DELEGATED

AGENDA NO
PLANNING COMMITTEE

14 October 2009

REPORT OF CORPORATE DIRECTOR, DEVELOPMENT AND NEIGHBOURHOOD SERVICES

09/1562/EIS

Billingham Reach Industrial Estate, Haverton Hill Road, Billingham

Erection of a biomass powered electricity-generating station.

Expiry Date: 23 October 2009

SUMMARY

Planning permission is sought for the construction and operation of a biomass fired power station on 6.5 Hectares of land at Billingham Reach Industrial Estate.

The proposed facility will provide an output of approximately 45MWe (no more than 50MWe) of electrical power for export to the local NEDL by means of a biomass boiler, which will burn fuel continuously.

The application is subject to formal Environmental Impact Assessment, which has not revealed any significant drawbacks to the development that cannot be resolved by appropriate mitigation, and there have been no objections to the proposal from any of the statutory consultations or as a result of the publicity given to the application.

The Highways Agency whilst raising no objections requested further information, which has been submitted. To date their response has not been received and their comments will be presented in an update report to Committee, along with any suggested conditions in relation to transport/highways.

The main issues with the application are whether there is any conflict with planning policy in land use terms, whether it is an appropriate location; what is the impact in terms of traffic, flood risk, ecology and air quality and residual matters that might make the development unacceptable.

These issues have been considered in some detail and it is concluded that there are no sustainable land use planning reasons for resisting the development but any approval will require a number of conditions to satisfactory control the building and operation of the new plant.

RECOMMENDATION

Planning application 09/1562/EIS be approved subject to conditions covering the following matters:

Approved Plans

01 The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.

Plan Reference Number	*Date on Plan*
YOR.1522_01-1	*29 July 2009*
YOR.1522_02-1	*29 July 2009*
FIG 4.2	*29 July 2009*
FIG 4.2A	*29 July 2009*
FIG 4.2B	*29 July 2009*
FIG 4.2C	*29 July 2009*
FIGURE 1.2	*29 July 2009*
FIGURE 4.1	*29 July 2009*

Reason: To define the consent.

Mitigation Measures

02. *The development shall not be operated except in accordance with the full implementation of all the mitigation measures specified in the Environmental Statement accompanying the planning application hereby approved and a programme to monitor the effectiveness of these mitigation measures, which shall be agreed before development commences.*

Reason: In the interests of protecting the amenities of the surrounding area from the potential adverse impact of the development hereby approved

Details of the buildings

03 *Prior to development commencing a scheme of details of all buildings and structures including the fuel store; boiler; turbine hall, stack, emergency storage; bag house filters, and offices shall be agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in full, and retained thereafter unless with the prior approval of the Local Planning Authority to any variation.*

Reason: To achieve a satisfactory form of development

Materials

03. Notwithstanding any description of the materials in the application no building shall be constructed until precise details of the materials to be used in the construction of the external walls and roofs of the building and colours of render(s) have been approved in writing by the Local Planning Authority

Reason: To enable the Local Planning Authority to control details of the proposed development

Means of Enclosure

03 All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be implemented before the development is brought into use. The approved scheme shall be retained for the life of the development hereby permitted unless with the prior written agreement to any variation is obtained from the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

Means of Illumination

04. Notwithstanding the proposals detailed in the Design and Access Statement, full details of all external illumination of buildings facades and external areas of the site, including parking courts, shall be submitted to and approved in writing by the Local Planning Authority before installation or erection. The illumination shall be retained in accordance with the approved scheme unless with the approval of the Local Planning Authority to any variation.

Reason: In the interests of visual amenity. highways safety and protection of sensitive wildlife habitats.

Soft Landscaping

05. Notwithstanding the proposals detailed in the Design and Access Statement, no development shall commence until full details of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the Local Planning Authority in writing in the first planting season following commencement of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances biodiversity.

Hard Landscaping

06. Notwithstanding the proposals detailed in the Design and Access Statement, no development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

Reason: To enable the Local Planning Authority to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.

Management Plan

07. Notwithstanding the proposals detailed in the design and access statement, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. Any vegetation within a period of 5 years from the date of completion of the total landscaping works, the date as agreed with the Local Planning Authority, that is dying, damaged, diseased or in the opinion of the Local Planning Authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation.

Landscape maintenance shall be detailed for the initial 5 year establishment period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

Noise from Plant

08. Before the plant is brought into use the buildings, structure and plant shall be insulated against the emission of noise in accordance with a scheme to be approved by the Local Planning Authority. Such noise insulation shall be thereafter maintained to the satisfaction of the Local Planning Authority. Any new plant installed subsequent to the approval shall not increase background levels of noise as agreed without the agreement in writing of the Local Planning Authority

*Reason :. *********

Possible land contamination

09. If potential risks are identified an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;
(iii) an appraisal of remedial options, and proposal of the preferred option(s).
This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To secure remediation of possible contamination on the site, to ensure proper restoration of the site

Submission of land contamination Remediation Scheme

10. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To secure remediation of possible contamination on the site, to ensure proper restoration of the site

Implementation of land contamination Approved Remediation Scheme

11. *The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.*

Reason: To secure remediation of possible contamination on the site, to ensure proper restoration of the site

Reporting unexpected land contamination

12. *In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.*

Reason: To ensure the site has been properly remediated to allow development of the site

Land Contamination -Long Term Monitoring and Maintenance

13. *A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of [3] years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.*

Reason: To ensure the site has been properly remediated to allow development of the site

Ecology

14. *No development shall take place unless in accordance with the mitigation detailed within the Environmental Statement Proposed Development of Biomass Fired Power Station, Gaia Power, June 2009 section 9.113 -9.117 including, but not restricted to; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods.*

Reason: To conserve protected species and their habitat.

Flood Risk

15. *The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Biomass-fired Power Station, Billingham Reach Industrial Estate dated September 2009 and the following mitigation measures detailed within the FRA:*

Flood risk management measures detailed in paragraph 7.1.1. are incorporated into the proposed development.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

Evacuation Procedures

16. The development hereby permitted shall not be commenced until such time as a scheme for the safe evacuation of the site has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to all personnel on site by ensuring they can evacuate the flood risk area.

Management of Surface Water

17. The development hereby permitted shall not be commenced until such time as a scheme for the management of surface water has been submitted to, and approved in writing by, the local planning authority. The system must be able operate up to the 100 year storm event plus a climate change allowance. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

Risks associated with contamination

18. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

* *all previous uses*
* *potential contaminants associated with those uses*
* *a conceptual model of the site indicating sources, pathways and receptors*
* *potentially unacceptable risks arising from contamination at the site.*

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The proposed development is above the Sherwood Sandstone principal aquifer. The potential risk to this controlled waters receptor need to be addressed. Enough information has been submitted to satisfy part 1) of the above condition.

Previously Unidentified contamination

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: The Sherwood Sandstone principal aquifer lies beneath the proposed development. It is difficult to fully characterise any development site therefore the above condition will ensure any unsuspected contamination is dealt with appropriately to minimise the risks to controlled waters.

Piling/Foundations

20. Piling or any other foundation designs using penetrative methods shall not be 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 groundwater.

