DELEGATED

AGENDA NO
PLANNING COMMITTEE

2 MARCH 2011

REPORT OF CORPORATE DIRECTOR, DEVELOPMENT AND NEIGHBOURHOOD SERVICES

10/0258/EIS
Former ICI Anhydrite Mine, Grow How Facility, Haverton Hill Road
Conversion of part of former ICI anhydrite mine to a 4 million cubic metres waste storage facility. Material deposited will comprise Air Pollution Control Residues (fly ash), a hazardous waste (as defined) within the Hazardous Waste Regulations 2005, together with above ground site office, laboratory, staff car park, an enclosed bulk APCR material handling and treatment facility and enclosed area containing 2 mine shaft entrances and winding gear

Expiry Date: 7 July 2010

SUMMARY

Planning permission is sought for the storage of Air Pollution Control Residues (APCR's, more commonly known as fly ash) in part of the existing mines that are underneath Billingham. The above ground works include the provision of site office, laboratory, staff car park, an enclosed bulk APCR material handling and treatment facility and enclosed area containing 2 mineshaft entrances and winding gear.

In view of the scale of the proposal and the location of the development, the application is subject to formal Environmental Impact Assessment. A Statement of Community Involvement accompanies this application.

27 objections in total have been received from neighbouring properties, Low Grange Residents Association, Cowpen Residents Associations, Veolia Environmental Services (similar operation based in Cheshire) and former Councillor, Alex Cunningham (now MP for Stockton North).

Five letters of support have been received from 3 local businesses (including SITA), Billingham Town Council, and Billingham Partnership Board and one letter making additional comments.

Additional explanatory information relating to the application was advertised in the local press and the timescale for comments to be submitted does not expire until the 23 February 2011. Any further representations received will be addressed in an update report.

The primary material planning considerations of the application relate to whether the proposal satisfies the requirements of National and Regional Guidance and Local Policies; the impact of the proposed development in terms of land and water quality, flood risk, ecology and nature conservation, air quality, traffic impact and highway safety and any other residual matters that might make the development unacceptable.

These matters have been considered in detail and the development as proposed is recommended for approval with conditions subject to the completion of a Section 106 Agreement in accordance with the Heads of Terms within this report.

Should this application be approved the applicant will need to obtain an Environmental Permit from the Environment Agency before any storage takes place.

RECOMMENDATION

Planning application 10/0258/EIS *be APPROVED subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and the following conditions:*

Approved Plans

1. 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*
LE10235/EIA1.1	*8 February 2010*
LE10235/EIA1.2	*8 February 2010*
LE10235/EIA1.3	*8 February 2010*
LE10235/EIA1.7	*8 February 2010*
LE10235/EIA1.8	*8 February 2010*
LE10235/011	*8 February 2010*

Reason: To define the consent.

Environmental Impact Statement

2 In addition to the requirements of condition 1, the development hereby approved shall be carried out in accordance with the submitted details including the Environmental Statement, the Supplementary Reports and Addendum to that statement received January 2011 and the revised Transport Assessment dated received 8 April 2010 or as otherwise may be subsequently agreed in writing with the Local Planning Authority.

Reason: To define the consent

Mitigation Measures

3. The development shall not be operated except in accordance with the full implementation of all the mitigation measures specified in the Environmental Statement accompanying the planning application hereby approved and the updates received January 2011 and any a programme to monitor the effectiveness of these mitigation measures, which shall be agreed before development commences.

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

4. The development shall not be operated unless in accordance with the mitigation measures that are identified as the result of any additional testing to satisfy the requirements of the Environmental Permit.

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

Waste to be Stored in the Mine (is this OK)

5. The waste to be stored shall be solely Air Pollution Control Residues (APCR) unless otherwise agreed in writing with the Local Planning Authority.

Reason: to define the consent

Materials

6. Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).

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

Final Details of the site layout

7. Notwithstanding the submitted details 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 development is brought into use unless otherwise agreed in writing by the Local planning Authority. The scheme which shall include provisions for the final details of the site layout showing details of vehicular circulation roads, parking, hardstandings, storage areas, loading and unloading facilities and turning facilities on the Application site

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

Means of Enclosure

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

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

Means of Illumination

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

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

Soft Landscaping

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

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

Hard Landscaping

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

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

Management Plan

12. *Notwithstanding the proposals detailed in the design and access statement, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. Any vegetation within a period of 5 years from the date of completion of the total landscaping works, the date as agreed with the Local Planning Authority, that is dying, damaged, diseased or in the opinion of the Local Planning Authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation. Landscape maintenance shall be detailed for the initial 5 year establishment period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved*

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

Noise from Plant

13. *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 area

BREEAM

14. *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

10% Renewables

15. *Prior to the commencement of any of the development hereby approved and unless otherwise agreed in writing with the local planning authority, a written scheme shall be submitted to and approved in writing by the local planning authority which details how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and brought into use to the written satisfaction of the local planning authority. The approved scheme shall be maintained in perpetuity thereafter unless otherwise agreed in writing by the local planning authority.*

Reason: In the interests of promoting sustainable development in accordance with the requirements Stockton on Tees Core Strategy Policy CS3 (Sustainable living and climate change).

Surface Water Management

16. 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 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.

Archaeology

17. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has completed the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the local planning authority. Where important archaeological remains exist provision should be made for their preservation in situ and a photographic record of the underground elements of the mine should be produced prior to development.

Reason: The site is of archaeological interest

Ecology

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

Reason: To ensure that rare or protected species and breeding birds are not effected by the development.

Travel Plan

19. Prior to first use or occupation of any part of the development, the agreed travel plan (as set out in report reference MARP0001Revision 4 dated 21st April 2010 prepared by URS Corporation) shall be implemented to the reasonable satisfaction of the Local Planning Authority.

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

Transport Management Plan

20. Prior to commencement of works, a traffic management plan for the construction phase shall be submitted and approved in writing by the local Plannign Authority. The plans shall demonstrate how traffic will be managed during this period including identifying appropriate routes to ensure there is no adverse impact on the local and strategic highway network and the approved plan shall be implemented to the reasonable satisfaction of the local planning authority

Reason: In the interest of reducing traffic impact of the development on the local and strategic highway network

Piling

21. *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: Piling may introduce new pathways which could increase the risk to the underlying aquifers.

Land Contamination

22. 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 site investigation scheme, based on the submitted Preliminary Risk Assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The site investigation results and the detailed risk assessment (1) 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.

3) 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 a potentially contaminative land-use [i.e. storage of waste catalyst]. The environmental setting of the site is sensitive as it lies on the Sherwood Sandstone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

Unsuspected land Contamination

23. 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.

Possible land contamination

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

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

Submission of land contamination Remediation Scheme

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

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

Implementation of land contamination Approved Remediation Scheme

26. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local

Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

Land Contamination -Long Term Monitoring and Maintenance

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

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

Possible Contamination

28 . No development shall be commenced until the site is investigated to determine the nature and extent of landfill gas. The site investigation and risk assessment report shall be carried out in accordance with Guidance on Evaluation of Development proposals on sites where methane and carbon dioxide are present [NHBC March 2007] and CIRIA document C659.

Reason: *To secure remediation of possible contamination on the site, to ensure proper restoration of the site as the site is within 250 metres of an old landfill site*

Construction Noise

29. No construction activity shall take place on the site outside the hours of 8.00am - 6.00pm Monday to Friday, 8.00am - 1pm Saturday and nor at any time on Sundays or Bank Holidays.

Reason: To avoid excessive noise and disturbance to the occupants of nearby premises.

INFORMATIVES

The proposal has been considered against National, Regional and local planning 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 does not give rise to concerns over the impact on land contaminations, hydrological

safety, ecology, 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
PPS 1 Delivering Sustainable Development, PPS 4 Planning for Sustainable Economic Growth, PPS5 Planning for the Historic Environment, PPS 9 Biodiversity and Geological Conservation, PPS10 Planning for Sustainable Waste Management, PPS 12 Local Spatial Planning, PPG 13 Transport, PPS 23 Planning and Pollution Control, PPG 24 Planning and Noise and PPS 25 Development and Flood Risk
Regional Spatial Strategy Policy 2 Sustainable Development, Policy 4 Sequential Approach to Development, Policy 10 Tees Valley City Region, Policy 12 Sustainable Economic Development, Policy 13 Brownfield Mixed Use Locations, Policy 18 Employment Land Portfolio, Policy 24 Delivering Sustainable Communities, Policy 31 Landscape Character, Policy 33 Biodiversity and Geodiversity, Policy 37 Air Quality, Policy 38 Sustainable Construction Policy 45 Sustainable Waste Management, Policy 46 Waste Management Provision, Policy 47 Hazardous Waste and Policy 54 Parking and Travel Plans and Local Development Plan Policy - Core Strategy Policy 1 (CS1) - The Spatial Strategy, Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel, Core Strategy Policy 4 (CS4) - Economic Regeneration, Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement and 1Core Strategy Policy 11 (CS11) - Planning Obligations and Policy IN2, Policy IN4, Policy EN36 and Policy EN39
The submitted environmental information set out in the Environmental Statement has been taken into consideration in the permissions hereby granted.

