

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL
IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999**

ENVIRONMENTAL STATEMENT REGULATION 21

PLANNING APPLICATION: N/132/00645/11

APPLICANT: Environment Agency,

PROPOSAL: Planning Permission - Donna Nook managed realignments scheme which includes the construction and operation of a flood defence embankment 6.0 metres in height (AOD), removal of tidal sluice, existing flood banks and associated infrastructure to create a breach in the existing defence embankment, change of use of existing agricultural land seawards of the new embankment to form wildlife habitats, including the creation of intertidal habitat, islands and creeks, reduction in the land levels, refurbishment of existing Porter's sluice pumping station to include a surge chamber and pipework, construction of 3no. new head walls, construction of a temporary construction site compound to include handling areas, storage area for plant and materials, portable site offices, welfare facilities and car parking, enclosed by a fence 2.0 metres in height, provision of 6no. temporary satellite compounds across site, construction of an embankment 6.0 metres in height to tie into existing sand dunes, construction of a new car park with existing car park to be removed, construction of a temporary access road to site compound and construction of replacement paths.

LOCATION: LAND AT, MARSH LANE, NORTH SOMERCOTES

In accordance with Regulation 21 of the above mentioned Regulations please note that the above mentioned application was determined as follows:

DATE OF DECISION: 08 July 2011

DECISION: Approve subject to the following condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No works shall begin on site to form the actual breach in the existing flood defence embankment until a timetable for the implementation of the widening of Marsh Lane based on the plans originally submitted to the Local Planning Authority on 26 March 2010 and referred to in the Statement of Common Ground: Highways (consecutive plan numbers 890-01-GA03-1 to 890-01-GA03-9) (the date of which must be before the breach works are completed) have been submitted to and approved in writing by the Local Planning Authority. The approved works must then be carried out in their entirety in accordance with the approved timetable.

Reason: To ensure that Marsh Lane is improved to a satisfactory standard before visitors start to visit the new area of inter-tidal habitat in order to comply with Policy TR3 in the East Lindsey Local Plan Alteration 1999.

3. The replacement public car park must be provided on site in accordance with the approved details before the old car park is removed and car parking for the public must be maintained at all times to the satisfaction of the Local Planning Authority.

Reasons: To ensure adequate car parking is available to prevent on-street car parking which would inhibit the safe and free flow of vehicles in accordance with Policy TR3 in the East Lindsey Local Plan Alteration 1999.

4. The refurbishment of the Porter's Sluice Pumping Station must be completed to the satisfaction of the Local Planning Authority before the new flood embankment is constructed on site.

Reason: In order to prevent flooding in accordance with Policy ENV3 in the East Lindsey Local Plan Alteration 1999 and with Policy 35 in the East Midlands Regional Plan 2009.

5. The new flood embankment hereby approved must be built in accordance with the approved plans with materials taken from within the site unless otherwise agreed in writing with the Local Planning Authority and the works to provide the new embankment must be completed before the existing flood embankment is breached.

Reason: In order to prevent flooding, in the interests of keeping vehicular traffic within the area to a minimum and in the interests of residential amenities of those who live alongside Marsh Lane. This condition is imposed in accordance with Policies A4, ENV3 and TR3 in the East Lindsey Local Plan Alteration 1999, Policy 35 in the East Midlands Regional Plan 2009 and Planning Policy Statement 25 - Development and Flood Risk.

6. There must be no works carried out on site between the hours of 7pm and 7am or on a Saturday or Sunday nor must there be any deliveries brought to or from the site other than between the hours of 8am to 5.30pm Monday to Friday.

Reason: In the interests of the protection of the residential amenities of those living in the area, particularly the residents of Stonebridge Cottages and to comply with Policy A4 in the East Lindsey Local Plan Alteration 1999.

7. There must be no tonal reversing beepers used on any construction vehicle operating on the application site with health and safety concerns dealt with in an alternative manner.

Reason: In the interests of the residential amenities of those living in the area and in the interests of those visiting the area. This condition is imposed in accordance with Policy A4 in the East Lindsey Local Plan Alteration 1999.

8. There must be no hides, toilets or other buildings erected anywhere within the application site unless the subject of a planning application which has been submitted to and approved by the Local Planning Authority. No interpretation/information boards shall be displayed on site until details of their size, design, position and materials have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the attraction of the site to visiting members of the public is controlled due to the size of the car park, the restricted width of Marsh Lane and the general noise and disturbance to residents of North Somercotes and Donna Nook. This condition is imposed in order to comply with Policies A4 and TR3 in the East Lindsey Local Plan Alteration 1999.

