

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 30th JANUARY 2008

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

07/2984/EIS

Port Clarence Landfill Site, Off Huntsman Drive

Construction and operation of a waste recovery park for the recycling, recovery, treatment and storage of waste including the construction of buildings, the erection of plant, the construction of an extended access road and the construction of a screening bund.

Expiry Date 4 February 2008

SUMMARY

The Port Clarence Landfill Site is located near the banks of the River Tees in the Borough of Stockton-on-Tees. The site is situated approximately 5km south east of Billingham and 3km north east of Middlesbrough. The nearest residential properties are at the Clarences some 1400m to the west.

The application proposes the erection of operation of a waste recovery park for the recycling, recovery, treatment, and storage of approximately 542,000 tonnes per annum of hazardous and non-hazardous waste.

The treatment processes would include soil washing and recovery, effluent treatment, gas combustion and energy generation, combustion and energy generation from wood wastes, Vitrification, soil and granular waste stabilisation, bioremediation of soils and other wastes, hazardous waste recovery facility, waste transfer station, indirect thermal desorption, anaerobic digestion, tank farm and pilot plants.

The current planning permission for the landfill permits the storage of materials associated with engineering the landfill on land to the south of the application area and in order to conserve approximately 13.4ha of species rich short turf vegetation, the application proposes retention of this habitat.

The proposed facility would share the current access to the landfill site. A separate access to the facility is proposed, however, in the short term the applicant envisages that existing haul routes over the landfill site may be used. 94 parking spaces are shown with 18 spaces for visitors including 8 accessible parking. A legal agreement would secure that HGV traffic associated with the development would not travel on the A178 Seaton Carew Road to the south of the site. HGV traffic will travel north on the A178 when leaving the site to the junction with the A1185 Seal Sands Link Road. River borne waste will be delivered to the site via the Lower Clarence Wharf (Koppers)

The application is accompanied by an Environmental Impact Statement (EIS). A Non-Technical Summary gives a brief summary of the main findings of the EIS and a Community

Involvement Submission Report sets out the public consultation and publicity exercises and findings.

Three letters of representation have been received two supporting the Park and one raising concerns in respect of traffic generation and the impact on the highway.

Matters relating to highway safety (Urban Design Manager and Highways Agency) and those within the remit of the Health and Safety Executive are yet to be resolved. Subject to specific planning conditions the concerns of statutory consultees have been largely satisfied.

A full assessment of the proposal in policy terms both in principle and on individual environmental concerns will be made in an update report.

It is considered that subject to the satisfactory responses from the Urban Design Manager, the Highways Agency and the Health and Safety Executive, the findings set out in any subsequent update report, that the proposal would accord with national and local planning policy and guidance and planning permission should be granted subject to planning conditions set out in the report and a legal agreement covering matters relating to vehicle routeing, financial contributions and habitat retention.

A full list of planning conditions and the finalised details of the Heads of Terms of the Section 106 Agreement will be set out in an update report.

RECOMMENDATION

It is recommended that subject to a satisfactory response from the Urban Design Manager and Highways Agency in respect of highway safety matters, the Health and Safety Executive and securing a legal agreement reflecting the Heads of Terms set out below that planning application 07/2984/EIS be approved with conditions relating to approved documents, time limits, working periods, phasing of development, piling, noise limits, no open burning, contaminated land, landfill gas, surface water drainage and infiltration, netting and sheeting of waste carrying vehicles, construction and operation of wheel wash, a scheme for dust control, construction of the access road, construction of the screening bund – details and timetable, landscaping, maintenance and management plan for species rich short turf vegetation, restoration and afteruse of the site once the development ceases, and other conditions as appropriate.

HEADS OF TERMS

- That notwithstanding the terms of planning permission TDC/94/065, that no stockpiling of soils, clay lining materials, restoration materials takes place on an area site aside for long term waste recycling shown on Plan Number HJB/246/6e Port Clarence Phasing dated 27:04:1994 and HJB/246/05c Port Clarence Method of Working dated 15:04:199, and that this area shall be retained and managed (in accordance with a management plan to be agreed) in perpetuity to provide a species rich short turf vegetation, unless otherwise agreed with the Local Planning Authority.
- A Financial contribution to highway improvements at the Wolviston roundabout.

- That traffic routeing reflects the terms of the legal agreement secured and associated with planning permission TDC/94/065:

Draft wording:

- ***Use best endeavours to ensure that all goods vehicles use for the carriage of Waste (GV's) treated or otherwise processed and product travelling to and from the Site shall only use the access road and public highway network as shown on Plan HJB/246/10b ("the Approved Route") attached hereto SAVE where such GV's may be required to make detours from such Approved Route for local loading and unloading, roadworks or due to temporary or permanent road traffic restriction imposed by the relevant authorities or such other alternative route or routes as shall be approved in writing with Stockton on Tees Borough Council.***
- ***Ensure that signs for the life of the Waste Recovery Park signs are maintained at the exit site informing drivers of GV's of the requirement to use the approved route (which shall be specified thereon) together with a warning that offenders will be banned from the Site and use its best endeavours to ensure such action is implemented.***
- ***Take disciplinary action against its own employees not conforming to the routeing requirement***

BACKGROUND

1. The Port Clarence Landfill Site is located near the banks of the River Tees in the Borough of Stockton-on-Tees. The site is situated approximately 5km south east of Billingham and 3km north east of Middlesbrough. The nearest residential properties are at the Clarences some 1400m to the west.
2. In 1994, a planning application reference number (TDC/94/065) was submitted by H.J. Banks and Company Ltd (HJB) for use of the site as a landfill waste disposal site for household, industrial and commercial waste. The proposal was subject to formal Environmental Impact Assessment (EIA) the results of which were described in an Environmental Statement, which accompanied the application. The Teesside Development Corporation granted planning permission for the proposal in 1996, subject to a number of conditions. Condition 3 of the permission states that the development shall be carried out in accordance with the application details and Environmental Statement (ES). Following the granting of planning permission, the site was purchased by Zero Waste Ltd, and started to accept waste in October 2000. The major elements of the scheme include site infrastructure works, containment and phased deposited of waste using impermeable lining, creation of a raised landform, and management of landfill gas and leachate, capping and progressive restoration of site. A copy of the permission is set out at Appendix 1
3. The restoration scheme comprises a combination of grassland, scrub, woodland, ponds and areas of marginal planting. The scheme is designed with nature conservation benefit but does contain a series of footpaths. The planning permission allows 16 years from the date of commencement to complete disposal operations i.e. by 2016.

