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Our ref: 40b – Planning Conformity/Final Responses/NE Lincs Mixed Use Industrial Park, Immingham, Oct 07

29 October 2007

Phil Wallis  
Development Control Manager  
North East Lincolnshire Council  
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Knoll Street  
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North East Lincolnshire  
DN35 8LN

Dear Phil

**Planning Application Number: DC/730/07/IMM**

**Outline application with access and layout details for mixed B1, B2, B8 industrial park with ancillary A3, A4, A5 units at Land at Queens Road, North of Europa Way, Immingham.**

The Assembly, as the Regional Planning Body, has been asked to comment on this development as its nature and location mean that it could have an effect on the implementation of the Regional Spatial Strategy (RSS). The current RSS for Yorkshire and Humber (based on the Selective Review of RPG12) was issued by the Secretary of State in December 2004. The RSS has the status of a Development Plan Document and forms part of the framework for decisions taken under section 38 of the Planning and Compulsory Purchase Act (2004), which means that decisions on all applications have to be taken in accordance with the Development Plan unless other material considerations indicate otherwise.

The Planning and Compulsory Purchase Act (2004) and Circular 08/2005 make it clear that a draft RSS submitted to the Secretary of State is a relevant regional policy against which strategic applications can be considered. This Assembly response therefore also highlights relevant issues that arise from the Yorkshire and Humber Plan (draft RSS) December 2005 – the RSS submitted to the Secretary of State.

Please note that the Secretary of State's Proposed Changes to Draft RSS have now been published (September 2007). Government guidance (paragraph 4.19 in PPS12) states: "Where the regional spatial strategy...has been through an Examination in Public, and the proposed changes have been published, considerable weight may be attached to that strategy because of the strong possibility that it will be published in that form by the Secretary of State".

Assembly responses to consultations on strategic applications will therefore have to make it clear how the Proposed Changes impact on the policies quoted and to point out to local authorities that 'considerable weight' will need to be attached to them by the decision-making body and by Inspectors at Examinations of DPDs and application Inquiries. At the same time, it should be noted that the Assembly itself will be making comments on the Proposed Changes and that the final version of the new RSS is expected early in 2008.

Both the existing and draft Regional Spatial Strategies aim to achieve a more sustainable pattern and form of development, investment and activity across the region, putting a greater emphasis on matching needs across the region with opportunities and managing the environment as a key resource. There is a particular emphasis on achieving the regeneration and renaissance of the region's city and town centres by making them the focus for housing, employment, shopping, leisure, education, health and cultural activities and facilities in the region (for example Policy P1, existing RSS, December 2004 and Policy YH5, Draft RSS, December 2005).

In seeking the implementation of these policies across the region, the Assembly therefore offers the following comments on the proposed development of a mixed use Industrial Park in Immingham.

The proposed development does raise a number of issues for the implementation of the RSS that need to be considered. The most significant of these are in relation to the proposed location of the development given its scale and nature.

### *Regional Policy Context*

Policies in the current RSS (December 2004) seek to focus development on the region's town and city centres, reduce the need to travel, ensure that development is accessible by a range of transport modes and support the renaissance and regeneration of the region's urban centres by promoting high quality developments that reflect the scale and character of the centres to which they relate (see, for example, policies P1, S4, E1, SOC3, T1, T2).

Policies in draft RSS (December 2005) build on these principles. The Core Approach (Policies YH1 – YH9) makes it clear that most new development, and high trip generating uses, should be focused on Regional and Sub-Regional Centres and that away from these sufficient development should be permitted in Principal Service Centres to enable them to fulfil their role as service centres (Policy YH8 building on policies YH5, YH6 and YH7 and Policies E2 and T1).

It should be noted that Secretary of State's Proposed Changes to draft RSS (2007) replaces the terms "Regional Centres" with "Regional Cities", "Sub Regional Centres" with "Sub Regional Cities and Towns" and "Principal Service Centres" with "Principal Towns". The Core Approach of draft RSS is not changed by the Proposed Changes.

#### *Location of development*

The proposed development is located to the south east of Immingham town. Policies P1 and E4 of current RSS and YH8 of draft RSS provide for an urban-focussed, transport-orientated approach to development. Policies P1 (b) and E4 (a) of current RSS state that, wherever possible, in considering development proposals preference should be given to land within urban areas.

The North East Lincolnshire Core Strategy Preferred Options states that Immingham will function as a Principal Service Centre. However, the Assembly considered that this was not backed up by a local evidence base, which clearly differentiated its role/potential from other settlements. Immingham is not identified as a Principal Service Centre in the draft RSS (2005). Policy YH5 of draft RSS (2005) states that Principal Service Centres should be the main local focus for housing, employment, shopping, leisure, education, health and cultural activities and facilities.

