.

- 8.6.4 The council **agrees** to the full recording of structures associated with the 942 Squadron Barrage Balloon Site (Site 40) prior to demolition and to the recording of the historic hedgerows prior to their removal.
- 8.6.5 The council **agrees** that all works set out in the WSI should be undertaken to recognised professional standards by a suitably qualified archaeological organisation and approved by the council.
- 8.6.6 The council also **seeks to agree** opportunities for local community engagement with the archaeological works proposed in the Framework Document. Other opportunities may include educational and interpretation work such as the preparation of a heritage trail for the south Humber bank, and potentially some public use of the lighthouse. The WSI should set out the requirement for archaeological organisations undertaking works to include appropriate arrangements for public open days, school site visits, and to provide real-time publicity information via traditional and electronic media. Planning obligations may also be appropriate to secure public benefit of their heritage, including re-use of the lighthouse. The council will **seek to agree** such benefits.
- 8.6.7 The council **agrees** that the group of three listed lighthouses including Killingholme North Low Lighthouse (Site 15) must be protected from damage during construction work (18.7.3) and **seeks to agree** an immediate structural survey to inform the specifics of this mitigation proposal for examination during the application process.
- 8.6.8 The council further **agrees** that North Low Lighthouse is in need of renovation and that an appropriate re-use should be identified in order to maintain it in good condition during the operational phase of AMEP, preferably one with a community benefit. The council suggests using the lighthouse as a visitor centre with interpretation of early 19th century maritime activity to mitigate the loss of the setting and footpath access and provide understanding about the location of the historic maritime activity.
- 8.6.9 The council **agrees** that a Management Plan for the lighthouses is required and this will form part of the WSI. The council will therefore be **seeking to agree** the details to enable the plan to be considered with the application.
- 8.6.10 The council **agree** that mitigation measures for marine and intertidal archaeology are being set out in a WSI to be **agreed** with council and English Heritage. The council **seeks to agree** the scope and detailed methodologies set out in the WSI as the intertidal zone falls within the council's remit as well as that of English Heritage.

8.7 *AMEP Operational Phase*

- 8.7.1 The council **agrees** that no other mitigation has been proposed to reduce adverse effects on the setting of heritage assets. To offset the adverse effects the council **seeks to agree** a programme of community benefit works as outlined above.

8.8 REQUIREMENTS

- 8.8.1 The council and the applicant **agree** with requirement 13 of Schedule 11 of the draft DCO and note that the WSI incorporating detailed mitigation measures should be agreed prior to the issue of the Consent Order. The 'condition' should refer specifically to the WSI documentation for both the marine and terrestrial archaeology.

- 8.8.2 The council **agrees** clause (3) of requirement 13 for any archaeological works to be carried out by a suitably qualified person or body, but **does not agree** the exception to requirement 13 in the Draft Explanatory Memorandum that the person carrying out any archaeological works does not have to be approved by the local planning authority; such persons and/or organisation should be acceptable to the local planning authority in order that the council can ensure all professional standards are met and effectively monitor the implementation of the mitigation works. This exception would also contradict the WSI document that the council is currently seeking to agree.

- 8.8.3 The council and the applicant **agree** the following additional requirements included in the DCO:

- a) To secure the implementation of the **agreed** scheme of works in accordance with approved details and timings.
- b) To secure completion of the site investigation and post investigation assessment set out in the approved written scheme of investigation and to ensure provision is made for analysis, publication and dissemination of results and archive deposition prior to the commencement of the operational phase of the site [or defined areas].
- c) To deposit a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy with the North Lincolnshire Historic Environment Record within an agreed period.
- d) To secure the implementation of an **agreed** Management Plan for the listed Killingholme North Low Lighthouse.

9. SOCIO-ECONOMICS

- 9.1 The Regeneration Division within North Lincolnshire Council has considered the detail in chapter 21 of the ES relating to the socio-economic impacts of the AMEP development. There is nothing of significance within the information that is challenged or **disagreed** with. There may be some areas of the statistical data where new data has recently become available however; this does not distort the conclusions reached. The methodology used for the assessments is concurred with and is credible and tested.
- 9.2 The conclusions in 21.6.29 and 21.10 are **agreed** with.

10. AIR QUALITY, CONTAMINATED LAND, LIGHT, NOISE AND VIBRATION AND STATUTORY NUISANCE

10.1 INTRODUCTION AND TERMS OF REFERENCE

10.1.1 Environmental Impacts covered in this chapter

10.1.2 This chapter addresses the environmental impact of the development on local residents. The environmental impacts considered in this chapter are:

- a) Air Quality.
- b) Contaminated Land.
- c) Light.
- d) Noise and Vibration.
- e) Statutory Nuisance.

