

DELEGATED

AGENDA NO.9

REPORT TO PLANNING COMMITTEE

DATE: 25 April 2007

REPORT OF THE CORPORATE
DIRECTOR, DEVELOPMENT AND
NEIGHBOURHOOD SERVICES

07/0388/FUL

Application under Section 36 of the Electricity Act 1989 for consent to construct and operate a natural gas fired combined cycle gas turbine power station and associated substation

Land At Seal Sands, Stockton-On-Tees,

Expiry Date 22.05.2007

UPDATE REPORT

Since the report was prepared a further representation have been received.

Stephen Harrison of 85 Nut Lane, Middlesbrough by emails asks, "what will be the impact on the wildlife of the Tees valley of this development. This area is a rare and vital breeding area for wildlife and I suspect the adverse impact of this development will be immense."

The Department Trade & Industry (DTI) has also forwarded for information responses it has directly received some of which (from One Northeast, Teesmouth Bird Club and RSPB) have been copied by the author to this authority and their comments set out in the main report. Additional comments from other persons and bodies are:

- Graham Walters of 84 Knole Road, Billingham objects to the proposal on grounds of the close proximity of the proposals to an area where wild birds live and breed and has great concerns that the proposals will have a dramatic effect on an area where great numbers of resident and migratory birds spend feeding, roosting and breeding.
- The Directorate of Air Space Policy of the Civil Aviation Authority raises two issues.
 - Potential navigational hazard from the fume stacks and that aviation obstruction lighting may potentially be needed unless negated by existing nearby taller structures. MoD and local aerodrome need to be consulted
 - Flaring and venting of gas from stacks could constitute a potential danger from over flying aircraft igniting the vented gas

- Defence Estates Safeguarding (an agency of the MoD) comments that the site is outside of Ministry of Defence safeguarding areas and confirms therefore that it has no objections to the proposal.
- Health and Safety Executive comments there is no reason on health and safety grounds why the development should not go ahead.

The ornithological concerns raised by Tees Valley residents have already been covered in the main report.

The only other issue to note is the concern raised by the Directorate of Air Space Policy about the exhaust stacks. These are indicated as 75m, which is below the height (90m) necessary for a formal consultation to Durham Tees Valley Airport. Furthermore it is understood there are existing stacks in Seal Sands higher than those now proposed. With regard to the safety concern of vented gases being ignited by passing aircraft, that is a matter for the DTI to consider. However, given the number of stacks located in the Seal Sands area, any such danger should be well known to aviation operators.

Consequently, it not considered necessary to amend the original recommendation, which remains that no objection to the proposal be made.

RECOMMENDATION

It is recommended that the Secretary of State for Trade and Industry be informed that Stockton on Tees Borough Council as the Local Planning Authority has no objection to the development subject to the imposition of appropriate planning controls in respect of the following matters:

- ***No development shall commence until all the conditions precedent attached to permission 01/2203/P have been discharged to Local Planning Authority's satisfaction.***
- ***The relevant requirements of the section 106 agreement accompanying permission 01/2203/P have been met***
- ***Development to be carried out in full accordance with the mitigation measures specified in the Environmental Statement accompanying the application.***
- ***Conditions are attached in respect of agreement over finishing materials for plant and buildings; travel survey of employees mode of transport carried out within 3 months of the site becoming operational; means of enclosure; method of piling; bird monitoring, plant noise protection measures and surface treatment***

Director of Neighbourhood Services and Development

Contact Officer: Peter Whaley - Telephone No. 01642 526061

Financial Implications:

None

Environmental Implications:

See report

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications

None

Background Papers:

Application files: 01/2203/P, 02/1609/P & 07/0388/FUL

Ward and Ward Councillors:

Ward	Billingham South
Ward Councillors	Councillors M Smith and Mrs J O'Donnell