Reason: Piling may introduce preferential pathways to the underlying Sherwood Sandstone principal aquifer.

INFORMATIVES

The proposal has been considered against policies below and it is considered that the scheme accords with those policies as the development will provide and meets national and regional policy requirements. It is considered to be an acceptable location for a new biomass plant. It does not give rise to concerns over the impact on flood risk, local air quality or landscape and the development is acceptable on highway grounds. Other residual matters have also been examined and there is no issue to suggest that the development will have an unacceptable impact on the local amenities and there are no other material considerations which indicate that a decision should be otherwise.
Waste Strategy 2007
PPS 1 Delivering Sustainable Development, PPG 4 Industrial, commercial development and small firms, PPS 9 Biodiversity and Geological Conservation, PPS10 Planning for Sustainable Waste Management, PPG 13 Transport, PPS 22 Renewable Energy, PPS 23 Planning and Pollution Control, PPG 24 Planning and Noise and PPS 25 Development and Flood Risk

<u>Regional Spatial Strategy,</u>
Policy 2 Sustainable Development, Policy 3 Climate Change, Policy 4 The Sequential Approach to Development, Policy 6 Locational Strategy, Policy 8 Protecting and Enhancing the Environment, Policy 10 Tees Valley City Region, Policy 12 Sustainable Economic Development, Policy 13 Brownfield Mixed Use locations, Policy 18 Employment Land Portfolio, Policy 24 Delivering Sustainable Communities, Policy 31 Landscape Character, Policy 33 Biodiversity and Geodiversity, Policy 34 The aquatic and marine environment, Policy 35 Flood Risk, Policy 37 Air Quality, Policy 38 Sustainable Construction, Policy 39 Renewable Energy Generation, Policy 40 Planning for Renewables ,Policy 45 Sustainable Waste Management ,Policy 54 Parking and Travel Plans

Stockton on Tees Local Plan

Policy GP1 General Policy, Policy IN2 allocates land for general industrial or storage and distribution uses, Policy IN3 port related industrial uses, Policy EN1 Proposals in or likely to affect a SSSI or European (SPA), Policy EN2 protection for local nature reserves, Policy EN4 protection for sites if nature conservation importance, Policy EN39 Expansion of industrial undertakings in the vicinity of Hazardous Installations

Alteration No.1 to the Adopted Local Plan Adopted Draft March 2006

Policy EN32b Surface and Ground Water and Policy EN32c Surface Water Drainage

The submitted environmental information set out in the Environmental Statement has been taken into consideration in the permissions hereby granted.

Informatives from the Environment Agency

It is understood that the plant will be shut down if the site is considered to be at risk. Therefore the evacuation plan should show the procedure for this (including defining the trigger for closure) and show that all personnel on site can leave the site safely (preferably via a dry route) and the plant left so as not to be vulnerable to subsequent flooding. It should also address the re-opening of the plant i.e. ensuring this is done in a safe manner if floodwater remains on site.

As the FRA rightly states, the effects of the tide should be considered as this may affect the discharge into the river. We would permit an unrestricted discharge but fully support the use of sustainable forms of drainage such as ponds. Any works within 5m of the River Tees will require the prior written consent of the Environment Agency under the Water Resources Act 1991.

Any abstraction of water from the River Tees to be utilised by the proposed development will require an abstraction licence from the Environment Agency in addition to the Environmental Permit. If you would like to discuss this requirement, please contact our Senior Environmental Planning Officer, Karen Wooster, on 0113 213 4822 for further information.

In addition, any new outfall structure, or works to an existing outfall to the River Tees will require the prior written consent of the Environment Agency under the Water Resources Act 1991.

The Environment Agency is supportive of the aim to develop new renewable energy schemes in the UK. We will welcome the opportunity to assess the required further information and will provide guidance to the applicant on these matters as appropriate.

PROPOSAL

1. Full planning permission is sought for the construction and operation of a biomass fired power station. Biomass is defined as “biological material derived from living or recently living organisms”. It is often thought of as relating mainly to wood but it can and does include paper, card, sewage sludge, manure, cereal and numerous other plant crops. It does not include organic material that has been transformed by geological process to produce coal, oil or gas. The plant’s operation will involve:
   - fuel handling;
   - combustion boiler and associated equipment;
   - steam turbine and auxiliary plant;
   - condensing and cooling equipment;

- water treatment plant; and
- flue gas treatment.

2. The main structures proposed include a fuel store; boiler; turbine hall, stack (up to 70 metres in height); emergency storage; bag house filters, car parking and offices.

3. The proposed facility will provide an output of approximately 45MW of electrical power for export to the local NEDL by means of a biomass boiler which will burn the biomass fuel continuously. The fuel is classed as waste and must comply with the waste incineration directive to minimize impacts of emissions to air, soil, surface and water. These issues are discussed later in the report.

Process

4. The fuel for the proposed plant will consist of recycled wood from various sources, but will exclude treated timber. The fuel will be collected, sorted and shredded off site by a third party and delivered on a scheduled basis. The plant will operate continually with energy production 24 hours a day, 7 days a week.

5. The fuel will enter the site where it is weight and checks carried out. The delivery vehicle will then discharge the fuel into the covered storage area before exiting the site.

6. The fuel will then be transferred into the automated fuel feed system before conveying into a storage silo and then onto the boiler, which consists of a circulating fluidised bed, supported by auxiliary systems. The applicant has indicated this method is considered to represent the best available technology for the industry due to its more efficient combustion and the production of lower levels of nitrogen oxide compared to standard grate combustion technology.

7. As recycled wood can have high nitrogen levels, selective non-catalytic reduction abatement will be fitted which will typically remove 60% of the nitrogen oxide from the flue gas. During this process Hydrated Lime and activated carbon is used, which will be delivered by road to the site.

8. Once the useful energy has been removed from the steam the exhaust low-pressure steam will pass to the condenser where it is condensed back into water for re-use in the boiler.

9. Opportunities for the provision of low grade steam or waste heat to local thirds parties are being explored by the applicant, which would allow the plant to operate as a Combined Heat and Power plant.

Output

10. The generated electricity will be 11kV and transformed upto 132kCV for connection to the Northern Electric distribution network (likely to be a figure of 66kV at the connection). The connection will be via an underground cable across the site to the adjacent substation.

Access and car parking

11. Access will be via the existing access from the A1046. Within the site a one way system is proposed to minimize traffic impacts on the A1046 by utilising the southern and northern industrial estate access roads.

12. Car parking for staff will be provided at the site and deliveries restricted to prevent arrival at peak times. Fuel will be delivered in vehicles with the capacity for 20 tonnes, which will

necessitate approximately 275 deliveries per week. The hydrated lime and carbon, activated carbon and sand used in the process will also be delivered by road.

Other matters

13. The proposed development will employ around 50 full time staff and will generate a further 50 full time logistic positions (eg transport and maintenance). The site will be manned on a 24-hour basis including a manned reception gate, secure fencing surrounding the site and monitored by CCTV.

14. Major plant equipment will be sourced from Europe and transported to Teesport where it will be then transported by road or barge.