Informatives from Northern Gas Networks

The applicant's attention is drawn to the presence of other apparatus in the area and consultation made Northern Gas Networks to avoid any conflict with their existing utilities and discuss requirements in detail.

Informatives from Natural England

The applicant should be made aware that protected species may be present in the general area and the legal protection is afforded to these species. Planning permission, if granted, does not absolve you from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.

A contractor's method statement is supplied to workers on site, advising of action that should be taken should Great Crested Newts be discovered during development works, to minimise risk. The project ecologist can provide such a document.

Under Part I of the Wildlife & Countryside Act 1981, it is an offence to kill, injure or take any wild bird or disturb (Schedule 1), damage or destroy the nest whilst it is in use or being built, or take or destroy the egg of any wild bird. Given that the Phase 1 Habitat Survey indicated areas of scrub on site that may provide suitable bird breeding habitat, any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present.

The developer may need to obtain a Natural England licence prior to commencement of works. The developer should be advised by their ecologist with respect to this issue.

|Informatives from Tees Archaeology

The developer may wish to preserve in situ important elements of the mine such as intact machinery and apparatus and a sentence to this effect is stated in the suggested wording of the condition which is derived from a model condition set out in PPG16, Archaeology and Planning. Tees Archaeology would be happy to provide a brief for the recording along with a list of archaeological contractors who are able to tender for the work.

Informatives from the Environment Agency

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 Agency's:

- *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, its 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.

HEADS OF TERMS

COMMUNITY BENEFIT FUND

The Developer and the Owner shall not Commence Receipt of Waste until they have prepared and submitted to the Council for its reasonable approval the Terms of Reference to establish the Community Benefit Fund and have established the Community Benefit Fund.
The Developer and the Owner shall ensure that the Terms of Reference shall include provisions that:-

- *define and determine the concept of a "genuine community need";*
- *the Community Benefit Fund may be used for the benefit of community projects and*
  Communities within the administrative area of Billingham Town Council; and
- *Permit a representative from the Council and the Developer to be nominated as a trustee or similar to the Community Benefit Fund.*

The Developer and/or the Owner shall pay into the Community Benefit Fund:-

- *a sum of £25,000 (twenty five thousand pounds) on the Commencement of Receipt of Waste; and*
- *a sum of £25,000 (twenty five thousand pounds) on the following 39 anniversaries of the Commencement of Receipt of Waste*

HAZARDOUS WASTE STORAGE
The Developer and the Owner shall not store Hazardous Waste under any part of the Residential Area.

COMMITMENT ON NUCLEAR WASTE
The Owner hereby covenants with the Council that upon transfer of the Site to the Developer it shall place a restrictive covenant against HM Land Registry title numbers CE187993, CE187994 and CE188479 which prohibits the deposit of high level or intermediate level radioactive waste at the Site.

The Developer and the Owner shall not store Nuclear Waste at any part of the Site.

TRAFFIC ROUTING
The Developer and the Owner hereby covenant with the Council that:-

They shall ensure that from the date of this Agreement all Heavy Goods Vehicles delivering materials to the Site or removing materials from the Site will at all times follow the Approved Route when travelling to or from the Site.

They shall ensure that prior to the first visit to the site of any Heavy Goods Vehicle delivering materials to the Site or removing materials from the Site the Developer or the Owner shall issue written instructions containing the Approved Route with which each haulier or driver shall comply.

Each haulier or driver shall only use the Approved Route when travelling to or from the Site.
In the event that the Approved Route is unavailable for use due to obstruction or other exceptional circumstance the routing requirements of this Agreement will be suspended until such time as the Approved Route becomes available for use.

LOCAL EMPLOYMENT
The Developer and the Owner shall use reasonable endeavours to make available;

10% of the available jobs during the construction of the Development; and 20% of the available operational jobs once the Development is operational to residents of Stockton and the Tees Valley.
Ensure that 10% of total net value of the services and materials used in the construction of the Development is to be provided by businesses within Stockton and the Tees Valley.

BACKGROUND

1. The applicant has been in discussions with the local planning authority with regards to the merits of this scheme for a number of years and advice has been given which indicated that an application should address the issue of planning policy and the emerging Mineral and Waste DPD and fully address any concerns regarding the safety and environmental impact of the proposed scheme.

2. In 2007, the Council received two large petitions. These petitions were not received as a result of consultation on this current application. Petition One was titled "We the undersigned object to the use of Billingham anhydrite mine for the storage/disposal of waste products of any description". "We cannot take the chance that a successful planning application for the above would at some time in the future turn out to be a Trojan horse full of nuclear waste!" and Petition Two was titled "We the undersigned express out total opposition to any proposal to re-open the anhydrite mine under Billingham for whatever reason. We call upon all relevant agencies, companies and authorities to join us in our opposition to ensure the mine remains closed".

3. A scoping report was submitted for consideration to the Local Planning Authority in 2008 and advice was given on what information would be required to be submitted with an application.

PROPOSAL

4. The application is for the conversion of part of the former ICI anhydrite mine to a 4 million cubic metres waste storage facility (the mine has a void space of circa 11 million cubic metres). The hazardous waste material to be stored will be in the form of Air Pollution Control Residues (APCR) commonly known as fly ash. The material is a fine dry material that is generated by incineration.

5. Once developed it is proposed to accept and store 100,001 tonnes of waste per annum, which will be delivered by HGV road tankers with the potential to transport by rail being considered in the future.

6. Above ground facilities will comprise a site office, laboratory, staff car park, an enclosed bulk APCR material treatment and handling facility which will include a reception area, storage silo tanks; treatment area and a bagging plant, and an enclosed area containing two mine shaft entrances and winding gear. The perimeter of the site will be fenced as existing. Site security of buildings and the perimeter will be monitored by passive infrared alarm systems and CCTV cameras and the site will operate 24 hours per day.

7. There will be an average of 36 HGV movements per day (18 each way). 17 car parking spaces and 6 cycle spaces will be provided on site for staff and visitors.

8. The site will be accessed from Haverton Hill Road (A1046) to the south of the site via a controlled gatehouse where the vehicle will be weighed at the existing weighbridge. Vehicles will then travel to the site and on arrival consignment documentation will be checked to ensure that materials are in compliance with the permitted waste types. The vehicles will then proceed to the reception area where the material will be transferred to the storage silo tanks. This will be pre agreed contract waste. The entrance of the reception area will be kept at negative pressure and fitted with rapid action roller shutter doors, which will be kept closed during operations. The process involves 3 stages; waste acceptance; storage and treatment and finally underground waste storage.

   Waste Acceptance – once the waste has been accepted within the terms of the Environmental Permit; it will be directed to a waste checking area and a sample taken for testing in the laboratory. Providing the waste is as described in the waste transfer note the waste will move to the offloading area. Should discrepancies be found then the waste will be detained while further checks are made and if found to be unsatisfactory the waste will be required to be removed from the site and not offloaded. Offloading will be undertaken using a blown system, which will use hoses to carry APCR from tankers into the silos; thereby not allowing the waste to be loose within the building.

   Waste Storage and Treatment - Once the material is stored in the Silos within the reception building, the APCR will be processed; stabilised and bagged.

   Underground storage – The filled bags will be numbered, palletised and loaded into transit containers by mechanical handler. Containers will carry 3 tonnes of waste and will be securely closed to prevent release of treated waste during transit and then moved to the shaft area 1 where they will be placed in the hoist cage for transportation underground.

9. Once underground the full transit containers will be unloaded onto underground trucks and transported to dedicated areas for final storage. The container will return to the surface for refilling.

10. The proposed development will create approximately 50 jobs during construction and 30 full time staff during operation.

SITE AND SURROUNDINGS

11. The application site is part of the former anhydrite mine and is below Belasis Hall Technology Park and Cowpen Industrial Estate. There will be no storage under the residential areas of Billingham.

