DELEGATED

AGENDA NO

PLANNING COMMITTEE

17 MARCH 2010

REPORT OF CORPORATE DIRECTOR, DEVELOPMENT AND NEIGHBOURHOOD SERVICES

09/3050/EIS
Land to West of Koppers UK, Port Clarence Road, Port Clarence
Erection of 49 MWe biomass fueled power station, with associated vehicle access and conveyor.

Expiry Date: 18 March 2010

SUMMARY

This application seeks full planning permission for a renewable energy biomass- fuelled power plant on 6.1 hectares of land (development footprint 2 hectares and the remaining 4.1 hectares will be landscaped and form bunding that will continue up the side of the building) to the west of Koppers UK located on the north side of the River Tees.

The proposed facility is for a 49 megawatt biomass power plant that would require 400,000 tonnes of dry biomass fuel per annum. The fuel to operate this plant is pine kernel shells, which are a bi-product of the food industry and are sourced from Malaysia. The fuel will be delivered to the UK in 40,000 tonne vessels to a processing plant in Immingham and once processed the fuel will be transported in 5,000 tonne vessels at the wharf alongside the proposed site, which would mean one delivery every five days. The electrical power is for export to the national grid via the substation at North Tees.

The propose power station is located opposite the proposed Middlehaven masterplan area and will be sensitive to views. Therefore, the biomass plant demanded a particular and exemplary design solution, of very high architectural quality that will match the ambitions of the Middlehaven masterplan and respect proposed uses.

The plant will employ up to 40 staff on a shift basis during operation. During construction it is expected up to 200 people could be employed at peak times.

In view of the scale of the proposal and the location of the development, 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 consultees.

The applicant has implemented a public consultation strategy and a Statement of Community Involvement accompanies this application.

The main material planning considerations of the application relate to the impact of the proposed development on the locality in terms visual impact, flood risk, ecology and nature conservation, air quality, traffic impact and highway safety and any residual matters that might make the development unacceptable and whether it satisfies the requirements of National and Regional Guidance and Local Plan Policies.

These matters have been considered in detail and the development as proposed is acceptable subject to conditions and is considered to be in line with general planning policies set out in the Development Plan.

RECOMMENDATION

RECOMMENDED that the application 09/3050/EIS be APPROVED subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and the conditions:

In the event of the legal agreement having not been signed, or there still being outstanding matters on the 18 March 2010 that the application be refused.

Heads of Terms

Employment and Training

30% of jobs on the development to be made available to residents of Stockton and the Tees Valley with 10% of the operational jobs to be made from the residents of the Clarences and 30% of total net value of the services and materials used in the development to be provided by businesses within Stockton and the Tees Valley.

Conditions

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*
441_L_01_02	*17 December 2009*
441_GA_L1_02_01	*17 December 2009*
441_GA_04_02	*17 December 2009*
441_GA_04_01	*17 December 2009*
441_GA_04_03	*17 December 2009*
441_GA_04_04	*17 December 2009*

Reason: To define the consent.

02. The renewable biomass plant shall be developed within the plant boundary as defined on site plan 441_L_01_02.

Reason: In order to define the parameters of the development as required by circular 01/2006.

03.
The detailed design of the renewable biomass plant shall be in accordance with the design and development principles as set out in the Design and Access Statement and shall

respond to design issues identified relating to scale, layout, design concept and visual concept as identified in the Design and Access Statement.

Reason: In the interests of mitigating the visual impact and visual amenities of the proposal and ensuring that the plant will be of an appropriate quality for this landmark location and will positively contribute to the visual amenity the locality.

04. Prior to the commencement of the development hereby approved a scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented before the plant is brought into use unless otherwise agreed in writing by the Local planning Authority. The scheme which shall include provisions for the:

> ***i) details of the siting, design, external appearance of temporary buildings and structures, artificial lighting and fencing to be erected and used during the period of construction of the development hereby approved;***
>
> ***ii) details of temporary vehicular circulation roads, parking, hardstandings, laydown areas, loading and unloading facilities and turning facilities during the construction of the development hereby approved;***
>
> ***iii) phasing of works included in the scheme.***

Reason: To enable the Local Planning Authority to exercise reasonable and proper control over the temporary works associated with the development hereby approved.

05. Prior to the commencement of the development hereby approved a scheme shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the approved details shall be implemented before the plant is brought into use unless otherwise agreed in writing by the Local planning Authority. The scheme which shall include provisions for the:

> ***i) details of the siting, design, dimensions, external appearance and floor levels of all buildings and structures following the completion of the construction of the development hereby approved;***
>
> ***ii) details of the colour, materials and surface finishes in respect of those buildings and structures referred to in (i) above;***
>
> ***iii) details of vehicular circulation roads, parking, hardstandings, storage areas, loading and unloading facilities and turning facilities on the Application site;***
>
> ***iv) details of artificial lighting required during the operation of the development hereby approved;***
>
> ***v) details of all barriers, fencing and gates or other forms of street furniture required on the application site;***
>
> ***vi) Details of any proposed hard and soft landscaping on the application site;***
>
> ***vii) Phasing of works included in the scheme***
>
> ***viii) Details of the viewing platforms.***

Reason: To enable the Local Planning Authority to exercise reasonable and proper control over the works associated with the operation of the biomass plant.

06. Prior to the installation of any means of external illumination of any building or structure on the application site (including during the period of construction works) a lighting strategy to include a lighting contour plan with details of light intensity and hours of lighting operation shall be submitted to and approved, in writing, by the Local Planning Authority. Measures to control light pollution should be identified. The approved scheme shall not be varied without the agreement in writing of the Local Planning Authority.

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

07. Prior to the commencement of the development hereby approved details of the belt conveyor, air cooling units and stack shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented before the plant is brought into use unless otherwise agreed in writing by the Local Planning Authority.

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

08. Prior to the commencement of the development hereby approved Maintenance and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented unless otherwise agreed in writing by the Local planning Authority.

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

09. Prior to the construction of the development hereby approved details of the visitor centre and its associated facilities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented before the plant is brought into use unless otherwise agreed in writing by the Local Planning Authority.

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

10. Prior to the plant being brought into use, the remainder of the site outside the plant boundary as defined on plan 441_L_01_02 and excluding the access and conveyor belt, shall be landscaped and managed to enhance or maintain the habitat value, in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and should be managed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of mitigating against the landscape and ecological impact of the proposals and enhancing the biodiversity of the site.

11. Details of the soft landscaping encasing part of the built structure as set out in the Design and Access Statement including roof construction, soil stabilisation techniques, specification, maintenance schedule and long term management strategy shall be submitted and approved in writing by the Local Planning Authority before any development commences. The management strategy shall be implemented for a minimum of 25 years. Any landscaping that fails within 5 years from practical completion of the final phase, if any

shall be replaced to the satisfaction of the Local Planning Authority. Upon completion of soft landscaping the Local Planning Authority shall be given notice to make an inspection. The landscaping shall be implemented prior to the use commencing.

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

12. The fuel for the plant shall come from a sustainably managed and credible resource and should comprise of a waste (bi) product as agreed and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the environmental benefits are in accordance with that assessed in the Environmental Statement.

13. The commissioning of the development hereby approved shall not take place until the applicant has installed the necessary plant and pipework to enable the future supply of waste heat to the application site perimeter.

Reason: To ensure that waste heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises

14. Prior to the plant coming into commercial operation, a report including a scheme or schemes for utilising heat from the plant prepared by an independent consultant shall be submitted to, and approved by, the LPA determining the feasibility, costs, risks and benefits of utilising heat from the plant. The terms of reference for the independent consultant, including the distribution of the final report, shall be agreed with the LPA. The applicant shall not be required to implement any scheme identified by the report other than on commercial terms that are acceptable to the owner of the plant.

Reason: In the interests of reducing greenhouse gas emissions and maximising the efficiency of the plant in accordance with PPS1 and PPS22.

15. Prior to the commencement of development, a scheme shall be submitted to and approved by the Local Planning Authority demonstrating what steps will be taken to seek to achieve a BREEAM 'Very Good' rating for the development. The development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of securing a sustainable development on the site and maximising energy efficiency in accordance with national and local policy

16. ***At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.***

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change.

17. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Wardell-Armstrong dated December 2009 and correspondence dated 25 January 2010 from Wardell-

Armstrong and the following mitigation measures detailed within the FRA: Finished floor levels are set no lower than 5m above Ordnance Datum (AOD).

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

18. The development hereby permitted shall not be commenced until such time as a scheme for emergency evacuation/provision in case of flood 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 impact of flooding on the proposed development and future occupants.

19. The development hereby permitted shall not be commenced until such time as a scheme for satisfactory surface water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the use of grey water recycling as detailed in the FRA produced by Wardell-Armstrong dated December 2009. 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/disposal of surface water from the site.

20. The commencement of the development hereby approved shall not take place until there has been submitted to, approved in writing by, and deposited with the Local Planning Authority, in consultation with the Environment Agency, a scheme showing the method and working of drainage facilities on the application site. Such facilities shall be put in place in accordance with the approved scheme.