15. During construction temporary car parking, office and other facilities will be provided.

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SITE AND SURROUNDINGS

16. The 6.5 hectare site is currently vacant employment land and its last use was a power station which has since been demolished, and the land remediated.. The Local Plan (1997) allocates the land for general industrial or storage and distribution uses (B2 and B8) and is within flood Zone 3 (high risk).

17. The site is located approximately three kilometres south east of Billingham and 250m west of the River Tees.

18. The site is located within Billingham Reach Industrial Estate which forms part of a larger industrial area, close to major chemical works inert waste recycling, and other industrial premises. It is bounded to the west by undeveloped land and to the north, east and south by industrial and commercial uses. The nearest residential properties are The Clarences which are approximately 2-3 kilometres to the north and northeast of the site.

19. The application site and surrounding area are generally flat, and the site is located at approximately 5m above ordnance datum (AOD). The site is some 800m to 1.5km from many protected area including Sites of Special Scientific Interest (SSSI) , Special Protection Areas (SPA) and RAMSAR sites.

20. The site is approached via a private road, from the A1046 which connects to a major dual carriageway (the A19)

Environmental Controls

21 In addition to any planning conditions, the impacts of site operations, 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 Environmental Permitting Regulations (EPR).

Accompanying Documents

22. The development is the type of proposal that requires a formal Environment Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 which implement EU Directive 97/11/EC. Accordingly, the application is accompanied by an Environmental Impact Statement (EIS).

23. The application is also accompanied by a Design and Access Statement and a Planning Statement.

ENVIRONMENTAL IMPACT STATEMENT

24. The objectives of the EIS are to:

- identify baseline conditions in and surrounding the site;
- identify potential environmental effects of the proposals, taking account of the characteristics of the scheme, the sensitivity of the local environment and the concerns of interested parties (stakeholders);
- predict and evaluate the extent and significance of potential effects;
- identify measures that will be taken to mitigate potential adverse effects; and
- identify and assess the significance of any residual or unavoidable effects.

25. The EIS describes the application site, the proposed development and the alternatives that the applicant considered. It also describes the consultations that have taken place prior to submission during the development of the planning application. The specialist EIA reports are each summarised and cover the following topics:

- landscape and visual amenity;
- noise and vibration;
- air quality
- ecology;
- ground conditions
- socio-economic issues.
- transportation and access;
- hydrogeology and hydrology
- cumulative impact assessment

<u>Reason for Development</u>

26. The reasons given for the application are that national planning policy is wholly supportive of renewable energy development recognising its contribution towards sustainable development and tackling climate change. Policy acknowledges the range of location drivers for energy generation including connection to the National Grid and location to the materials.

27. This proposal will, for the purposes of energy generation make use of a significant amount of material that would otherwise be disposed to landfill and would also make a significant contribution to meeting targets for renewable energy projects

28. The Regional Spatial Strategy (RSS) recognises that the site is within an area identified for renewable energy projects and the region is well placed to deliver a green economy and all its benefits.

<u>Alternative options considered</u>

29. There is a requirement to consider alternative options under the regulations and an indication of the main reasons for the choice taking into account the environmental effects.

30 The EIA considered the 'no development' alternative, the use of alternative sites and also the design evolution in response to consultees concerns.

31 Should the site continue undeveloped it would remain in its current state and present no risk of further pollution. However the beneficial uses of the site such as investment in the area and its contribution to renewable energy would also not be achieved.

32. Three sites were considered for the location of the development and this site was chosen due to its proximity to transport links, both road and river, existing electrical infrastructure with connection to the grid, location in an industrial area away from residential properties and the site is previously developed (brownfield) land.

33. Alternative technologies have been considered and the combustion technology selected is a fluidised bed boiler which is the best available technique (BAT) due to the increased efficiency and the reduced emissions. At present the cooling option to be used is river extraction which is the best available technique, however the applicant has been liasing with the Environment Agency regarding the most suitable cooling technology for the proposed development which if different from that proposed will be submitted to the local planning authority for approval following completion of the detailed investigations.

Landscape and Visual Assessment

34. The Landscape and Visual Impact Assessment (LVIA) was determined by the topography of the area and views have been assessed within 10kilometres of the site.

35. The site forms part of a petrochemical cluster but is cleared from its former use and is now fenced and predominately flat. The site falls within character area 23 “The Tees Lowlands” as identified on the “character of England map”. The Countryside Agency’s Landscape Character Assessment for Teesside Lowlands (1998) notes the industrial nature of this landscape as forming a distinctive and dramatic skyline.

36. The LVIA identifies the potential effects of the development throughout the study area and the findings were that the proposed development would have minor adverse impacts on the surrounding landscaping due to the industrial nature of the surrounding land use and moderate impacts will be felt by those receptors closest to the site and by Saltholme Nature reserve.

37. The development will result in a change both physically and visually to the site at a local level and will have an initial adverse impact in the surrounding industrial context, but the impacts of development are mitigated by its location within large scale industry and the use of recessive colours to soften the appearance against the skyline.

Noise and Vibration

38. The assessment in the EIS on noise has considered the potential for the construction, operation and any increases to road traffic and decommissioning. The assessment has found that:
    - The use of correct induction and training relating to noise and vibration and working in accordance with the requirements of British Standards would ensure that there is only a negligible impact on local noise sensitive receptors during construction,
    - heavy goods vehicle movements associated with construction would have negligible impact at any of the locations assessed;
    - the operational noise levels from the proposed biomass plant would be below the existing background noise environment
    - the current ambient noise environment already included a number of industrial noise sources and therefore noise due to the proposed development is predicted to have no more that a minor adverse impact

39. It concludes that there would be no significant adverse noise impacts from either the construction or the operation of the proposed facility.

Air Quality

40. An assessment of the air quality impacts associated with the proposed development has been undertaken. The assessment has focussed on the principal emissions to air during construction activities at the site including construction vehicles and plant, earth moving operations and road traffic.

41. With regards to construction equipment it is anticipated that there will be relatively few vehicles/plant on site at any one time and the total number of vehicles will be relatively small compared to background traffic levels in the area and as such will not have a significant impact on air quality.

42. The movement of soils and rubble will lead to airborne dust however best practice methods will be used to ensure this is minimised.

43. The findings of the assessment of traffic emissions relating to both the construction and operational traffic have been found to be of negligible significance.

44. The findings of the assessment of emissions from the operation of the plant has found that the impact of the majority of pollutant species emitted would be 'negligible' or 'minor' and would not lead to air quality objectives being exceeded.

45. It concludes that by the following of industry best practice measures and ensuring that mitigation techniques will be adhered to, that the emissions to air are minimised and therefore minor.

Ecology

46 The impacts of the proposed development on ecology and nature conservation were assessed both during construction and operation of the plant.

47. The only significant impact expected to arise is in relation to the loss of habitat and species during the construction phase, and as this is at site level the impact is considered to be minor due to the low level and localized nature of the impact.

48. Mitigation measures can be put in place to ensure the conservation of fauna, meaning that adverse impacts will be mitigated so that the impacts on birds and invertebrates will be neutral/negligible and the legal requirements relating to nesting birds and foxes will be complied with.