10.1.3 North Lincolnshire Council's comments concerning these impacts have been made with reference to the applicant's draft DCO, the ES, and the Statutory Nuisance Assessment.

10.2 RECEPTORS COVERED IN THIS CHAPTER

10.2.1 The limitation of receptors considered is as follows:

- a) The comments in this chapter relate to human receptors only.
- b) Consideration of impact has been limited to local residents and does not extend to impacts relating to environmental impacts in the workplace for people working on the development site.
- c) The comments relate to residents on the south bank of the Humber.
- d) The impact for residents of the following properties is not covered because the applicant has stated that they will be purchased and will no longer be residential properties:
 - North Low Lighthouse, Station Road, South Killingholme, DN40 3ED
 - The Look Out, Station Road, South Killingholme, DN40 3ED

- Station House, Station Road, South Killingholme, DN40 3ED

10.2.2 It is **agreed** that the residents of these three properties would suffer significant adverse environmental impacts if the development went ahead with the properties remaining occupied.

10.2.3 **The SoCG is based on the assumption that Able UK will secure the removal of residential use from the three properties mentioned above.**

10.3 AIR QUALITY

10.3.1 North Lincolnshire Council **agrees** with the methodology and source interrogation within the ES as follows:

- a) The inclusion of increases in road traffic, shipping, train movements and the emission of VOCs from paint spraying adequately covers polluting activities across the site.
- b) These are considered at both the operational and construction phase covering the development from its infancy through to completion and operation.

10.3.2 It is **agreed** that dust has the potential to have adverse environmental impacts and that the construction and operation of the project will need to adequately mitigate for the effects of dust. It is **agreed** that this can be addressed through *Requirement 20* of *Schedule 11* of the draft DCO.

10.3.3 North Lincolnshire Council currently measures Nitrogen Dioxide (NO₂) at a number of locations on the A160. Concentrations at certain locations along this route are already above the Air Quality Objective and have triggered the installation of an automotive NO₂ analyser. This installation will produce a new bias adjustment with the reduction in overall levels lower than previous years. With the data captured to date it is highly likely that this location will be declared as an Air Quality Management Area with increases in vehicle movements on this road adding to NO₂ concentrations. The proposed development will contribute to exceedance of EU Air Quality Objectives and the possible declaration of an AQMA.

10.3.4 The following mitigation is included in the development to limit traffic insofar as is reasonably practicable:

- a) Use of staggered shift patterns to spread the peak traffic flows.
- b) Junction improvements to avoid increased congestion.

- c) A Framework Travel Plan that will limit the number of single occupancy car trips to 10 per centage points below the level for North Lincolnshire as a whole. This will be achieved through employee incentivisation schemes and shuttle buses, both to be implemented by the employers.
 - d) Use of rail for freight where feasible and economic to do so.
 - e) Use of the quay for import and export where feasible and economic to do so.
- 10.3.5 It is **agreed** that there are no other reasonable practicable measures to reduce vehicle movements to and from the site and thereby mitigate air quality impacts any further. Given that the development will contribute to NO₂ concentrations in this area North Lincolnshire Council will enter into a dialogue with Able to seek contributions towards air quality monitoring commitments that will be required through the Local Air Quality Management regime.
- 10.3.6 It is **agreed** that the number of rail movements proposed will not add significantly to baseline rail traffic in the area. However, North Lincolnshire Council considers that the number of rail movements should be limited within the consent to ensure that the environmental impact on air quality is no greater than has been assessed.
- 10.4 CONTAMINATED LAND
- 10.4.1 North Lincolnshire Council **agrees** that the inclusion of the proposed condition 12 given in the draft DCO will adequately address contaminated land.
- 10.5 LIGHT
- 10.5.1 The comments given in this chapter are made with respect to consideration of light nuisance at residential properties, rather than light pollution for the local area and beyond.
- 10.5.2 When considering residents at Hazel Dene, Marsh Lane, Table 19.3 of the ES shows likely change in light levels, measured as lux, predicted to have moderate significance *“...arising from new proposals which will be a significant new night time feature looking north and in proximity to receptor. Mitigation planting to be undertaken.”*
- 10.5.3 No prediction is included as to the effect of the mitigation planting in reducing the light impact for residents of Hazel Dene. This will be addressed at the stage of designing the final landscaping plan as set out in requirements 5, 6 and 7 of Schedule 11 of the DCO.

- 10.5.4 The draft Consent Order condition 20 includes provision for the control of light nuisance. However, North Lincolnshire Council **agrees** with the statement given in section 19.8.1 of the ES which acknowledges the difficulty in achieving a reduction in the impact of light at Hazel Dene:

“Following the implementation of the mitigation measures there will remain a moderate significant light impact on the amenity of the residential receptor at Hazel Dene. This is due to the relative proximity of the property, the tall height of the lighting columns and the difficulty of providing effective screening taking ecological requirements into account. Planting that was placed in proximity to the receptor would be more effective and the possibility of this could be investigated.”