It should be noted that the Secretary of State's Proposed Changes to draft RSS (2007) recommends changes to Policy YH5. It is suggested that LDFs may exceptionally include other Principal Towns to those identified in draft RSS (2005) providing that they are consistent with the Plan's Core Approach and meet set criteria. The Assembly assumes that North East Lincolnshire will wish to see Immingham developed as a Principal Town within this regional policy context and will put forward the evidence to support this as it develops its Core Strategy.

Policy P1 in current RSS (2004) requires a sequential approach to site selection. YH8B of draft RSS (2005) also makes it clear that a sequential approach should be taken in determining applications to ensure that developments are either reusing land or buildings within centres, infilling sites within centres or are sites that are well connected on public transport routes and that can maximise accessibility by public transport, walking and cycling. Policy YH8C requires a transport-orientated approach to ensure that development makes the best use of transport infrastructure, is focussed along existing or planned public transport corridors and maximises accessibility by public transport, walking and cycling. It is not clear that a sequential approach to alternative site selection has been carried out.

It should be noted that the Secretary of State's Proposed Changes to draft RSS (2007) recommends changes to Policy YH8. These do not alter the Core Approach or change the site selection/accessibility orientated approach set out above.

### *Proposed Uses*

The proposed development consists of industrial and warehouse use class B1, B2 and B8 with ancillary offices. Policy E4 of current RSS (2004) states that "offices should be located in town and city centres" and Policy E2 of draft RSS (2005) reinforces these principles by stating, "city and town centres will be the main focus for office...and other uses which generate a high level of people movements" (for example B1 uses). These uses should not be located outside these centres if they would undermine the delivery of the Plan's Core Approach (YH1-YH8)". Policy E3 of draft RSS (2005) further reinforces that office use should mainly be located in or adjacent to town or city centres. The Assembly would not have concerns if the B1 office use is ancillary to the development.

It should be noted that the Secretary of State's Proposed Changes to draft RSS (2007) does not alter the policy context of Policy E2.

Policy E4 of current RSS (2004) states that provision for warehousing and distribution "should be made for activities with high goods volume and low labour content close to major inter-regional road/rail/water transport nodes, ports and airports, integrated wherever possible with freight access and transport improvements." Policy T4 current RSS (2004) seeks to locate development which generate high levels of freight and commercial traffic closest to intermodal freight facilities, rail freight facilities, ports and wharves or roads designed and managed as traffic distributors.

It should be noted that Secretary of State's Proposed Changes to draft RSS (2007) recommends changes to Policy E4 of draft RSS (2005) to provide for plans, strategies, investment decisions and programmes to support key sectors including Financial and Business Services; Tourism; Logistics; and Construction, and regional priority clusters including Advanced Engineering and Metals; Chemicals; Bio-Science; Digital; Food and Drink; Healthcare Technologies; and Environmental Technologies.

It should be noted that the Secretary of State's Proposed Changes to draft RSS (2007) does not alter the policy context of Policy T4.

Both current and draft RSS promote the development of port-related activities in locations associated with the Humber Ports. Policy HE1 of draft RSS (2005) seeks to diversify and develop the Humber Estuary sub area's economy, making the most of the multimodal transport links, ports, cities and town centres.

It should be noted that the Secretary of State's Proposed Changes to draft RSS (2007) recommends that Policy HE1 B fosters value-added port-related activities and maximises opportunities around the ports and close to the estuary's deep water channel including through safeguarding land north west and south east of Immingham for estuary-related uses.

### *Employment Land Review*

Policy E3 of draft RSS (2005) states that all plans, strategies, and programmes in the Region should seek to support the availability of sufficient land in sustainable locations to meet the needs of a modern economy. Policy E3 requires that the pattern and scale of provision of allocated employment land should be determined by local employment land reviews, which take account of the forecast change and spatial context set out in draft RSS (2005).

Table 14.8 in draft RSS (2005) provides spatial guidance on the future development patterns for employment development in each local authority area. The spatial guidance for the Humber/Estuary related area recognises that "all of the Humber Districts will need to ensure that their employment land portfolio offer seeks to capitalise on opportunities from the Humber Ports HTZ and the port logistic cluster. Large estuary related sites will need to be reserved for specific port/estuary related development." In quantitative terms Table 14.6 in draft RSS (2005) sets out a net change of total employment land of between -28 to 0 ha of total employment land in the North East Lincolnshire District between 2006-2016 (this allows for loss of employment land to other uses and gains through allocations/new uses).

It should be noted that Table 14.8 has been deleted in the Secretary of State's Proposed Changes to draft RSS (2007) and Table 14.6 has been modified. The Proposed Changes has also inserted Table 14.7A, which sets out the potential annual job growth from 2006 by different land uses. In North East Lincolnshire the potential job growth for Industry (B1b/B2) is forecasted at -20 and is 40 for Storage/Distribution (B8).