4. The 1994 planning application stated that the site had capacity to accept 3.75 million cubic metres of waste, plus soils and stone etc, for engineering and restoration, resulting in a total input of 5 million cubic metres of material. However, the contours of the proposed landfill, shown on the drawings submitted with the application, indicated a landform that would have resulted from the import of 8.5 million cubic metres of material (i.e. to create the approved landform 3.5 million cubic metres of additional waste will be required). This mismatch was not detected during the planning or waste management licensing process, but was, in late 2001, discovered by Zero Waste Ltd. The company then chose to rectify the situation by submitting a planning application to vary condition 3 accompanied with additional information including a modified Environmental Statement. Planning permission (02/1987/P) was granted subsequently and the purpose is to ensure the scheme that is described matches the drawings previously submitted.
5. Condition 11 of the parent permission relating to hours allowed for the deposit of waste has been `varied` three times previously. In July 2003, temporary planning permission for a period of 3 months was granted to allow the site to accept non-hazardous chemical waste from Huntsman's Greatham Works. The Company justified this change because the chemical site is a 24-hour operation, which necessitates waste transfer at weekends comprising 10 loads on Saturday afternoon and a similar amount on Sunday mornings. The trial was successful and the Company then applied and were granted a permanent variation in 2004. The condition in respect of the deposit of waste currently reads:

"The hours for the deposit of waste at the site shall be between 0715 and 1800 hours Monday – Friday, 0745 hours and 1800 hours on Saturday and 0745 hours and 1300 hours on Sunday with no waste being deposited on Bank Holidays except with prior approval in writing of the Local Planning Authority or in an emergency; details of which shall be notified to the Local Planning Authority within 5 working days thereafter"
6. On 10th September 2007, planning permission was granted to `vary` Condition 11 of planning permission TDC/94/065 (latterly varied by 04/1066/ARC) to allow deposit of waste at any time 24 hours a day, seven days per week, but only for wastes delivered to the site via boat along the River Tees and then to the site along an internal road. This was justified on the grounds that the company now has the opportunity to accept waste, principally contaminated soils, delivered in the first instance to the wharf by boat, and then onwards to the landfill site by lorry.

PROPOSAL

Overview

7. The application proposes the erection of operation of a waste recovery park for the recycling, recovery, treatment, and storage of approximately 542,000 tonnes per annum of hazardous and non-hazardous waste on land at Port Clarence Landfill Site. A location Plan is attached at Appendix 2. A Key Facts Sheet is attached at Appendix 3.

Operational Development

8. Waste reception and weighbridge facilities together with a wheel wash would be provided at the entrance to the main area of the Waste Recovery Park. A two storey building at the main entrance to the parent company (Augean) site offices, amenity

facilities including a canteen, a laboratory and a meeting room will be located to the south of the access to the main area of the site. The meeting room will function also as a visitor centre, which will provide a focus for educational visits to the site.

Screening Mound

9. A screening mound to a height of 7.5 metres above surrounding ground levels would be constructed for a length of 850 metres to form the boundary to the south, east and west of the application site. The materials would arise from excavation operations in the WRP itself and topsoil from the southern area of the application site will be placed on top of the screening mound to encourage local vegetation to establish. The outer face of the bund will have a relatively shallow sloop of 1 in 25.

Treatment Process Buildings

10. The treatment processes will be located in five environmentally controlled buildings, with an overall footprint of 50.7 metres by 50.7 metres. The southern eaves will be 9 metres and the northern eaves 11 metres. The ridge of the building will be offset to the north at a height of 12.775 metres.
11. A stack will be constructed to achieve adequate dispersion of emissions produced by thermal processes. The top of the stack will be 29m above the proposed excavated ground level.
12. A structure to house the bioremediation facility will be constructed in the north east of the application area, measuring 81 metres by 73.2 metres with an eaves height of 9.1 metres and a ridge height of 11.84 metres. The roofs of the buildings will be dark olive and the wall would comprise blockwork up to 3 metres high with silver steel cladding above.
13. The operational area of the site will be covered with hardstanding. Surface water collection ponds will be constructed and contaminated water at the site will be treated. It is anticipated that most surface water runoff collected at the site will be used in the treatment process.
14. 24 hour working is proposed, and external lighting to the treatment buildings will provide illumination. A site layout plan is attached at Appendix 4, elevations at Appendices 6 and 7 and cross sections at Appendix 8.

Waste Stream

15. Primarily hazardous with selected non-hazardous waste streams.

Treatment Processes

16. The treatment processes would include soil washing and recovery, effluent treatment, gas combustion and energy generation, combustion and energy generation from wood wastes, Vitriification, soil and granular waste stabilisation, bioremediation of soils and other wastes, hazardous waste recovery facility, waste transfer station, indirect thermal desorption, anaerobic digestion, tank farm and pilot plants. Fuller explanations of the processes are attached at Appendix 5.

Species Rich Short Turf Vegetation

17. The current planning permission for the landfill permits the storage of materials associated with engineering the landfill on land to the south of the application area and in order to conserve approximately 13.4ha of species rich short turf vegetation, the application proposes retention of this habitat. (See plan at Appendix 9)

Access and Traffic Generation

18. The proposed facility would share the current access to the landfill site. A separate access to the facility is proposed, however, in the short term the applicant envisages that existing haul routes over the landfill site may be used. 94 parking spaces are shown with 18 spaces for visitors including 8 accessible parking. A legal agreement would secure that HGV traffic associated with the development would not travel on the A178 Seaton Carew Road to the south of the site. HGV traffic will travel north on the A178 when leaving the site to the junction with the A1185 Seal Sands Link Road. River borne waste will be delivered to the site via the Lower Clarence Wharf (Koppers). A Lorry Routeing Plan is attached at Appendix 10.

Environmental Controls

19. In addition to any planning conditions, the impacts of site operations, waste production, restoration and any resultant emissions to air, water, land and impacts on the environment would be a matter of control for the Environment Agency through the Pollution Prevention Control (PPC) Regime.

Accompanying Documents

20. The application is accompanied by an Environmental Impact Statement (EIS) which discusses the site location and description, site history, population and public rights of way, traffic, landscape and visibility, ecology, geology, hydrogeology, hydrology, noise, meteorology and air quality, planning history, and then goes on to assess the policy context, traffic and transport, landscape and visual impact, ecology, water resources, noise, atmospheric emissions, nuisance and amenity, sustainable waste management, sustainable development, need and alternative treatment strategies. A Non-Technical Summary gives a brief summary of the main findings of the EIS and a Community Involvement Submission Report sets out the public consultation and publicity exercises and findings.

Environmental Impact Statement

The EIS sets out the following:

Planning Policy

21. Teesside is identified in the draft regional planning policy as an area in which sites for the treatment and management of hazardous wastes may be located. The site is identified in the Local Plan as land for port related industries and for potentially polluting or hazardous industrial uses. The importation of waste by river as an alternative to road transport is also consistent with policy.
22. The construction and operation of the Waste Recovery Park (WRP) is consistent with environmental policies and meets the objective of sustainable waste management. The proposal would also contribute to social progress, prudent use of natural resources, and protection of the environment, economic growth and employment.

23. The assessment goes on to conclude that the proposal is acceptable in the policy terms in terms of national and local policy and guidance in respect of the principle and individual environmental considerations.

Need

24. There is a clear established need for facilities for the treatment of hazardous and non-hazardous waste identified in the regional planning policies and in the Waste Strategy for England. The development will provide treatment facilities for wastes, which are difficult to handle, and for which there are currently an acknowledged shortage of capacity.