- 10.5.5 It is **agreed** that possibilities for most effective light mitigation need to be investigated. The most effective approach needs to be taken once details of installation are established to ensure that the proposed lighting to be installed, along with proposed mitigation, will result in no significant impact on residential amenity, insofar as this is possible.

10.6 NOISE & VIBRATION

10.6.1 *Introduction*

- 10.6.2 The comments in this section relate to chapter 16 of the ES which describes the assessment of the noise and vibration impacts of the development by establishing baseline ambient noise levels and comparing this to predicted noise levels associated with the following aspects of the development:

- a) Construction noise and vibration.
- b) Operational noise and vibration (including rail transport and shipping).
- c) Road traffic noise for construction and operational phases of the development.

10.6.3 *Legislation, policies, guidance, standards, and other guidelines*

- 10.6.4 Section 16.2.3 of the ES lists the legislation, policies, guidance, standards, and other guidelines considered relevant to the noise assessment. When considering local residents, North Lincolnshire Council **does not agree** that this list is adequate for providing appropriate terms of reference for the assessment of noise impact.

- 10.6.5 In addition to the documents listed in Section 16.2.3, North Lincolnshire Council considers that noise impact should also make reference to the following:
- a) *World Health Organisation Guidelines for Community Noise 1999.*
 - b) *World Health Organisation Night Noise Guidance for Europe 2009.*
 - c) *[BS 8233:1999 Sound insulation and noise reduction for buildings - Code of Practice incorporates some of the WHO guidance into a British Standard].*
- 10.6.6 The applicant considers that the application of the guidance given by WHO is not relevant to EIA; as it provides guidance with regard to levels at which health impacts in relation to noise, however minor, have been observed in the most sensitive cases. Whilst the guidance provides a benchmark, the thresholds are widely exceeded and cannot be applied in a practicable way.
- 10.6.7 North Lincolnshire Council **does not agree** with the above paragraph. The WHO Guidelines 1999 do not merely refer to health impacts observed in the most sensitive cases. For example, when considering annoyance:
- “To protect the majority of people from being seriously annoyed during the daytime, the outdoor sound level from steady, continuous noise should not exceed 50dBLAeq. To protect the majority of people from being moderately annoyed during the daytime, the outdoor sound level should not exceed 50dBLAeq. Where it is practical and feasible, the lower outdoor sound level should be considered the maximum desirable sound level for new development.”*
- 10.6.8 It is with this guidance in mind and considering existing ambient noise levels, separation distances and the scale of the construction project that North Lincolnshire Council would not be satisfied to accept the proposed construction noise assessment criteria of 70dB(A) .
- 10.6.9 Notwithstanding the above, it is **agreed** that the assessment demonstrates that the thresholds quoted within the WHO Guidelines are not likely to be exceeded at residential receptors as a consequence of the project.
- 10.6.10 *Baseline Survey*
- 10.6.11 It is **agreed** that the baseline noise survey reported in Annex 16.5 and 16.3 of the ES is sufficient to characterise the existing noise

environment for the receptors that are likely to be significantly affected by the project.

10.6.12 *Operational Noise Assessment Criteria*

- 10.6.13 North Lincolnshire Council is satisfied with the criteria setting the rating levels for the operational noise when considering steady, continuous noise sources. The use of the rating level allows a means to assess acoustic characteristics of the noise sources, over and above just the actual decibel level measured or predicted. This is done by adding a 5dB penalty where characteristics of the noise source make it more intrusive or disruptive for residents (eg tonal noise, high impact, amplitude modulation, etc).
- 10.6.14 However, it is **agreed** that criteria based on an “average” L_{Aeq} rating levels alone may not necessarily be sufficient to assess the impact for local residents. In addition to the operation assessment criteria listed in Table 1 (Table 16.2 from the ES) is to include the adjustments outlined in BS4142 to recognise such characteristics as tonality, low frequency content, impulsiveness, etc.
- 10.6.15 RM/North Lincolnshire Council to **agree**, ERM to draft the detail of this condition, to be included in Schedule 11 of the DCO North Lincolnshire Council **agree** with addressing noise and vibration through amendment of requirement 20 by adding “(vi) noise and vibration” to the list given in 20(a).