Reason: To ensure satisfactorily drainage facilities

22. The scheme referred to in condition (20) shall include:

> ***i) measures to ensure that no leachate or any contaminated surface water from the Application site shall be allowed at any time to enter directly or indirectly into any watercourse or underground strata or onto adjoining land;***
>
> ***ii) Provision for trapped gullies in car parks, hardstandings and roadways;***
>
> ***iii) Measures to ensure that all foul sewage must drain to an approved foul sewerage and/or sewage disposal system;***
>
> ***iv) Provisions to distinguish between temporary and permanent parts of the works; and***
> ***v) Phasing of works.***

Reason: To ensure satisfactorily drainage facilities and to prevent unacceptable and environmental risk.

23. 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. The development shall be carried out in accordance with the approved details.

Reason: To reduce the risk of pollution to controlled waters.

24. Any surface water contaminated by hydrocarbons which are used during the construction of the development hereby approved shall be passed through oil/grit interceptor(s) prior to being discharged to any public sewer or watercourse or to any other surface water disposal system approved by the Environment Agency.

Reason: To ensure satisfactorily drainage facilities and to prevent unacceptable and environmental risk from pollution arising from the development hereby approved

25. 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:
- ***(i) All previous uses potential contaminants associated with those uses***
- ***(ii) A conceptual model of the site indicating sources pathways and receptors***
- ***(iii) 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 information provided with the planning application indicates that the site has been subject to potentially contaminative land-uses. The environmental setting of the site is sensitive as it lies within 50m of the River Tees. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

26. 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: Unsuspected contamination may exist at the site which may pose a risk to controlled waters.

27. Prior to occupation a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages maintenance and arrangements for contingency action as identified in the verification plan and for the reporting of this to the local planning authority.

Reason: A verification report is required to ensure that the risks the site may pose to controlled waters have been addressed.

28. All facilities required for the storage of hydrocarbons, process chemicals or similar liquids which are used during the construction of the development hereby approved must be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound(s) shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund and there must be no drain through the bund floor or walls.

Reason: To ensure satisfactorily drainage facilities and to prevent unacceptable and environmental risk from pollution arising from the application site.

29. During initial site clearance and any leveling of land on site a qualified ecologist shall be present.

Reason: To ensure the survival of rare or protected species.

30. 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: In the interests of the amenities of the locality

31. All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working unless otherwise agreed in writing with the Local Planning Authority.

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

32. The commencement of the development hereby approved shall not take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the monitoring of noise generated during the construction of the development hereby approved.

Reason: To ensure that satisfactory measures are in force so as to alleviate any unacceptable noise and vibration impact on the local environment

33. The commissioning of the development hereby approved shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, a scheme for the monitoring of air pollution including nitrogen oxides in the vicinity of the development hereby approved. The scheme

shall include the measurement location or locations within the Local Planning Authority area from which air pollution will be monitored, the equipment and methods to be used and the frequency of measurement. The scheme shall provide for the first measurement to be taken not less than 12 months prior to the commissioning of the development hereby approved and for the final measurement to be taken not more than 24 months after commissioning of the development hereby approved. The applicant shall supply full details of the measurements obtained in accordance with the scheme to the Local Planning Authority as soon as possible after they become available.

Reason: To ensure that the monitoring of air pollution is controlled and the Local Planning Authority are kept informed on a regular and programmed basis about the changes in the level of air pollution at locations within its area.

34. Should the Local Planning Authority require continued monitoring of air pollution in pursuant of Condition 33 the applicant shall supply full details of the measurements obtained during the extended period to the Local Planning Authority as soon as possible after they become available.

Reason: To ensure that the Local Planning Authority are kept informed on a regular and programmed basis about the changes in the level of air pollution at locations within its area

35. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

(i) the parking of vehicles of site operatives and visitors;
(ii) loading and unloading of plant and materials;
(iii) storage of plant and materials used in constructing the development **;**
(iv) The erection and maintenance of security hoarding including decorative displays
(v) and facilities for public viewing, where appropriate**;**
(vi) Wheel washing facilities**;**
(vii) Measures to control the emission of dust and dirt during construction;
(viii) A scheme for recycling/disposing of waste resulting from demolition and construction works.

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

36. Biomass used in the operation of the development hereby approved and post-combustion residues shall be handled under cover at all times.

Reason: To suppress dust during the operation of the development hereby approved.

37. Loose post-combustion residues shall be transported from the application site in sealed vessels.

Reason: To suppress dust during the operation of the Development hereby approved.

38. An impact assessment on visitors to the proposed visitor centre shall be submitted and approved by the Council prior to commencement of the development.

Reason: To ensure satisfactory measures are in force.

39. Prior to first use or occupation of any part of the development, the agreed Travel Plan (as set out in Appendix 12 of document 09/44/100205-v4, dated 5th February prepared by

iTransport Consultants) shall be implemented to the reasonable satisfaction of the local planning authority in consultation with the Highways Agency.

Reason : In the interests of reducing the traffic impact of the development on the A19 and its slip roads, and to ensure that the A19 continues to fulfil its purpose as part of a national system of routes for through traffic, in accordance with section (2) of the Highways Act 1980.

40. Prior to commencement of construction on site, the agreed Transport Management Plan as set out in document 09/44/100209TMP-v1 dated 9th February 2010 prepared by iTransport to control construction traffic shall be implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the Highways Agency.

Reason : In the interests of reducing the traffic impact of the development on the A19 and its slip roads, and to ensure that the A19 continues to fulfil its purpose as part of a national system of routes for through traffic, in accordance with section (2) of the Highways Act 1980.

41. Unless otherwise agreed in writing with the Local Planning Authority, road deliveries of biomass fuel used in the operation of the development hereby approved shall not exceed 10,000 tonnes per annum.

Reason: In the interests of establishing sustainable patterns of transport

42. Prior to the plant commencing, details of the following matters shall be submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented before the plant is brought into use unless otherwise agreed in writing by the Local Planning Authority: Parking details include covered secure cycle parking provision and pedestrian access arrangements.

Reason: To ensure satisfactory parking and access arrangements

43. Prior to commencement of construction on site a Site Waste Management Plan shall be submitted and approved in writing by the Local Planning Authority in accordance with the measures outlines in the Environmental Statement.

Reason: To ensure the environmental benefits are in accordance with that assessed in the Environmental Statement.

INFORMATIVES

The proposal has been considered against National, Regional and local policies and it is considered that the scheme accords with those policies as the development will provide and meet 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.

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

PROPOSAL

1. Full planning permission is sought for the construction and operation of a biomass fired power station. (A site location plan is attached at Appendix 1). 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.

2. The power station would generate 49 Megawatts of electricity (enough energy for over 50,000 homes). Alternative fuel and technologies have been considered for the generation of electricity; the preferred option for this site is to use clean biomass as the fuel and combustion steam cycle as the technology.

3. The fuel to be used at the biomass power plant would be clean biomass in the form of pine kernel shells, a by-product of the food industry. These will come from sustainable sources left over from palm oil production in Malaysia. The source of the fuel is vital in the renewable nature of this project; the fuel is not displacing food production, as it is a by-product of food production, and it does not require new crops to be planted.

4. The fuel would be delivered to the UK in container vessels and would be processed prior to its delivery to Teesside. The shells would be processed to create pellets that would burn most efficiently within the power plant. The weekly delivery of the fuel, in 5,000 tonne loads, would be to the Lower Clarence Wharf via the River Tees only, so avoiding the need for any HGV transportation of this material. The fuel would be stored on site with sufficient capacity for over two weeks' continuous operations, so that there would be no risk of the fuel stores running out, at the site.

Plant Design

5. The visual appearance of the structure has been the driving force in design. The power plant and the associated fuel store, turbine, air pollution control, cooling plant, offices and all ancillary elements would be housed under one main superstructure which will be conical in shape. The external treatment of the structure will be a cladding panel system. The top of the structure is likely to remain unclad.

6. The base of the building would be a hard standing that would accommodate all the equipment required to operate the power plant. This would be enclosed at the base by earth mounding, up to 12m in height; this earth mound would assist in providing visual and acoustic screening of the construction operations and of the operational phase of the proposed development. The top of the earth mounding would support the curved, outer envelope covering the plant, offices, cooling plant and stack (85 metres). (A site layout plan and elevational treatment are attached at Appendix 2 and 3).

Process

7. A tube conveyor would permit the transportation of the pelletised fuel from the Lower Clarence Wharf into the power plant and the storage containers. This would follow the ground level and would pass under the emergency Koppers UK access road before winding up the outer slopes of the building and discharging into the storage area.

8. The combustion technology would comprise circulating fluidised bed (CFB) boiler. The flue gases from the plant would be discharged to an 85m stack.

9. The power plant would generate bottom ash and fly ash from the burning of the fuel, it is anticipated that this would be able to be re-used in the chemical and construction industries within the local area.

10. The plant would operate continuously, 24 hours / day, seven days / week, unless shut down was required for planned maintenance.

Output

11. The generated electricity will be exported via a new dedicated 33kV substation and a new dedicated 33kV underground cable to the existing 33/66kV substation at North Tees in Billingham, approximately 2 km to the west of the application site.

12. The plant may also provide heat to residential and commercial buildings in Middlehaven and Middlesbrough, in the form of a district heating network. A Combined Heat and Power (CHP) assessment has been undertaken for the project, including consultations with Tees Valley Regeneration, Bioregional Quintain, Tees Valley University, Middlesbrough Community College and Middlesbrough Football Club. All of these have expressed an interest in a district heating scheme for space heating, to help reduce their carbon footprints.