Alternatives

25. The location of the development has been selected as it is generally free from overriding constraints. The location of the WRP adjacent to the Port Clarence Landfill Site reduces the need for smaller alternative treatment plants to meet the national, regional and local waste strategy objectives and will minimise transportation of residues for disposal. Consistent with the Waste Strategy for England, the assessment considers that the methods of waste processing and treatment are flexible in order to optimise the opportunity to provide the necessary technologies

Traffic

26. The Assessment assumes that waste would be delivered to the site between the hours of 0700 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. At full capacity, the applicant envisages that 420 HGV movements per day would be generated with 128 for staff vehicle movements.

Waste delivery and recycled product:

Maximum HGV 420 movements per day (210 in and 210 out) in addition to the landfill traffic.

Staff Vehicle movements:

Maximum 128 movements per day (64 in and 64 out) in addition to landfill traffic

Lower Clarence Wharf

Waste would also be transported by boat via Lower Clarence Wharf and a private access track from the River Tees where possible.

Construction Traffic

The construction traffic would be less than the increase in traffic associated with the proposed development when fully operational.

27. Existing access to landfill would be utilised, and a separate haul route on a spur from that access. Vehicles would access the site via the road A178, with no access through The Clarences, which would be secured by Section 106 Agreement.

28. *The assessment concludes* that there will be negligible impact on the road network as a result of traffic associated with the proposed development without causing a significant level of impact. At the major junctions between the road A1185 and A689 and the A689 and A19, the increase in traffic associated with the proposed development will not cause a significant impact on the performance of the interchanges.

Landscape, Visual Impact and Public Rights of Way

29. The Assessment states that the area of the proposed development is located in an area of predominantly industrial land use immediately to the south of the Port Clarence Landfill Site. The area of the proposed development is subject to a planning permission for the stockpiling of soils and engineering materials and recycling.
30. The local landscape character is described as Lagoons, Marshland and Species Rich Short Turf Vegetation. The overall sensitivity of the landscape character in the vicinity of the application area and the proximity of heavy industrial sites, which are illuminated 24 hours a day, contribute to the low sensitivity of the landscape to change.
31. During the construction and operational phases of the development there will be slight adverse impact on the landscape character of the area. The development will reduce the area of Lagoons, Marshland and Species Rich Short Turf Vegetation by 13 hectares and external lighting will be necessary for the development. Due to the low sensitivity to change the landscape is capable of absorbing the proposed development
32. The application site can be seen from Middlesbrough Transporter Bridge, which is listed for its historical importance and is not dependent on its setting. It is concluded that the Bridge would be unaffected by the development.
33. The screening effects of the current and proposed bunds together with the increased screening effect of the permitted landfill as it increases in size and extent reduce the visual impact of the development on the surrounding area. Surrounding visual receptors would be affected by the development during construction and operational phase's moderate significance or less.
34. Adverse effects will be during the construction phase, immediately south of the River Tees. During the operational phase all visual receptors with the exception of the site access will receive adverse impacts of moderate significance or less. The significant on the RSPB visitor centre will decrease as the landfill to the north of the application site is operated and restored. During the construction phase there will be some visual impact on the Teesdale Way, but when the screening bund is erected the impact will be low. During the operational phase of the development the upper levels of the proposed development and stack will be visible from the bund and operational vehicles may be visible as they travel along the access road.
35. *The assessment concludes* that the proposed development will not result in any unacceptable levels of adverse visual impact.

Ecology

36. The assessment sets out that the application site comprises species rich short turf vegetation and a mosaic of wetland habitats is present in a limited part of the application site. Extensive areas of both habitats occur beyond the footprint of the development and will not be affected detrimentally by the proposals. Approximately 13.4 hectares of short turf vegetation would be retained, and not as approved in the landfill permission be used for storage. No nationally or locally rare or statutorily protected species will be affected by the development.
37. Brown Hares are a UK Biodiversity Action Plan (BAP) species and the development would reduce the potential feeding and breeding habitat. However there is an

extensive suitable habitat beyond the site, and therefore the reduction is considered to have negligible significance. Parts of the breeding territories for four BAP bird species Song Thrush, Linnet, Reed Bunting and Skylark are in the application site and likely that one or more territories would be lost.

38. None of the species listed for the adjacent Site of Special Scientific Interest (SSSI) were recorded feeding or roosting in or close to the proposed development. No disturbance to listed SSSI birds in the application site boundary as a result of the development. No disturbance to the SSSI. Large areas of suitable habitat for gulls are available in the surrounding area, if the gulls can no longer roost or loaf in the application area.
39. All habitats and communities through which the access route will pass are extensive and usually robust. The access route area comprises a habitat mosaic on several scales such that the severance of small areas of habitat will be of negligible impact.
40. The screening bund will screen the majority of the construction and operational activities from the SSSI and SPA located to the south and south east of the application area. Feeding SPA birds will not be affected by the construction due to the distance from the site. There may be some short-term disturbance to birds roosting between the site and the River Tees. The impact of the screening bund would be negligible.
41. During the operational phase there is a potential for disturbance to roosting or feeding SPA species. The bund will screen movements of plant, machinery and vehicles from feeding and roosting birds on the grassland between the application boundary and the River Tees.
42. The proposed processes have the potential to alter local air quality. The plume from the proposed stack extends to the east and north east of the site where the protected habitats comprise intertidal mudflats, which are not sensitive to the concentrations of nitrogen oxides.
43. *The Assessment concludes* that the proposed development will have no significant adverse impact on plant or animal communities in the vicinity of the site. The habitats at the site including the locally important species are common and widespread. The proposal would retain 13.4 hectares of habitat that would otherwise be lost.

Water Environment

44. The operational area of the site is not located in a floodplain. Part of the access road is in Flood Zone 3 and could be affected by a 1 in 100 year flood event from a river or a 1 in 200 year event from sea flood of the River Tees Estuary. The site access road will be built at the current ground level and will not be affect flood storage volumes or flood flows.
45. Ground disturbance would be kept to a minimum. Fuel, chemicals and waste will be stored in contained areas only. The proposed development will be constructed on concrete site surfaces with sealed drainage systems. The proposed development would be sealed from the underlying made ground and strata and from the surrounding surface water system. There would be no pathway for waste, fuels, chemicals or surface water system.
46. A surface water management system is proposed to control the surface water run-off.

47. *The Assessment concludes* that the proposed development is unlikely to result in significant impacts on water-based sites of ecological interest or the water environment.

Noise

48. The noise assessment in the EIS addresses the effect of noise generated during the site construction and operation phases of the development and compares with current noise standards and guidance. The predicted noise levels are based on the continuing landfill operations and the operations of the proposed WRP including the haulage of material. The predictions made are for worst case scenario and are based on the assumption that all plant will be working together at their closest approach to noise sensitive receptors.

49. The Assessment assumes that construction operations will be limited to daytime hours between 0700 hours and 1900 hours Monday to Friday, and to assist all plant used will be well maintained. The assessment details existing and predicted noise levels for day and night time working and at sensitive receptors.

50. *The Assessment concludes* that the proposed development can be undertaken in accordance with the current relevant noise guidance and recommendations for noise levels. It is concluded that it is unlikely that the proposed construction and treatment operations will result in complaints regarding noise and that there is a low risk of nuisance or significant impact in respect of noise.

Atmospheric Emissions

51. The atmospheric emissions from the facility will comprise principally gaseous emissions and particulates, which will be predominantly dust and bio-aerosols. Arising from the waste management treatment and associated processes, the emissions would be point source from the stack and vents together with diffuse from construction activities and material handling external to treatment buildings.