49. Neutral/negligible impacts are anticipated on the local SPA/Ramsar site, the SSSI's and SNCI's.

Ground Conditions

50. No significant impacts to soils and groundwater are expected throughout the construction phase provided that standard mitigation measures are applied.

51. No significant impacts to soils and groundwater are expected as a result of operational development assuming methods of protection are employed in the detailed design of the scheme.

52 Effective operation procedures and good housekeeping would limit the frequency of any minor impacts and therefore the operational impacts are expected to be negligible.

Socio-Economics

53. The EIS considers social and economic issues relating to the proposed plant. It assesses the beneficial contribution of the proposed development in terms of additional local employment for skilled persons a review of other socio economic impacts including demands on existing employment sites and infrastructure.

54. The proposed development will create 746 jobs per year during construction resulting in a short-term beneficial impact and once operational, 92 jobs would be created providing long-term minor beneficial impacts.

55. Moderate beneficial long term impacts have also been identified as the development is anticipated to make a 38% contribution to sub regional renewable energy targets

56. It concludes that through its analysis of socio-economic issues, the development proposals would have a positive impact on the social and economic environment in Stockton on Tees

Transportation and Access

57 As part of the EIA process a Transport Assessment has been undertaken to examine in detail the potential impacts on the road and transportation network that may result from the development proposals.

58 The findings show that construction related traffic will result in small increases in traffic flow on local roads and it is anticipated that the significance of these impacts will be negligible.

59 A framework travel plan has been developed which would reduce the number of road trips to the site, especially during peak periods so as to minimise additional movements on the Portrack Interchange during these times.

60. In overall terms, the assessment demonstrates that the proposed development would not create a material adverse impact on highways and transportation.

Water Resources

61. The groundwater and surface water regimes at the proposed development site have been assessed with reference to information held by a number of statutory and non-statutory sources

62. A number of minor adverse impacts were identified during the construction and operational phase however, the assessment does not identify any significant impacts on water resources during either construction or operation of the proposed development.

63. The potential impacts of the proposed development associated with pollution as a result of leaks and spills of hazardous materials was considered to be negligible to a minor adverse effect. Mitigation measures have been accommodated into the operation of the development.

64. The site lies within Flood Zone 3a (high flood risk) and a flood risk assessment has been undertaken. However, the development site is considered to be at low risk of flooding from fluvial sources, groundwater, sewers and overland flow.

65. Overall, it is concluded that, with respect to geology, groundwater and surface water, there would be no significant residual impacts of the development with the proposed mitigation measures in place.

Cumulative Impact Assessment

66. For cumulative assessment two types of impact have been considered, the combined effect of impacts (e.g. noise, dust or traffic on a single receptor) and the combined effect of development schemes which were identified in liaison with the local planning authority.

67. No cumulative impacts were identified.

DESIGN AND ACCESS STATEMENT

68. The Design and Access describes the application site, summarises current planning policy and describes the proposal, its use and the its design process, including scale, landscaping, appearance together the physical access arrangements repeating information set out in the main EIS.

PLANNING STATEMENT

69. The Planning Statement also describes the site and the proposal. It also describes in some detail current planning policies and national strategies with regard to energy and waste management. Reference is also made to Government Documents in particular The Renewables Obligation 2002 and the Stern Report of 2006.

70. On strategy reference is made to a White Paper on Energy published by the government in May 2007 and the draft Climate Change Bill. It points out that the development of renewable sources of energy is an integral part of the Governments strategy for reducing carbon dioxide emissions.

71 Reference is also made to the Regional Tees Valley Climate Change Partnership. The emissions target set by the partnership is to reduce greenhouse gases by 8.75% below 2000 levels by 2012.

72 In respect of planning policy, the Planning statement describes national policies. The regional policies in the RSS are also set out including policies relating to renewable energy generation, sustainable waste management and waste management provision.

73. Local Planning policies are also described that are relevant to the applicant's proposal including those in the adopted local plan and its alteration No 1. Reference is also made to the Tees Valley Joint Minerals and Waste Development Plan Documents and the Core Strategy and Policies and Sites Preferred Options report.

74. The Planning Statement sets out in some detail the need for the development in light of the emerging strategies and policies and outlines the content of the Environmental Impact Assessment that accompanies the planning application. The examination to the case for the need for the development made by the applicant's consultant states in summary that:

> *The proposed development would for the purposes of energy generation make use of a significant amount of material that would otherwise be disposed of to landfill and the proposal gives rise to significant environmental, economic and social factors that must be considered, in particular in seeking to meet and exceed national, regional and local targets for renewable energy projects.*
>
> *The RSS recognises the site as broadly being within an area identified for renewable energy projects and is well placed to deliver a green economy and all of its benefits.*

Local policies and strategies seek to promote renewable energy schemes and are supportive of the re-use of waste. In the local plan the site is allocated for Class B1, B2 or B8 uses and whilst the proposal does not specifically fall within these classes it shares many comparables that lend itself at this scale to this area of designation.

CONSULTATIONS

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

Head Of Technical Services

76. Following submission of a revised Transport Statement, there is no highway objection to this application subject to the comments below and appropriate conditions.

The developer was asked to demonstrate that the development traffic would have no impact on Haverton Hill (Portrack) Interchange. A period in mid afternoon was selected for analysis as this is when the construction shifts will change and greatest traffic be generated. This has been undertaken satisfactorily as it is demonstrated the comparison between traffic flows at this time with traffic flows during peak periods and calculated it is approximately 80%. As the interchange copes with the heavier traffic flow, it will cope with the mid afternoon flow plus generated traffic. This will only occur during the construction phase, therefore, no committed development traffic need be added.

The demonstrated HGV usage is derived from the highest percentages from surveys across all routes. It does not necessarily demonstrate the correct HGV figures for the development, however, there are no traffic congestion concerns from the development.

The accident rate has been compared against accidents in the north east. The national rate for accidents on non-urban principal roads (averaged over 3 years 2005 - 2007) is 24 accidents per 100 million vehicle kilometres per year. The accident rate on Haverton Hill Road is 6 accidents per 100 million kilometres per year. Therefore, Haverton Hill Road is not considered to have a high accident risk and no mitigating measures are needed.

I note that the Highways Agency are generally satisfied that the development will not have an adverse effect on their network.

It is noted that the Transport Statement refers to a restriction on HGV movements between 07:30 – 09:30 and 15:30 – 17:30 Monday to Friday as a Planning condition and that data will be made available to the local authority. However, there should be agreement at the outset on how this will be managed and how the developer can control this as queuing HGVs on highway would not be acceptable.

The estimated traffic generation of the construction phase generates up to around 200 vehicles per hour in periods outside the peak traffic hours (07.30 to 09.30 and 15.30 to 18.00).

As there are few staff employed at the site, the operational traffic generation is low with a peak of 22 vehicles during peak traffic hours. HGV movements are restricted during these hours.

Access to Billingham Reach Industrial Estate is via an unadopted road. The junction with Haverton Hill Road is acceptable with suitable visibility, radii and access width. A ghost right turn island is marked on Haverton Hill Road. A refuge at which pedestrians can cross the road is present to the north of the access and bus lay-bys are provided in both directions. The internal road has a bridge over a railway. The bridge has a structural weight limit of 2 ton and a maximum height of 2.5m, it is noted that the internal road network is poor with poorly maintained carriageways and variable standards of road widths and junction arrangements.