12. Anhydrite (Calcium Sulphate) was mined at Billingham from 1927 until 1971. In the 44 years the mine operated over 33 million tons were extracted and used principally to make fertilizers and cement. In 1979 the shafts were ‘capped off’.

13. The surface area of the site comprises approximately 2.3ha and is located approximately 1.8 km south east of Billingham Town Centre in an industrial area north of the A1046.

14. The infrastructure associated with the previous use has been cleared and levelled, so the site consists of two covered and fenced off mine shaft collars, areas of hard standing and limited scrub vegetation.

15. The area of the mine to be used for storage will be within the abandoned workings in the main anhydrite stratum. The mind voids are typically 8 metres wide and 5 metes high and the roof strata is supported by pillars of anhydrite.

Environmental Controls

16. The impacts of site operations and any resultant emissions to air, water, land and impacts on the environment would be a matter of control for the Environment Agency through the Environmental Permitting Regulations (EPR). Impacts from the proposed use which fall outside or overlap the permit regime are addressed within the Environmental Statement

Accompanying Documents

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

18. In addition, a Design and Access Statement, a Planning Statement and a Statement of Community Involvement accompany the application.

ENVIRONMENTAL IMPACT STATEMENT

19. The objectives of the EIS are to:

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

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

- landscape and visual amenity;
- ecology and nature conservation;
- geology, mining, ground conditions and land quality
- hydrology and hydrogeology
- flood risk
- archaeology and cultural heritage

- transport assessment;
- noise and vibration;
- air quality
- socio-economic issues.

Need for Development

21. The reasons given for the application are that national planning policy highlights the need for regional and local planning bodies to take account of waste management needs arising from the local economy and the Regional Spatial Strategy (which is set to be abolished) has set targets for hazardous waste provision up until 2021 with more treatment and disposal facilities required to deal with the hazardous waste produced by economically vital industries.

22. This proposal will supply the area with a new hazardous waste storage facility for wastes that cannot go to landfill as they fail to meet the waste acceptance criteria (WAC); and this proposal will permanently store the APCR removing and safely isolating them from the rest of the biosphere (the part of the earth's surface and atmosphere inhabited by living things).

Alternatives considered by the EIA

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

24. The EIA considered the alternative methods that can be used to treat APCR, which are detailed and summarised below;
Disposal to Hazardous Landfill – waste will need to be treated and uncertainty remains over post disposal behaviour. In addition not all APCR are suitable for treatment and need to be stored.
Storage in Deep Salt Mines – currently operating in Cheshire and prevent the reliance on landfill
Use of APCR for waste acid treatment - no data on this method and has questionable environmental credentials. Not all residues will be suitable
Thermal Treatment – process is energy intensive and not yet a proven commercial success so cannot be relied on at present
Chemical Stabilisation – APCR are unlikely to be used commercially due to problems with pollution of heavy metals in the gas produced. APCR remains at the research stage for use in the production of manufactured aggregates. It remains an unviable method.
Cement based Solidification process – this is process aims to make hazardous wastes safe for landfill, using this method in the mine would remove the strict EU WAC limits currently applied to the landfilling of hazardous wastes.
Solidification with water - The reliability of this method is not certain and not all residues will be suitable for treatment.
Bitumen encapsulation – this method has proven to be easy to process and renders the chemicals in the APCR inert. However increases in oil prices have made this process very expensive
Residue Washing – the efficiency of this method is very low and is not considered a viable alternative

25. In conclusion, the application states that currently in the UK the pre-dominant form of disposal comprises the mixing of APCR with acidic wastes to help neutralise the materials prior to being land filled. Mixing however does not constitute 'treatment' and as a result the Environment Agency does not consider this practice to Best Practicable Environmental Option and so appropriate alternative methods including long-term disposal need to be developed. In the opinion of the applicant the options for underground storage are too narrow to be relied on and cannot be put forward for policy making. The application further states that the proposed mine facility would provide a viable option for the disposal of APCR and support ongoing development of energy from waste treatment facilities, energy recovery and surface landfill diversion.

26. In addition alternative onsite operation methods were evaluated and following discussions with the Environment Agency, the best method has been chosen (cage hoisting system which is the same method used at the Cheshire facility) as this will be the least intrusive method and makes use of the existing mine shafts without the need to construct alternative routes into the mine shaft.

27. The applicants have carefully assessed sites already in use for waste management and other potentially available land in the Tees Valley and the U.K. The applicant states that there are currently no other known sites in the UK capable of accommodating the facility or that would be consistent with the locational principles supported in PPS10.

Landscape and Visual Impact

28. The Landscape and Visual Impact Assessment (LVIA) has considered the site and it's surrounding area; assessing the impact of the development.

29. The site is currently undeveloped and unused and the proposals will introduce a land use and involve a significant amount of planting. The above ground development will only be visible from the B1275 and A1046 where they are close to the site and any impacts would not exceed slight adverse. The development would not be visible from any of the residential or recreational receptors.

30. The EIA concludes that the overall the development would not adversely affect the landscape and visual amenities of the area and when matured the proposed planting would result in slight beneficial impact.

Ecology and Nature Conservation

31. The EIA states that the proposed development would not directly or indirectly affect any sites of Nature Conservation.

32. Mitigation measures can be put in place to ensure the conservation of fauna, meaning that adverse impacts will be mitigated so that the impacts on birds and invertebrates will be neutral/negligible and where this is not possible an ecologist will inspect the area before development and advice taken and adhered to.

33. Any impacts that arise in relation to the loss of habitat and species during the construction phase will be mitigated through landscaping, replacement and enhancement of lost habitats.

Geology, Mining, Ground Conditions and Land Quality Check

34. Made ground was identified at the site and improvements may be necessary and further investigations into the geo-technical properties of the superficial deposits is required.

35. The EIA states that based on the current land use the potential for significant contamination to be generated at the site is minimal and the proposed works may even constitute an improvement.

36. Further site investigations and risks assessments will be undertaken to finalise designs; however current investigations have not identified any risks or constraints that will prevent potential development.

Hydrology and Hydrogeology

37. The applicant has submitted further information at the request of the Environment Agency. Testing and Modelling was carried out and the results showed;

- The rate of ground water flow through the mine as water levels recover locally is predicted to be very low
- Levels of the contaminants that will be released from the APCR by the recovering groundwater will not reach the primary receptor at significant levels
- Collapse of the mine void is expected to be progressive and is not expected to have any impact on the rate of transport of contaminants through the UPM (Upper Permian marls), which forms part of the geology of the mine. Full collapse is expected to take in excess of one million years
- The risk of unacceptable impact to the biosphere arising from the release of contaminants to the groundwater environment is considered to be insignificant

Drainage and Flood Risk Assessment

38. The area is shown to be within Flood Zone 1. The vulnerability class of the development is more vulnerable. The EIA states that there are no local site-specific risks that would adversely affect this categorisation and there is considered to be no significant increased off site flooding risks as a result of the development.

39. The EIA concludes that the site is suitable for this type of development.

Archaeology and Cultural Heritage

40. There are no statutory cultural heritage designations within the site or wider search area. However the mine is of cultural heritage importance. All the above ground features of the mine have been demolished and the site levelled and therefore the cultural heritage implications relate to the below ground mines.

41. A programme of archaeological recording is to be undertaken in the mine area that is affected by the development. This can be conditioned in any planning approval.

Traffic and Transport

42. A transport assessment (TA) and travel plan have been submitted as part of the EIA and the TA demonstrates that the development impacts can be considered minimal and are unlikely to have a negative impact on the road network.

Noise and Vibration

43. A noise assessment has been carried out which has shown that noise and vibration during construction will have negligible effect at existing receptors and to minimise the potential levels of disturbance best working practice will be put in place. Should piling be necessary then the method of piling chosen will be that which will have the potential for the least noise and vibration, wherever possible.

44. The operational activities below ground are highly unlikely to produce any perceptible noise or ground vibration at existing sensitive receptors and therefore it has not been considered as part of the development.

Air Quality

45. The construction and operation of the development has the potential to generate dust emissions and therefore mitigation measures have been recommended and this will ensure that any emissions are negligible.

46. The EIA has demonstrated that traffic air quality objectives have not been exceeded and therefore it has not been necessary to mitigate road traffic emissions

Socio economic Issues

47. An assessment has been undertaken and it is considered that the proposed development would have a positive impact on the local and regional economy through employment, generation of supply lines and helping the region to achieve strategic targets for hazardous waste development.

48. In addition a brownfield site will be brought into use and the proposed scheme would have a minor beneficial impact on investment in the area.

