

DELEGATED

AGENDA NO.

REPORT TO PLANNING COMMITTEE

DATE: 18TH July 2007

**REPORT OF THE CORPORATE
DIRECTOR OF DEVELOPMENT AND
NEIGHBOURHOOD SERVICES**

07/1054/ARC

**Application under Section 73 to vary condition no. 1 of planning approval
00/0026/P (Extension to existing Energy to Waste Plant)**

Teesside Energy from Waste Plant, Haverton Hill Road, Billingham

Expiry date: 2nd August 2007

Summary

Planning permission for an extension to the rear of the existing Energy from Waste plant at Billingham was granted in 2000 to provide additional capacity (50%) to incinerate household waste and recover the energy (10 MW) for supply to the National Grid (Application No 00/0026/P). An amendment to the approved plan to provide for a minor extension to the waste reception bunker and tipping floor was approved in January 2005 (application No 05/3135/FUL).

Work on the site has started in order to implement those permissions, but the applicant now wishes to make some further changes. This follows from the procurement exercise and the type of plant the applicant wishes to install which now requires the turbine hall to be extended. Other changes include relocation of external flue gas duct; changes to the air-cooled condensers; repositioning of doorways and an extension in height to the grab hall. These changes require the two previous permissions to be varied and applications 07/1054/ARC and 07/1058/ARC have been submitted seeking approval for the works.

The changes are relatively minor, all at the rear of the plant and largely hidden from view and will allow for the more efficient operation of the plant. They will not increase the waste treatment capacity of the site or the quantities of waste received by the facility. The design matches the existing plant, previously consented extensions and will not increase traffic in the area. Accordingly, the scheme shown on application 07/1054/ARC is considered satisfactory and will not give rise to any additional environmental concerns.

RECOMMENDATIONS

It is recommended that the application be approved subject to the following conditions:

- 1. The development hereby approved shall be carried out in accordance with the following approved plans or as otherwise may be subsequently agreed in writing with the Local Planning authority:***

***Drawing numbers: TWTEP4-0307-01; TV/L3/04 Rev 0; TV/L3/02a Rev a;
TV/L3/03 Rev 0; TV/L3/02 Rev 0; TV/L3/05a Rev 0; TV/L3/04a Rev 0;
TV/L3/05 Rev 0; TV/L3/03A Rev a TV/L3/01a Rev a***

Reason: To define the consent

- 2. The types of waste to be incinerated in the extension to the Energy from Waste plant hereby approved shall only be those wastes defined as Municipal Wastes defined in EC directive 89/369/EEC unless the prior approval for a variation is obtained in writing from the Local Planning Authority.***

Reason: To define the permission for the avoidance of doubt and in the interests of protecting local amenities.

- 3. Deliveries of waste authorised by this permission shall only take place between the hours of 0700 and 1900 Monday to Friday and 0700 and 1400 hours Saturday with no working allowed on Sundays or Public/Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.***

Reason: In the interests of residential amenity.

- 4. The final design for the extension and alteration to the air-cooled condensers hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.***

Reason: To reserve the rights of the Local Planning Authority with regard to these matters.

- 5. Details of a scheme in accordance with BS5837, Trees in relation to construction 2005 to protect the existing trees belt immediately to the west of the development hereby approved, shall be provided to the satisfaction of the Local Planning Authority. Such a scheme shall include details of a protective fence of appropriate specification extending three metres beyond the perimeter of the canopy, the fence as approved shall be erected before construction commences and shall be maintained to the satisfaction of the local planning authority throughout the entire building period.***

Reason: In the interests of amenity and the maintenance of landscaping features on the site

The decision to grant planning permission has been taken having regard to the policies and proposals in the Structure Plan and Stockton on Tees Local Plan set out below:

***Stockton on Tees Local Plan policies GP 1, IN 7, EN 36, EN 37
Tees Valley Structure Plan policies EMP10, W1, W2
Planning Policy Statements 1 and 23 and Guidance Notes No 10 and 13***

THE PROPOSAL

- 1. The application is one of two applications which seek permission for what the applicant describes as minor changes to the previously approved, but not yet operational, third process stream at the Teesside Energy from Waste (EfW) plant located off Haverton Hill Road Billingham adjacent to the Billingham ICI plant. It follows from the procurement process and the type of plant and machinery the operator wishes to install.**