52. The Assessment states that gaseous emissions may have an impact on local air quality and contribute to the greenhouse effect and may have an impact on health. The release of particulated may have an impact on air quality or result in nuisance.

53. Odours may also arise from waste management operations accepting odorous wastes or where odorous by-products are generated. The impacts arising from odour relate to annoyance, loss of amenity, disruption of social activities and concern regarding health risks, and are usually in the immediate vicinity of the facility.

54. Mitigatory measures are included in the site design and standard of operation. Further to this measures will be specified as part of the PPC Permit for the site and implementation regulated by the Environment Agency.

55. The site is not within an air quality management area, and it is considered unlikely that the emissions associated with the plant will result in a significant impact on local air quality.

56. Schemes for the management of atmospheric releases from the treatment buildings and external plant will be prepared and agreed with the Environment agency, and will be required to comprise Best Available Technique. An air management system will be used in all waste treatment buildings

57. Bioremediation will be carried out in a covered hardstanding, but the sides of the structure open to maximise ventilation. As the process is similar to composting and involves turning windrows, there is a potential for the release of bio-aerosols. However, research has shown that the concentration of bio-aerosols at 250 metres from the windrows is at background levels. It is considered that given the distance from residential development there would not be an adverse effect on human health.
58. Non-combustible atmospheric emissions from the thermal treatment processes at the site comprising the vitrification plant, thermal desorption plant, wood combustion plant and landfill gas plant will be directed to a single stack, and scrubbed prior to release to the atmosphere. The output from the stack would be subject to strict emissions set in the PPC permit for the site and regulated by the Environment Agency.
59. Atmospheric dispersion modelling for the predicted emissions has been carried out and it has been found that at sensitive receptors would not be significantly odorous, nor no significant impact on local air quality. Existing average annual background concentrations of total nitrogen oxides currently exceed the Air Quality Limit value for the protection of vegetation at all the sensitive ecological receptors considered in the assessment. The plume from the stack would extend to the east and northeast where the protected habitats comprise intertidal mud flats, which are not sensitive to the concentrations of nitrogen oxides. The assessment shows that there will be no significant impact on human health as a result of the emissions from the stack.
60. Biogas generated would be used in the generation of electricity. A standby gas flare will be located at the site in the unlikely event that it is not possible to use the gas in the generating engines, for example in the event of breakdown or maintenance.
61. All external handling and stockpiling of waste with the potential to generate dust will be in accordance with schemes to be agreed with the Environment Agency.
62. *The Assessment concludes* that based on the design of the treatment processes and the implementation of atmospheric emission management and control systems that it is unlikely that the proposed development will result in a significant adverse impact on air quality, or risk to human health. Furthermore the proposed atmospheric emission management schemes that will be implemented will minimise the emission of gases, particulates and bio-aerosols to atmosphere. The use of gas released from waste to generate electricity will have a positive contribution to minimising greenhouse gas budget. Overall the scheme would have no significant negative impact and potentially there will be an overall beneficial cumulative environmental impact on atmospheric emissions as a result of the proposed development.
- Nuisance – Litter, Birds, Pests and Vermin
63. The assessment states that there are no potential sources of nuisance associated with the construction phase of the development, and wheel washing would be used to prevent the deposit of mud and debris onto roads.
64. Mitigation is proposed in the form of surfaced access road, wheel wash, trafficked site areas would be covered with hardstanding, site sweeping, most waste treatment to be undertaken indoors, closing external doors at all times except during the delivery and removal of waste, storing waste or materials that may generate litter inside buildings, using netting or sheeting on vehicles entering or leaving the site carrying waste and using a reputable vermin control company that will apply pesticides and bait containing rodenticide where necessary.

65. *The Assessment concludes* that due to the nature of the waste processed at the site, the operational controls, the distance from the nearest residential properties and the current industrial nature to adjacent land users in the vicinity of the site that there is a negligible to low potential for nuisance associated with litter, birds, pests, vermin, mud and debris

CONCLUSION

66. Overall, the Assessment concludes that the development is in accordance with relevant policies; will help reduce an identified lack of capacity for treatment of hazardous and non-hazardous waste and can be undertaken without significant adverse impacts on the environment

CONSULTATIONS

The following Consultations were notified and any comments received are set out below:-

Spatial Planning Manager

67. No response received.

Urban Design – Highway Engineers

68. The original response from the Urban Design Manager raised concerns and the most recent comments – a response to further information from the applicant are set out below:

69. There appears to be no change to the Transport Assessment. The applicant has stated that the current permission allows for more HGV's than currently use the site and ask for a relaxation of the condition until the HGV traffic builds. Congestion currently occurs at A689 approaches to the Wolviston roundabout. Wolviston roundabout is the 8th ranked junction and Wolviston Interchange is 2nd ranked junction in the latest Road Casualty Review.

70. As the problems are happening now, any change that generates additional traffic will increase the problems. There is a Council approved scheme for mitigation of problems at Wolviston roundabout that is a condition of the Victoria Dock scheme. A Section 106 contribution should be made to this scheme to be payable when the Section 278 Agreement is agreed.

Urban Design Manager – Landscape

71. I would not wish to object to this proposal on landscape or visual grounds. This is on the understanding that the bund construction will take place in one planned continuous operation as one of the initial developments, also including the access road and hardstanding (to include initial buildings as per reports submitted). As a result landscape seeding and the indicated limited planting operations should commence at the first available season. Natural colonisation will have the opportunity to develop with no further disturbance.

72. Comments relating to the treatment of disturbed and mounded areas at the close Cowpen Bewley site was recommended by this team and is set out below, and a similar treatment may be considered appropriate in this location.

73. This proposed seeding of a grass/shrub/tree mix of local provenance, information and material to be sourced from The Teesside Nature Reserve.
74. The building and landscaping will read and merge visually with the massing of the existing approved works of the landfill immediately adjacent.
75. Details of the planting operations should be submitted in detail, including the small areas of scrub referred to in the landscape consultants report. Additionally, details of planting to the visitor centre entrance.
76. It would be expected that this is submitted to the following minimum standard: a detailed planting plan indicating soil depths, plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.

Built Environment

77. No comments

Environmental Health Unit

78. No objection subject to conditions in respect of noise insulation, land contamination, and no open burning.

The Environment Agency

79. No objection subject to conditions in respect of provision and implementation of a surface water run-off limitation and infiltration of water. Further comment is made in respect of contaminated land, landfill gas and sustainable drainage.

Subsequent agreement with the applicant to a re-wording of a required condition:

The developer would like the wording of the condition

“No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.”

Changed to

“Waste management activities shall not commence at the site until the proposals for the infiltration of surface water drainage to the ground are approved by the Local Planning Authority.”

We have no objection to the alternative wording.

80. It is important that a site investigation is undertaken to assess whether there is a risk of pollution to the nearby River Tees from any surface water drainage scheme that allows water to pass through the land surrounding the proposed development.

Councillors

81. No response received.

Highways Agency

82. Comment that sufficient information on the trip generation and distribution of development traffic is provided to allow the impact to be calculated.