CONSULTATIONS

49. The following Consultations were notified and the most up to date comments received are set out below:-

50. Head of Technical Services

Highways Comments:
Access to the development is from an existing access to the A1046 Haverton Hill Road that has separate entry and egress arms that are suitable for use by

HGV's. Existing traffic flows on Haverton Hill Road south of the site access are:

- Morning peak hour, northbound 1004 vehicles, southbound 512 vehicles
- Evening peak hour, northbound 533 vehicles, southbound 879 vehicles

and proposed development traffic:

- Construction phase: - 50 vehicles arrive prior to morning peak hour and leave after evening peak hour.
- Operational phase: - 13 vehicles (1 HGV) arrive during the morning peak hour and leave during the evening peak hour.

In terms of alternative travel modes, Haverton Hill Road is a bus route and Services 558 and 559 provide an hourly service between Billingham and Port Clarence. An off-road cycle route is present along Haverton Hill Road. The developer is proposing to provide cycle parking and showering facilities within the site.

An acceptable Travel Plan (version 4) has been submitted for the development and its implementation should be conditioned should the development be approved.

The indicative site layout is acceptable as sufficient space is accommodated within the site to achieve appropriate manoeuvrability and car parking, pedestrian walkways are indicated. The final layout should be conditioned for consideration should the development be approved.

A Traffic Management Plan for the construction phase should be submitted in order to demonstrate how traffic will be managed during this period including identifying appropriate routes to ensure there is no adverse impact on the local and strategic highway network should planning approval be granted.

There is therefore no highway objection to this application subject to conditions on the following:
Implementation of a travel plan
Final version of the site layout to be submitted for approval
Submission and implementation of a Traffic Management Plan.

Landscape & Visual Comments:
No objections to the development. When viewed from the B1275 road (Belasis Avenue) to the north site buildings will be seen against a background of industry with other industrial units in the foreground. Views from the south along the A1046 (Haverton Hill Road) will be similar although I could not see a view taken from this area where this road is closest to the development – viewpoints 5 and 6 are more distant views. The development will not be visible from residential areas as shown by the viewpoints. However the site would benefit from mitigation landscaping in the form of tree and shrub planting as highlighted in the environmental statement and we request details of this landscaping including the proposed water feature. We note the area has a low wildlife value that will be enhanced with new landscaping.
If consent is granted, conditions should be applied relating to hard and soft landscaping and means of enclosure

51. <u>The Environment Agency</u>
I can confirm that we have no objections to the proposed development,

subject to the conditions detailed in our previous letter (ref. NA/2010/104706/01-L01, dated 10 June 2010).

We have reviewed a report entitled 'Hydrogeological Risk Assessment Addendum 1' dated December 2010. This report either supplements or replaces parts of the previous HRA report. Together these documents replace Chapter 9 (hydrology and hydrogeological setting of the proposed development) of the previously submitted Environment Statement.

The proposed facility lies between the Sherwood Sandstone and the Magnesian Limestone principal aquifers. Further work has been undertaken to better understand the risks to the most sensitive controlled waters receptor at this location, this being the Sherwood Sandstone.

The report has addressed the points requiring further clarification. This additional work included further modelling to improve our understanding of the likely impact of the proposed underground waste storage facility on the Sherwood Sandstone principal aquifer, which lies above the waste storage facility and also to private abstractions from the Sherwood Sandstone.

This modelling concludes that the main contaminant of concern (lead) will not reach the Sherwood Sandstone or any boreholes in a concentration that would cause a significant environmental effect.

The waste storage facility will require an Environmental Permit under the Environmental Permitting Regulations 2010 from the Environment Agency.

52. Health and Safety Executive

The application has been considered using the PADHI+ system, which is the HSE planning advice tool and based on the details inputted, the HSE does not advise on safety grounds against the granting of planning permission in this case.

53. Highways Agency

No objections subject to conditions relating to the implementation of the travel plan and the provision of a construction management plan.

54. Association of North East Councils (now abolished)

The site is located on previously developed land in Billingham, which falls within the Tees Valley city-region. RSS policy 6 aims to concentrate development within the Tees Valley city-region, while RSS policy 10 identifies the area as one prioritised for regeneration. The development is therefore consistent with policies 6 and 10.

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 (NEPB) considers the site to fall within the third category, and its development is therefore consistent with RSS policy 4. 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.

RSS policy 45 indicates that the management of waste should be based upon the waste hierarchy, that communities should take responsibility for their own waste, and that it should be disposed of in one of the nearest installations. The nature of the waste to be processed at the site means that it is appropriate to manage it through landfill. RSS policy 47 aims to provide new facilities for the treatment and management of hazardous waste, and sets targets for the management of waste by a number of methods. The target for landfill is to provide facilities to manage 156,000 tonnes per annum by 2010/11. The utilisation of previous mine workings for the storage of APCR, will contribute to this target, without the need for disposing of the waste at existing landfill sites. The proposed development indicates that 100,001 tonnes of waste per annum will be permanently stored at the site. RSS para 3.226 acknowledges that due to the specialist nature of hazardous waste facilities, it is likely that they will be required on a region wide basis. However, inline with the objective of disposing of waste in one of the nearest installations, it indicates that the majority of facilities should be developed in Tyne and Wear and Tees Valley as these areas are the largest producers of such waste. The development is therefore considered consistent with the principles of RSS policy 45, and the objectives of RSS policy 47.

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. The use of the site for the storage of hazardous waste is one considered highly vulnerable to flooding. However, the site is identified as lying in flood zone 1, indicating a low probability of flooding from coastal or fluvial sources. RSS policy 34 indicates that planning proposals should take into account potential polluting effects, including mine water pollution, and the possibility of onsite flooding, and requires that where appropriate, the adoption of sustainable drainage system techniques. The application does not mention the provision of Sustainable Drainage Systems (SuDS) which can contribute to minimising the risk of flooding, particularly flash flooding, and also contribute to a reduction in water based pollution. Support for the SuDS approach to managing surface water run off is set out in Planning Policy Statement 1, and in more detail in Planning Policy Statement 25 (PPS25). Annex F of PPS25 directs local authorities to ensure that their policies and decisions on planning applications support and complement the buildings regulations on sustainable drainage. The inclusion of such measures would conform to the objectives of RSS policy 34. The NEPB would therefore support the local planning authority in requiring the incorporation of SuDS. It will be necessary to ensure that the Environment Agency is satisfied with measures to mitigate pollution, and flooding, to ensure general conformity with the objectives of this policy.

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 DPDs, 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.

RSS policy 7 seeks to reduce the impact of the movement of goods on the environment, ensure a safe transport network, while policy 46a indicates that the development of waste management facilities should consider the suitability of the road network and the potential to access by non-road transport. The development proposal will involve the movement of heavy goods vehicles in and out of the site, throughout the day, with an average of 18 daily movements expected in each direction. Access to the site, which is 1.7km from a major dual carriageway (A19), is via Haverton Hill Road, a single carriageway road. While movements during peak hours will be minimised, the local authority should be satisfied that the development will not impact adversely upon the safe and efficient running of the local road network, to ensure conformity with policies 7 and 46. RSS policy 54 aims to minimise parking provision for non-residential developments and requires travel plans be prepared for major applications. It is proposed that 17 car, and six cycle parking spaces will be provided within the development, which is inline will local guidelines. The travel plan includes measures to reduce the number of car journeys to the site, and encourage public transport, cycling and walking. The incorporation of such measures will ensure conformity with RSS policy 54.

In conclusion, the proposal to convert part of a former ICI anhydrite mine into a hazardous waste storage facility in Billingham is in general conformity with the RSS. The development will provide a facility, which fulfils the objectives of RSS policies in relation to waste management. The local authority should be satisfied that the development will not have an adverse impact upon the safe and efficient running of the local transport network, while the environment agency should be satisfied with measures to mitigate pollution on the site.

55. Stockton Borough Council Direct Services - Waste Management Unit

No comments from Waste Management on storage and treatment of commercial waste, this waste refers to internal waste generated from staff on site, as this looks to be under control. All other issues regarding waste treatment and storage as part of the proposals on site to be looked at by Environment Agency

56. Natural England

Natural England advises that the above proposal is unlikely to have an adverse effect in respect of species especially protected by law. However, the local planning authority may wish to attach an informative based on the information in ODPM Circular 06/2005 Part IV B and C if planning permission is granted, to make the applicant aware that such species may be present in the general area and the legal protection afforded to this species.