Access and car parking

13. Access will be via the A178 and the existing Huntsman Drive, utilising the spur road from this that leads south to the Port Clarence landfill site and the Koppers UK site. A new road would divert off this road into the site, following the north-western boundary of the Koppers UK site to access the power plant building.

14. Car parking for staff and visitors will be provided at the site in addition to space for HGVs to access the site in order to remove waste ash on a daily basis.

Other matters

15. The proposed development will create over 200 jobs during construction and will generate a further 40 full time staff on a shift basis during operation.

CONSULTATIONS

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

16. Highways Agency (Summary)
No objection in principal subject to appropriate conditions. These specifically relate to a Transport Management Plan and the Travel Plan.

17. Northumbrian Water Limited
NWL has no objections to the proposed development.

18. Middlesbrough Borough Council (Summary)
The proximity of the Middlehaven project and the Middlehaven master plan for regeneration identifying the area as a 'Land of Giants' and celebrating large structures in the Tees Valley as a positive and interesting landscape has been influential in the design process.

The proposed plant may provide heat to Middlehaven and Middlesbrough in the form of a district heating network. Tees Valley Regeneration, Bio Regional Quintain, Teesside University and Middlesbrough Football Club have all expressed interest in this facility.

Middlesbrough FC Stadium lies to the south of the site, and to the west the regeneration area being developed in stages incorporating the Middlesbrough Community College building and the Temenos Sculpture. There would be scope for views of the proposed power plant beyond the

Temenos sculpture and the existing Off Shore UK Sheds. The power plant would be seen to the west of the sheds at a distance of some 850m.

The Transporter Bridge is located some 700m to the west of the site.

Key landscape features in this area mainly relate to the industrial nature of the land use which is dominated by tall vertical structures including cooling tower stacks, tanks and electricity pylons, particularly in the north side of the river. The Transporter Bridge is also a dominant feature and is an iconic symbol for Middlesbrough.

Within the general area of the proposed development there are various listed structures and buildings to the south of the river the closest of which is the Transporter Bridge and Clock Tower. The proposed development would be some 600m – 700m from these listed buildings and structures on the opposite side of the River Tees. The proposed development is not therefore directly adjacent to these historic structures, but given the size and scale has the potential to be a dominating feature within views of and from these listed buildings.

It is considered given the existing context of the area i.e., chimneys, stacks and sheds which currently exist that the quality of the design would not adversely affect the setting of the listed structures in the area.

Public Protection

If you are minded to approve the application, I would suggest the following conditions:-

CONDITIONS.

1. An assessment of the air quality impact the biomass plant shall be made and will identify the impact upon the existing air quality along with a demonstration that compliance with existing air quality standards set out in the Air Quality (England) Regulations 2000 and Amending Regulations will be met. The assessment including pollution contours to be provided and approved by the local planning authority in writing before the first use of the development.

2. The use of meteorological data specific to Teesside should be used for future air quality assessments as the data sets identified in the report submitted with the application have been taken from RAF Boulmer which does not represent local conditions to the development site.

Transportation
The site is located to the west of Koppers UK 500m to the east of Port Clarence and the application is for the construction of a Bio mass power station with access and parking.

Examined the documentation regarding access, traffic generation and travel plan and feel that the scheme will have no detrimental effect in highway terms for Middlesbrough.

The proposal has been considered in highway terms and no objections are raised.

Urban Policy
Given the site proximity to Middlehaven, Council Officers, and TVR have been involved in the pre application discussions with BEI Ltd and their Architect.

Consideration has evidently been paid to the proposal's relationship with Middlehaven. The innovative approach to design, and involvement of an architect practice, is commendable. The proposal's innovative arrangement and contemporary design will reduce the impact the facility will have on the regeneration at Middlehaven.

The proposed site is approximately 800m away from the Grade II* listed Transporter Bridge. Again, the innovative design will limit the impact the proposal will have on this important historical structure. Historically, tall buildings/structures have dominated the banks of the River Tees. Therefore, in terms of scale and massing, the proposal will not detract from the Transporter Bridge. I understand that English Heritage is also a consultee on this application and are supportive of it.

The structure is sited within a large scale landscape in an area which contains numerous other tall structures (including 69m high Transporter Bridge) and would comprise a large scale building and as such it would not be wholly out of character though its design would be very different from existing buildings present in the area. It is considered the building will make a design statement akin to the Angel of the North or the London Docklands Gherkin, and Temenos, although it will also have a functional purpose of generating green energy.

The project has been assessed against national, regional and local planning policies and guidance and is considered to be generally in compliance with these.

The proposal would have benefits for the local economy providing employment/training. The building will make a positive statement within the wider area, complementing the adjacent Middlehaven development and creating a landmark feature in the area.

Recommendations:

There are no objections as a neighbouring planning authority on planning, highways or general environmental grounds from Middlesbrough Council subject to those conditions recommended by Public Protection.

19. Waste Management
No comments to be made from Waste Management

20. Natural England (Summary)

Natural England has no objection to the proposal because it is considered that, either alone or in combination with other plans or projects it would not be likely to have a significant effect on the internationally important interest features of the Teesmouth and Cleveland Coast SPA and Ramsar site or any of the features of special scientific interest of either Tees and Hartlepool Foreshore and Wetlands SSSI.
In line with the mitigation measures proposed in the Flora and Fauna chapter of the EIA I would suggest that the initial clearance and levelling/ grading of the land should avoid the period March August inclusive.
We also welcome the proposal to create semi-natural habitats as part of the site landscaping which should increase the available habitat for feeding and roosting SPA birds and for nesting BAP species.

21. One North East

The application site lies on the northern bank of the River Tees in an industrial area long associated with heavy industry and port related activities. This vacant brownfield site is allocated for industrial purposes in the adopted Stockton-on-Tees Local Plan 2007 and the proposals also accord with the Council's emerging Core Strategy policies.
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 One North East 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 economic downturn has emphasised the importance of developing a low carbon economy which is based upon sustainable technologies, energy generation and distribution methods. The energy sector is one of very few which are certain to grow over the next decade. Both the UK Government and Europe have set challenging and ambitious targets related to climate change. 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.
Energy is a priority sector in the RES and energy is one of the Three Pillars on which the Strategy for Success is based. Renewables are identified as a key part of the energy sector, one which is likely to increase over the coming years. One North East is supportive of the generation of electricity through the use of clean biomass fuel.

One North East is working through organisations such as the North East Biomass Forum and Renew[1] (part of CPI[2]) to investigate biomass resources in the region and provide more robust data. The Agency recognises that currently there may not be an indigenous supply of fuel available to serve the needs of the plant and welcomes the intention to bring in the fuel via the Port, which will also minimise the need for transporting fuel by road. Clearly, in considering the application, the Local Planning Authority (LPA) should be satisfied from the evidence provided by the applicants that the source of fuel remains as robust, secure and sustainable as possible, in the long term.

As you are aware the RES promotes the need for quality of place within existing and proposed development. Agency initiatives include delivering developments/regeneration schemes to comply with a set of Quality Design Standards. The aim is to deliver buildings which are over and above Building Regulation Standards and demonstrate best practice in areas of general design standards, accessibility, sustainability and whole life costing.

The specific nature of this development's requirements is recognised by the Agency and it is accepted that these requirements may determine the design quality and the level of energy efficiency measures achievable in this instance.

The Agency notes the applicants' recognition of the impact of the development both on setting of the Grade II Listed structure, the Transporter Bridge (approximately 700m east of the application site), and the Middlehaven development on the south bank of the River Tees. The Agency recognises and welcomes the attention to the detailed design of the power station afforded by Heatherwick Studio in designing the plant, providing a strong visual appearance which seeks to deal positively with the inevitable visual impact element of the proposed development.

For the reasons outlined above One North East is supportive of this application subject to the resolution of any policy, highway, design and environmental issues to the LPA's satisfaction.

22. <u>North East Planning Body</u>

Planning permission is sought for the construction of a 49 megawatt biomass power station which would require 400,000 tonnes of fuel. Development will take place on land to the west of Koopers UK, Stockton-on-Tees. The application site is a brownfield site of contaminated land located in an area of industrial land at Clarence works on the north bank of the River Tees.

Fuel will be transported via sea freight. The power station would use biomass such as pine kernel shells or other food manufacturing by-products. These fuels would come from sustainable sources, such as the shells left over from palm oil production in Malaysia.

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Location
The site is located within the Tees Valley conurbation. The RSS seeks to concentrate development within the conurbation, particularly the core areas. The principle of developing this site is therefore consistent with the locational strategy identified in RSS policy 6.

It is also necessary to consider the planning proposal against the sequential approach to development, as outlined in RSS policy 4. In identifying land for development, the sequential approach identifies previously developed sites in urban areas; followed by other suitable sites within urban areas; sites adjoining urban areas; and then sites in settlements outside urban areas. The North East Planning Body considers the site to fall within the first category, and its development is therefore consistent with RSS policy 4.

Development in this location is also consistent with RSS policy 10, which supports the expansion of the renewable energy sector and their links to sustainable regeneration.