83. Opus determines the trip making potential of the existing landfill and proposed development from a first principles approach. This is considered to be a reasonable approach given the nature of the proposal and the lack of supporting information available upon which to base calculations of the trip/generation/distribution.
84. The assumptions regarding traffic generation of the existing landfill and proposed development can be given as follows:

Existing Landfill

That the existing landfill operations give rise to 97 two-way vehicle movements 5.4 incoming deliveries (10.8) two way vehicle movements per hour.

11 Staff are employed at the site and that they arrive between 0700 and 0800 and depart between 0700 to 1800 hours on a weekday, and that the majority of travel is by private car.

The Proposed Waste Recovery Park

The operating hours are the same for the operating hours for the existing landfill and waste recovery park.

The TA assumes that staff levels will reach a maximum of 64 and all staff travel to the site by private car with 80% via the A1046 and 20% via the A1185

Based on the processing capabilities of the proposed technologies, it is expected that 210 HGV loads (420 two-way movements) and that there will be an average of 19.1 deliveries (38.2 two way vehicle movements) per hour. Although no data/evidence has been provided to substantiate the above assumptions, we would consider that they are generally reasonable.

The existing routeing agreement requires all HGV traffic to travel north to A19/A689 junction, and we would require some further information relating to the likely distribution of HGV trips at this junction to be provided before we can provide our final recommendations regarding this development.

Conclusion

85. Although the TA does not assess the impact of the proposals upon the SRN, the trip generation and distribution presented by Opus generally appears to be reasonable. Given the proposed operating hours of the site and that the origin of employees is likely to be predominantly in the Middlesbrough Stockton area, it is envisaged that staff travelling to the site will not have a material impact at the SRN in the peaks.
86. There is a predicted 50 two-way HGV movements at the A19/A689 junction during the peak hours and we would require further information regarding the wider distribution of HGV's beyond this junction.

Northumbrian Water Limited

87. No objections.

Natural England

88. The site is within 250 metres of the North Tees Mudflat component of the Tees and Hartlepool Foreshore and Wetlands SSSI and Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site.

Teesmouth and Cleveland Coast SPA and Ramsar Site

The location and nature of the proposed development is such that it will not be likely to have a significant effect on the interest features of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site.

The screening bund should be erected as the first stage of the development, so as to provide a barrier to minimise the disturbance to the SPA interest features during the construction of the development. The Local Planning Authority may like to ensure this by enshrining this in a condition.

Tees and Hartlepool Foreshore and Wetlands SSSI

We welcome the proposal by Augean to give up their right to use the land to the south of the south to stockpile restoration materials for the landfill site, which will safeguard an area of species rich grassland that is also used by roosting curlew

89. The emissions modelling does not appear to take into consideration the impacts of nitrogen deposition on the coastal dune vegetation communities of Seaton Dunes and Common SSSI or South Gare and Coatham Sands SSSI, both of which may be affected by increased nitrogen deposition, and are in the direction of the prevailing wind for the development site. Some clarification about the chosen boundary for the air dispersion would be helpful.
90. The proposal will not be likely to cause damage or disturbance to the SSSI. In view of the fact that I consider that the development has no potential to affect protected species or SNCI sites, I wish to make no further comment concerning the application.

Royal Society for the Protection of Birds

91. Section 8.11 of the Environmental Statement states that 10-20 Curlews have been observed roosting on the grassland between the application site and the SPA. Curlew forms part of the SPA and Ramsar site's internationally important assemblage of over 20,000 waterfowl.
92. The applicant has not included the dates and times of bird surveys that recorded these Curlew, the state of the tide during these survey visits, and how many curlew (any other SPA species) were seen on each visit. Consequently, there is some uncertainty regarding the extent to which curlew use the areas adjacent to the proposal site. We therefore believe the Council must take a precautionary approach and ensure that any potential impact on this grassland are minimised with appropriate planning conditions.
93. We support the decision to create the screening bund early in the construction phase. The Council should ensure that the bund is created outside the period between November – March inclusive, when disturbance is more likely to result in adverse effects. This measure would ensure that disturbance to wintering curlew is minimised. Appendix M indicates that the predicted noise levels at the North Tees Mudflats, part of the SPA, may reach 61 dB(A) during the construction phase, although we note that the screening bund will provide at least 12 dB (A) attenuation.

Nevertheless, ensuring that construction activities with the potential to create peaks in noise levels are scheduled outside the November-March period would minimise the potential for the construction of the development to cause disturbance to SPA species. This would benefit both birds using the North Tees Mudflats and also the curlew roosting between the application site and mudflats, which presumably would be exposed to higher levels of noise than those modelled for the SPA. We therefore recommend a planning condition requiring seasonal restrictions for potentially disturbing activities e.g. driven piling.

94. We note that the pool complex is bisected by the proposed haul route form part of a wider area of fragmented wetland habitat within the land subject to planning permission TDC/94/065 which is at least of local ornithological significance. Proposal is likely to result in habitat loss, deterioration and traffic related disturbance to the pool complex, adversely affecting its value for biodiversity. Relocate the section of the haul route that bisects the poll complex would minimise the loss or fragmentation of these habitats. Welcomes the applicant's decision to conserve 13.4 hectares of species rich short turf vegetation tot he south of the development site by relinquishing their current planning permission to use the area for stockpiling, make this a condition of the consent.

Middlesbrough Borough Council Planning Department

95. I confirm that there are no planning or technical objections to the proposed development.
96. The Council would wish to see as part of the proposal significant and extensive mounding and landscaping provided southwards towards the River Tees and Middlehaven to effectively screen and minimise the visual impact of the development.

NEDL

97. No objections and makes comments in respect of safe working practices, wayleaves, easements and states that no ground cover should be altered either above cables or below overhead lines, in addition no trees should be planted within 3 metres of existing underground cables or 10 metres of overhead lines.

Northern Gas Networks

98. No pipelines in the area.

Health and Safety Executive

99. The proposed development is close to the area covered by the Site Emergency Plan, and it will therefore be necessary to consider whether or not the development can be satisfactorily incorporated into the Emergency Plan. Therefore I will let you have my observations as soon as our considerations, which will involve other organisations, have been completed.

Tees & Hartlepool Port Authority

100. No response received.

Care For Your Area

101. No response received

Contaminated Land Officer

102. No response received

North East Assembly
(Summarised)

103. The proposal to develop a waste recovery park in this location is consistent with RPG1 and the Secretary of States proposed changes to the RSS.
104. The proposals mitigate against noise, visual impact and air quality are supported and consistent with the objectives of RPG 1 and the RSS proposed changes. However, the Local Authority must be satisfied that these measures are sufficient.
105. The proposal seeks to mitigate against potential flood risk and risks to water quality. The Environment Agency must be satisfied that these measures are appropriate. The NEA would also support the inclusion of SUDS, which are not presently proposed.
106. Materials would be transported by road and by ship. This is consistent with RPG1 and RSS proposed changes.
107. The proposal would better reflect the objectives of regional planning policy by incorporating energy efficiency measures and embedded renewable energy generation. The NEA would therefore support the inclusion of these measures to reflect the objectives of RPG1 policies EN1 and EN7, and proposed RSS proposed changes policies 39 and 40.
108. The proposal would be in general conformity with RPG1 and RSS proposed changes provided that the mitigation measures are satisfactory.