### *Accessibility*

Ensuring the accessibility of development by non-car modes is a key principle of regional planning policy. The proposal is a high-trip generating development and it is essential that access by non-car modes to the site is a reality. Accessibility criteria are set out in both the current and draft RSS (Table 7.1 and 7.2 of current RSS and Table 16.8 and 16.9 of draft RSS). These tables include acceptable walking and overall journey times for the population that would be travelling to the site. It should be noted that the Secretary of State's Proposed Changes to draft RSS (2007) makes no recommendations with regard to these criteria.

It is not clear from the application whether or not an assessment against the accessibility criteria has been carried out.

### *Car Parking*

Policy T2 of the draft RSS states that the maximum parking standards for new developments must be in line with Table 16.5. There is not sufficient detail provided with the application to assess whether this be the case.

It should be noted that the Secretary of State's Proposed Changes to draft RSS (2007) makes no recommendations with regard to these criteria.

### *Renewable Energy*

The sustainable use of resources is a key theme of both current and draft RSS. Policy P6 of current RSS encourages new development to maximise energy efficiency and minimise resource demand. Policy ENV5 of draft RSS (December 2005) requires at least 10% of energy to be used in sizeable new development is to come from on-site renewable energy sources.

It should be note that the Secretary of State's Proposed Changes to draft RSS (2007) recommends that local authorities should set their own proportions of the amount of energy to come from local renewable sources.

### *Flood Risk*

The site is within a 4 km coastal strip, which is at risk of flooding. The applicant has carried out a Flood Risk Assessment and following further discussions with the Environment Agency flood mitigation methods were proposed. Policies R2 of current RSS and ENV1 of draft RSS state that development in high flood risk areas should be avoided. These policies also recognise the important role of strategic flood risk assessments in managing flood risk. The outcomes of the recent Strategic Flood Risk Assessment for North Lincolnshire and North East Lincolnshire will need to be considered by the Local Authority in their assessment of the application.

It should be noted that the Secretary of State's Proposed Changes to draft RSS (2007) recommends minor wording changes to ENV1 and relates mainly to the need for stronger protection of areas at risk from tidal flooding.

### *Landscape*

The site lies in the south-eastern corner of the Humber Estuary Landscape Character Area 41. The former gypsum lagoon together with all land south west to the A1173 and beyond is allocated within the South Humber Bank Landscape Area. Policy N3 of current RSS (2004) states that the quality, diversity, and local distinctiveness of landscape character throughout the region should be protected and enhanced. Policy ENV10 of draft RSS (2005) states that the Region will safeguard and enhance landscapes that contribute to the distinctiveness and character of Yorkshire and Humber. Development strategies, plans and decisions will maintain and enhance the coastal landscapes of the East Coast and the Humber.

It should be noted that the Secretary of State's Proposed Changes to draft RSS (2007) does not alter the policy approach of Policy ENV10.

### *Humber SPA*

The Regional Appropriate Assessment identifies this site as being a Special Protection Area. Policy N1 of current RSS seeks to protect internationally important sites from direct or indirect damage and Policy ENV8 of draft RSS states that the Region will safeguard and enhance biodiversity and geological heritage, ensuring that the natural environment functions as an integrated network of habitats.

It should be noted that the Secretary of State's Proposed Changes to draft RSS (2007) does not alter the policy approach of Policy ENV8.

Policy HE1 C of draft RSS states that the biodiversity and landscape character of the Humber Estuary will be protected and enhanced. The Secretary of State's Proposed Changes to draft RSS (2007) adds to this stating, "and protect the integrity of the internationally important biodiversity sites".

The local authority should determine whether an Appropriate Assessment needs to be carried out.

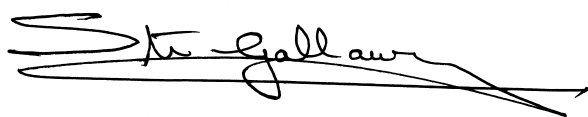
## **Conclusions**

Given the issues set out above, the Assembly offers the following comments that the local authority should take into account in considering this application:

- The local authority should be confident that the need for the site and its location fits within an overall assessment of the demand of employment land in the District.
- A sequential approach to site selection should be followed.
- The B1 office use should be ancillary to the development.
- There should be adequate public transport provision and provision for walking and cycling to meet the accessibility criteria of current and draft RSS.
- A proportion of the energy to be used in the development should come from on-site renewable energy sources.
- The outcomes of the recent Strategic Flood Risk Assessment for North Lincolnshire and North East Lincolnshire will need to be considered by the Local Authority in their assessment of the application.
- Parking standards should be in line with current and draft RSS.
- The landscape character of the area should not be adversely affected by the proposal.
- The local authority should clarify if an Appropriate Assessment is required to protect the SPA.

If you have any queries about these points, please do not hesitate to contact Jenny Poxon on 01924 331601.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Galloway', with a long horizontal flourish extending to the right.

Stephen Galloway  
Chair, Regional Planning Board  
Yorkshire and Humber Assembly