Design
Whilst the design of the proposal is a detailed matter for the local authority to determine, some principles are established in regional planning policy, which the development should adhere to. RSS policies 8 and 24 acknowledge the importance of design and layout in achieving sustainable communities. In accordance with these policies, development should contribute to the strengthening of local communities; make best use of existing infrastructure and services; secure crime prevention; and make efficient use of resources through energy efficiency measures, and the inclusion of embedded renewable energy. The local authority should be satisfied that the design and layout of the scheme contributes to sustainable communities, and aims to reduce the impact of travel demand by maximising pedestrian and cycle links with the surrounding areas.

Biodiversity
The environmental statement indicates that the site is an unsuitable habitat for species such as badgers and otters. The wider area contains several sites of international importance for nature conservation such as the Tees and Hartlepool Foreshore and Wetlands Site of Specific Scientific Interest. However, the environmental statement concluded that the proposed development would not give rise to any significant impacts on these areas. Mitigation measures are proposed in order to enhance the nature conservation interest on the site. This approach is consistent with RSS policy 33, which seeks to protect the region's ecological and biological interests, and internationally and nationally important sites and species.

Landscape and visual impacts
The application site is located within the Natural England Tees Lowlands National Character Area. The supporting information indicates that the construction effects on landscape character would be temporary and would range from slight adverse to moderate adverse. Following the completion of the development, effects on the character are assessed as moderate-substantial beneficial effects.

Significant temporary adverse impacts on visual amenity are restricted to the construction phase of the development. It is envisaged that the cumulative impacts on the landscape character would be significant. On completion of the development, impacts on visual amenity are assessed as beneficial. The local authority should be satisfied that the development does not result in adverse landscape or visual impacts, in order to reflect the objectives of RSS policy 33. This policy seeks to protect and conserve the region's landscape interests.

Flooding and SUDS
The environmental statement indicates that the site is located within the Environment Agency's tidal flood zone 1. RSS policy 35 requires that, in considering planning proposals, a sequential risk based approach to development and flooding should be adopted as set out in PPS25. The aim of PPS25 is to steer development, particularly uses which are considered more vulnerable to

flooding, to areas at the lowest probability of flooding (zone 1). It will be necessary to ensure that the Environment Agency is satisfied that these requirements have been met to ensure general conformity with the objectives of this policy.

RSS policies 24 and 34 advocated the use of sustainable drainage systems (SUDS). However, due to the contaminated nature of the application site, the use of SUDS is not viable.

Energy
The proposal does not propose to incorporate any embedded renewable energy generation. This does not reflect the objectives of RSS policy 38, and the development will not therefore contribute towards the achievement of regional renewable energy generation targets in RSS policy 39. RSS policy 38 requires that, in advance of local targets being set in development plan documents, major new development must secure at least 10% of its energy supply from decentralised and renewable energy or low carbon sources, unless having regard to the type and design of the development, this is not feasible or viable.

The proposal does not include any measures to ensure high energy efficiency. This does not reflect the objectives of RSS policy 38, which encourages local authorities to achieve high energy efficiency and low energy consumption in new development, by promoting the achievement of energy efficiency standards established in the BREEAM and the Code for Sustainable Homes.

Transport
The transport assessment concluded that the development proposal would not result in any adverse impacts on the adjacent highways network. Detailed mitigation measures would be put in place to ensure that traffic during the construction phase would not adversely impact on the road network. The local authority should be satisfied that that development proposal does not result in any adverse transport impacts in order to be in conformity with RSS policy 7

The production of an outline travel plan which sets out measures to encourage sustainable modes of travel and reduce the number of trips generated during the operation of development is consistent with RSS policy 54.

Conclusion
The proposal for the construction of a biomass power station is in general conformity with the RSS. However, the local authority should ensure that the development incorporates energy efficiency measures and seeks to secure at least 10% of its energy supply from decentralised and renewable energy or low carbon sources in order to reflect the objectives of RSS policies 38 and 39. Furthermore, the local authority should be satisfied that the development proposal does not result in any adverse environmental impacts, particularly transport, ecological, landscape and visual impacts, in order to reflect the environmental policies in the RSS.

23. British Waterways
The proposal does not lie within the consultation zone (150m either side of the centre line) of any waterway, reservoir, canal, feeder channel, water course, let off or culvert owned or managed by British Waterways. British Waterways therefore has no comments to make.

24. Durham and Tees Valley Airport
No objection to this proposal

25. Tees Valley Regeneration
Tees Valley Regeneration have been involved in the consultation process for this application due to possible impacts on our Middlehaven Regeneration Scheme that lies on the adjacent bank of the Tees. Our concerns were centred around the possible noise & air pollution and visual impact upon our scheme.

After full consultation we are happy that the scheme will not impact adversely on Middlehaven. The extra CGI's provided by the team at our request have shown there will be no impact on our new Temenos sculpture which was a major concern and we have been reassured that there will be no noise or air pollution through the EIS.

More importantly the team are to be congratulated on the promotion of high quality design on such a use. The attention to detail and design aspiration complements well that of Middlehaven.

Our only concern would be that the lighting and design standards suffer from value engineering during delivery. We would hope this strength of design is not lost during this process and would have major reservations about the scheme if this were the case. We would hope this would be a condition of planning approval.

26. English Heritage

In the great open landscapes at the mouth of the Tees, Middlesbrough has decreed there shall be a 'land of giants' to keep its huge Transporter Bridge company. While there is much to cherish and protect in that blighted industrial area, there are also vast areas ripe for new development. It would seem unreasonable to expect all such developments, on both sides of the river, to keep such a low profile, to pay such homage to the bridge that it alone rises above the skyline. Already Middlehaven is accommodating large scale buildings of quality that sit fine beside the bridge and serve to reinforce the greater scale of the landscape here, quite distinct from the more finely grained areas in the historic centres.

So no one should be alarmed if the 'giants' are not all Middlesbrough's, particularly if such a distinguished one appears on the Stockton shore, as this proposal promises to be. Granted the D+A statement does appear limited in its range of images - I could only detect a north and south shore view, and no views with the Bridge in context, which would have been helpful - but there are clearly going to be viewpoints from which both bridge and power station may appear, rather confusingly, one behind the other and some where they may appear to sit more pleasingly in a composed landscape, the one counterbalancing the other. That is inevitable, and part of the excitement, of moving through an urban landscape.

What appears to be clear from the submission is that here is a notable piece of highly creative design, beautifully equivocal in its fusion of building and landscape that will make a defining statement at the mouth of the river. It starts broad and low, hill-like, reveals itself as architecture higher up in finely composed layers, especially good in the north shore view, then rises up to a crown of open steel lattice - a good reference to the area's industrial heritage. The design has an inherent grace and elegance about it - strange words for a power station, but valid here - that should ensure it makes a very positive visual contribution to the landscape at the mouth of the Tees.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again.

27. Redcar & Cleveland Borough Council

Whilst the council has no objections in principle to the proposed development, we would like the following to be noted in considering the proposal:

It is unclear in the Environmental Statement whether the proposed MGT 300Mwe Biomass power plant at Teesport has been taken into account in the air quality assessment. The MGT proposal has been granted planning permission by the Secretary of State and is due to be operational by 2012.

Whilst the proposal is unlikely to adversely affect the character of Redcar and Cleveland Borough it is considered the proposal could have a significant impact upon the character and setting of the

grade II listed Middlesbrough Transporter Bridge, when viewed from 'The Viewing Mound' at Dockside Road, South Bank.

28. The Environment Agency (Summary)
We would only find the proposal acceptable if conditions on flood measures and contaminated land were imposed on any planning permission.

Informative: Any works in over under or within 5m of the River Tees will require the prior written consent of the Environment Agency under the Water Resources Act 1991.

Please note that in relation to the proposed development in so far as it relates to land contamination the Environment Agency only considered issues relating to controlled waters and relevance of regulatory regimes where the Environment Agency is the enforcing authority e.g. waste management licensing / environmental permitting.

We would also like to offer the following informatives:

Land Contamination:

The Environment Agency recommends that developers should:

1) Follow the risk management framework provided in CLR11 Model Procedures for the Management of Land Contamination when dealing with land affected by contamination.

2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors e.g. human health.

3) Refer to our website at www.environment-agency.gov.uk for more information.

The recovery treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an Environmental Permit.

Treatment of contaminated soil by mobile plant requires a mobile treatment permit. Soil may be re-used on-site as part of a soil recovery operation by registering an exemption with the Environment Agency or by obtaining an Environmental Permit.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically and that the permitting status of any proposed on site operations are clear. If in doubt the Environment Agency should be contacted for advice at an early stage to avoid any delays.

It is recommended that developers should refer to the Environment Agencys:

Position statement on the Definition of Waste: Development Industry Code of Practice and Website at www.environment-agency.gov.uk for further guidance.

Contaminated soil that is excavated, recovered or disposed of is controlled waste. Therefore it's handling transport treatment and disposal is subject to waste management legislation which includes:

i) Duty of Care Regulations 1991
ii) Hazardous Waste (England and Wales) Regulations 2005
iii) Environmental Permitting (England and Wales) Regulations 2007

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically and that the permitting status of any proposed off site operations is clear. If in doubt the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Environmental Permitting:

The proposed development will require an Environmental Permit from ourselves and we strongly recommend that the developer contact our Permitting Officer Darren Anderson on 0164 285 3439 as soon as possible to discuss these requirements. We also offer the following advice on aspects that will be considered as part of the permitting process:

A) The planning application states that the installation will be regulated by Stockton Borough Council. This is incorrect. Burning any fuel in an appliance with a rated thermal input of 50MW or more requires a permit from the Environment Agency. Currently an uncomplicated application can take up to 8 months to permit.