Tees Valley Joint Strategy Unit

109. The proposal for an integrated waste management facility at the Port Clarence Waste Recovery Park is strongly welcomed. The scheme supports the locational strategy for major new development set out in the Regional Spatial Strategy for the North East, and the strategy of sustainable urban growth in the Tees Valley Structure Plan. The proposal is a key element of the focused investment programme of the Tees Valley City Region Development Programme to promote economic development, regenerate urban areas, create sustainable communities and improve environmental quality. I consider that the strategic planning implications of the proposed development are consistent with current strategic planning guidance and policies in the Tees Valley.

One North East

110. The proposal will provide a regionally and nationally significant facility for the treatment of hazardous waste, and will relieve a shortfall of these facilities as identified in the Waste Strategy for England 2007 and the Regional Spatial Strategy, Secretary of State Proposed Changes (May 2007).
111. The development of the site and provision of this facility will contribute to a number of aspirations outlined in the Regional Economic Strategy. It is considered that the proposed integrated hazardous waste treatment plant will be an important asset for the region and an important facility for numerous businesses in the region that require disposal and treatment of hazardous waste. This project will also provide the potential for other business opportunities to develop.
112. The Regional Economic Strategy seeks to deliver structural change through the Three Pillars of Energy and Environment, Healthcare and Health Services, and the Process Industries. In this context the Regional Economic Strategy recognises the

importance of links between business and universities within and outside the region. The Agency therefore welcomes the applicant's intention towards developing links with the University of Teesside for the development of new treatment technologies and product development opportunities. There is also thought to be an opportunity for the applicant, Augean Plc, to work closely with the Centre for Process Innovation, other Centres of Excellence, National Industrial Symbiosis Programme and Resource Efficiency Knowledge Transfer Networks in technology and product development.

113. The Regional Economic Strategy promotes the need for quality of place within the existing and proposed development. The Agency would request that the Local Planning Authority encourage the developer to pursue the highest standards of quality in the development of this site e.g. BREEM, Building for Life and Secured by Design.
114. In line with Government objectives to generate 10% of electricity from renewable energy sources by 2010 the application should also provide details regarding the provision of renewable energy measures within the scheme.

PUBLICITY

115. The planning application has been publicised by means of individual letters to neighbouring occupiers, site and press notice. Three letters of representation have been received two supporting and one with concerns in respect of the proposal and they are set out below:

Renew Tees Valley Limited, Chris Hayward, South Tees Business Centre

116. Renew Tees Valley Ltd was formed in 2003 by Redcar and Cleveland Borough Council as a regeneration project with the aim of generating green jobs in the Tees Valley in the fields of waste/recycling and renewable energy technologies. The above development fits closely with the aims and objectives of TVR, in that it will bring jobs and inward investment to the Tees Valley.

117. There is a shortage of hazardous waste facilities in the UK and this has been identified in both the Waste Strategy 2007 and the Regional Spatial Strategy. Approval of this development is therefore strategically important for the region and the UK as a whole. Likewise the academic links to regional and centres of Excellence must also be welcomed and supported.

Andrew Gowing of Petroplus Refining Teesside Limited North Tees Site

118. Petroplus Refining Teesside Ltd. Wishes to register concern on the safety impact of this proposed development, specifically from the increased traffic flow of heavy vehicles using the junction at the intersection of the A178 and Huntsman Drive (main access road to the North Tees site).

119. We are reliant upon the safe use of this junction, essentially for road tanker (carrying Ultra Low Sulphur Diesel, kerosene and heating oil) movements from our Road Rail Terminal onto the A178. The majority of these tankers turn right across the traffic flow onto the north-bound side of the A178. We are also concerned that increases in heavy traffic flow may, in the future, adversely restrict our options for increasing our product distribution capabilities. We understand that in addition to this development there are other developments proposed that will further impact upon this junction and that these should also be taken into account.

NISP North East, University Of Teesside Middlesbrough

120. It is with great enthusiasm that I write to you in support of the planning application submitted for Augean's Waste Recovery Park at Port Clarence, Stockton.
121. The National Industrial Symbiosis Programme is a government funded organisation established to promote the efficient use of resources such as energy, water, and other waste materials within the industry. We are very happy to support and promote Augean Plc in the establishing of this new treatment facility.
122. As you know the North East has a very high concentration of process industries, and as a result is home to many hazardous waste streams. These wastes are predominantly disposed of to landfill. Additionally with recent changes in the Landfill Directive there are increasing numbers of orphan wastes, which are currently being stockpiled by local industry until a suitable treatment technology can be found. These solutions are quickly becoming unacceptable. Augean is proactively seeking to provide Teesside an alternative treatment pre-treatment recovery and recycling processes which when integrated will deliver a highly efficient and sustainable waste resource solution. I strongly believe that on completion of the proposed Waste Recovery Park, Augean will be able to provide viable and economic solutions for virtually every hazardous waste produced in the region. Additionally with the creation of new jobs Augean will be supporting local people as well as local businesses.

PLANNING POLICY

123. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans are: - the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).

National Planning Policy

Waste Strategy 2007

124. 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 documents.
125. There is a particular requirement in the Waste Framework Directive for the waste management plans 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 1995 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). This White Paper replaces the previous waste strategy for England (*Waste Strategy 2000*).

126. National Planning policies are set out in Planning Policy Guidance Notes (PPG) and the newer Planning Policy Statements (PPS).

Relevant to this application are:

PPS 1 “Delivering Sustainable Development”
PPG 4 “Industrial, commercial development and small firms”
PPS 10 “Planning for Sustainable Waste Management”
PPGN 13 “Transport”
PPS 23 “Planning and Pollution Control”
PPG 24 “Planning and Noise”
PPS 25 “Development and Flood Risk”

Regional Planning Guidance for the North East to 2016

Policies:

DP1 The Sequential approach to Development
DP2 Sustainability Criteria
W1 Waste Sites and Facilities
EN1 Energy
EN7 Energy Efficiency in Buildings
ENV1 Air Quality
ENV2 Water Resource Management
ENV3 Water Quality
ENV 4 Flooding
ENV 5 Biodiversity
ENV6 Landscape Character
ENV7 National Designations
ENV8 Local Designations

Regional Spatial Strategy: The Secretary of State’s Proposed Changes to the Draft Revision submitted by the North East Assembly: May 2007

Policies

Policy 3 The Sequential Approach to Development
Policy 5 Locational Strategy
Policy 7 Tees Valley City Region
Policy 24 Delivering Sustainable Communities
Policy 25 Urban and Rural Centres
Policy 33 Landscape Character
Policy 36 The Aquatic and Marine Environment
Policy 37 Flood Risk
Policy 38A Air Quality
Policy 39 Sustainable Construction
Policy 40 Renewable Energy Generation
Policy 47 Waste management provision
Policy 47 Hazardous Waste

Stockton on Tees Local Plan (June 1997)

IN3a Port Related Development
IN5a Potentially Polluting or Hazardous Industrial Uses

IN6 Hazardous Installations
EN36 New Hazardous Development
EN37 Expansion of Hazardous Installations

Alteration No.1 to the Adopted Local Plan
Adopted Draft March 2006
Policy EN32b Surface and Ground Water
Policy EN32c Surface Water Drainage

Tees Valley Joint Minerals and Waste Core Strategy and Site Allocations
Development Plan Documents (DPD's) Preferred Options and Sustainability
Appraisal.