Table 1 Operational Assessment Criteria (Noise limits **agreed** by North Lincolnshire Council)

Monitoring Location	Daytime Noise Rating Level, L_{Aeq} , 1hr, dB(A)	Night time Noise Rating Level, L_{Aeq} , 5min, dB(A)
EH1 Dean Street, East Halton	35	35
EH2 Chase Hill Lane, East Halton	35	35
EH3 Brick Lane, East Halton	35	35
EH4 Scrub Lane, East Halton	35	35
EH5 Swinster Lane, East Halton	35	35
NK1 Nicolson Road, North Killingholme	37	35
NK2 Farm, North Killingholme	37	35
NK3 Clarkes Road, North Killingholme	37	35

NK4 Chase Road, North Killingholme	37	35
S3 Marsh Lane	47	45
SK1 Humber Road, South Killingholme	41	40
SK2 Staple Road, South Killingholme	41	40

Note daytime (07:00 to 23:00) and night time (23:00 to 07:00)

Rating levels are to be determined as per the assessment procedures in BS4142.

10.6.16 *Prediction of operational noise impact*

10.6.17 It is **agreed** that the assessment of operational noise reported in the ES is adequate and sufficient to inform decision-making.

10.6.18 *Control of operational noise and vibration*

10.6.19 It is **agreed** that the control of operational noise and vibration should be addressed in Schedule 11 of the draft DCO. North Lincolnshire Council recommended addressing the control of noise and vibration through amendment of requirement 20 by adding “(vi) noise and vibration” to the list given in 20(a).

10.6.20 *Construction Noise and Vibration Assessment Criteria*

10.6.21 Given the results of the baseline noise survey, the scale of the development and the prolonged period of construction noise exposure for local residents, North Lincolnshire Council consider that the criteria for construction noise at 70dB(A) for day-time and 60dB(A) for evening as shown in Table 16.3, may be too high to allow robust assessment of noise impact during construction

10.6.22 North Lincolnshire Council also considers that there are limitations to setting the criteria for construction noise assessment based only on the L_{Aeq} parameter over the whole day, night or evening. The A-weighting of the results may underestimate noise impact associated with the acoustic characteristics of the noise (eg tonal noise, low frequency noise and impact noise). The averaging of the noise over the whole day may underestimate adverse impact if there are prolonged quieter periods interspersed with short periods of very loud noise. As with operational noise, the assessment of noise impact associated with the construction phase needs to include assessment of acoustic characteristics as described in section 10.6.13 above.

- 10.6.23 The highest predicted levels of construction noise are below $L_{Aeq, period}$ 45dB, because of the large separation distance of receptors from the site, so whilst the exact criteria used to rate impacts may not be agreed, it is **agreed** that the predicted construction noise impacts will be acceptable.
- 10.6.24 *Prediction of Construction Noise and Vibration*
- 10.6.25 North Lincolnshire Council **agrees** with the general approach to prediction of construction noise impact in considering the generic nature of construction noise source information available at this stage. However, North Lincolnshire Council believes that the prediction of construction noise should also cover predictions to allow assessment based on parameters other than just “average” noise levels measured as $L_{Aeq,T}$ so that acoustic characteristics are taken into account.
- 10.6.26 *Control of Construction Noise and Vibration*
- 10.6.27 Notwithstanding the above, it is **agreed** that Requirement 19 of Schedule 11 of the draft DCO is suitable to address control of construction noise impacts and avoid unreasonable impacts on residential receptors
- 10.6.28 Is it also **agreed** that the Code of Practice for noise and vibration control on construction and open sites (BS5228:2009) is the appropriate standard for the management of construction noise.
- 10.6.29 *Traffic Noise Assessment Criteria*
- 10.6.30 It is **agreed** that the method of assessment, magnitude and significance criteria described in the Environmental Assessment are appropriate for assessment of the road traffic noise impact.
- 10.6.31 *Prediction of Traffic Noise*
- 10.6.32 The operational traffic noise assessment shows significant adverse noise impacts at some residential locations associated with increases in road traffic.
- 10.6.33 For example on Manby Road at Location “south of A” there is a 7.9dB increase in the $L_{Aeq, 1hr}$. This increase occurs during night time hours at 5am due to staggered shift patterns which spread the peak traffic movements. The existing level at 5am is 54dB. The operational road traffic will increase these night time noise levels to 62dB(A).

10.6.34 *Traffic Noise Control*

10.6.35 The following mitigation is included in the development to limit traffic in so far as is reasonably practicable:

- a) Use of staggered shift patterns to spread the peak traffic flows.
- b) Junction improvements to avoid increased congestion.
- c) A Framework Travel Plan that will limit the number of single occupancy car trips to 10 per cent below the level for North Lincolnshire as a whole. This will be achieved through employee incentive schemes and shuttle buses, both to be implemented by the employers.
- d) Use of rail for freight where feasible and economic to do so.
- e) Use of the quay for import and export where feasible and economic to do so.

10.6.36 It is **agreed** that there are no other reasonably practicable measures to reduce vehicle movements to and from the site and thereby mitigate noise impacts any further, resulting in a residual impact at Manby Rd.