B) The source data for the air modelling sections of the planning application used 4 years of old Boulmer met data and 5 years of more up-to-date Linton-on-Ouse data with no justification for the chosen locations and the resultant wind roses. The Environment Agency will expect 5 years of recent met data from a site with similar weather conditions as the proposed installation.

C) The application states that short term NOX is predicted to be ~2% EAL. H1 guidance indicates this should be less than 1% to be screened out as insignificant.

D) The short term health impacts on visitors to the two viewing platforms has not been considered at all. There is a reason why industrial stacks do not have viewing platforms on them and it's due to the downdraft of pollutants during certain weather conditions. The EA will expect to see such an impact assessment in the permit application and not wishing to pre-empt the findings of this impact assessment the provision of or access to such viewing platforms should be reconsidered.

E) There is no mention of the location and description of the monitoring points on the stack or a description of the monitoring platform. Both shall be in accordance with M1 monitoring guidance.

F) The Permit application will need to describe the boiler blowdown discharge point the pollutants in this discharge the flowrate an environmental impact assessment of these releases and a description of the provisions for monitoring these releases.

Foul Drainage:

Under the terms of the Water Resources Act 1991 the prior written consent of the Agency is normally required for any discharge of sewage or trade effluent into controlled water and may be required for any discharge of surface water to such controlled waters. Such consent may be withheld. (Controlled waters include rivers streams underground waters reservoirs estuaries and coastal waters). Failure to obtain Consent may result in enforcement action being taken by the Agency.

The site must be drained by a separate system of foul and surface water drainage with all clean roof and surface water being kept separate from foul water.

Waste Management:

The Environmental Statement for the proposed development pays due attention to the local and regional planning guidance and policy documents.

No evidence is supplied of expressions of interest from potential end users of the process wastes. Without indication from recyclers that these wastes are appropriate for use for the listed purposes then this remains aspirational.

The proposal makes reference to the preparation of a Site Waste Management Plan for the construction phase. In order to maximise the effectiveness of the plan it is recommended that the Developer Main Contractor and Primary Waste Contractor are closely involved in its production and periodic review.

29. Acting Head of Technical Services
General Summary

Urban Design has no objections to this application, subject to the comments below.

Highways Comments

The proposed site is within the Clarence Wharf area and vehicular access is gained via Huntsman Drive, a private road, to A178 Seaton Carew Road. The junction with Seaton Carew Road is currently used by HGV traffic and meets appropriate standards for junction layout and visibility splay. There is also a track along the north bank of the River Tees to Port Clarence which is a private road and has been gated as an emergency route this route is however available for pedestrians and cyclists.

Current traffic flows on A178, Seaton Carew Road are 1255 vehicles during the morning peak hour and 1053 vehicles during the evening peak hour. There are two phases considered for this development in terms of traffic, construction and operational. The construction phase will generate a maximum of 65 movements during shift changes which will not coincide with morning and evening peak traffic periods on the local highway network.
It is proposed to manage HGV traffic during the construction phase to also avoid peak traffic periods through a Traffic Management Plan.

Once operational the development will generate a maximum of 20 vehicles at shift changeover periods, as the maximum number of staff at any one time is 10. There are 3 shifts proposed over 24 hour operation of the power station. The TA also indicates visitors to the development that are likely to be by invitation as this is a controlled site; this is therefore not expected to create any highway concerns.

The developer has indicated that all feedstock to the development is proposed to arrive by river and unload onto a conveyor. There is no objection to the proposals on traffic grounds as it is considered that the developer is committed to a substantial investment in the delivery of the wharf and conveyor and should the proposed supply chain fail then it is expected that a new supplier will be procured to use the wharf facility rather than use haulage. The application has been assessed on this basis and it should be controlled through appropriate condition.

The revised Travel Plan as attached as appendix 12 of the Transport Assessment (dated 5th February 2010) is acceptable for this development.

It is noted that a named contact is highlighted within the Travel Plan; however it is not clear if the contact is the Travel Plan Coordinator for the whole company or this specific site.

If the TPC is not to be based at this development, it is appropriate to have a Travel Plan champion on site.

The Transport Management Plan should be put in place to monitor/control the construction phase traffic.

The site layout indicates a total of 20 car parking spaces including 2 for disabled use. These spaces will be required to be marked for disabled use. Parking bays for HGV/coach use have been indicated and can be appropriately accessed. Cycle storage is indicated that is welcomed and should be covered and secured. Service arrangements have been clearly demonstrated with the provision of a one way loop through the site. It should be noted that a refuse management plan is required in order to deal with refuse storage and collection including the provision for recycling.

In summary, the development is acceptable in highway terms subject to appropriate conditions.

Landscape & Visual Comments

At present the site is derelict and largely un-vegetated and contains little or no ecological habitat. The development will allow for the creation of new landscape habitats such as calcareous grassland on the old blast furnace slag, and together with new native planting of trees and shrubs it will greatly enhance the wildlife value of the site. It will also be of benefit to the surrounding wildlife sites notably the Tees mouth and Cleveland Coast SPA, Cleveland Coast Ramsar site and also the Cowpen Marsh SSSI. All planting should allow for plants of native provenance where ever possible. As stated in the Environmental statement these habitat improvement will assist in achieving the Tees Valley Biodiversity Action Plan objectives. Full landscape details including specifications for planting and long term maintenance are requested.

Consideration must be given for soil establishment to prevent erosion, slumping of deposited materials, allow for the establishment of vegetation and long term maintenance. Gradients must be carefully considered to reduce the risk of erosion and tied to existing ground levels.

Drainage details must be submitted including requirements for sustainable drainage. The drainage must reflect the potential run off from the proposed gradients. Swales etc are encouraged and should be integrated into the landscape plan and local natural environment.

If consent is granted, appropriate conditions should be applied.

Built Environment Comments

The proposed development will provide a local iconic piece of architecture and is a very innovative approach to this type of use. Key to the success of this development will be to ensure that the quality of design and materials are not value engineered out as part of the detail design stage. The applicant must ensure that the design vision is carried through to construction stage and that the final scheme can be successfully maintained. If this is achieved, Stockton will have a landmark building to complement Middlehaven's visionary 'land of giants'.

It is recommended that a palette of materials is provided as part of any detailed application, within this, a proposed lighting strategy should be provided as well.

Environmental Policy

If consent is granted, conditions should be applied covering the source of fuel and transportation which will meet the requirements of the environmental statement, which encompassed the carbon footprint.

30. Environmental Health Unit
No objection subject to conditions covering construction noise and land contamination.

31. Northern Gas Networks
No objection and standard mains records shown.

32. RSPB
We would like to make the following comments:

Disturbance to waterbirds during construction
The RSPB has concerns that the construction phase of this proposal could generate disturbance to passage and wintering waterbirds in the vicinity, including birds associated with the Teesmouth & Cleveland Coast Special Protection Area (SPA) and Ramsar site. The proposed mitigation currently lacks sufficient detail regarding construction disturbance.

Birds associated with the SPA/Ramsar site use wetlands outside the SPA/Ramsar site. The nearest to the proposal site is known as the 'Calor Gas Pool', part of the RSPB's Saltholme Wildlife Reserve and Discovery Park. The nearest part of this wetland is less than 300m away from the proposal site. There is also an adjacent wetland ('Port Clarence Pool') created as compensatory habitat for losses elsewhere. Both these sites are rather closer than the location used to model noise impacts and their impacts on the SPA/Ramsar site, and are likely to experience higher levels of noise. However, given the existing high levels of noise on Teesside, the critical issue for waterbirds is not so much general noise levels as sudden periods of loud noise, for example associated with piling or loud drilling.

We note that part of the proposed mitigation is *'consideration given to the timings of particularly noisy operations'*. The RSPB believes that avoiding particularly noisy activities during the periods that SPA/Ramsar site birds use the Calor Gas pools (autumn and winter) would be an appropriate mitigation measure. This would help prevent disturbance to the Calor Gas and Port Clarence Pools. We would be pleased to discuss this matter in more detail with the applicant.

Habitat enhancement on the proposal site
We support the applicant's proposal to restore and maintain calcareous grassland. Grassland restoration on the portion has the potential to provide roosting and foraging opportunities for SPA species; in particular curlew, as well as nesting habitat for UKBAP species such as skylark. However, in order to optimise these benefits we recommend that the proposed native scrub planting is confined to the northern half of the site. This will preserve the openness of the southern section, improving conditions for roosting and ground-nesting birds. Creating low mounds of shingle close to the riverside in this southernmost area would also improve conditions for roosting birds and ground-nesting birds. Provision of a shelduck tunnel, if feasible, would also be beneficial.

We recommend the applicant produce a Habitat Management Plan, in consultation with relevant organisations, to deliver these and other biodiversity objectives.

33. Health and Safety Executive

HSE does not advise, on safety grounds, against the granting of planning permission.

PUBLICITY

34. It should be noted that the applicant has undertaken consultation in accordance with the adopted Statement of Community Involvement. This is included an open day held at the local community centre, Clarence's Community Centre, Port Clarence; distribution of a four page document to all the local residents, businesses, schools, public offices and neighbours.