Although the terrestrial habitat on the development site is sub-optimal, there are no standing water bodies within 250m of the site, no evidence of Great Crested Newts was noted during the Phase 1 survey and none of the ponds within 500m had an HSI score greater than average given that the Tees

Valley area is noted for relatively high populations of GCN, we would suggest a precautionary approach. We would therefore recommend that a contractor's method statement be supplied to workers on site, advising of action that should be taken should Great Crested Newts be discovered during development works, to minimise risk. The project ecologist can provide such a document.

Also, under Part I of the Wildlife & Countryside Act 1981, it is an offence to kill, injure or take any wild bird or disturb (Schedule 1), damage or destroy the nest whilst it is in use or being built, or take or destroy the egg of any wild bird.

Given that the Phase 1 Habitat Survey indicated areas of scrub on site that may provide suitable bird breeding habitat, any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present.

The protection afforded these species is explained in Part IV and Annex A of ODPM Circular 06/2005 Biodiversity and Geological Conservation Statutory Obligations and their Impact within the Planning System.

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.

An Informative should be attached to any planning permission granted advising that the developer may need to obtain a Natural England licence prior to commencement of works. The developer should be advised by their ecologist, with respect to this issue.

57. Council for the Protection of Rural England
No comments made

58. Northern Gas Networks (Summarised)
United Utilities has no objections however there may be apparatus at risk in the area and should the application be approved the applicant should contact us to discuss our requirements.

59. One North East
It is considered that the proposed development falls within Criterion C of the Agency's notification criteria, which were sent to local authorities in October 2005, namely: All retail, casino and leisure, theme park, sports venues, employment or industrial and commercial development of over 10 hectares and/or 2,500 sq m floor space.

As you are aware One North East is responsible for the development, delivery and review of the Regional Economic Strategy (RES) on behalf of North East England. The RES sets out how greater and sustainable economic prosperity will be delivered to all of the people of the North East over the period to 2016. The following comments reflect the view of One North East acting in its role as a statutory consultee. As such they are provided only in accordance with the provisions of the above regulations and relate to the effects that the

proposals are considered to have upon the Regional Development Agency's strategic regional investment or employment policies.

Whilst the applicants set out the proposed development in the context of the Council's Local Plan policies, clearly the Council will also need to consider the application in the context of its recently adopted Core Strategy DPD and the emerging Joint Tees Valley Minerals and Waste Core Strategy DPD[1]. The Agency notes that, given that the type of waste falls within the category of hazardous waste, this development also requires a permit from the Environment Agency.

The Council has received representations from Onsite NE Ltd. regarding this application. As you are aware One North East is a partner in Onsite NE Ltd. It is noted that the concerns relating to potential problems from the type of waste, subsidence and traffic issues raised by the representations have also been highlighted by other consultees. The Local Planning Authority (LPA) should be satisfied that these issues could be properly addressed before coming to a decision on the application. Clearly many of the issues raised will also be considered by the Environment Agency as part of its permit process. The LPA should also be satisfied that the applicants have investigated alternative uses for the APCR and that this is the most practicable solution for the disposal of the material.

It is intended that the APCR material will be delivered by road in the first instance, although the applicants have stated that future delivery by rail will be kept under review. The Agency welcomes this undertaking to review transport methods and would urge the LPA, in the event that planning permission is granted, to ensure the opportunities for alternative rail transport are pursued by the applicants.

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. However, the Agency would urge the LPA to encourage the developer, through the imposition of appropriate conditions on any planning permission granted, to pursue the highest standards of quality in the development of this site, for example in the achievement of generation of electricity from renewable sources, appropriate BREEAM, Building for Life and Secured by Design standards.

The Agency welcomes the applicants' intentions relating to training and employment of staff from the local area. As you are aware the RES recognises the importance of developing appropriate skills training programmes to meet the region's employment requirements. We would request the LPA to include such a requirement for skills training within any planning permission granted for this development. I confirm that, subject to

the resolution of all policy, access, transport, environmental and design issues to the satisfaction of the LPA, One North East would raise no objection, in its role as a statutory consultee, to this application

60. Tees Valley Wildlife Trust

The Wildlife Trust is satisfied that the application will not have any significant adverse effects on biodiversity. We support the advice given by Natural England regarding planning conditions to ensure protection for protected species and nesting birds in the event that these be encountered during site development.

61. Environmental Health Unit

I have no objection in principle to the development; if this scheme goes ahead the operation will be controlled under the strict conditions of an Environmental Permit administered by the Environment Agency. However, I would recommend the conditions be imposed on the development should it be approved relating to;

- Noise disturbance from plant
- Construction Noise
- Unexpected land contamination
- Possible land contamination
- Possible contamination from an old landfill site
- Submission of land contamination Remediation Scheme
- Implementation of land contamination Approved Remediation Scheme
- Reporting unexpected land contamination
- Land Contamination -Long Term Monitoring and Maintenance

62. Tees Valley JSU

I refer to your letter dated 11 February 2010 consulting the Tees Valley Joint Strategy Unit on the above planning application. My comments on the application are based on the spatial priorities currently being identified at sub-region/city region level, and also on the draft Joint Tees Valley Minerals and Waste Local Development Framework Core Strategy.

The Tees Valley City Region: A Business Case for Delivery (2006) recognises that the sub-region needs to develop its assets and strengths in order to create sustainable economic growth. These assets include existing infrastructure and expertise in resource management and the locational advantages of the chemical and industrial hub centred around the Tees Estuary. While much of the focus in the Business Case is on the chemicals sector, and the links with energy and low carbon industry, sustainable management of waste is clearly an important consideration and should be dealt with as close to source as possible.

The draft Tees Valley Joint Minerals and Waste Development Plans Documents Core Strategy (August 2009) sets as one of its objectives “To promote the management of waste close to its point of production whilst recognising the existing role and future potential of the Tees Valley in specialist waste management.” A further objective seeks to “Ensure the highest standards of design, operation and environmental management of waste management facilities.”

Policy MWC6 in the draft Core Strategy states that the sustainable management of waste arising in the Tees Valley will be delivered through a distribution of waste management sites across the Tees Valley so that facilities are well related to sources of waste arising. On the treatment of hazardous waste it is noted that the Regional Spatial Strategy for the North East requires the provision of a range of facilities to treat and manage hazardous waste.

Policy MWC7 in the draft Core Strategy seeks to reduce the amount of hazardous waste sent to landfill, while policy MWC8 sets out general locations of large waste management sites. This includes "North of the River Tees around Graythorp, Seal Sands, east of Saltholme and Port Clarence, and the northern end of Haverton Hill Road."

The developments proposed as part of the surface elements of this application appear to be acceptable within the context of the 'heavy' industrial use of much of the surrounding area and the site is within the general area identified in the draft Minerals and Waste Core Strategy as suitable for waste management sites. The application is accompanied by a comprehensive Environmental Statement that seems to demonstrate that there are no unacceptable constraints or environmental impacts associated with the storage of fly ash in the former anhydrite mine. The proposal will avoid flooded areas of the mine to the south and will not underlie any of the residential areas of Billingham.

It is also noted that the proposal will mean the end of the current arrangements involving the transport of fly ash to storage facilities in Cheshire.

In view of the above I have no strategic planning concerns on this application.

63. Regeneration and Economic Development

R&ED are supportive of and encourage job creation and investment opportunities in the locality.
We would query and encourage any community benefits e.g. funding for Billingham community schemes. We would further encourage the use of local supply chain, use of (local) apprenticeships and labour

64. Network Rail

No comments to make providing the operations are carried out strictly in accordance with the details supplied.

65. Tees Archaeology

Chapter 11, Archaeology and Cultural Heritage of the EIS identifies the former anhydrite mine as being of industrial archaeological interest. I agree that the impact of the proposal on above ground remains and prehistoric to medieval underground remains will be neutral (Table 11.6). However I would argue that the proposed development will have a Moderate to Major Impact on any below ground industrial remains. The remains are of at least regional if not national importance (i.e. they represent the remains of one of the largest factories in the British Empire at the time para. 11.34; the factory was a major employer para. 11.40; there are links to major historical events para. 11.30-33 and links to notable historic figures such as Sir Hugh Bell para. 11.32). For these reasons and using the rationale detailed in Table 11.5 I would argue that the impact of the proposal on the archaeological remains of the

anhydrite mine is Moderate to Major. Notwithstanding the above I agree with the proposed mitigation in para. 11.79 that a photographic record of the underground elements of the mine should be produced prior to development. This might be conditioned as part of the application consent. The developer may wish to preserve in situ important elements of the mine such as intact machinery and apparatus and a sentence to this effect is stated in the suggested wording of the condition which is derived from a model condition set out in P.P.G. 16. 1990. Archaeology and Planning. DoE. I would be happy to provide a brief for the recording along with a list of archaeological contractors who are able to tender for the work.