127. Members may recall the Report presented on January 9th in respect of the Tees Valley Joint Minerals and Waste Core Strategy and Site Allocations Development Plan Documents (DPD's) Preferred Options and Sustainability Appraisal. That report gave an update on the progress of the production of the Joint Tees Valley Minerals and Waste Core Strategy and Site Allocations Development Plan Documents and Sustainability Appraisal and informed of proposals for a six-week period of public consultation between 20th February and 2nd April 2008.
128. The two DPD's provided the policy framework for determining planning applications for minerals and waste developments in the Borough for the period to 2021:
- a. The Core Strategy DPD which sets out overall strategy and generic development control policies for determining applications for minerals and waste developments,
 - b. The Site Allocations DPD which identifies specific sites for future development and which contains detailed policies for assessing planning applications.
129. Members were asked to note that with regard to the site allocations:
130. No new sites are allocated for mineral activity but sites submitted by operators for Haverton Hill and Augean Waste for the Port Clarence site do contain elements that will produce alternative aggregates materials.
131. With regard to the allocation of sites for waste handling, the following sites are proposed for allocation in Stockton:
- c. Bowesfield (proposed by Stockton Council) for a Household Waste Recycling Site,
 - d. ***Port Clarence (proposed by Augean Waste) for a range of advanced waste treatment technologies focused primarily on the treatment of hazardous waste***
 - e. Haverton Hill (proposed by SITA) proposed expansion of existing facilities (energy from waste, household waste recycling and green composting facilities) for treatment of municipal solid waste and commercial and industrial waste.
132. Full consideration is required of local adopted and emerging policies. As the number of relevant policies is substantial, below is a summary list. The policies are set out in full at Appendix 11 to this report.

MATERIAL PLANNING CONSIDERATIONS

133. The main planning considerations relate to planning policy and guidance, impact on the amenity of the occupiers of neighbouring properties, landscape and visual impact, nature conservation, flood risk and water quality, contaminated land and landfill gas, highway safety and access considerations, and the likely impact on the operation and restoration of Port Clarence Landfill Site.

Planning Policy and Guidance

134. The proposal will provide a regionally and nationally significant facility for the treatment of hazardous waste, and will relieve a shortfall of these facilities as identified in the Waste Strategy for England 2007 and the Regional Spatial Strategy, Secretary of State Proposed Changes (May 2007). The proposal to develop a waste recovery park in this location is consistent with RPG1 and the Secretary of States proposed changes to the RSS.
135. The proposals mitigate against noise, visual impact and air quality are supported and consistent with the objectives of national guidance and policy in these respects and RPG 1 and the RSS proposed changes.
136. In terms of the Local Plan the application site is located on land that is subject to a planning permission for waste management activities, and specifically for the long term waste recycling and for stockpiling of soils and engineering materials. In the short to medium term this is an ideal arrangement. Notwithstanding that there is some acknowledged uncertainty in respect of the treatment of these wastes in the long term, the relationship to the landfill site and that wastes may well be drawn from a wider than regional market it is considered that the proposal presents the Best Practical Environmental Option for this waste stream, resulting in the most benefits with the least damage to the environment.
137. The preliminary view, taken without the benefit of a resolution to highway matters and the view of the Health and Safety Executive is that that the proposal generally accords with national and local policy and guidance. A full assessment of the proposal in policy terms both in principle and on individual environmental concerns will be made in an update report.

Amenity of the Occupiers of Neighbouring Properties.

138. The nearest premises to the site are industrial, with the nearest residential properties in South Bank some 970 metres south east of the application site and the properties closest to the site in Port Clarence are 1.12 kilometres to the south west of application boundary.
139. The EIS considers the matter of nuisance from litter, birds, pests, and vermin and the impacts from atmospheric emissions (particulates and gaseous) and as well as visual and landscape impact. It is concluded that given the separation distances and the wide ranging mitigation, monitoring and control afforded under the planning conditions PPC regime that it is highly unlikely that the amenity of near and relatively distant neighbouring premises and dwellings would be adversely affected by the proposal.
140. There are no objections arising from neighbouring occupiers in this respect and the Environmental Health Officer raises no objection subject to conditions in respect of

noise insulation. However, given the separation distances involved, the type of operations, the noise limits proposed and to be conditioned, it is not considered reasonable to require insulation of this type for a planning purpose.

Access and Highway Safety

141. The details of access arrangements and on site parking and manoeuvring have been set out above and a Transport Assessment accompanied the submission. The initial conclusion of the Urban Design Manager in respect of the submitted Transport Assessment concludes that:
- The Transport Assessment is not acceptable in its current form. It should be revised to show the impact on the wider road network.
 - The effect of the additional HGV movements on Wolviston roundabout and A19/A689 Interchange be detailed and mitigation suggested for any material harm that is identified.
 - The effects of the additional HGV movements on the accident record of Wolviston roundabout be assessed and mitigation suggested for any material harm identified
 - The existing condition that service vehicles do not use A1046 through Port Clarence should be included in the new planning application.
 - A larger scale plan is provided indicating vehicle manoeuvres and access to the site.
 - The level of parking seems to be satisfactory for the number of employees and visitors that would be associated with the development; however, coach parking should be clearly shown. It is also necessary to provide 10 secure and covered cycle parking spaces.
142. A subsequent submission by the applicant in response to this has been examined and as set out above has been found to be unsatisfactory. The applicant has been advised of the comments and a response is awaited. This information is also required by the Highways Agency, who whilst not directing a refusal, a delay to determination or conditions to be attached is not yet satisfied.
143. Andrew Gowing of Petroplus has raised concern in respect of increase in traffic from the site. A full response will be given in an update report.
144. It should be noted that vehicle routing would be controlled via a Section 106 legal agreement. An update report will set out any further information received in this respect and a final assessment of the likely impacts of the proposal on highway safety will be made.

Landscape and Visual Impact

145. The application site is located within an area characterised by industrial users, buildings, structures and a mix of rural and post industrial vegetation and landscape, and adjacent to an active landfill site which although some years from complete restoration provides a mounded backdrop and screening for physical presence of the WRP on the site.
146. The stack would be visible in the landscape, but against the backdrop of the landfill and the neighbouring industrial development. The operational development would set

behind the curved bund, coloured appropriately with curved rooflines, and set as low as possible without compromising the levels required for flood management.