2. Permission for this third stream was granted in 2000 (Application No 00/0026/P). The plant (permission for which was granted by the former Cleveland County Council in 1993) had originally the capacity to deal with 250,000 tonnes of Municipal Waste per annum. When incinerated, the waste generates approximately 20 Mega-Watts (MW) of electricity. Permission for third stream provides for a further 125,000 tonnes capacity and will generate an additional 10 MW of electricity. The permission was slightly amended in 2006 to provide for a minor extension to the waste reception bunker and tipping floor (application No 05/3135/FUL). The applicant is now seeking further minor amendments to both permissions and whilst they refer to different parts of the plant, the changes proposed are largely common to both.
3. The development, the subject of the current application will comprise:
 - An extension to the turbine hall to allow the installation of more efficient turbines
 - The relocation of the external flue gas duct
 - An extension and variation of the design of the air-cooled condensers. (The illustrated changes are shown at their maximum possible extent but the company are as yet unable to confine final design and the applicant has asked that this aspect be a condition of any approval granted).
 - Repositioning of some external doors and high level access ways
 - Extension in height of the grab hall to accommodate a slightly higher grab than originally envisaged.
4. All works will be undertaken within the existing site boundary and are located at the rear of the plant, adjacent to existing rail lines.
5. In design, materials and colour, the extension will match the existing building as previously approved, i.e. profile steel sheeting in Goosewing Grey and Solent (blue). Operation of the facility will remain 24 hours a day, 7 days a week, with deliveries restricted as at present to Monday to Friday, 0700hrs to 1900hrs, and Saturdays 0700hrs to 1400hrs.
6. Access to the site is from an access road (Fermenter Road) constructed from the A1046 (Haverton Hill Road) which links to the A19 Trunk Road. The A1046 is subject to a weight limit restriction of 7.5 tonnes from the EfW plant roundabout access in a north easterly direction (i.e. towards The Clarences). At present 150 vehicles daily enter and exit the site, the majority of which between the hours of 08:15 to 16:00 though the facility is on a 24 hour operation. The permitted extension will lead to an increase in traffic movements per day of 56 (22 HGV in/out and 6 staff in/out). The present proposal will not lead to any increase in traffic.

CONSULTATIONS

7. No objections or response have been received from:
 - Health and Safety Executive
 - Environmental Health Unit
 - Natural England
 - Middlesbrough Borough Council
 - Chamber Of Commerce And Industry

- Northumbrian Water
8. The Head of Technical Services – *Landscape* has no highway objections and only concern is that the tree belt to the west of the development is retained and protected.

PLANNING POLICY

National Planning Policy

9. National Planning policies are set out in Planning Policy Guidance Notes (PPG) and the newer Planning Policy Statements (PPS).
10. Relevant to this application are:
- PPS 1 “Delivering Sustainable Development”
 PPS 10 “Planning for Sustainable Waste Management”
 PPGN 13 “Transport”
 PPS 23 “Planning and Pollution Control”
11. In May 2007 the Government published its Waste Strategy 2007. This waste strategy and its Annexes, together with Planning Policy Statement 10 *Planning for Sustainable Waste Management* (PPS10) is part of the implementation for England of the requirements within the Framework Directive on Waste, and associated Directives, to produce waste management plans. These are the national level documents of a tiered system of waste planning in England, which together satisfies the requirements of the various Directives. At regional level there are Regional Spatial Strategies (RSSs), and at local level, development plan documents³.
12. There is a particular requirement in the Waste Framework Directive for the waste management plan to identify suitable disposal sites or installations. PPS10 sets out relevant national policies for waste management facilities, including location criteria to inform local planning policy and planning decisions. Local Planning Authorities in England have an obligation under the Waste Management Licensing Regulations 1994 to produce detailed policies in respect of suitable disposal sites or installations for waste management purposes when producing local development documents, and also to have regard to national policies and to this strategy. PPS10 provides that local planning authorities should, among other things, identify in development plan documents sites and areas suitable for new or enhanced waste management facilities for the waste management needs of their areas, and, in particular, allocate sites to support the pattern of waste management facilities set out in the RSS (in accordance with the broad locations identified in the RSS).
13. This White Paper replaces the previous waste strategy for England (*Waste Strategy 2000*).
14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this case the relevant Development Plans are the Regional Spatial Strategy (RSS), Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).