66. Alex Cunningham, Labour MP for Stockton North

I would like to express my concerns about the above application which proposes to re-open the anhydrite mine at Billingham and dump hazardous waste in the caverns most of which lie underneath the area I represent on the Council.

It is more than 25 years since the people of Billingham joined together and succeeded in sending Nirex, the nuclear waste organisation, packing when they proposed dumping medium level nuclear waste in the mine. And just last year when news of the proposals from NPL came forward, several thousand people signed a petition opposing the re-opening of the mine for any purpose.

Despite that, the company's public relations exercise undertaken in Billingham has targeted only a few hundred residents and from the list of consultees provided by the Council, the authority have likewise directly advised only a few hundred people and businesses that the application has been submitted.

I personally consider that inadequate and much more ought to have been done to inform the people of Billingham, thousands of whom have expressed an interest in the proposal through the petition. I hope their collective view will be taken into consideration.

The application is contrary to the authority's own policy on waste management, a policy adopted within the last 12 months favouring management of waste rather than dumping. I understand that the company are highlighting the need nationally for dumping facilities. For me that is suggesting that there is a potential for waste coming to the area from across the country and who knows perhaps from abroad maybe imported through the Tees. Is it right that Billingham should become a dumping ground – when our local policy rejects the dumping option for hazardous waste?

Residents fear that once the mine is re-opened, it can only lead to a series of other applications to dump all manner of waste in the caverns and, in this day and age with greater emphasis on the nuclear industry, which could well include nuclear waste in the future.

I am aware that a number of undertakings have been given by the company to store the waste in the areas well away from people's homes and say legally binding agreements will be in place which will restrict their activities.

I would ask that the Planning Committee consider the reality of such legal agreements and if they can really halt future applications and provide the people of Billingham with a guarantee that they won't one day have to fight the nuclear or other industries looking for somewhere to dump their waste. I am sure they will also consider in detail whether it is now appropriate to overturn the authority's policy on waste management and approve the NPL application.

I would ask that my concerns are not summarised for the Planning Committee but that they have the opportunity of see the full letter.

67. Northumbrian Water Limited
No comments made

68. CE Electric UK
No comments made

69. National Grid
No comments made

70. Contaminated Land Officer
No comments made

71. The RSPB
No comments made

72. Chief Fire Officer
No comments made

73. Billingham and Northern Parishes Ward Councillors Councillor Aggio, Councillor Ann McCoy, Councillor Mrs J L Apedaile, Councillor J Gardner, Councillor M Stoker, Councillor Barry Woodhouse, Councillor C Leckonby, Councillor M E Womphrey, Councillor Mrs M B Womphrey
No individual comments made

PUBLICITY

74. Neighbours were notified and any comments received are below (if applicable):-

Letters of Objection

75. Low Grange Residents Association
Object to the application, on the grounds that we do not want anything put down the mines.

76. Cowpen Residents Association
Oppose the application as the mine is underneath our houses. Consider the assurances that the future operation of the mine will be safe are completely reckless. We are assured that the materials/processes are safe but with a laboratory on site, sampling will occur and contaminated waste could be missed so no guarantees can be offered. The applicant suggested that the waste would be mixed to make it more solid "if requested" by the Environment Agency. In reality this show that the level is safety is cost based. At present the mine is accessible and any faults that occur could be assessed. The

storage of the waste would make these areas inaccessible. This would lead to the storage of more dangerous substances and lead to a view that Billingham is built on highly dangerous substances that are hazardous to environment and health. Businesses will not come to the area, which will be detrimental to future jobs in our area. Adverse effect on house prices.

77. Veolia Environmental Services PLC, Technical Operations, 2-12 Pentonville Road, London (2 letters)

Air Pollution Control residue is an absolute entry hazardous waste composed of heavy metals, dioxins and caustic compounds with a proportion of these contaminants being soluble in water. Through the management of this material health, safety and the impact on the environment must be priority considerations.

Underground storage can offer complete containment of this waste stream and removal of the material from the environment providing a secure end of life route. However, the storage facility must be fit for purpose to ensure this lasting containment of the stream and the operation must be well controlled to ensure a safe hazardous waste management option.

VES operate an APCr bagging plant and underground storage operation in Cheshire. The facility is an active salt mine with a discreet mined section permitted as a landfill for the disposal of certain hazardous waste streams including APCr. The waste management site has now been in operation for nearly 5 years. The unique dry environment of this mine makes it an ideal location for the disposal of such residues. Before planning was granted in 2005 a detailed risk assessment was carried out to consider all environmental impacts and health and safety implications. This risk assessment spans 50,000 years and is made up of four phases To, T1, T2 and T3. T1 is the assessment covering 500 years post closure of the mine and states: No path is considered possible to connect the waste with the biosphere. The net result is therefore one of total safely for the proposed facility in time period T1 (Permit Application Safety Case Doc MS0060003A).

Having considered the documentation linked to the NPL planning application (ref: 10/0258/EIS), VES have several concerns:

Water ingress - It is well know that APCr contains soluble contaminants and therefore water in the mine can act as a carrier for contaminants into surrounding ground and ground waters over time. (Note document LE10235/J04 specifies a high probability of contamination of the principal aquifer, with significance of impact being severe).

Leachable WAC testing - WAC testing for above ground landfill is specific to the engineering of these facilities which include specialist liners, leachate recovery and leachate treatment. If there is the danger of ground / water contamination the facility should surely be engineered to the same standards of an above ground landfill with necessary liners and leachate capture and treatment.

Pre-treatment - Stabilisation of APCr can reduce the leachability of some contaminants and can provide a reduction in contaminants present in leachate. However, over time the contaminants will leach out and since there is no plan to capture and treat leachate - there is a high probability that these contaminants will be available to the surrounding environment.

Facility need - Current planning and permitting at the existing facility in Cheshire is based on a 2million m3 void with a further 20million m3 of potential void-space available for storage (with mining for rock salt still ongoing producing ½ million m3 of additional void annually). VES would therefore question the need for another underground storage facility for APCr in the UK.

In conclusion, there is one existing underground storage operation for hazardous waste in the UK. This is a dry facility without the concern of water ingress. The facility underwent a robust 50,000 year risk assessment to ensure environmental protection and safety during operation and post closure. VES believe this level of robust assessment with necessary engineering to ensure environmental protection is necessary for all future developments of this nature.

Letter 2 - Comments made here are in addition to those comments submitted in May 2010 (see above). VES agree that complete containment of Air Pollution Control Residue from Municipal Waste Energy Recovery Facilities is the most sustainable route for APCr today in the UK.

However, as highlighted in the numerous planning documents, this mine (former ICI anhydrite mine, Grow How Facility, Haverton Hill Road) will flood and all soluble contaminants will be released to the environment. Leaching data provided confirms the solubility of APCr and the contaminants contained within the waste. For example, leaching of lead at 1910 – 2472 mg/kg which far exceeds the waste acceptance criteria for above ground hazardous landfill for lead (10mg/kg). Above ground landfills are engineered with liners and capping to contain the waste and limit the release of contamination for untreated APCr unlike proposals for the development at the Grow How Facility. The impact assessments indicates a low concentration of contamination in the waters reaching the nearest receptor however this is simply due to the dilution effect and flow rate of the water – and does not change the overall quantity of contamination released to the biosphere.

There is also no consideration as to what the impact on the environment would be should the facility not be filled with APCr prior to closure i.e. the ratio of water to APCr would be higher therefore leaching rate increased and concentration of contaminants at the nearest receptor increased.

In conclusion, this is a highly soluble hazardous waste, placed in a cavity that will be flooded, with a demonstrated pathway linking the cavity to the biosphere – this cannot be considered an environmentally sustainable solution for this waste stream.

If the cavity could be engineered to provide hydrostatic barriers and ensure complete containment of the waste stream then this could be considered an appropriate disposal point, as it stands the standard of environmental performance is well below that of above ground landfill.

78. Mr Derek Casey, 21 Cowpen Lane Billingham
I object very strongly to the idea. We Billingham residents deserve much more than this obscene proposal. I would ask the Council to think again and put people 1st, money and business second!

79. James Coope, 20 Lincoln Crescent Billingham
Leave well alone, Could be a hornet's nest. Close to old peoples bungalows.