9. Public Footpath 18 must be formally diverted along the top of the new embankment and the necessary works carried out on site to allow this to take place before the existing public footpath is closed. The proposed permissive path must be provided before the breach in the existing flood embankment is created and details of measures to be taken to prevent that section of the historic embankment close to Stonebridge Cottages from being used by visiting members of the public must be submitted to and approved in writing by the Local Planning Authority before the breach in the existing flood defence is formed. The development must proceed in accordance with the approved measures.

Reason: In the interests of the provision of footpaths for use by the public and to prevent problems of overlooking for the occupants of Stonebridge Cottages in accordance with Policies A4 and TR3 in the East Lindsey Local Plan Alteration 1999 and Policies 45 and 46 in the East Midlands Regional Plan 2009.

10. Before the commencement of the development hereby permitted, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development is adequately landscaped in the interests of the visual amenity of the area in which it is set. This condition is imposed in accordance with Policies A5 and C14 of the East Lindsey Local Plan Alteration 1999 and Planning Policy Statement 9 - Biodiversity and Geological Conservation.

11. Within 6 months of commencement of development on site a Monitoring and Management Strategy for the site shall be submitted to the Local Planning Authority for approval. This shall include arrangements to monitor accretion, deposition, ground levels, vegetation/saltmarsh; benthic invertebrates, birds and fish and unless otherwise agreed in writing with the Local Planning Authority the methods of data collection shall be compatible with the Monitoring Strategies at the Paull Home Strays and Alkborough Flats re-alignment schemes to enable comparisons to be made. Once approved the Monitoring and Management Strategy must be undertaken in their entirety to the satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of nature conservation in accordance with Planning Policy Statement 9 - Biodiversity and Geological Conservation, Policy ENV20 in the East Lindsey Local Plan Alteration 1999 and Policies 26 and 29 in the East Midlands Regional Plan 2009.

12. Ecological mitigation measures shall be undertaken in accordance with the details as set out in the Environmental Statement submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect wildlife in accordance with Planning Policy Statement 9 - Biodiversity and Geological Conservation, the Protection of Badgers Act 1992 and Policies 26 and 29 in the East Midlands Regional Plan 2009.

13. No works shall be carried out on site during the bird over-wintering and seal breeding season (1st October to 30 April) unless otherwise agreed in writing with the Local Planning Authority (who may seek the views of Natural England).

Reason: In order to protect birds and grey seals that use the Humber Estuary and surrounding land during the winter period from disturbance: over-wintering birds and grey seals being one of the feature interests for which the Humber Estuary is specifically protected under UK and European law. This condition is imposed in compliance with Planning Policy Statement 9 - Biodiversity and Geological Conservation and Policies 26 and 29 in the East Midlands Regional Plan 2009. This condition is also imposed in the interests of highway and pedestrian safety and residential amenity particularly for the occupants of Stonebridge Cottages in line with Policies TR3 and A4 in the East Lindsey Local Plan Alteration 1999.

14. No works shall be carried out on site until a scheme for the mitigation and monitoring of over-wintering birds, particularly Brent Geese, who currently forage and roost on the application site must be submitted to and approved in writing by the Local Planning Authority. The approved mitigation and monitoring scheme must be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure satisfactory alternative provision is made for foraging and roosting birds who are to be displaced from the application site: many of the birds being species for which the Humber Estuary Natura 2000 site is specifically noted. This condition is imposed in relation to Planning Policy Statement 9 - Biodiversity and Geological Conservation.

15. No works shall begin on site until the roads between Stonebridge car park and the A1031 all in North Somercotes and Donna Nook have been condition audited. The roads must be condition audited again once construction works have been completed on site. The roads must then be repaired in accordance with details to be first agreed in writing with the Local Planning Authority within 2 months of the date of the final audit unless otherwise agreed in writing with the Local Planning Authority. If the construction works take place in 2 separate phases the condition auditing and the repair works must be undertaken after each phase of works.

Reason: In the interests of highway safety and to comply with Policy TR3 in the East Lindsey Local Plan Alteration 1999.

16. Before the development hereby permitted is commenced on site a scheme of archaeological recording of the earthworks relating to Pye's Hall (which should take the form of an interpretation panel) must be submitted to the Local Planning Authority for approval in writing. The interpretation panel must be provided on site in full accordance with the approved scheme before the breach works take place and must thereafter be so maintained unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure a site of local archaeological importance is fully recorded in line with Policies 26 and 27 in the East Midlands Regional Plan and with Planning Policy Statement 5 - Planning for the Historic Environment.

The documents can be inspected free of charge during the working hours of 8.45a.m. - 5.00p.m. Monday - Friday at Department of Planning and Built Environment, East Lindsey District Council, Tedder Hall, Manby Park, LOUTH, Lincolnshire. LN11 8UP

20-07-2011