10.6.37 It is **agreed** that the number of rail movements proposed will not add significantly to baseline rail traffic in the area. However, North Lincolnshire Council considers that the number of rail movements should be limited within the consent to ensure that the environmental impact on air quality and noise is no greater than has been assessed. This is especially important since rail traffic noise cannot be dealt with through the provisions of statutory nuisance legislation.

10.6.38 *Statutory Nuisance Assessment*

10.6.39 it is **agreed** that the draft DCO has appropriate conditions and requirements for the mitigation of negative impacts associated with statutory nuisance subject to the following:

- a) The control of operational noise and vibration needs to be included, (details given in section 9.5.5 above).
- b) When considering the management of rail traffic, measures need to be in place to prevent stationary trains being held with engines idling at points off-site that are close to residential receptors. This is especially important since rail traffic and rail traffic nuisance (noise, fumes and odour)

cannot be dealt with through the provisions of statutory nuisance legislation.

- 10.6.40 The consequences of failing to address these omissions from the draft DCO may result in significant loss of residential amenity that cannot be resolved through the statutory nuisance legislation.

11. FLOOD RISK AND DRAINAGE

11.1 Planning Policy and Context

This part of the SoCG considers the contents of chapter 13 of the ES which assesses the impact on drainage and flood risk in the context of the project. All matters within chapter 13 are **agreed** subject to some minor points of clarification which are outlined below. These Areas of Clarity have been **agreed** with the applicant.

11.2 AREAS OF CLARITY

- 11.2.1 13.2.13 and 13.2.14 - At the time this document was drafted the position was that the National Planning Policy Framework (NPPF) was still in a draft form. The NPPF has now come into effect and now supersedes all the previous Planning Policy Statements and Guidance notes (PPSs and PPGs) and therefore the NPPF should be considered in their place. North Lincolnshire Council's Local Impact Report (LIR) highlights that the project is in conformity with the NPPF. The Practice Guide to *Planning Policy Statement 25: Development and Flood Risk* (PPS25) is still in force and should be noted as it provides guidelines on how to implement development and flood risk policies by the land use planning system. The guide also includes working examples through case studies and contains a checklist to help developers and applicants to prepare an appropriate, site-specific flood risk assessment.
- 11.2.2 13.2.17 - The reference to Local Plan Policy DS12 is incorrect and should refer to DS16 'Flood Risk'. Specific reference to DS13 Ground Water Protection and Drainage would also be beneficial. With regard to other Local Plan policies, reference should also be made to IN1 Industrial and Development Location and Uses which allocates 740.7 hectares of land at the South Humber Bank for estuary related B1, B2, and B8 uses. Additionally, reference should also be made to Local Plan policy IN4 which sets out the detailed proposals for development of land on the South Humber Bank.
- 11.2.3 13.3.1 - As highlighted above as for 13.2.13 and 13.2.14 the NPPF has now come into effect and now supersedes all the previous Planning Policy Statements and Guidance notes.

12. TERRESTRIAL ECOLOGY AND BIRDS

12.1 SCOPE OF COMMENTS

12.1.1 The Terrestrial Ecology and Birds section of the SoCG shall broadly mirror chapter 11 of the submitted ES. It shall focus primarily on those local impacts that may not be addressed by statutory consultees. For that reason, effects on the internationally important Humber Estuary SAC, SPA and Ramsar site, for which the Planning Inspectorate is the Competent Authority and Natural England is the Nature Conservation Adviser, have been consciously excluded from this account. The report shall also omit reference to the nationally important features of North Killingholme Haven Pits SSSI that could be affected by the Able Marine Energy Park proposal. Note, however, that North Lincolnshire Council has commented in detail at the pre-application stage, on the Scoping Report and on the **Preliminary** Environmental Information Report (PEIR). Most of the comments made previously appear to have been considered by the applicant and incorporated into the project design and mitigation proposals.

12.2 ES SECTION 11.2 LEGISLATION, POLICY AND GUIDANCE

12.2.1 North Lincolnshire Council **agrees** that the key legislation and guidance has been included in this section.

12.3 ES SECTION 11.3 ASSESSMENT METHODOLOGY AND CRITERIA

12.3.1 North Lincolnshire Council **agrees** that the methods adopted for survey and assessment in the ES are appropriate and consistent with the scoping advice given. Where taxa have not been addressed by surveys, reasoning is given in section 11.3.28. The council **does not agree** that the National Vegetation Classification survey of Station Road Field adequately describes the site. However, as the Local Wildlife Site citation and survey data are also available, this is of little consequence.

12.4 ES SECTION 11.5 BASELINE

12.4.1 North Lincolnshire Council **agrees** that the key ecological features of the development site have been identified and adequately described as follows:

- a) Protected sites - Humber Estuary SSSI, SAC, SPA, Ramsar. North Killingholme Haven Pits SSSI, Local Wildlife Sites.
- b) Phase 1 habitats.
- c) Humber Estuary waterbirds.