80. A B Jones, 25 Hereford Terrace Billingham
Totally opposed to any kind of deposits

81. Mr Stuart Cowling, 64 Bedford Terrace Billingham
I strongly object for the following reasons;

It is not possible to know the future impact over many years of the storage of this waste; e.g. its mere presence may hide any faults forming behind the waste
It is not possible to guarantee that the waste is not hazardous. If the waste was originally contaminated they would still be present
No guarantee that should the site change hands then another company could implement poor cost effective procedures
Errors always occur and any error could be catastrophic for thousands of people in Billingham
Company said that the waste would be solidified if required by the authorities. This comment states that even before commencement the company is not willing to implement all safety procedures.
The granting of this would be seen as the 'thin edge of the wedge' and would set a precedent that storage is acceptable. Who knows what future permission may be granted for less safe waste.

82. North East Truck And Van Limited, Cowpen Bewley Road Haverton Hill (2 letters)
Letter 1 -Object due to the health risk to employees, potential subsidence of land and environmental reasons.
Update - After looking in detail at the documents the additional information submitted gives us some assurance about the potential problems with this development. However still have concerns regarding the location of new industries to our area. Should the application be approved the monies should be used to undertake a scheme of environmental improvements around the Haverton Hill area.

83. Colton (JEF) Ltd, Units 8C and 8D Daimler Drive
Object to the application due to (1) Safety of Hazardous Waste (2) Property Prices (3) Saleability of Commercial businesses. Many businesses have left this area – how can we attract new business with this underneath

84. Mr And Mrs Brown, 48 Surrey Terrace Billingham
Enough rubbish in Billingham as it is.

85. T J Jameson, 26 Lincoln Crescent Billingham
Billingham and Port Clarence is a dumping ground. I am against this being opened. Once it is opened anything will go in and it may not affect us but may affect future generations. They say they will not put anything under the houses but once full they will use other parts. It is not fair to put future generations at risk.

86. J L Durkin, 25 May Avenue Winlaton Mill
The environmental impact assessment is inadequate. In particular, no protected species surveys have been carried out. It is insufficient to say that the presence of a protected species is unlikely; the established practice is to carry out surveys. This is particularly true of great crested newts, which may use the site as terrestrial habitat. It is insufficient to rely on the opinion of another body, in this case INCA.

87. Scouller (Gerald Mackie), 11 Surrey Terrace Billingham
I am against the above proposal due to the extra traffic that this will cause in a small town, but my main concern is any damage that may be caused to my house in the way of subsidence by opening a mine that has been closed since 1971. Streets in Cowpen have had a few problems collapsing in recent

years and with cracks forming in its buildings and I think this would further the problem.

88. John Baarda Ltd, The Moat, Belasis Hall Technology Park.
I object to the application until I know the effect of the proposal on the site and the plants within. I would like to know the implication of seepage through the mines of the gases created by the waste. We have a large glasshouse structure growing tomatoes all year round and need to know that effect any gases will create.

89. K Phillips, 29 Hereford Terrace, Billingham
Totally against the use of the mine. Who will oversee this operation in the future? What legacy are we leaving for our children? What will happen when the mine is full – you can be assured they will want to go further into the mine. I put my trust in the elected representatives that you will come to the right decision. Please say No!

90. Mrs C Wittering, 2 Surrey Terrace Billingham
Does the word hazardous not ring alarm bells to you? It does to me! What if there are leakages? Where will the waste come from? Will you bring in more (nuclear) waste in the future if you get the go ahead? I also have a personal reason for this

91. Richard Scott, OnSite NE Ltd Partnership Unit 1 Glover Networkcentre, Spire Road, Glover Industrial Estate, Washington,
On Site was formed to deliver economic development on the sites in the former One North East Portfolio, including Belasis Hall Technology Park where we have significant land holdings. We object to the application on the following grounds.
We were not served notice by the applicants as a neighbour/ landowner affected by the application.
As landowners and an organisation formed to bring forward economic development on Belasis we believe that the application will have a seriously detrimental effect on our ability to attract new businesses to the park. The current economic climate makes it difficult enough without having potential occupiers learning there is a 4 million cubic metre waste storage facility beneath them.
Concerns that the underground work may cause subsidence, given that the mines have not been used for circa 30 years.
The increased traffic particularly HGV's also causes us concern with the proposed site office etc located in close proximity to the entrance to Belasis Park.

92. Mrs Horton, 9 Devon Crescent Billingham
Object due to the increase in traffic, increase in noise and do not want the waste in the mine underneath my feet.

93. C H Rowson, 24 The Poplars Wolviston (2 letters)
Government is looking for site to store radioactive waste. Any approval of this application and its subsequent implementation would create a readymade deep underground facility for hazardous waste which the Government is desperately seeking for radioactive waste. I urge the Committee not to walk into a disaster for Billingham.

In the 1960's a number of pockets of gases were accidentally ignited which lead to the Factory Inspectorate asking for equipment in the mine to be flame proofed which proved to be too expensive and the one of the reasons for closure. This was mentioned to the applicants at the exhibition who were non- committal. Is this still a flameproof area and if so safety tests should be carried out to ensure that flame proofing is carried out if required.

94. DBH Services Business Centres Ltd., Piers Goodall Pioneer House
Concerned about the application and the potential knock on effect likely to have on my business and others in the area. The storage of this waste will cause concern to our customers (who rent space in our building) and could make them relocate. The proposal will have a negative impact on building values and general degradation to the area.

95. C J Kenington, 37 Marton Drive Billingham
Why do we need the prospect of bringing hazardous waste into the area giving up problems with leakage and danger to health.

96. Mr E McGee, 63 Cowpen Lane Billingham
Concerned that hazardous waste is to be stored below the home and potential effects. Would affect house prices.

97. Peter Hargreaves, 62 Bedford Terrace Billingham
What guarantee can we have that other waste will not be stored. Does this mean an increase in HGV's and if so what safeguards are in place in case of accidents or spillage? Concerned about noise.

98. Marine Fabricators Limited, Haverton Hill Shipyard, Haverton Hill
We already have to endure the smells that emanate from the adjacent incineration plant and we do not need more. I must express my deep concern and disapproval for hazardous waste that will be deposited into the environment (both underground and the air).

99. C Hatch, 15 Charlton Close, Billingham
Concerned as historically you could hear people in the mines working and talking(noise pollution). Would you like this under your house I now live just down the road from this plant entrance and loads of kids use the Billingham rugby club. The area has enough hazards without more been added to and what's stopping other hazardous waste being deposited their in the near future Why don't you open this mine up as a museum taking trips into the mines I feel a lot of people would agree with this bringing tourism to the area and creating jobs its about time we started putting some good things back into Billingham instead of being the dumping ground for the area I do feel if this goes ahead this would only be the start of other more dangerous waste coming onto our doorsteps (and under our houses).

100. J Hall, 23 Cornwall Crescent, Billingham
The mine should be sealed in memory of the miners who worked there and died.

Letters of Support/no objection/general comments

101. The Billingham Partnership (Manager)

The Billingham Partnership Board have already endorsed the application (as have the Billingham Community Network). The Board agreed the following proposal:
'The Billingham Partnership Board are not apposed to the application by NPL for the use of the Billingham Anhydrite Mines for the proposed disposal of specified waste'. The vote was 16 in support of the proposal, 2 against and 3 abstained.

102. Billingham Town Council
Billingham Town Council are not opposed to the proposal for the development of a Waste Management Facility at the former anhydrite mine at Billingham.

103. Imperial Tankers Ltd, Teesside Depot Boeing Way
Support the application as would be of great economic benefit to the area as well as providing direct employment and secure jobs in other companies in the area.

104. Sembcorp Utilities (UK) Ltd; PO Box 1985 Wilton International
Support the application as it will bring a new company and much needed jobs to the area. We are confident that the legal agreement would prevent the storage of nuclear waste.

105. Mr B Cowley, 14 Blake Close, Billingham
Minimum requirements for disposal of APCR at Billingham Anhydrite Mine:
Any waste should be solidified in blocks that can be removed from the mine if necessary. Regular independent checks should be carried out on toxicity levels above and below ground on behalf of local residents paid for by NPL and results published in a local newspaper. Licence should be reviewed and renewed annually to ensure compliance to this application.

106. SITA, Energy from Waste Plant, Haverton Hill Road, Billingham
We are aware of the proposals from NPL on adjoining land for a facility to store hazardous waste (APCR) and such materials are a by-product of our process. The availability of a consented and operational disposal in the immediate vicinity is something we would support in principle and I can confirm that discussions have been held regarding the potential use of the mine to complement our business but as you will appreciate certain commercial confidentiality has been emplaced. Any potential use by SITA would of course be subject to commercial considerations and predicated on the mine having all the necessary consents to operate.

