

APPLICATION NO	PA/2018/1125
APPLICANT	Mr Jonathan Nuttall, Salfina Ltd
DEVELOPMENT	Planning permission to stockpile 170,000 tonnes of road salt at a maximum height of 10 metres to be secured with waterproof sheeting
LOCATION	Land north-west of Salfina Warehouse, Lancaster House, Lancaster Approach, North Killingholme, DN40 3JY
PARISH	North Killingholme
WARD	Ferry
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Richard Hannigan) Objection by North Killingholme Parish Council

POLICIES

National Planning Policy Framework: Paragraph 170 – Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

- (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 178 – Planning policies and decisions should ensure that:

- (a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- (b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- (c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

North Lincolnshire Local Plan: Policies DS1, DS11, T1, T2, T19 and M7 apply.

North Lincolnshire Core Strategy: Policies CS1, CS5 and CS17 apply.

CONSULTATIONS

Highways: Initially requested further information, which has now been supplied. No objections to the application.

Natural England: No comments to make on the application.

Ecology: No objections subject to a condition relating to biodiversity management.

Environment Agency: No objections subject to conditions.

Environmental Health: No objection subject to a condition relating to salt management techniques.

North East Lindsey Drainage Board: Objects to the proposal due to the lack of details concerning preventative measures for pollution control and surface water run-off.

PARISH COUNCIL

Objects for the following reasons:

1. This is a retrospective planning application and no advice from the planning department was taken prior to allowing the road salt to be stored on this site thus showing a total disregard for the planning process in North Lincolnshire.
2. The road salt is currently inadequately stored and is causing pollution to surface water and ground water.
3. Outside storage of road salt – even if covered and this salt is currently not covered – will not prevent entry of rainwater to the salt pile – which will result in both surface water and ground water pollution.

4. The salt pile should be completely removed and a hard standing – of an adequate standing should be constructed to prevent the salt polluting the ground drainage system.
5. The removal of the salt pile should be undertaken in sheeted lorries and a wheel wash to prevent further disruption and hardship to local residents.

PUBLICITY

The application has been publicised by means of site notice as well as press advertisement in accordance with article 5 of the DMPO 2015 and subsequent amendments.

There has been multiple objections which have been condensed into a letter by Lambert Smith Hampton as well as from W A Fussey Farmers and Mrs Broadwith. The nature of the objections relate to (though not exhaustively) leachate into watercourses and soils, impacts in the event of flooding, impact upon adjoining/wider land uses and amenity, as well as other pollution concerns. The objections are available against the file to read in depth.

STATEMENT OF COMMUNITY INVOLVEMENT

No community involvement has taken place.

ASSESSMENT

The proposal relates to the stockpiling of salt within the parameters of Salfina UK's existing business operation. The site within which it sits is allocated by the Housing and Employment Land Allocations as NKAЕ-1. The site is previously developed land and was allocated in the North Lincolnshire Local Plan for estuary-related B1 (Offices/Light Industrial) and B8 (Storage and Distribution) uses. It forms part of a former World War II airfield including buildings and former runways/access strips, although there are large tracts of undeveloped agricultural land that surround the former runways. The site is surrounded by agricultural land to the north, south and west. There are a significant number of existing businesses that have developed along Lancaster Approach and along former runways/service strips.

The site is accessed from C131 Top Road, which joins the A160 at South Killingholme. Weight limits are in place along the southern section of Top Road, where residential properties adjoin the highway. The site is approximately 3 kilometres from Ulceby railway station and is generally poorly served by public transport.

Paragraph 4.61 of the allocation policy (NKAЕ-1) states that the site is suitable for estuary-related B1 (Offices/Light Industrial) and B8 (Storage and Distribution) uses subject to improvements to the currently outdated infrastructure. The site is also located within flood zone 1.

The proposal is to retain an existing stock pile and it is considered that the use is acceptable in principle and within the confines of policy NKAЕ-1. The issues for consideration as part of this application are therefore concentrated upon the following:

- environmental issues
- highway-related issues

- ecology
- character impacts.