- d) Breeding birds.
- e) Great crested newts.
- f) Bats.
- g) Water voles.
- h) Badgers (largely absent).
- i) Reptiles (absent).

12.5 ES SECTION 11.6 IMPACTS

12.5.1 There are one or two matters of detail where North Lincolnshire Council **does not agree** with Able UK.

12.5.2 Section 11.6.36 to 11.6.46 North Lincolnshire Council **does not agree** that statistical measures such as the mean and standard deviation should be calculated from decibel measurements that use the logarithmic scale. That said, the council **does agree** that predicted construction noise levels at the identified waterbird sites will be broadly comparable to the current situation. Provided that the type of noise is also comparable, in terms of predictability and pitch, then birds can be expected to habituate to predicted noise levels.

12.5.3 Section 11.6.56 Some academic studies have shown that artificial lighting can have a positive effect on waterbirds, others show a negative effect and others show no effect. Overall North Lincolnshire Council **agrees** that light emissions are not likely to have a significant effect on waterbirds in this case.

12.5.4 Considering Section 11.6 as a whole, North Lincolnshire Council **agrees** that the nature and magnitude of impacts have been adequately described - though we do not necessarily **agree** with every detail but these are, in part, matters of professional judgement.

12.6 ES SECTION 11.7 MITIGATION

12.6.1 *Loss of Station Road Field Local Wildlife Site (LWS)*

12.6.2 The submitted ES identifies that the proposal will result in the loss of Station Road Field LWS. The applicant proposes to create replacement species-rich neutral grassland in the wetland bird mitigation area (Area A). North Lincolnshire Council **agrees that such mitigation is necessary, but seeks to reach agreement on the detail.**

- 12.6.3 The approach set out in section 11.7.36 is acceptable to North Lincolnshire Council, assuming it is technically feasible in terms of soil nutrient status and other soil properties. To allow for uncertainty about the success of habitat creation, the area of neutral grassland created should be greater than the area of the existing LWS.
- 12.6.4 The council supports the proposal to collect seed from key neutral grassland indicator species in the LWS for use on the mitigation site. The use of green hay would not be acceptable however, as the existing sward contains a high percentage of undesirable species. Species such as the uncommon, but locally frequent, Hairy buttercup *Ranunculus sardous* should be allowed to regenerate naturally from the seed bank on the mitigation site. The council would, in addition, support the use of a Lincolnshire origin wildflower and grass seed mix for a neutral grassland community comparable to those parts of the LWS that are in good condition. We also support the proposal to use disease-resistant elms.
- 12.6.5 Where such habitat creation is proposed as mitigation, it will be necessary to measure and consider physical conditions including (but not exclusively) soil conditions and hydrology. The applicant should follow the standards set out in Natural England Technical Information Notes. Sward management for feeding and roosting waterbirds can be carried out so as to also benefit species-rich neutral grassland. The resulting sward should be monitored and any required remedial measures should be carried out accordingly.
- 12.7 GREAT CRESTED NEWTS AND OTHER AMPHIBIANS
- 12.7.1 North Lincolnshire Council **agrees** with the approach to translocation and ongoing conservation of great crested and smooth newts, as set out in sections 11.7.12 to 11.7.20 of the ES. We would expect that approach to pass the three tests of European Protected Species licensing, though that is a matter for Natural England and the Planning Inspectorate. **The council strongly supports the inclusion of the mitigation area known as “Area B” in the proposed Chase Hill Wood Local Nature Reserve (LNR).** We would encourage timely confirmation and commencement of this approach, so that the LNR can be declared, in its entirety, in a single process to meet other project deadlines. We also encourage links from the LNR to the Public Rights of Way network.
- 12.8 BATS
- 12.8.1 The ES also identifies the loss of bat foraging habitat. North Lincolnshire Council **agrees** with the mitigation and enhancement measures set out in sections 11.7.26 to 11.7.29 of the ES. However, the submitted Landscape Masterplan is described as “Indicative”. Our understanding is that flexibility has been designed

into the Marine Energy Park Scheme so that the layout can be altered to suit the requirements of wind turbine manufacturers. This creates a degree of uncertainty as to the length, location and degree of connectivity of new bat foraging corridors. Care is needed to ensure that the Order requirements are adequate to secure the required habitats. **We seek to reach agreement on this point.**

12.9 FARMLAND BIRDS

12.9.1 North Lincolnshire Council **agrees** that the losses to UKBAP priority species and their habitats will be of an extent and magnitude as described in the ES. The losses will largely be to declining farmland birds, but declining woodland species such as Willow tit may also be affected. We **agree** that creation of the wetland bird mitigation area (Area A) will provide mitigation, and perhaps enhancement, for species such as lapwing, skylark, reed bunting and yellow wagtail. However, our view is that areas of tree, hedge and shrub planting in amongst the industrial areas, whilst useful, are not likely to fully provide for species such as bullfinch, willow tit, tree sparrow and turtle dove.