147. The EIS has assessed the likely impact of the proposal in terms of landscape and visual amenity. The Urban Design Manager has examined the findings of the EIS in this respect and does not disagree with those findings. He concludes that subject to bund construction in one continuous operation and careful timing of construction access road and hard standing and of the agreement in respect of seeding, planting, maintenance and management, that there are no objections to the proposed scheme.
148. The applicant has raised the matter of timing of bund construction and the proposed timetable, and now envisages that there may be insufficient time in one season given the limited working period (avoiding November to March – bird breeding season) to complete the works. In landscape terms and notwithstanding previous comments, the Urban Design Manager has no objections to a partial completion of the bund. Whilst in principle, this is considered acceptable, the exact detail and any mitigation measures can be controlled and considered through the use of specific planning conditions.
149. The retention of the species rich short turf vegetation to the south of the application site would realise some benefits in landscape terms as it would remove the proposed stockpiling area between the site and longer views.
150. The comments of Middlesbrough Council and the aim to protect views from Middlehaven are noted. However, the screening bund and seeding and planting, are balanced to blend the development into the adjacent landscape and vegetation whilst providing effective screening.
151. In light of the above it is considered that the mitigation measures proposed are adequate and that the proposal is acceptable in landscape and visual impact terms.

Nature Conservation

152. The application is close to the Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site, and the Tees and Hartlepool Foreshore and Wetlands SSSI. The location of these areas in relation to the site is shown at Appendix X
153. The WRP would occupy an area of rough grassland, the site of a former waste disposal site, species rich short turf vegetation and wasteland type vegetation. The access track would cut through an area of species rich short turf vegetation, a mosaic of rock piles, bramble and rough grassland, and existing open water.
154. The application proposes the retention of an area to the south of the application site which comprises species rich short turf vegetation, small areas of dense scrub and an area of a former waste disposal licence, and a small area of hard surface/bare ground, which would otherwise be used for stockpiling.
155. Natural England's initial concerns in respect of air dispersion modelling as set out above have been satisfied as the applicant has explained that this is a worst case scenario at the nearest receptor. Furthermore, and notwithstanding initial comments, it has been confirmed that there are no in principle objections to a partial construction of the screening bund.

156. Natural England considers that the location and nature of the proposed development are such that it will not have a significant effect on the interest features of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site. Further to this, Natural England considers that the proposal will not be likely to cause damage or disturbance to the Tees and Hartlepool Foreshore and Wetlands SSSI, and would not have the potential to affect protected species or SNCI sites.
157. The RSPB has suggested that the internal access route is relocated to avoid areas of water. This applicant has been invited to respond to this suggestion and comments that *“the proposed haul route follows the southern boundary of the landfill. Whilst it is possible to avoid the pool complex by taking a slightly more southerly route this will have little ecological benefit, as the pool complex will be lost during landfill development. The impact of the landfill on the ecology was assessed and mitigated under the landfill consent.”*
158. Further to this, the RSPB has concerns in respect of the timing of any piling operations. This matter can be controlled by condition and the applicant has indicated a willingness to comply.
159. In light of the considerations of Natural England and taking account of RSPB’s concerns, and the planning conditions proposed it is considered that the proposal is acceptable in its likely impact on nature conservation interests.

Flood Risk and Water Quality

160. The application site is within Flood Zone 1, with little or no risk of flooding. The built development is to be set above a level of 5 AOD, which above the 1 in 200 year flood level. The Environment Agency has no objection to the scheme in this respect.
161. On site activities will result in the production of contaminated water and the large expanses of hardstanding may well impact on surface water drainage. In those respects the application proposes the re-use of wash water or re-direction to the effluent treatment plant, any spillages and all rainfall run-off would drain to a collection lagoon for re-use or treatment. The Environment Agency has no objections subject to conditions in respect of surface water drainage, which would ensure that the flow could be regulated so as not to exacerbate flooding problems downstream within the catchment, and to control the infiltration of surface water drainage.

Contaminated Land and Landfill Gas

162. The Environment Agency’s comments in respect of contaminated land and landfill gas are noted, however, the proposed development is designed to use gas produced at the adjacent landfill site to generate electricity. In respect of contaminated land, the Council’s Environmental Health Unit has suggests standard conditions and under the circumstances and current planning guidance it is not considered unreasonable to impose such conditions.
163. There are objections arising to the proposal from consultees in these respects and therefore it is considered that the development is acceptable from this planning standpoint.

Impact on Operation and Restoration of Existing Landfill Site

164. Port Clarence Landfill site has a consented life of 16 years (to 2016). The approved phased working plans show that the application site and the species rich grassland area to be retained area are outwith the consented landfill area, and upon an area allocated for long-term soil storage, restoration materials storage, and waste recycling and water treatment area.
165. Restoration of the site would be to a mix of scrub/woodland, ponds, and tree planting, with public access to the site facilitated by a network of footpaths and interpretative signage provided. The proposed scheme if approved would necessitate amendments to the final restoration of the site.
- The approved phased working plan is attached at Appendix 12
 - The approved restoration plan is attached at Appendix 13
166. The proposed scheme if approved would necessitate amendments to the final restoration of the site. Furthermore, the applicant has confirmed that the development would impact upon the operation of the landfill, insofar as alternative arrangements for stocking and an amended restoration plan would be required. However, the applicant is confident that sufficient space is available within the remainder of the site for the convenient and practical stocking operations, which would ensure that landfill operations are not compromised. These matters will be addressed separately as amendments to the existing landfill permission outside consideration of the current proposals.

Residual Matters

Quality of Place

167. One North East request that the Local Planning Authority encourage the developer to pursue the highest standards of quality in the development of this site for example BREEM, Building for Life and Secured by Design. The applicant has confirmed that the where appropriate the principles of BREEM, Building for Life and Secured by Design will be adopted where appropriate to the development.

Renewable Energy Measures

168. One North East requests that in line with Government objectives to generate 10% of electricity from renewable energy sources by 2010, the application should also provide details regarding the provision of renewable energy measures within the scheme.
169. Members should note that Section 18.3 of the EIS identifies three potential sources of renewable energy, combustion and energy recovery from wood wastes, anaerobic digestion of biodegradable and green wastes with energy recovery and gas combustion and energy production.
170. The applicant has estimated that the combined maximum energy generation potential from these processes would be in the region of 6.5MW.

Health and Safety Executive

171. The response of the HSE on matters within their purview is outstanding. However, informal discussions with the Executive have indicated that objections to the scheme are unlikely.

CONCLUSION

172. The proposal will provide a regionally and nationally significant facility for the treatment of hazardous waste, and will relieve a shortfall of these facilities as identified in the Waste Strategy for England 2007 and the Regional Spatial Strategy.
173. Taking account of the assessment, the information provided, and the views of statutory consultees that the proposal accord with adopted and emerging policy, providing the best practical environmental option for difficult waste streams with sufficient flexibility to embrace new technologies.
174. It is considered that subject to the satisfactory responses from the Urban Design Manager, the Highways Agency and the Health and Safety Executive, the findings set out in any subsequent update report, that the proposal would accord with national and local planning policy and guidance and planning permission should be granted subject to planning conditions set out in the report and a legal agreement covering matters relating to vehicle routeing, financial contributions and habitat retention.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Ms Jane Hall Telephone No 01642 528556**

Financial Implications – As report

Environmental Implications – As report

Legal Implications – As report

Community Safety Implications – As report

Background Papers –

Stockton on Tees Local Plan (June 1997), Adopted Tees Valley Structure Plan (February 2004),

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

WARD AND WARD COUNCILLORS

**Ward Billingham South
Ward Councillor Councillor Mrs J. O' Donnell**

**Ward Billingham South
Ward Councillor Councillor M. Smith**