Presentations were also made to large scale neighbours, including the Riverside Football Stadium, and Middlesbrough College.

35. Local residents have been individually notified of the application and it has also been advertised on site and in the local press and any comments received are set out below: -

36. Teesmouth Bird Club, 9 Morton Carr Lane, Nunthorpe
Following my earlier letter of 27th January 2010 concerning the INEOS Nitrile Application we would like to thank you for your prompt response in putting the Teesmouth Bird Club on your consultee list for future Planning Applications that may affect bird sites.

As with the INEOS development we have only just become aware of the above application and understand that responses are required by 29th January 2010. From a quick inspection of the documents by the TBCs Conservation Sub-Committee we make the following comments:

Paragraph 8.2.3 of the Environmental Statement (ES) states that Teesmouth Bird Club (TBC) was consulted on the scoping document but this is incorrect: we were not in fact included as a consultee. Paragraph 8.2.4 also goes on to say that discussions were held with TBC but to our knowledge no meetings or other communications took place. We would have welcomed involvement at an early stage.

Similarly the list of Consults Notified includes the TBC: this is also incorrect.

We agree with the findings of the Ecological Report that the site is of very limited ornithological value and because of this the ornithological impacts are likely to be negligible though we are concerned about noise and disturbance to Port Clarence Pools and the Calor Gas Pool during construction. Birds of the nearby SPA Ramsar site and SSSIs use these sites.

Table 8.6 Other Nature Conservation Areas should include the Calor Gas Pool.

We welcome the developer's intention to ensure environmental enhancement as part of the overall landscape master plan for the development and suggest that this should contain a range of habitats including as proposed extensive areas of calcareous grassland of benefit to both ground-nesting birds such as Skylark and invertebrates (notably butterflies and moths). Patches of scrub will provide breeding sites for Whitethroat Linnet and Reed Bunting. We would be pleased to provide some advice on enhancement if requested.

It appears from the ES that access to the site will be permitted following commissioning. This will enable TBC to monitor bird populations and include records in its Cleveland Bird Report

The proposed new structure is highly imaginative but at over 90m high it will dominate the otherwise flat landscape of the Tees Estuary and will result in a highly obtrusive backcloth to the newly created Port Clarence Pools. From certain viewpoints it will obliterate views of Teesside's famous landmark the Transporter Bridge.

Teesmouth Bird Club DOES NOT OBJECT to this development and, as our Conservation Sub-Committee contains ecologists a landscape architect and scientists we would welcome further consultation on potential enhancement opportunities and consider we could add value to any proposals.

37. Robert Tucker, 28 Ellerbeck Way, Ormesby.
At this point Middlesbrough, Stockton & Redcar Friends of the Earth are concerned about the biomass fuel being palm oil kernel shells from Malaysia mentioned in the "Sustainable development" statement p15 15.6 and would put forward that this is just bio/agrofuel in another guise.

At this present time we would object to this planning application, but we are studying this document, seeking expert advice and making further enquiries. Please keep us informed of developments.

PLANNING POLICY

National Planning Policy and Guidance

38. Planning Policy Statement 1: Delivering Sustainable Development sets out at paragraph 3 that sustainable development is the 'core principle underpinning planning' and that its key objective is to ensure '…a better quality of life for everyone, now and for future generations'. Paragraph 4 sets out four aims for sustainable development:

Social progress which recognises the needs of everyone;
Effective protection of the environment;
The prudent use of natural resources; and,
The maintenance of high and stable levels of economic growth and employment.

39. The Supplement to PPS1 'Planning and Climate Change' (December 2007) sets out how planning should contribute to reducing carbon emissions and stabilising climate change and take into account the unavoidable consequences. Tackling climate change is a key Government priority for the planning system alongside the other four aims of sustainable development set out in PPS1 (see above).

40. Planning Policy Statement 9: 'Biodiversity and Geological Conservation' seeks to ensure that the potential impacts of planning decisions on biodiversity and geological conservation are fully considered. It states that planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests.

41. Planning Policy Guidance 13: 'Transport' has objectives to:

Promote more sustainable transport choice for moving freight,
Promote accessibility to jobs and services by public transport, walking and cycling
reduce the need to travel, especially by car

42. In particular it states that land use planning can help to promote sustainable distribution, including where feasible, the movement of freight by rail and water.

43. Planning Policy Statement 22 Renewable Energy states that increased development of renewable energy resources is vital to facilitating the delivery of the Government's commitments on both climate change and renewable energy.

44. Planning Policy Statement 23: Planning and Pollution Control requires the potential impacts from development on the natural environment, public health and safety, and amenity to be considered as part of the planning process, for example by attaching mitigating conditions to allow developments to proceed, and preventing harmful developments which cannot be made acceptable even through planning conditions

45. Planning Policy Guidance 24: 'Planning and Noise' provides guidance on how the planning system can be used to minimize the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business. It outlines some of the main considerations which local planning authorities should take into account in drawing up development plan policies and when determining planning applications for development which will either generate noise or be exposed to existing noise sources.

46. Planning Policy Statement 25: 'Development and Flood Risk' sets out the Government's policy on development and flood risk. It seeks to ensure that flood risk is taken into account at all stages in the planning process. It strives to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk

47. UK Biomass Strategy (2007) - This document notes that biomass has "the potential to make a valuable contribution to a number of areas such as heat and electricity generation". also states that "in many of these areas biomass can be used as a low carbon, sustainable replacement for fossil fuels"

48. The 2008 Climate Change Act has set targets for the year 2050 for the reduction of targeted greenhouse gas emissions and to provide for a system of carbon budgeting. It seeks to establish trading schemes for the purpose of limiting greenhouse gas emissions and encourages activities that reduce such emissions or remove greenhouse gas from the atmosphere.

49. The UK Low Carbon Transition Plan (2009) sets out the UK's national strategy for climate and energy setting out how the UK will meet the 34 percent cut in emissions on 1990 levels by 2020. As well as nuclear and renewable energy the documents sets out that the generating mix could also include contributions from other low carbon sources, including potentially burning sustainable biomass, taking steps to ensure an increased supply of biomass can be met sustainably.

Regional Planning Policy

50. This regional spatial strategy (RSS), the North East of England Plan (2006), paragraph 2.17 sets out the principle ways in which the Region can tackle climate change and these include generating energy from renewable resources; this is further reinforced by Policy 3 'Climate Change'.

51. Relevant objectives within Regional Spatial Strategy 'Objective 2:

'To encourage economic development and promote a more entrepreneurial culture within the Borough, as a means of diversifying the economic base, in addition to strengthening existing economic clusters such as the chemical processing industries. Emphasis will be on working in partnership to encourage existing businesses to grow and prosper, and to attract new enterprises to sustainable locations within the Borough, particularly to sites in the urban core that will contribute to the realisation of the Stockton-Middlesbrough Initiative. The changing needs of established core industries, such as the chemical sector, will be catered for, operating alongside newly introduced technologies associated with, for example, the production of renewable energy.'

52. Policy 10 'Tees Valley City-Region' supports the polycentric development and redevelopment of the sub region by:

Giving priority to the regeneration of the Stockton-Middlesbrough Initiative Area, both banks of the Tees between Stockton, Middlesbrough and Redcar.
Supports the expansion of the renewable energy and recycling sector and their links to sustainable regeneration (in terms of economic prosperity) insists on high standards of new development, which improve the quality of the environment and promote sustainability; and encouraging the development of renewable energy whilst carefully considering the local impacts of proposals (in terms of the environment)

53. Policy 12 'Sustainable Economic Development', requires that economic development proposals should prioritise the renewal and reuse of previously developed land and buildings.

54. Policy 39 'Renewable Energy Generation' requires the facilitation of generation of at least 10% of the Region's electricity consumption from renewable sources by 2010; an aspiration that 20% of

the Region's consumption should be from renewables by 2020; and that the Tees Valley should contribute at least 138MW towards the 2010 target of 454MW.

55. Policy 40 'Planning for Renewables' sets out the criteria to be considered when considering proposals for renewable energy development. These include the potential for emissions/ pollution; acceptability of the location, scale and visual impact of the proposal; effects on the natural environment; accessibility; cumulative impacts; and proximity to renewable fuel sources

56. The RSS also includes policies addressing aspects such as landscape character, biodiversity and geodiversity, the aquatic and marine environment, flood risk, air quality and sustainable construction, all of which reflect the guidance and policies provided at national level.

Local Planning Policy

57. 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:

Local policy EN36 states that hazardous installations will only be permitted if there is no increased hazard to existing residential areas, prestige industrial sites or any site attracting large numbers of people.

Policies IN2 (d), IN3 (b) and IN6 supports the following uses at the development site:

industrial uses (classes B1-B8)
port related industrial uses
hazardous installations provided environmental criteria is met outlined in policies EN36 and EN37

Policy GP1 'Proposals for Development' should be considered in relation to all proposed development.

58. The Council is currently replacing the existing local plan with a replacement Local Development Framework (LDF). The Core Strategy sets out the Council's vision for the future of the Borough with an emphasis on "Exploring and developing the area's potential for diversifying the economic base through new technologies, such as the generation of renewable energy, reprocessing industries and the development of associated manufacturing industries". Furthermore the strategy seeks to promote the area as a location for industries which require a river-based location and places emphasis on the remediation and rehabilitation of derelict and underused land.