The exit onto Haverton Hill Road is from Bamletts Wharf Road. The junction has acceptable visibility, radii and access width.

Whilst it is acknowledged that due to the nature of the site it will be able to accommodate HGVs, this is not clearly demonstrated on the layout plans submitted and car parking or servicing details are also not indicated. There are also no details of the layout of the site during the construction phase and how the site will operate including the provision of temporary car parking, this should be provided.

A full Travel Plan should be provided for the development. It should include the construction phase, which can be included as part of the proposed Traffic Management Plan that should be conditioned should planning approval be granted.

The conclusion is that, despite the poor quality of the Transport Assessment, with the conditions suggested in the Transport Assessment in place, there will be no adverse effect on the highway network. There is therefore no objection on traffic grounds to the development.

We broadly support this application in landscape and visual terms but make the following comments regarding the detail of the development:

The visual views in the design and access statement in section 8 show the built structure of the generating station set against an industrial landscape including similarly tall structure like the cooling towers. Viewpoint 1 however does illustrate that the building is rather stark in appearance and the faces of the building should be broken down with differing patterns and or colours of materials to lessen this visual impact.

We support the landscaping approach to the site as described in section 9 of the Design and access statement but details of the landscaping are required. These should include hard and soft landscaping and enclosure as outlined in this section.

If consent is granted, conditions should be applied.

<u>Highways Agency</u>

77. No objections, more information/clarification required.

<u>The Environment Agency</u>

78. No objections subject to a number of conditions being imposed on the development

<u>Association of North East Councils (Draft Response – any changes will be presented in an update report)</u>

79. This proposal is located on previously developed land within Stockton. This is located within the Tees Valley city region and reflects the locational and sequential priorities in RSS. This proposal is therefore consistent with RSS policies 4, 6 and 10.

The biomass powered electricity generating station use is appropriate in this location, which is within an already existing industrial landscape. This is consistent with RSS policies 13 and 24 which state that planning proposals should assess the suitability of land for development including the nature of development and its locational requirements, the importance in concentrating the majority of the region's development within the defined urban areas and the need to utilise previously developed land (PDL) wherever possible.

50 on site jobs and 50 logistic jobs are proposed to be created from the development, and it is anticipated that 746 jobs a year would be created in the construction phases. This would contribute to employment land portfolio targets in RSS policy 18. This is also consistent with RSS policy 12 which highlights the need to focus the majority of new economic development and investment in the main conurbations and settlements within the Tees Valley city region, in brown field mixed-use locations.

The travel plan advises a range of packages of physical and management measures to assist travel by modes other than the car will be introduced. This will include a travel coordinator to implement administer and monitor a travel plan. Some bus and rail services and times are provided and it advises that there are fair pedestrian and cycle routes. Shower and bike storage facilities are also proposed. This is generally consistent with RSS policy 54 which seeks to ensure travel plans are prepared for all major development proposals to maximise travel by public transport, walking and cycling. The local authority should be confident that any level of parking proposed reflects the objectives of RSS policy 54, which aims to minimise parking provision for non-residential developments in order to encourage sustainable modes of transport.

The fuel used in the plant will be recycled wood (not including treated timber). Mitigation measures proposed in the transport statement should be adopted to reduce impact of local highways. The local authority must be satisfied that there is sufficient highways provision for the increased transport movement that this development will generate. It is proposed that the River Tees will be used to enable barge deliveries at the construction stage. This generally reflects RSS policy 24 which highlights the need for the ability for movement needs and accessibility to be well served by all modes of transport.

The proposed biomass powered electricity generating station is consistent with the objectives of RSS policies 3 and 39 which state that all strategies, plans and programmes in the regional shall contribute to mitigating climate change and assisting adaptation to the impacts of a changing climate and facilitate the generation of at least 10% of the region's consumption of electricity from renewable sources within the region by 2010. This also reflects the objectives of RSS policies 2, 24n and 38 which promote the need to secure greater use of local renewable energy in new development and ensure that development incorporates embedded renewable energy generation where appropriate.
The site is located between 800 and 900 metres to the south west of the Teesmouth National Nature Reserve which is a RAMSAR site and Special Protection Area (SPA). The environmental statement concludes that the proposal is considered not to have any significant adverse impact on the environment and is not anticipated to add to the existing environmental noise levels in the vicinity of the site due to the already extant industrial uses in the area. This is therefore consistent with RSS policy 33 which aims to protect and enhance the region's biodiversity and geodiversity.

Sustainable drainage systems (SUDS) aim to reduce the risk of flooding, particularly flash flooding, and water pollution. The provision of SUDS would contribute to the implementation of RSS policies 24, 34 and 35. The local authority should ensure SUDS are included; unless they are satisfied this is not viable in order for the proposal to be consistent with RSS.

In conclusion this proposal is in general conformity with the RSS. The proposed reuse of previously developed land within a settlement defined in RSS reflects the locational priorities and objectives of the RSS. The use of this land for the erection of a biomass powered electricity generating station is consistent with policy objectives for this sites land use. The proposal incorporates energy efficiency and generation measures which reflect RSS. The proposal is generally well integrated with its surroundings, and offers a variety of transport modes to and from the site. However, the local authority must be satisfied that the current highways infrastructure is adequate for the amount of increased traffic to be generated. The

local authority should also ensure that SUDS are employed unless it can be proven this is not viable. The Environment Agency must be satisfied that the requirements of RSS policy 35 have been met to ensure general conformity with the objectives of this policy.

Natural England

80. Based on the information provided, Natural England advises that the above proposal is unlikely to have an adverse effect in respect of species especially protected by law, subject to the following conditions relating to;
    - Mitigation Measures
    - Enhancement/compensation measures

    From the information provided in the Environmental Statement with regard to section 13 Water Quality and flood risk & Air Quality (within section 09 Ecology/ Appendix II), Natural England considers that the proposal is unlikely to have an adverse effect on designated sites i.e. Teesmouth and Cleveland Coast SPA/Ramsar, Tees and Hartlepool Foreshore and Wetlands SSSI all 1.5km from the site providing precautionary working methods to avoid spills on site are adhered to (section 13.63-13.65).

    Given the above comments Stockton Borough Council will not be required to carry out an "Appropriate Assessment" as required by Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994.

    From the information provided in the Environmental Statement for Landscape and Visual Amenity, Natural England considers that the proposal is likely to have moderate to minor landscape and visual impacts within the local landscape (i.e. petrochemical cluster on north shore of River Tees). Natural England notes that moderate impacts will be received by the Teesdale Way and by RSPB's Saltholme Nature Reserve with the proposed development being an obvious addition to the skyline. The use of visually recessive colours as mitigation for these impacts is welcomed.