Environmental issues

Policy DS11 of the North Lincolnshire Local Plan is relevant. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise do not pose a danger by way of toxic release; result in land contamination; pose a threat to current and future surface or underground water resources; or create adverse environmental conditions likely to affect nearby developments and adjacent areas. Policy DS1 is also relevant.

The applicant has submitted plans, including a cross-section, a risk assessment and a concept mitigation design report in order to demonstrate how any leachates from the salt will be mitigated. The Environment Agency (EA) has been consulted and has stated that they are satisfied that the integrity of the boulder clay beneath the site has been proven sufficiently by the applicant. The remaining risk therefore remains not so much to ground water but to surrounding watercourses due to the depth of the clay. The EA has therefore proposed the imposition of a condition to protect surface water. The EA has proposed the condition as a pre-commencement; however, the application is retrospective and therefore a time phase of within three months of the permission will prefix the recommended condition. The condition will require the applicant to submit an operational plan of how surface water will be protected. The North East Lindsey Drainage Board has also been consulted and has objected. The objection is prior to the receipt of the risk assessment and mitigation document and subsequently no further comments have been received.

The Environmental Health team has also been consulted and has stated that there is a risk in 'wind-blown salt'; this is potentially harmful to the residential amenity of the wider area. The department has therefore requested further information in relation to salt management techniques and this is considered to be sufficient through a planning condition. The Environmental Health Officer (EHO), however, has worded the condition as a pre-commencement, similar to the EA; again, a prefix of 'within three months of the development' will be added. The EHO has also stated that there is a requirement to limit the amount of salt on the site; this will be secured through a planning condition and set at 170,000 tonnes.

Given the aforementioned mitigation, it is considered that the proposal would accord with policies DS1 and DS11 of the North Lincolnshire Local Plan.

Highway-related issues

Policy T1 is concerned with the location of development from a Highways perspective, policy T2 is concerned with the provision of a satisfactory access and policy T19 relates to parking provision. Policy M7 is concerned with the transportation of minerals. All are considered relevant.

The applicant has submitted additional information to Highways who have now removed an earlier holding objection. The officer states that, whilst the level of vehicle movements has the potential to be extremely high over a short period of time, this is a recognised industrial

area, with a high proportion of HGV movements. The roads that they will be using, with the exception of East Halton Road, are programmed for resurfacing within the next six months.

Given the location of the site and the accessible location within which it serves the road network, there are no objections from the Highways department. It is therefore considered that the proposal would align with the aforementioned planning policies.

Ecology

Policy CS17 of the North Lincolnshire Core Strategy is concerned with biodiversity enhancement and seeks to achieve a net gain for biodiversity; this is reinforced by paragraph 170 of the National Planning Policy Framework (NPPF).

Both the council's ecologist and Natural England have been consulted. Natural England has no comments to make, whilst the ecologist has recommended a condition requiring a biodiversity management plan to be submitted within three months of the date of this permission. It is considered that the condition would satisfy the tests for conditionality and would have the potential to offset the harm to local wildlife habitats that have occurred due to the development.

Given the aforementioned mitigation, it is therefore considered that the proposal would align with the aforementioned planning policy.

Character impacts

Policy CS5 is concerned with delivering quality design. It states that all new development in North Lincolnshire should be well designed and appropriate for its context. It should contribute to creating a sense of place. Whilst the proposal would have wider views, there are large industrial buildings in the area that dilute the impacts upon the wider countryside. Given the allocation within which the proposal sits (NKAE-1), the impact of the proposal, in character terms, is considered acceptable.

The proposal is therefore in accordance with policy CS5 of the North Lincolnshire Core Strategy.

Conclusion

It is therefore considered that, subject to the mitigation set out within this report, the proposal is acceptable.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Location Plan SF/001/18; Block Plan SF/002/18; Cross Section SF/003/18; Risk Assessment and Concept Mitigation Report by Sirius Environmental.

Reason

For the avoidance of doubt and in the interests of proper planning.

2.

Within three months of the date of this permission, an operational plan to protect surface water shall be submitted to, and approved in writing by, the local planning authority. The plan shall include:

- how overspill of the materials and tracking of salt out of the storage areas will be prevented during use/replenishing of the salt, including consideration of associated vehicle movements;
- details of monitoring and checks that will be carried out to ensure the impermeable sheeting and 30 centimetre bund are providing adequate containment and spillage is prevented;
- maintenance/replacement of the sheeting and bund;
- how contaminated run-off will be dealt with, for example via a SuDS system.