12.9.2 Through discussion with Humber INCA, Area B and other parts of the proposed Chase Hill Wood LNR could be managed to provide for Willow tit and other woodland species. **We seek to reach agreement on this point.**

12.10 WATER VOLES

12.10.1 North Lincolnshire Council **agrees** with the approach to water voles set out in the ES. This has been shown to work elsewhere on Able UK's land. Without mitigation, the effect on water voles would be a certain negative impact of County importance. Assuming the ES approach to mitigation and enhancement is followed through the requirements of the Order, then the council considers the overall effect to be a significant positive one.

12.11 TREES AND HEDGEROWS

12.11.1 Trees and hedgerows to be lost from the application site are of local importance. The Indicative Landscape Masterplan, once implemented, will provide a degree of mitigation for these losses. However, uncertainty about the ultimate layout and quantity of planting (see "Bats" above) also applies here. **We seek to reach agreement on this point.**

12.12 ES SECTION 11.9 CUMULATIVE IMPACTS

12.12.1 North Lincolnshire Council **does not agree** that the AMEP proposal will not have cumulative effects with other plans and projects. Given the development proposals for the entire South Humber Gateway in

the North and North East Lincolnshire Core Strategies, cumulative effects can be expected for most of the habitats and species described. However, the council **does agree** that the Able UK approach of mitigating for the project's own impacts, and creating habitat networks where possible, is the correct approach.

12.13 REQUIREMENTS

- 12.13.1 North Lincolnshire Council **agrees** with the requirements for landscaping set out in requirements 5 to 7 of Schedule 11 of the Draft DCO. Where trees, shrubs and hedgerows are to be planted to create natural habitat, in areas A and B and along proposed habitat corridors, we request a requirement for native species of UK origin. Wildflower seeds or plants should be of UK origin as a minimum standard, and Lincolnshire origin where available. **We seek to agree these points.**
- 12.13.2 We also welcome requirement 14, securing the submission and implementation of an ecological management plan for each stage of development. However, many different mitigation measures and enhancements are proposed in the ES and the various consultation responses. Furthermore, the ultimate project may be rather different from the Indicative Proposals submitted to date. This could lead to a divergence of expectations between the developer, the planning authority and interested parties. To provide clarity and an **agreed** position, it may be helpful to secure a comprehensive register of all the ecological mitigation and enhancement measures that will be required at some point in the delivery of the project. It will then be easier to ensure that these are included in the management plans for the appropriate stage(s) of development. **We seek to agree this point.**
- 12.13.3 Compensation and mitigation, particularly in relation to International Nature Conservation Sites and European Protected Species, may need to be in place and fully functioning before the commencement of development. It is not clear that the proposed wording for requirement 14 can secure this. **We seek to agree this point.**
- 12.13.4 The council **agrees with** requirement 22 as set out in Schedule 11 of the Draft DCO.

13. WASTE

- 13.1 This chapter addresses the impacts of the AMEP in relation to waste generated both during the construction and operational phases.
- 13.2 North Lincolnshire Council is in general **agreement** with the conclusions reached from the desktop analysis completed in support of the ES but recognises that a more detailed assessment in the form of a Site Waste Management Plan is required to be submitted prior to commencement of the Construction phase and will be reviewed periodically. This may prompt further comment at that time.
- 13.3 23.6.12 - This paragraph proposes that the disposal of operational wastes that cannot be recycled will be by landfill or preferably incineration with energy recovery. The council **disagrees** with the statement that suitable incineration capacity is available within North Lincolnshire. Capacity is available within adjoining North East Lincolnshire.

14. HEALTH

- 14.1 This chapter addresses the health impact of the development on local residents as reported in chapter 24 of the ES.
- 14.1.1 North Lincolnshire Council's comments concerning these impacts have been made with reference to the applicant's Draft DCO, the ES, and the Statutory Nuisance Assessment.
- 14.2 INTRODUCTION (24.1)
 - 14.2.1 The content of this section is **agreed**.
- 14.3 LEGISLATION, POLICY AND GUIDANCE (24.2)
 - 14.3.1 The content of this section is **agreed**.
- 14.4 ASSESSMENT METHODOLOGY AND CRITERIA (24.3)
 - 14.4.1 The content of this section is generally **agreed**.
 - 14.4.2 North Lincolnshire Council consider that the focus is on those health impacts requiring mitigation with little attention given to the positive impacts. The health impacts considered are mostly outward looking in that they consider the effects on the nearby population only. More emphasis could be given to health impacts on the wider community such as the creation of jobs as well as the 'internal community' - the workforce during and after the construction.
- 14.5 CONSULTATION (24.4)
 - 14.5.1 The content of this section is **agreed**.
- 14.6 BASELINE (24.5)
 - 14.6.1 The content of this section is **agreed**.
- 14.7 IMPACTS (24.6)
 - 14.7.1 *Socio-economic issues paragraphs 24.6.1 to 24.6.9*
 - 14.7.2 This section is generally **agreed**. The creation of 4,100 FTE jobs is a positive health impact. The baseline data for the area shows a good level of employment but low level of educational achievement.
 - 14.7.3 North Lincolnshire Council **disagree** with paragraph 24.6.8 in so far as local employment is cited as potential mitigation for the impacts from the increase in local transport and yet the application contains little detail on how local companies and the local employment pool with low educational achievement will be assisted to compete