One North East

81. Providing a clean, secure and stable energy supply is presently a key challenge and a key opportunity for the region's economy. Efficient use of low carbon energy is the key policy driver that the Agency is promoting through its plans and programmes to support businesses and other users reduce the impacts of a presently volatile energy market and grasp the economic opportunities it represents. The UK Renewable Energy Strategy released in July 2009, sets out how the UK will meet its EU target of ensuring 15% of energy comes from renewable sources by 2020, which will require a seven-fold increase on current levels. The lead scenario assumes, to meet this target, more than 30% of electricity will be generated from renewable sources. Further consultation has recently taken place between DECC and Regional Development Agencies with a view to agreeing a target for renewable energy production for each region. Biomass will play an important role in achieving these targets and this type of development has the potential to support the North East region in meeting a key Government target for renewable energy generation. The plant is making use of waste wood which could be sourced locally (the application makes reference to initial fuel sources from Wilton) and therefore supporting local businesses.

    As you are aware Energy is a priority sector in the RES and is seen as a unique feature of the North East economy where economic growth is linked to innovation. The region is characterised by energy intensive industries and those which specialise in energy generation technologies. It is in these industries where we see the most economic growth

potential. Energy is one of the Three Pillars on which the RES' Strategy for Success is based[1] and as such the Agency is supportive of renewables and biomass in particular. Renewables are identified as a key part of the energy sector and one, which is likely to increase over the coming years. Nationally the Energy Review 2006 highlighted the role renewables have to play in order for the UK to move to a low carbon economy. The Forestry Commission's Woodfuel Strategy highlights the role biomass has to play in this. The Agency welcomes the applicant's intention to explore opportunities for the provision of low grade steam or waste heat to local third parties which would enable the plant to operate as a Combined Heat and Power (CHP) plant thereby maximising the use of available heat.

The ES states the applicant's intention to investigate barge transportation of the Europe sourced major plant equipment to the site during the construction phase which is welcomed by the Agency. However, it is noted that, for the post construction operation of the site, the applicant intends to transport the waste wood fuel by road necessitating approximately 275 deliveries per week spread over a 24 hour period 7 days a week.

The ES supporting the application states that the applicant has considered alternative methods of transport, i.e. by barge and/or rail. However, since both of these alternative methods would involve transporting to and from ports or railheads, there would be an added cost and carbon footprint of triple handling fuel. Whilst this is regrettable, the Agency welcomes the applicant's intention to bring in fuel via water or rail should a fuel processing plant adjacent to water or rail be developed in the future.

As you are aware the RES promotes the need for quality of place within existing and proposed development. The Agency acknowledges that the primary function of this particular site presents challenges regarding architectural character and aesthetics of the proposed development. However, the Agency welcomes the applicant's intention to provide a contemporary functional, modern, industrial development set in a green environment with specific attention paid to the resolution of issues relating to appropriate building materials, light pollution and impact on habitats.

Clearly, given the application site's location, there may be issues regarding the relationship of proposed development to areas which are subject to statutory environmental designations, e.g. The Teesmouth National Nature Reserve - a RAMSAR site and Special Protection Area (SPA) and the Tees and Hartlepool Foreshore and Wetlands - a Site of Special Scientific Interest (SSSI), SPA and RAMSAR site. The Agency recognises that the Local Planning Authority (LPA) will need to be satisfied that any potential impact from the development upon these areas can be successfully mitigated.
confirm that, subject to the resolution of policy, transportation, environmental and design issues to the satisfaction of the LPA, One North East is supportive of this application for the reasons outlined above.

82. Joint Strategy Unit

The Joint Strategy Unit is broadly supportive of proposals for new renewable energy schemes, particularly if these complement measures to reduce and conserve the overall use of energy The Regional Spatial Strategy for the North East (RSS) supports the role of renewable energy schemes in creating sustainable economic growth and developing sustainable communities and sets sub-regional targets for renewable energy generation. RSS policy 40 states that renewable energy schemes should be supported and encouraged, subject to consideration of criteria such as visual impact, effect on biodiversity, accessibility, and effects on air quality, emissions, pollution and waste disposal. Policy 40 also states that proximity to the renewable fuel source should be a consideration for wood fuel biomass processing plants.

The Tees Valley City Region Development Programme and Business Case (2006) recognises that one of the potential strengths of the sub-region is to support an energy economy based on, among others, renewable energy. The Business Case notes the potential role of biomass in contributing to the growth of the Tees Valley economy, particularly if supported by a large biomass supply chain. The City Region Business Case also notes the opportunities for biomass combined heat and power schemes in large scale developments.

More recently the Joint Strategy Unit has been giving some preliminary consideration to the role of the Tees Valley within the North East Low Carbon Economic Area. This has included distributed heat networks and energy systems, and the potential for developments to contribute to the supply of heat for homes and businesses in the Tees Valley.

From a strategic planning aspect the proposed development is to be broadly welcomed. It is situated within an area identified as suitable for general industrial uses, and it will make a contribution to the Tees Valley target for generating electricity from renewable sources as identified in the Regional Spatial Strategy. When determining the application Stockton-on-Tees Borough Council should also take the following issues into consideration:
(a)The potential/scope for linking the development to district heating schemes in the area. It is noted that this is an element to be explored by the applicant, and
(b)The proposal satisfies the criteria identified in RSS policy 40, in particular the criterion concerned with proximity to the fuel source.

Environmental Health Unit

83. I have no objection in principle to the development, but would recommend the conditions be imposed on the development should it be approved relating to
- Noise disturbance from plant
- Possible land contamination
- Submission of land contamination Remediation Scheme
- Implementation of land contamination Approved Remediation Scheme
- Reporting unexpected land contamination
- Land Contamination -Long Term Monitoring and Maintenance

Northumbrian Water Limited

84 No comments received

Middlesbrough Borough Council Planning Department

85. No comments made

CE Electric UK

86 The enclosed Mains Records only give the approximate location of known Northern Electric apparatus in the area. Great care is therefore needed and all cables and overhead lines must be assumed to be live

Council For The Protection Of Rural England

87. No comments made

National Grid

88. Based on the information provided and the proximity and sensitivity of these networks we have concluded that the risk is negligible.

Health and Safety Executive

89. HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Parish Council

90. No comments made

Councillors

91. No comments made

Care For Your Area

92. No comments made

Tees Valley Wildlife Trust

93. No comments made

Contaminated Land Officer

94. No comments made

Government Office For The North East

95. No comments made

The RSPB

96. No comments made

Network Rail

97. I can confirm that Network Rail have no observations to make.

PUBLICITY

98 Neighbours were notified; site notices displayed and the application advertised in the press. No comments were received.

PLANNING POLICY

99. In response to national concerns with regards to the use of renewable energy the Government has produced a number of initiatives and strategies in relation to biomass energy and these include the following, the content of which is summarised below;

The Renewable Energy Strategy 2009

100 This Strategy explains how the Government will increase our use of renewable electricity,

heat and transport and how we will do so, it sets out the path to meet legally-binding target to ensure 15% of our energy comes from renewable sources by 2020. This Strategy will help tackle climate change, promote the security of our energy supply, and it will provide outstanding opportunities for the UK economy with the potential to create up to half a million more jobs in the UK renewable energy sector.