The plan shall then be implemented as approved.

Reason

Further information is required to demonstrate that the risks to the Skitter Beck and East Halton Beck have been fully considered and addressed, in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

3.

Within three months of the date of this permission, a salt management plan (SMP) shall be submitted to and approved in writing by the local planning authority. The SMP shall include:

- (a) salt mitigation techniques at all stages of the development, including details of the cover to be installed and how this will be managed/maintained throughout the entirety of the development;
- (b) site salt monitoring, recording and complaint investigation procedures;
- (c) identification of receptors and the related risk of salt impact;
- (d) prevention of salt trackout during the transportation of salt off site.

The approved SMP shall be implemented and retained thereafter.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

There shall be no more than 170,000 tonnes of road salt stored on the site.

Reason

To protect residential amenity in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

5.

Within three months of the grant of permission, a biodiversity management plan shall be submitted to the local planning authority for approval. The plan shall include:

- (a) details of measures to avoid harm to badgers and great crested newts;
- (b) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (c) proposed timings for the above works.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

6.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Within 12 months of the grant of permission, the applicant, or their successor in title, shall submit a report to the local planning authority providing evidence of compliance with the biodiversity management plan.

Reason

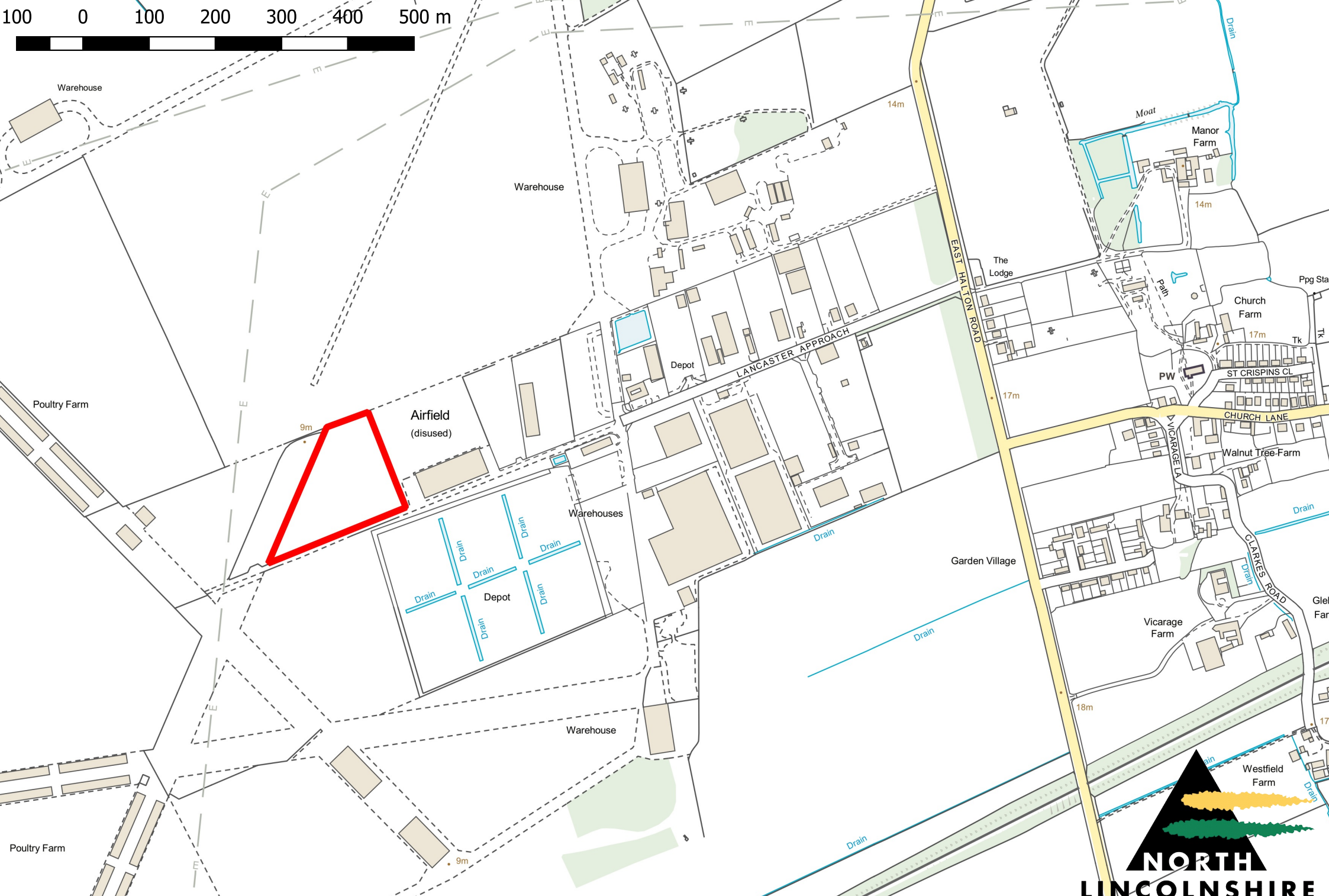
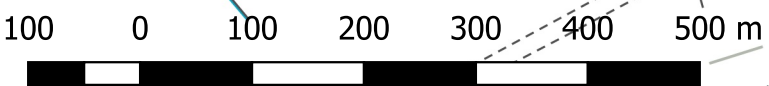
To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

