

Lincolnshire County Council
Economic Development
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Waterside South
Lincoln
LN5 7JN

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TOWN AND COUNTRY PLANNING ACT 1990 FULL PLANNING PERMISSION

Reference: H18-0883-15 **Date of Decision:** 12th January 2016

Applicant: Lincolnshire County Council
Economic Development
Unit 4, Witham Park House
Waterside South
Lincoln
LN5 7JN

Location: West Bank Sutton Bridge Spalding

Description: The development of a commercial and leisure marina to include the installation of 110m of new commercial moorings pontoons and 60m of leisure mooring pontoons plus the retention of an existing refuelling pontoon (with the potential to extend the commercial and leisure moorings by a further 152m at a later date).

South Holland District Council hereby give notice that this application has been GRANTED (or equivalent) 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: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan (1:6377).
Dwg. No's: MC0120001/01/9101, P12210E and P12211E.
Sutton Bridge Marina Design and Access Statement.
Flood Risk Assessment (prepared by BWB Consulting ref: NTW/484/FRA/Rev B, dated 15

June 2015).

Habitat and Protected Species Survey (prepared by ESL, dated July 2015).

Assessment of the Potential for Impact on Natura 2000 Sites (prepared by ESL, dated July 2015).

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

- 3 Prior to the commencement of development there shall be submitted to and approved in writing by the Local Planning Authority the following:
- Details of the materials of construction and appearance of the moorings and associated structures and buildings, and all associated walls, fences and illumination.
 - Details of surfacing materials and construction of car parking and walkways.
 - Details and drawings including sections of all works to the river embankment.
- The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory development.

This Conditions is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006.

- 4 Before the development is brought into use the parking areas shall be provided with lighting in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of crime reduction, reducing the fear of crime for users and visitors and the general community.

This Conditions is imposed in accordance with Policy SG15 and SG16 of the South Holland Local Plan 2006.

- 5 If vibration piling is to be used then no restrictions are necessary. However, all hammer piling must be undertaken at low tide, OR if construction takes place at higher states of tide in particular during sensitive pupping and moulting period between June and August (inclusive), as per the outlined programme of works, then a qualified marine mammal observer should be present to ensure that no seals are present within 500m of works 30 min prior to each individual pile event.

NB: If a seal enters the area during the piling of its own volition then piling can continue.

Reason: Removes adverse effect on integrity on the Wash & North Norfolk Coast SAC Annex II

feature, Harbour seal.

This Conditions is imposed in accordance with national guidance, contained in Section 11 of the National Planning Policy Framework, 2012.

- 6 All decommission and construction activities must only occur during April and September of any given year, OR an Ecological Clerk of Works must be present during all construction and decommissioning activities to monitor direct disturbance to flocks of roosting SPA birds or supporting habitats, and if disturbance reaches a pre-determined threshold (to be agreed with NE) then works will cease.

NB: this includes monitoring the possible creation of sediment plumes and movement up

or downstream to sensitive habitats

Reason: To ensure that any impacts are within acceptable levels to remove any adverse effect on integrity of the site from the disturbance to migratory and over wintering SPA birds.

This Condition is imposed in accordance with national guidance, contained in Section 11 of the National Planning Policy Framework, 2012.

- 7 Prior to the decommissioning the Drake's Towage and fuel tanks a pollution contingency plan should be provided in relation to the proposed decommissioning of existing infrastructure, the construction of current proposals and the ongoing use of the fuel pontoon.

Reason: To ensure that there will be no additional release of pollutants into the environment.

This Condition is imposed in accordance with national guidance, contained in Section 11 of the National Planning Policy Framework, 2012.

- 8 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment prepared by BWB Consulting (ref: NTW/484/FRA/Rev B, dated 15 June 2015) and in particular the following mitigation measures:
- The mooring shall be for leisure and commercial use only.
 - Mooring that are secured to the supporting structure shall be able to float up to a level of 6.35m AOD.
 - Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
 - A flood warning and evacuation plan shall be prepared for the development.
 - Wisbech Port Authority shall be responsible for the management of the marina.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

This Condition is imposed in accordance with national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Attention is drawn to the contents of the response from Natural England dated 14th December 2015 and the advice contained within in it.

Paul Jackson



Place Manager
South Holland District Council

BUILDING REGULATIONS:

This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice OR the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

<http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

The Secretary of State can allow a longer period for giving notice of an appeal but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

<http://www.planningportal.gov.uk/planning/appeals/planningappeals>

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.