101 Part of the strategy is encouraging and supporting the use of more sustainable bioenergy by upping the supply and use of biomass for heat, power and transport while ensuring sustainability and protecting the environment, and states that the "greater recovery of wood from managed and unmanaged woodland, increasing the planting of energy crops, and better exploitation of the existing supply of organic waste materials, could make a significant contribution to our energy targets, particularly in the electricity and heat sectors" and "generating renewable energy from biomass waste could also significantly reduce the amount of waste that is landfilled in the UK".

102. The analysis suggests that using biomass to generate heat and electricity is a cost effective way to meet the 2020 renewable energy target and when sourced sustainably, biomass, whether used to produce heat, electricity or biofuels, can make a significant contribution to our greenhouse gas targets and support wider sustainable development objectives at home and abroad.

The UK Biomass Strategy 2007

103. This strategy states that Biomass is renewable and generally has low carbon characteristics. The use of biomass and other renewables, in place of fossil based fuels, offers the prospect of a more diversified energy mix, elements of which could be sourced from most countries across the world.

104. Biomass has an important role to play in achieving national and regional targets and has significant potential to contribute to renewable electricity and carbon abatement. Currently around 4.6% of our electricity comes from renewable energy sources with biomass providing around half of that supply.

Waste Strategy for England 2007

105. Wood has relatively low embodied energy (energy consumed in extraction) but high calorific value. Though for some kinds of wood waste, the re-use or recycling are better options, use as a fuel generally conveys a greater greenhouse gas benefit than recovering the material as a resource.

106. Suggested actions in this strategy include construction Site Waste Management Plans which will highlight key waste materials, such as wood, that are predominantly consigned to landfill and identify beneficial alternatives to landfilling and encourage separate collection of materials at construction and demolition sites.

107. It states that "Recovering energy from waste which cannot sensibly be reused or recycled is an essential component of a well-balanced energy policy".

National Planning Policy

108. 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 9 Biodiversity and Geological Conservation
PPS 10 Planning for Sustainable Waste Management
PPG 13 Transport
PPS 22 Renewable Energy
PPS 23 Planning and Pollution Control
PPG 24 Planning and Noise
PPS 25 Development and Flood Risk

Development Plan Policy

109 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 Regional Spatial Strategy (RSS) and the Stockton on Tees Local Plan (STLP).

Regional Spatial Strategy

110 Regional Planning policy guidance is set out the North East of England Regional Spatial Strategy to 2021 published in July 2008. The relevant policies are:

Policy 2 Sustainable Development
Policy 3 Climate Change
Policy 4 The Sequential Approach to Development
Policy 6 Locational Strategy
Policy 8 Protecting and Enhancing the Environment
Policy 10 Tees Valley City Region
Policy 12 Sustainable Economic Development
Policy 13 Brownfield Mixed Use Locations
Policy 18 Employment Land Portfolio
Policy 24 Delivering Sustainable Communities
Policy 31 Landscape Character
Policy 33 Biodiversity and Geodiversity
Policy 34 The aquatic and marine environment
Policy 35 Flood Risk
Policy 37 Air Quality
Policy 38 Sustainable Construction
Policy 39 Renewable Energy Generation
Policy 40 Planning for Renewables
Policy 45 Sustainable Waste Management
Policy 54 Parking and Travel Plans

Stockton on Tees Local Plan

111. There is limited planning policy, within the adopted Stockton on Tees Local plan relating specifically to this form of development, although, there is a general presumption in favour of the use and operation of renewable energy sources at both Local and National Planning Policy level. However, adopted policies that remain relevant policies and contained within Stockton on Tees Local Plan (June 1997) are:

Policy GP1 General Policy
Policy IN2 allocates land for general industrial or storage and distribution uses
Policy IN3 port related industrial uses

Policy EN1 Proposals in or likely to affect a SSSI or European (SPA)
Policy EN2 protection for local nature reserves
Policy EN4 protection for sites if nature conservation importance
Policy EN39 Expansion of industrial undertakings in the vicinity of Hazardous Installations

Also relevant are policies in Alteration No.1 to the Adopted Local Plan Adopted Draft March 2006

Policy EN32b Surface and Ground Water
Policy EN32c Surface Water Drainage

MATERIAL PLANNING CONSIDERATIONS

112. Drawing from current planning policy set out in Government advice, National Planning Policy and the Development Plan including the emerging Local Development Framework documents, together with the issues highlighted by certain of the consultees, a number of material considerations can be identified:

- Planning Policy and Guidance
- hydrogeology and hydrology
- ecology;
- landscape and visual amenity;
- Air Quality and pollution control
- Climate Change
- Transport issues
- Socio economic
- Other relevant matters

Planning Policy and Guidance

113 The numerous incentives and strategies produced by the government with regards to renewable energy and the use of biomass technology promote and support the diversion from landfill of reusable waste which includes wood from various sources, including commercial sites. It also seeks to secure the investment in waste treatment facilities needed to divert waste from landfill and get the most environmental benefit from that investment, through increased recycling of resources and recovery of energy from residual waste using a mix of technologies.

114 The Regional Spatial Strategy for the North East supports the role of renewable energy schemes in creating sustainable economic growth and developing sustainable communities and sets sub-regional targets for renewable energy generation. In particular, Policy 40 states that renewable energy schemes should be supported and encouraged, subject to consideration of criteria such as visual impact, effect on biodiversity, accessibility, and effects on air quality, emissions, pollution and waste disposal. Comments received from the Association of North East Councils, the JSU and One North East are all supportive of the proposed development and state that the scheme generally accords with the RSS.

115 From the planning standpoint one of the most important considerations is whether the proposal is in an acceptable location in land use terms and accords with the Development Plan allocation for the site. The use in does not in principle conflict with planning policy and whilst the adopted local plan allocation, is for a B2 or B8 use on this site, it is considered that this form of industry should be located in this area of similar uses away from sensitive locations. The general arrangement of the site is also considered to be acceptable and its

location in relation to the surrounding uses will not detrimentally affect the amenities of the area.

116. In light of the above it is considered that the proposal accords with planning policy and guidance and is an acceptable location for a new biomass plant. Accordingly, it is considered the proposals do not give rise to any major concerns in terms of conflict with planning policy and meets national and regional policy requirements.

Hydrogeology and hydrology

117. The application site lies within in Flood Zone 3 (high risk). A Flood Risk Assessment (FRA) has been submitted and considered by the Environment Agency

118. The standing advice from the Environment Agency requires the Local Planning Authority to consider the sequential test and the exception test. This has been considered in detail by the local planning authority and the proposal is considered to be sequentially acceptable and passes the exception tests.

119 The FRA contains information and mitigation measures that have been considered by the Environment Agency, who generally accept the findings and the proposed mitigation measures subject to a number of conditions, which have been duly recommended.

Ecology;

120. The site itself is of no particular ecological value but it is located in reasonably close proximity to the Teesmouth and Cleveland Coast SPA/Ramsar, Tees and Hartlepool Foreshore and Wetlands SSSI. Natural England has assessed the proposal and has stated they have no objections to the scheme, satisfied that it will not be likely to have a significant effect on the features of interest of the above areas providing precautionary working methods to avoid spills on site are adhered to as outlined in the submitted EIA.