Regional Spatial Strategy

15. The draft revision to the Regional Spatial Strategy and the proposed changes by the Secretary of State issued May 2007 gives consideration to sustainable waste management. It includes a number of relevant policies – policies 46 and 47

Tees Valley Structure Plan

16. The Tees Valley Structure Plan indicates the development is in an area broadly identified for potentially polluting or hazardous industrial development (Policy EMP 10).
17. Other relevant policies include:
18. Policy W1 that states the Tees Valley Authorities will approve proposals for waste management facilities, which reduce the levels of waste production and increase the re-use recycling and recovery of resources, including materials and energy from waste.
19. Policy W2 which states “proposals for waste management facilities will be considered against the need to achieve regional self-sufficiency. A suitable range of facilities should be maintained in the Tees Valley for the effective handling, treatment and disposal of waste. The proximity principle will be applied to discourage the movement of waste over long distances and the Best Practicable Environmental Option (BPEO) will need to be established in each case”.

Adopted Stockton on Tees Borough Local Plan

20. Policy GP1 is the general policy and sets out ten criteria that all development proposals need to be assessed against. These criteria are as follows: -
 - i. The external appearance of the development and its relationship with the surrounding area.
 - ii. The effect on the amenities of the occupiers of nearby properties.
 - iii. The provision of satisfactory access and parking arrangements.
 - iv. The contribution of existing trees and landscape features.
 - v. The need for a high standard of landscaping.
 - vi. The desire to reduce opportunities for crime.
 - vii. The intention to make development as accessible as possible to everyone.
 - viii. The quality, character and sensitivity of existing landscapes and buildings.
 - ix. The effect upon wildlife habitats.
 - x. The effect upon public rights of way.
21. Policy IN 7 permits within the ICI Process Plant Park, general, potentially or hazardous industrial and warehousing uses and hazardous installations provided they do not significantly affect the amenity of nearby residents or employees etc and when hazardous installations that they meet the relevant criteria outlined in Policies EN 36 and EN 37.
22. Policy EN 36 permits hazardous installations in the Process Park area only if it does not prejudice the development of the adjacent land and there is no increase in hazard to existing residential areas, prestige industrial sites or any site attracting large numbers of people.

23. Policy EN 37 allows the expansion of existing hazardous installations provided that there is no increase in hazard to people or property in the vicinity and that the development of adjacent land is not prejudiced.
24. The council jointly with other Tees Valley Councils are preparing Development Plan Documents to outline the planning policies for Waste (and Minerals) in accordance with the Government's strategy. An issues and options report has recently been published for public comment.

MATERIAL PLANNING CONSIDERATIONS

25. The proposal is relatively minor alteration to the approved extension for the existing Energy for waste plant. The applicant has indicated that, following a procurement process to establish the most efficient type of incineration plant; the originally approved extension will not physically allow the preferred plant to be installed. As a result changes to the approved scheme are necessary.
26. These changes are relatively minor and being located at the rear of the existing facility are largely hidden from view. The changes match the approved extension and have been designed to be visually sympathetic with the existing building. The minor changes now proposed match that design in both appearance, facing materials and colour.
27. There will be no increase in vehicles delivering to the site as a result of granting approval for this amendment to the approved scheme. Nor would it give rise to any other environmental concerns. As the final design of the air cooled condensers cannot yet be confirmed this matter and that of the protection of trees to the west need to be subject to control through appropriate planning conditions.

CONCLUSION

28. The material planning considerations outlined above indicate that the changes will have little impact and are necessary for the more efficient operation of the plant. It will not increase the waste treatment capacity of the site or the quantities of waste received by the facility. The design matches the existing plant and previously consented extensions and will not increase traffic in the area. Consequently conditional approval is recommended for this relatively modest change to the approved extension to the Energy from waste plant.

Corporate Director of Neighbourhood Services and Development

Contact Officer: Peter Whaley - Telephone No. 01642 526061

Telephone Number 01642 526061

Email Address peter.whaley@stockton.gov.uk

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

Planning Application files 93/1691/P, 00/0026/P, 05/3135/FUL, 07/1054/ARC and 07/1058/ARC

Ward Billingham South

Ward Councillors Councillor J O'Donnell
Councillor M Smith