
Appeal Decision

Site visit made on 10 December 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal Ref: APP/Y2003/W/19/3237813

Land North West of Warehouse 9, Lancaster Approach, North Killingholme, Immingham DN40 3JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jonathan Nuttall, Salfina Ltd against the decision of North Lincolnshire Council.
 - The application Ref PA/2018/1125, dated 11 June 2018, was refused by notice dated 4 April 2019.
 - The development proposed is 170,000 tonnes of road gritting salt for Highways England strategic winter resilience programmes. Stockpiled to a maximum of 10m high on a specially prepared sub base and covered with waterproof sheeting.
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Decision

1. The appeal is allowed and planning permission is granted for 170,000 tonnes of road gritting salt for Highways England strategic winter resilience programmes. Stockpiled to a maximum of 10m high on a specially prepared sub base and covered with waterproof sheeting at Land North West of Warehouse 9, Lancaster Approach, North Killingholme, Immingham DN40 3JY in accordance with the terms of the application, Ref PA/2018/1125, dated 11 June 2018, subject to the conditions in the attached Schedule.

Procedural Matter

2. I have used the description of development from the Appeal form in the above heading in the interests of brevity. However, I have had regard to the longer description provided on the original application form.

Main Issue

3. The main issue is the effect of the storage of road gritting salt on the local environmental conditions, particularly the surrounding watercourses and groundwater.

Reasons

4. The appeal site comprises an area of hardstanding adjacent to Warehouse 9. It is within an existing industrial area. The road gritting salt is already on the site and is covered by secured waterproof sheeting. Access to the site is via a barrier-controlled track road and the site is fenced off with a locked gate. The wider area comprises a number of warehouse buildings as well as office

- buildings and haulage yards. Adjacent to the site to the north is open, agricultural land. There are also some houses and farms in the vicinity.
5. The Council have raised concerns that the information supplied does not adequately demonstrate that there would be no adverse effects on the water courses and groundwater of the surrounding area or that any impacts could be sufficiently mitigated.
 6. The Appellant prepared a Risk Assessment and Concept Mitigation Design Report – Ref SLF1000/03 dated November 2018. This report considered the in-depth geology and hydrogeology of the site, as well as the proposed mitigation and environmental impacts of the salt stockpile. The findings of the report identify that the downward percolation of contaminants from the stockpile is significantly limited by the existing clay rich till composition. In terms of contamination of groundwaters, subject to the recommended mitigation measures, the report concludes that the residual risk would be very low in terms of magnitude and would be low for surface waters.
 7. The salt stockpile has already been fully covered by waterproof sheeting which appeared to be secure and in good condition at the time of my visit. The Appellant has confirmed that the sheeting would be serviced quarterly and offers a minimum 5-year UV lifespan.
 8. I have had regard to the comments of the Environment Agency who consider that the necessary mitigation measures could be adequately secured by condition, within a three-month timeframe, and I have also had regard to the comments from the Drainage Board. I also note that the Environment Agency state that they have not been aware of any pollution incidents being reported in relation to the appeal site.
 9. I have considered the objections received from local residents raising concerns over the impacts on the Skitter Beck and East Halton Beck, management of saline run off during the importing and exporting of salt from the site, effectiveness of the bund, the use of interceptors and holding tanks, and impacts on biodiversity. These matters can be adequately dealt with through the Council's suggested conditions.
 10. I have had regard to the concerns of the members of the Planning Committee and local residents, however I have little evidence before me that would lead me to conclude that the retention of the salt stockpile would be harmful to the local water courses and groundwater. Accordingly, from the information provided, and having regard to the comments of the statutory consultees, I find that it has been sufficiently demonstrated that the retention of the salt stockpile would not result in harm to the surrounding watercourses and groundwater in terms of contamination from pollutants. The mitigation measures and further investigations can be reasonably secured by conditions to ensure that the appeal site is maintained as per the recommendations of the submitted report (SLF1000/03).
 11. The development therefore complies with the requirements of Policies DS1 and DS11 of the North Lincolnshire Local Plan (2003). Collectively, these require development to demonstrate that the levels of potentially polluting emissions do not pose a danger, result in land contamination, pose a threat to current and future surface or underground water resources or create adverse environmental conditions, amongst other things.

Other Matters

12. I note the concerns of the Appellant over procedural matters concerning consultation on documents and declarations at the Planning Committee. However, these are matters to be raised directly with the Council and are not matters for me to conclude upon.

Conditions

13. The road gritting salt is already present on site therefore the standard time limit condition is not necessary. The Council have suggested a number of conditions which I have considered against the advice contained within the Planning Practice Guidance.
14. I have imposed a condition listing the approved plans as this provides certainty. Conditions for an operational plan, a salt management plan and restriction on the level and height of salt stored on the site are necessary in the interests of protecting the nearby watercourses and local residents from pollution. Conditions for a biodiversity management plan and its implementation are necessary to conserve and enhance local biodiversity.

Conclusion

15. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers SF/001/18 (Block Plan); SF/003/18 (Cross Section), Site Location Plan and Risk Assessment and Concept Mitigation Design Report – Ref SLF1000/03 dated November 2018 prepared by Sirius Environmental Limited.
- 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:
 - a) 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;
 - b) 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;
 - c) maintenance/replacement of the sheeting and bund;
 - d) how contaminated run-off will be dealt with, for example via a SuDS system.The plan shall thereafter be implemented as approved.
- 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.
- 4) There shall be no more than 170,000 tonnes of road salt stored on the site and its height shall not exceed 10 metres above ground level.
- 5) Within three months of the date of this permission, a biodiversity management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include:
 - a) details of measures to avoid harm to badgers and Great Crested Newts;
 - b) prescriptions for the planning and aftercare of native trees and shrubs of high biodiversity value;
 - c) proposed timings for the above works.
- 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 agreed in writing by the local planning authority. Within 12 months of the date of this 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.