121. It is therefore considered that the proposal would not be likely to have a significant effect on the internationally important features of the Teesmouth and Cleveland Coast SPA and Ramsar site, or any features of special scientific interest of Tees and Hartlepool Foreshore and Wetlands SSSI.

122. Natural England have also advised that the impact on these areas of international nature conservation interest would not be so great as to warrant refusal or necessitate the need for an Appropriate Assessment.

123. It is considered that the proposal is likely to have moderate to minor landscape and visual impacts within the local landscape (i.e. petrochemical cluster on north shore of River Tees) and moderate impacts will be received by the Teesdale Way and by RSPB's Saltholme Nature Reserve with the proposed development being an obvious addition to the skyline. The use of visually recessive colours as mitigation for these impacts is welcomed by Natural England, which can be controlled by condition.

124. A series of measures that can be put in place to ensure the conservation of fauna, meaning that adverse impacts will be mitigated so that the impacts on birds and invertebrates will be neutral/negligible and the legal requirements relating to nesting birds and foxes will be complied with

125. Taking the above into account it is therefore considered that the proposed development will not have an adverse effect on ecology subject to a number of mitigation measures which can be controlled by condition.

Landscape and visual amenity;

126. The applicant has carried out a landscape visual assessment, which has been considered by Council Officers, and in landscape and visual terms the proposal is considered to be acceptable. The submitted illustrations however show that that the building is rather stark in appearance and the use of differing patterns and or colours of materials should be used to lessen this visual impact. This can be controlled by condition.

127. The applicant has submitted a landscaping approach to the site to create a safe and attractive working environment, and promote bio-diversity where possible. Whilst this is acknowledged, full details of the hard and soft landscaping proposals are required. This matter again can be controlled by condition.

128. Other matters that can be controlled by condition are means of enclosure, methods of illumination and building materials. These have been duly recommended.

Air Quality and pollution control

129. The applicant has submitted an air quality assessment as part of the proposal. The combustion process will generate gases with the potential to impact on the environment, however, with the use of clean wood fuel stock, the fluidised bed combustion, and other BAT technology, (which will further reduce emissions), the emissions of pollutants, are predicted to be well within the relevant guidelines and statutory limits.

130. It should be noted that Government advice given in PPS23 is that the planning system should complement not duplicate controls that are the statutory responsibility of other bodies. In this development the Environment Agency is the primary pollution control authority and they have not objected to this planning application nor has any concerns been raised by the Environmental Health Officer.

131. Taking the above into account it is considered there are no significant grounds in relation to adverse impact on local air quality to resist the application on land use planning grounds.

132. With regards to ground conditions and contamination, the Council's Environmental Health Officer has assessed the proposal and has no specific concerns subject to a number of conditions, which have been duly recommended.

Climate Change

133. The Council's Environmental Policy Manager has commented on the application and states that in this application the biomass fuel is to be waste wood sourced in chipped form from a local processor.

134. In the UK there is approximately 5.5 million tonnes of waste wood (UK Biomass Strategy published by the government in May 2007), which if utilised to produce electricity could generate 7,790 GWh and displace 0.91 million tonnes carbon. Where waste wood is used to provide heat and electricity this rises to 22,000 GWh and displaces 2.05 million tonnes of carbon.

135. This application is for the generation of electricity only with waste heat being discharged to air and the river; however the applicant is actively seeking a use for the heat if practical.

136. The European Environment Agency recently assessed the amount of biomass that could technically be available for bio energy production in each member state without affecting

the environment and concluded that the largest potential comes from the waste sector. The EU suggest that further increases in bio fuel targets need to be linked to sustainability criteria to ensure that the implications on land use, biodiversity and landscape are addressed.

137. Whilst the Carbon Trust take the view that when calculating carbon footprint with biomass as the fuel source that they are considered zero carbon at the point of use, the emissions arsing from the transport of material as well as the environmental impacts upon the land from non-sustainable forestry practices must be considered.

138. This proposal will contribute to a significant increase in CO2 emissions locally, however this is not included in the measure National Indicator 186 which is a measure of per capita emissions of CO2; in fact by increasing the proportion of renewable energy in the generation of electricity it will have a positive impact in reducing CO2 emissions per capita.

139. In conclusion this proposal to utilise waste wood to generate electricity makes a positive and significant contribution to reducing our contribution to climate change.

Transport issues

140. At the scoping stage initial concerns were raised about the potential impact of traffic on the local road network and the trunk road system.

141. To address these concerns and as set out in documents with the planning application including the Transport Assessment, the applicant is intending only to deliver the waste in bulk and at off-peak times. The Highways Agency has suggested a longer period of time to restrict deliveries and a condition has been recommended relating to the implementation, control and management of this issue. The applicant is also proposing to introduce a travel plan aimed at reducing the volume of employee trips to the site especially during peak hour.

142 The Head of Technical Services has reviewed the submitted information and raises some minor concerns in relation to the layout of the site and the detailed arrangements relating site parking both during operation and construction phases, and internal manoeuvring. Whilst it is acknowledged that due to the nature of the site it will be able to accommodate HGVs and provide an acceptable layout and car parking arrangement, this is not clearly demonstrated on the layout plans submitted. However, the necessary details can be secured by use of planning conditions.

143. The Highways Agency whilst not objecting to the proposal requested further information and clarification on certain matters, which has been submitted. To date their response has not been received, however no major concerns have been raised previously and it is likely that their comments will not change, albeit additional conditions may be recommended which will be detailed in an update report.

144. In conclusion, there are no objections to the proposed scheme on highway grounds subject to the implementation of certain measures which can be secured by planning condition and with the addition of several controlling conditions it is considered that there will be no adverse effect on the highway network.

Employment and Socio-economic impact

145. At its peak, the construction workforce would total about 610 jobs per year. The EIS states that it would be appropriate for the applicant to work with the local authority, job centre plus, and the end users of the development to identify opportunities for local recruitment.

Approximately 50 full time staff and 50 sub contracted and logistic staff would be required once the plant is operational with approximately 80% from the local workforce.

146. The development of a biomass power station on this application site would meet the broad land-use policy aims for the area and assist the Tees Valley in achieving its renewable energy targets.

147. On balance, it is therefore considered that the proposal and peripheral works associated with its construction and operation would be of significant benefit to the local economy.

Other relevant matters

148. Issues such as drainage, particularly the use of sustainable drainage systems (SUDS) can also be secured by condition, as can details of ancillary buildings and works.

149. Opportunities for the provision of low grade steam or waste heat to local thirds parties are being explored by the applicant which would allow the plant to operate as a Combined Heat and Power plant which is welcomed by the local planning authority.

CONCLUSION

150. In conclusion, it is considered the proposals do not give rise to any major concerns in terms of conflict with planning policy and meets national and regional policy requirements. It is considered to be an acceptable location for a new biomass plant.

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151. The development is acceptable on highway grounds and other residual matters have also been examined and there is no issue to suggest that the development will have an unacceptable impact on the local amenities and the environment though a number of conditions will need to be imposed to properly control the development and its future operation.

152. In summary there are no sustainable land use planning reasons for resisting the development.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062

Financial Implications
As report

Environmental Implications
As Report

Legal Implications
As report

Community Safety Implications
As Reported

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**