Informative 1

It would constitute an offence under the Environmental Permitting (England and Wales) Regulations 2016 to cause or knowingly permit the discharge of poisonous, noxious or polluting matter into surface waters or groundwater.

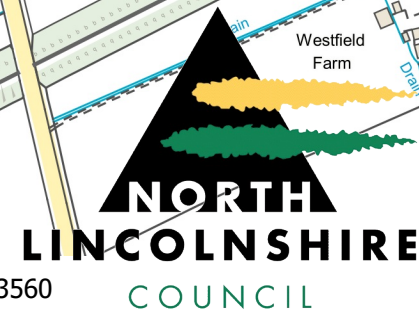
Informative 2

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



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Vector Map Local 1km x 1km
SCALE 1:5000
CENTRE COORDINATES: 513477, 417271

Salfina Road Salt Storage Site Location Plan

SF/001/18

Track

Warehouse

Depot

Wind
Turbine

Airfield
(disused)

Warehouses

Depot

Warehouse

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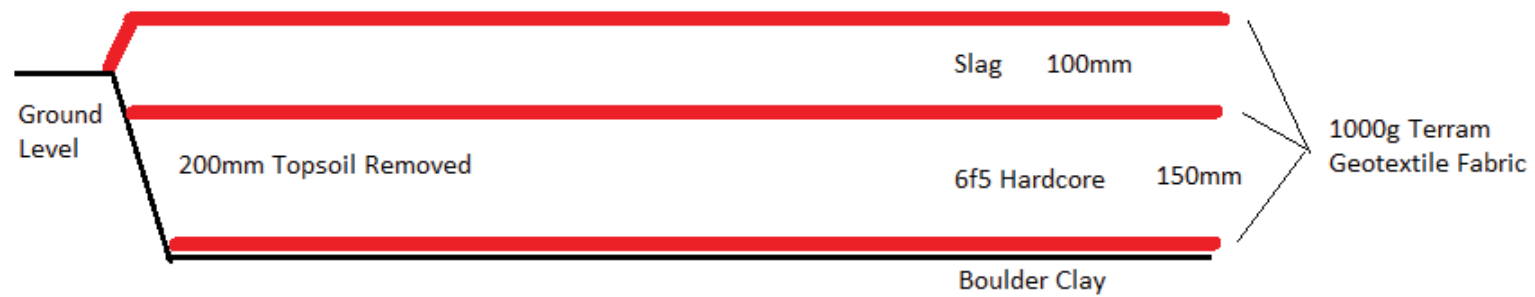
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PA/2018/1125 Cross section (not to scale)

Salfina Road Salt Storage

SF/003/18

Base Cross Section



Scale 1 : 10 approx