SITE AND SURROUNDINGS

59. The site of the proposed biomass power plant is located within an area known locally as Clarence Works, on the northern edge of the River Tees. The site area comprises 6.1 hectares of presently derelict, former industrial land, located to the immediate west of the existing Koppers UK site (formerly Bitmac). An access road connects the site to the Koppers UK private road. The site has a long and complex industrial history, including: chemical manufacturing; railways; iron works; coal storage; oil petroleum & gas refining & storage; with unknown made ground from infilled water bodies (i.e. tidal flats of Tees Estuary). T

60. The site is approx 1km to the east of the residential area of Port Clarence, and 700m east of the listed Transporter Bridge crossing the River Tees. Billingham town centre is some 3km to the east and Middlesbrough town centre is some 1km to the south.

61. The site is located opposite the Middlehaven regeneration area in Middlesbrough; an area of substantial investment and one of the targeted growth areas for the wider Tees Valley regeneration. A masterplan has been prepared to create a flagship development containing waterfront housing, offices and leisure facilities, which aims to transform the redundant waterfront quarter into a groundbreaking landscape of contemporary architecture.

MATERIAL PLANNING CONSIDERATIONS

62. Drawing from current planning policy set out in Government advice, National Planning Policy and the Development Plan including the emerging Local Development Framework documents, the main material planning considerations of the application relate to whether it satisfies the requirements of National and Regional Guidance and Local Plan Policies; the impact of the proposed development on the locality in terms visual impact, flood risk, land contamination, ecology and nature conservation, air quality, traffic impact and highway safety and any residual matters that might make the development unacceptable.

Planning Policy and Guidance

63. The numerous incentives and strategies produced by the government with regards to renewable energy and the use of biomass technology promote and support the increased development of renewable energy resources to facilitate the delivery of the Government's commitments on both climate change and renewable energy.

64. 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.

65. 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 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.

66. 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.

Landscape and visual amenity

67. The scale of the building is dictated by the dimensions of the plant components which are 25m – 45m high, with the stack at 85m high. The building is therefore comprised of a series of steps, the first at 35m, the second at 55m and the top at 85m.

68. The landscape character of the application site relates to its status as disused, former industrial land within an area dominated by heavy industry, and areas of nature conservation importance. Small areas of residential land occur to the south-west. Although the landscape is largely flat and low lying, vertical elements dominate many views from within this area such as the Listed Buildings (or structures) the Transporter Bridge, an iconic landmark and the clock tower in the Middlehaven area. The Middlesbrough FC stadium lies due south of the site with, to the west,

an extensive area proposed for regeneration as housing, offices and commercial development (the Middlehaven site). This is being developed in stages and includes the new Middlesbrough Community College building and currently under construction a major new sculpture the "Temenos".

69. A detailed landscape and visual impact assessment has been undertaken for the proposed development, in accordance with best practice guidance. This has considered the potential for the proposed biomass power plant to impact on the landscape character, and the visual amenity, of the surrounding area.

70. A summary of the assessment is as follows. The development site is located within the Natural England Tees Lowlands National Character Area, which extends to both the north and south of the River Tees, and a considerable distance inland. The local landscape character is dominated by the flat, open landscape on the north of the River Tees, within which industry, frequently on a large scale, is dominant. As such, the placing of a large scale building within this landscape is not necessarily out of character.

71. The assessment concluded that construction effects on landscape character would be temporary and would range from slight adverse to moderate adverse as the building construction progressed towards its completion. On completion / during the operational stage of the development, effects on landscape character are assessed as moderate-substantial, beneficial effects.

72. Visual impacts were assessed for a range of situations, from residential areas, roads and rights of way, to areas of open space. The assessment has included two photomontages of the proposed development, taken for views from the south side of the River Tees, from areas that would have more open views towards the proposed power plant. Impacts were assessed for the construction and operational phases of the development. During the construction stage, it was assessed that the greatest effects on residential properties would result for locations closest to the site, such as from the housing on Saltview Terrace and Queens Terrace, once the upper parts of the building were being built: temporary, moderate adverse effects; on completion of the construction, effects would be moderate and beneficial.

73. From other areas close to the site, such as the tracks within the open space areas to the west and northwest of the site, or from any future coastal access path on the north side of the River Tees, effects would similarly be greater than from further away. Effects were assessed as ranging from temporary, moderate to moderate-substantial adverse during construction, to moderate and moderate-substantial and beneficial, during the operation of the plant.

74. Cumulative effects on the landscape and visual amenity, from this development in combination with other committed development in the area (specifically, the Middlehaven development) were assessed. No significant adverse impacts were identified.

75. The landscape visual assessment, which has been considered by Council Officers and in landscape and visual terms the proposal is considered to be acceptable. The building is of a commensurate scale with other large structures in the local environment and would comprise a major new and innovatively designed structure which would make a positive statement within the local area and in keeping with the scale of the landscape.

76. Significant areas within the grounds of the design will be used for the creation of a grassland area to promote bio-diversity and create an attractive landscaped area.

77. English Heritage has considered the proposal in terms of its impact on the setting of listed buildings and in their advice concludes that the proposal is a "notable piece of highly creative design, beautifully equivocal in its fusion of building and landscape that will make a defining

statement at the mouth of the river. It starts broad and low, hill-like, reveals itself as architecture higher up in finely composed layers, especially good in the north shore view, then rises up to a crown of open steel lattice - a good reference to the area's industrial heritage. The design has an inherent grace and elegance about it - strange words for a power station, but valid here - that should ensure it makes a very positive visual contribution to the landscape at the mouth of the Tees".

78. The proposal was also considered by a CABE design panel review in London who were strongly supportive of the design approach and would wish to see this concept carried through to the completed scheme.

79. It is considered that the proposed biomass design provides a contemporary approach to a power station and would create an exemplar power station that can help set the benchmark for future power station design. The high architectural quality would match the ambitions and complementing the uses of the Middlehaven masterplan

Flood Risk

80. The surface and groundwater at the site have been assessed, together with the proposals for site drainage. Mitigation measures have been developed to address any potential concerns. The site is located within the Environment Agency's tidal Flood Zone 1 (i.e. less than 0.1% chance of flooding in any given year). A Flood Risk Assessment (FRA) has been completed for this site; this concluded that the proposed development would be sited at a level that would more than adequately cope with any potential future flood events, including allowances for climate change. Sustainable Urban Drainage Systems (SUDS) would usually be developed in order to deal with surface water run-off from the site in an environmentally friendly manner. However, because of the contaminated nature of the ground present within this site, these systems would be unlikely to be able to be used. Instead the run-off from the hardstanding areas around the building, and the building itself, would be collected via a drainage system, would pass through a filtration system and be stored in appropriately designed, below ground storage tanks. This water would be available for use in dealing with fires at the site, should this be necessary. The assessment did not identify any significant risks to the water environment of the area as a result of the proposed development, with appropriate mitigation measures (such as catch drains and best practice site working) put in place

81. 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.

Land Contamination

82. The site is known to be contaminated in an industrial location and the proposal has been considered by the Environment Agency and the Council's Environmental Health Officer who raise no objections subject to the imposition of planning conditions relating to ground conditions and contaminated land, which have been duly recommended.

Ecology

83. A detailed ecological assessment has been undertaken at this site. The assessment followed seven key stages: consultation; collection of available information and data; Phase 1 Habitat survey; additional protected species survey; identification of potential ecological receptors; identification and characterisation of potential impacts; and assessment of impact significance. The assessment determined that the derelict and largely un-vegetated nature of this site is such that it is unsuitable habitat for species such as badger and otter. Surveys were undertaken for reptiles, as the site could provide suitable habitat for these, but none were found. Disturbance and lack of habitats make the site unsuitable for birds roosting, nesting on the ground or feeding.

Although the wider area contains several sites of international importance for nature conservation, particularly for birds, the assessment concluded that the proposed development (construction and operation) would not give rise to any significant adverse impacts on these areas. The risk of bird strike was also considered and dismissed due to the enclosed nature of the single stack, as proposed for this site.

84. Mitigation is proposed to enhance the longer term nature conservation interest of the site, through allowing the majority of the area around the building (including the slopes at the base) to develop as calcareous grassland on the existing substrate of blast furnace slag. Some planting of native tree and shrub species is also proposed within the area of the site. This would assist in achieving the objectives of the Tees Valley BAP.

85. Natural England, RSPB and Teesmouth Bird Club have considered the proposal and raise no objections subject to conditions covering a habitat Management Plan and a qualified ecologist being present during initial clearing and levelling, which have been duly recommended

Air Quality and pollution control

86. In common with conventional combustion systems, biomass burning boilers can emit a number of pollutants including nitrogen dioxide (NO2), particles (PM) and sulphur dioxide (SO2). The mix and amounts of pollution produced depend on the size and design of the boiler, the quality of the fuel used and the presence of any emissions abatement (cleaning) equipment. Generally a well maintained biomass boiler will produce more pollution than a similar gas system, but less than an equivalent coal or oil fired boiler. The maintenance of the boiler and its associated equipment will also affect pollutant emissions, i.e. poor maintenance will lead to higher emissions.

87. A detailed air quality assessment has been undertaken for the proposed site as the power plant will give rise to emissions to the atmosphere as products from the combustion process, as well as residual gases, particles and metals.