effectively during the construction phase or achieve the academic standards required for the new employment opportunities during operation. It is unclear how the local community's health will benefit from the socio-economic elements of the development.

14.7.4 North Lincolnshire Council also considers that as the development will be a major employer in the area an employee Healthy Workforce Strategy would be beneficial to mitigate the negative health impacts of the work environment and to maximise the benefits of being in employment and keeping the employees fit and healthy and encouraging well being.

14.8 *Visual Environment paragraphs 24.6.10 to 24.6.19*

14.8.1 The content of this section is generally **agreed**.

14.8.2 However North Lincolnshire Council records that there is no mention of the use of green space, recreational areas as well as planting schemes to minimise visual impact to offset the negative health impacts for the local community and employees.

14.9 *Traffic and Transport paragraphs 24.6.20 to 24.6.31*

14.9.1 This section is generally **agreed**.

14.9.2 North Lincolnshire Council **disagree** in so far as the negative health impacts of traffic and transportation could be mitigated by encouraging alternatives to the car for the daily commute and some provisions to actively promote increased use of public transport, cycling and walking. A workplace travel plan could address this.

14.10 *Noise paragraphs 24.6.32 to 24.6.37*

14.10.1 This section is **disagreed**.

14.10.2 For the construction phase the applicant has used noise assessment criteria that do not adequately address the protection of residential amenity and therefore are set too high and will result in negative health effects.

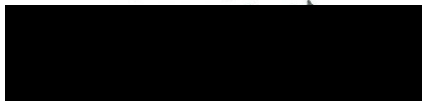
14.10.3 For operational noise it is not clear that all potential sources have been included and the draft DCO does not contain any requirements for the control of operational noise leading to the potential for significant negative health impacts during operation.

14.11 *Air Quality paragraphs 24.6.38 to 24.6.43*

14.11.1 Paragraphs 24.6.40 and 24.6.43 are **disagreed**.

- 14.11.2 There are critical locations within the local area where the Annual Mean Nitrogen Dioxide (NO₂) level is close to or above the EU Air Quality Objective. Any increase in road traffic will have a negative impact on NO₂ levels at all locations within the local area. The significance of these impacts will be emphasised at the critical locations where increases in NO₂ levels will lead to the declaration of an Air Quality Management Area (AQMA).
- 14.11.3 Rail Traffic - Although rail traffic to the site will be kept to a minimum the major concern around rail traffic is the emissions from stationary engines. Should idling engines stand close to residential receptors there will be a significant negative impact on air quality. Should short term EU Air Quality Objectives be exceeded there may be a requirement for North Lincolnshire Council to declare an AQMA.
- 14.11.4 Shipping - The introduction of more shipping movements to an already busy port will have a negative impact upon PM₁₀, NO₂ and SO₂. The impact of additional shipping movements may not be significant within the local area however, the cumulative impact of this and other on site activities may contribute to an increasing baseline level of a number of pollutants.
- 14.12 MITIGATION MEASURES (24.7)
- 14.12.1 The content of this section is **agreed**.
- 14.13 RESIDUAL IMPACTS (24.8)
- 14.13.1 The content of this section is **agreed** in so far as it goes.
- 14.13.2 The content of this section is **disagreed** in that the negative health impact from reduced air quality is not reported. Also there is no mention of how the development of local employment via improved education and training will be supported.
- 14.13.3 It is also acknowledged that a local footpath that currently crosses the site and will need to be diverted. It is hoped that wherever possible, given the nature of the site, adequate provision is made for recreational (green) space for both staff and local residents to maintain access and to create opportunities for physical activity.
- 14.14 CUMULATIVE IMPACTS (24.9)
- 14.14.1 The content of this section is **agreed**.

Signed by (on behalf of North Lincolnshire Council)



William J Hill
Principal Planning Officer
North Lincolnshire Council

Date: 27 July 2012



Signed by (on behalf of Able UK Ltd)

Richard Cram
Design Manager
Able UK Ltd

Date: 27 July 2012