88. Mitigation measures are proposed during both the construction and operational phases of the project to protect heath and amenity. The ES stated that the emissions from the proposed installation are highly unlikely to result in any air quality objective or limit current NO_2 or NO_x values being exceeded.

89. The ES sets out the following measures to prevent or minimise impacts on air pollution:

- The combustion pollutants from the power plant shall be filtered and cleaned to ensure compliance with WID emission limits.

- Emissions of NOx shall not exceed 140mg/m3 based on WID normalisation conditions.

- The emissions from the process shall be discharged from an 85m high stack with exhaust temperature at or above 150oC with an efflux velocity not less than 15m/s, when operating under maximum load conditions.

- The process shall be monitored continuously using advanced automatic instrumentation to measure combustion efficiency, particles, NO_x and SO_2.

- Additional periodic monitoring shall be conducted by independent testing agencies.

90. Supervisory staff shall be trained to ensure that the works are operated within specification. All process operations shall be subject to routine planned preventative maintenance. Environmental monitoring shall be conducted to confirm the results of the predictions and to ensure compliance with Environmental Assessment Levels.

91. Ash shall be contained to prevent the release of fugitive dusts.

92. The model predictions shall be modified as necessary to include committed developments within the Tees Valley area and validated by a programme of environmental monitoring to confirm air quality impacts. The input to the air modelling exercise shall reflect the wind speed / direction prevailing in the Teesside area

93. To ensure that the above is carried out and to ensure adequate monitoring and control of air pollution (including dust particles) a number of conditions have been recommended including a scheme for monitoring air pollution and a construction management plan. It should be noted that the proposed development will require an Environmental Permit from the Environment Agency who are 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.

94. 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.

Noise

95. The activities associated with the construction and operation of a Biomass Plant has the potential to generate noise and create a negative impact within the surrounding area. To ensure satisfactory measures are in force to alleviate any unacceptable noise and vibration impact on the local environmental and any sensitive receptors a number of conditions are recommended covering construction and operation.

Climate Change and Sustainability

96. The need for sustainable development is recognised worldwide, with measurable changes to the natural world leading to demands for more sustainable attitudes and approaches to actions, including new development, that conserve the natural resources of the earth as well as the environment at a local level.

97. The proposed development would generate renewable energy from biomass, using fuel that is a by-product of food processing overseas. The applicant states that currently there are millions of tonnes of palm kernel shells that would otherwise remain unused and advises that the fuel would be derived from a certified and credible provider from an existing provider. The ES sets out a number of checking procedures such as the socio-economic impact at source as well as the sustainability of the fuel source which the applicant states would comply with.

98. The source of the fuel and its transportation could undermine the scheme's important sustainability credentials and objectives and whilst in order to operate the plant, the Environment Agency (EA) will have to approve a licence which itself will ensure fuel sources are renewable, a number of conditions are recommended to ensure sustainable objectives are met. These include planning conditions relating to the fuel being sustainably managed and credible resource and should comprise of a waste (bi) product fuel source and to ensure that the fuel is transported to the site by vessel.

99. In addition to the fuel source and transportation, another key sustainability issue is the potential for the scheme to supply heat and power to Middlehaven development, University of Teesside and other industrial uses in the nearby area through the use of Combined Heat and Power (CHP). In order to ensure that the potential for future CHP provision is not lost a condition is recommended to require that the biomass plant be designed and constructed to be 'combined heat and power' (CHP) ready. Furthermore a condition is recommended that a report be prepared by an

independent body to determine the feasibility, costs, risks and benefits of utilising heat from the plant.

100. In the interest of securing a sustainable development and in order to maximise energy efficiency in line with national and regional planning policy conditions the scheme to achieve a BREEAM rating of 'very good' and 10% of the schemes energy supply to be generated form a renewable/low carbon source.

101. Other sustainable features of the proposal include the construction and operation of the plant would make use of measures such as green travel plans and a Site Waste Management Plan in order to reduce impacts on the environment and improve its sustainability.

102. It should be noted that the use of biomass as a fuel for the proposed power plant would result in considerable savings in CO_2 emissions (approximately 93%) compared with the equivalent generation by a traditional coal fired power station.

103. The Council's Environmental Policy Manager has considered the application and raises no objection subject to appropriate controlling conditions.

Transport Issues

104. A detailed transport assessment has been undertaken for the proposed development, considering both the construction and operational effects of the biomass power plant on the local road network.

105. As the fuel for the biomass power plant would be delivered by coaster vessel to the Lower Clarence Wharf, there would be no requirement for large numbers of HGV deliveries to the site and as such the operation of the plant can be expected to have a minimal impact on traffic and transportation. There would be a need for the residual ash to be removed from the site by HGV, but this would involve limited (4 journeys per day) traffic movements and the road network has the capacity to accommodate these and the other vehicular movements associated with the site operation.

106. It is proposed to manage HGV traffic during the construction phase to also avoid peak traffic periods through a Traffic Management Plan. Once operational the development will generate a maximum of 20 vehicles at shift changeover periods, as the maximum number of staff at any one time is 10. There are 3 shifts proposed over 24 hour operation of the power station. The TA also indicates visitors to the development that are likely to be by invitation as this is a controlled site; this is therefore not expected to create any highway concerns.

107. The site layout indicates a total of 20 car parking spaces including 2 for disabled use. Parking bays for HGV/coach use have been indicated and can be appropriately accessed. Cycle storage is indicated that is welcomed and service arrangements have been clearly demonstrated with the provision of a one way loop through the site.

108. A Travel Plan has been prepared for the site to demonstrate the means by which these phases of the development would seek to reduce reliance on travel by car.

109. The Acting Head of Technical Services has reviewed the submitted information and raises no objection in highway terms subject to an appropriate condition for the ongoing implementation of the Travel Plan, the Construction Management Plan and a refuse management plan.

Employment and Socio-economic impact

110. An assessment has been undertaken of the potential effects of the proposed development on the socio-economics of the area. It concludes that Stockton-on-Tees Borough Council's spatial approach to providing development opportunities to meet future needs focuses on the best use of previously developed land and has an important role in providing sustainable communities with access to services and facilities.

111. The assessment states that Stockton Borough has an abundance of unused or under-utilised previously developed land, focused mainly within the river corridor, a legacy of industrial decline in the second half of the twentieth century. By focusing the development here, the developers (BEI) would be making best use of resources, thus minimising the need to make further allocations of greenfield land.

112. The regeneration of Stockton would be supported by this development, which would act as a focus for jobs, services and facilities to serve the wider area, and provide city and regional scale facilities consistent with its role as part of the Teesside conurbation. Also, it should be noted that renewable energy has to be produced by the nation; in this way Stockton would lead the way in the production of energy from renewable sources; contributing to the national grid and transforming the area would therefore be underpinned by "cutting-edge" eco-friendly, energy efficient development.

113. The provision of excellent education and training, to develop appropriate skills and knowledge, is key to the Borough's strategy for economic regeneration. This development would provide employment opportunities for a highly qualified workforce to meet the needs of this industry; matching skills to employment opportunities and providing high quality, well-paid jobs within the Borough. This development would create a balanced employment structure, ensuring improved access to employment within the Borough for the total lifespan of the plant.

114. The socio-economic impact at the fuel source in Malaysia has also been considered. The fuel for the biomass power plant would be a by-product of food production and its use in this project would provide additional revenue and employment to the economy in that area, without requiring new areas of land for crops to be planted.

115. In line with Supplementary Planning Document 6: Planning Obligations, the applicant has agreed to enter into a Section 106 Agreement in respect of new jobs to be created. The following Heads of Terms are recommended: -
30% of jobs on the development to be made available to residents of Stockton and the Tees Valley with 10% of the operational jobs to be made from the residents of the Clarences and 30% of total net value of the services and materials used in the development to be provided by businesses within Stockton and the Tees Valley.

116. The above Heads of Terms is acceptable to the Council's Labour Market Co-ordinator.

Other relevant matters

117. A number of alternative sites were examined for their suitability for a renewable energy biomass power plant. In selecting a site the following factors were considered; existing deep water jetty facilities; ship unloading and fuel transfer facilities; electrical connection; land availability; site character; landowner support; road access and proximity to heat users.

118. After considering the alternative sites, it was concluded that the best location was the application site due to land availability close to an existing wharf, easy access to the electricity transmission system, good access to road networks and a large potential heat user at the proposed Middlehaven development.

119. In respect of Health and Safety advice produced by PADHI+ does not advise, on safety grounds, against the granting of planning permission and therefore the application is in accordance with policy EN 39 of the adopted Stockton on Tees Local Plan.

CONCLUSION

120. 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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121. 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.

122. It is considered that the proposed biomass design provides a contemporary approach to a power station and would create an exemplar power station that can help set the benchmark for future power station design. The high architectural quality would match the ambitions and complementing the uses of the Middlehaven masterplan.

122. In summary there are no sustainable land use planning reasons for resisting the development and the application is recommended for approval subject to the applicant entering into a Section 106 Agreement and conditions set out in this report.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Gregory Archer Telephone No 01642 526052

Financial Implications
As report

Environmental Implications
As Report

Legal Implications
As report

Community Safety Implications
As Report

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

WARD AND WARD COUNCILLORS

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