PLANNING POLICY AND GUIDANCE

EU Waste Directives

107. The directives establish the legislative framework for the handling of waste in the Community. It defines key concepts such as waste, recovery and disposal and puts in place the essential requirements for the management of waste, notably an obligation for an establishment or undertaking carrying out waste management operations to have a permit or to be registered and an obligation for the Member States to draw up waste management plans. It also establishes major principles such as an obligation to handle waste in a way that does not have a negative impact on the environment or human health, an encouragement to apply the waste hierarchy and, in accordance with the polluter-pays principle, a requirement that the costs of disposing of waste

must be borne by the holder of waste, by previous holders or by the producers of the product from which the waste came.

Waste Strategy for England 2007

108. Waste Strategy at a national level is contained within Waste Strategy for England 2007 (DEFRA). The Strategy sets out the changes that are needed to reduce waste by making fewer products with natural resources, break the link between economic growth and waste growth and for the waste that is produced look to re-use, recycle or recover energy from it. The Waste Strategy sets targets to reduce the amount of household waste which is not re-used, recycled or composted and recover value from municipal solid waste.

National Planning Policy

109. National planning policy is contained predominantly within Planning Policy Guidance Notes (PPG) and Planning Policy Statements (PPS). In the course of assessing these proposals, the following key planning policy documents are of particular relevance;

PPS 1	Delivering Sustainable Development
PPS 4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS 9	Biodiversity and Geological Conservation
PPS10	Planning for Sustainable Waste Management
PPS 12	Local Spatial Planning
PPG 13	Transport
PPS 23	Planning and Pollution Control
PPG 24	Planning and Noise
PPS 25	Development and Flood Risk

110. PPS 10 Planning for Sustainable Waste Management is of particular note and its content is summarised below;

111. The overall objective of Government policy on waste is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. This will be done through more sustainable waste management and moving the management of waste up the 'waste hierarchy' of reduction, reuse, recycling and composting, using waste as a source of energy, and only disposing as a last resort. Importantly however PPS10 sets out that positive planning has an important role in delivering sustainable waste management through the development of appropriate strategies for growth, regeneration and the prudent use of resources; and - specifically in the consideration of this application - by providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time.

112. PPS10 paragraph 5 confirms that in the absence of adopted local level policy guidance (the Tees Valley Minerals and Waste DPD is emerging) the policies of PPS10 should be acknowledged as material considerations.

113. PPS10 identifies that Regional Spatial Strategies (RSS) should identify a distribution of waste tonnage requiring management across the region and a pattern of waste management facilities of national, regional and sub-regional

significance, identify opportunities to accommodate new or expanded waste management facilities, including for the disposal of the residues from treated wastes. The strategy for waste management in the RSS should be carried forward into local development documents and there should be no need to reopen consideration of the principles or the annual rates of waste management identified.

(It should be noted that the High Court agreed that the Coalition Government's intended abolition of Regional Strategies can be taken into account when making planning decisions, and the judgment - confirms that the intended scrapping of Regional Strategies is a 'material consideration' which can be considered by local planning authorities and planning inspectors when making decisions).

114. PPS10 does give a presumption towards supporting planning applications on unallocated sites for waste use if it can be demonstrated that they support the policies of PPS10, do not have undue adverse cumulative impact on social, environmental and economic factors, do not place physical and environmental constraints on development including neighbouring land use, ensure there is appropriate transport infrastructure in place to support sustainable movement of waste and make use of previously developed land. Applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the waste hierarchy.

Regional Planning Policy (to be abolished)

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

116. Policy 2 Sustainable Development

Planning proposals and Local Development Frameworks should support sustainable development and construction through the delivery of the following environmental, social and economic objectives:

2.1 Environmental Objectives

a. to ensure good local air quality for all;

b. to protect and enhance the quality of the Region's ground, river and sea waters;

c. to protect and enhance the Region's biodiversity, geodiversity and soil quality;

d. to reduce the amount of waste produced and increase the amount recycled;

e. to make better use of our resources, including the built fabric;

f. to mitigate environmental and social costs of developments, and encourage efficient resource use;

g. to protect and enhance the quality and diversity of the Region's rural and urban land and landscapes;

h. to prevent inappropriate development in flood plains;

i. to reclaim and reuse derelict land to make more productive use of land;

j. to protect and enhance the Region's cultural heritage and diversity; and

k. to promote the concept of green infrastructure, a network of linked, multifunctional green space in and around the Region's towns and cities;

2.2 Social Objectives

a. to tackle the social, economic and environmental impacts of multiple deprivation;
b. to raise educational achievement across the Region and improve the skills of the workforce and of adults who are currently economically inactive, through training and skill development;
c. to ensure everyone has the opportunity of living in a decent and affordable home;
d. to improve the quality and choice of housing through market renewal and new development;
e. to reduce crime and the fear of crime, particularly through good design;
f. to improve health and well-being while reducing inequalities in health;
g. to ensure good accessibility for all to jobs, facilities, goods and services in the Region particularly by public transport, walking and cycling;
h. to reduce the need to travel by private car; and to increase public involvement in decision-making and civic activity;
2.3 Economic Objectives
a. to ensure high and stable levels of employment so everyone can share and contribute to greater prosperity;
b. to achieve high and sustainable levels of economic growth by focusing on the Region's strengths and alleviating weakness; and
c. to reduce adverse impacts of economic growth on global communities by supporting the use of local labour, materials and produce

118 Policy 4 Sequential Approach to Development

Local Development Frameworks should adopt a sequential approach to the identification of land for development to give priority to previously developed land and buildings in the most sustainable locations. All sites should be in locations that avoid areas at the highest risk from flooding, having particular regard to the vulnerability of the proposed development to flooding. Locations should be selected in the following priority order:
a. Suitable previously-developed sites and buildings within urban areas, particularly around public transport nodes;
b. Other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes;
c. Suitable sites in locations adjoining urban areas, particularly those that involve the use of previously-developed land and buildings; and
d. Suitable sites in settlements outside urban areas, particularly those that involve the use of previously-developed land and buildings.
For the purposes of this policy, urban areas are defined as the Conurbations, Main Settlements, Regeneration Towns and Rural Service Centres, as defined in this RSS, and Secondary Settlements identified in Local Development Frameworks as providing a significant opportunity in terms of previously developed land and buildings. All sites should be in locations that are, or will be, well related to homes, jobs and services by all modes of transport, particularly public transport, walking and cycling.

119 Policy 10 Tees Valley City Region

Strategies, plans and programmes, and planning proposals, should support the polycentric development and redevelopment of the Tees Valley City-Region by:
10.1 Regeneration
a. giving priority to the regeneration of the Stockton-Middlesbrough Initiative area, both banks of the Tees between Stockton, Middlesbrough and Redcar; Hartlepool Quays and brownfield opportunities in Darlington;

b. supporting the regeneration of the Coastal Arc from Hartlepool Headland to East Cleveland for appropriate development;
c. supporting the regeneration and development of Newton Aycliffe, Spennymoor, Shildon, Bishop Auckland, Saltburn, Brotton, Skelton, and Loftus for sustainable growth without adversely impacting on the regeneration initiatives within the Tees Valley conurbation.
10.2. Economic Prosperity
a. giving priority to major new heavy industrial, chemicals and port related development at Billingham, Seal Sands, South Tees, Teesport and Wilton;
b. supporting the expansion of the renewable energy and recycling sector and their links to sustainable regeneration;
c. supporting the development of business and financial services and new city scale leisure, cultural and retail development in Stockton and Middlesbrough;
d. developing manufacturing and logistics based accommodation in line with Policies 18 and 20;
e. supporting the appropriate development of Wynyard and NetPark as Key Employment Locations as set out in Policy 20 f. supporting the development of Darlington and Newton Aycliffe as employment locations, particularly to take advantage of their location close to the A1, A66 and East Coast Main Line;
g. supporting the expansion of the Universities of Teesside and Durham, and the research and development capabilities of the Wilton Centre and NetPark;
h. concentrating major new tourist developments related to the coast in Hartlepool and Redcar;
i. focusing on the creation of local jobs and retraining and up-skilling of local workforces in the Other Regeneration Areas.
10.3. Sustainable Communities
a. locating the majority of new retail and leisure development in the sub-regional centres of Middlesbrough and Darlington, whilst additional development in other centres should be consistent with their scale and function to enhance their vitality and viability;
b. developing housing to support the economic growth strategies in sustainable locations, mainly on previously developed land in areas where it does not undermine existing housing markets, particularly housing market restructuring areas;
c. supporting housing market renewal programmes for the Tees valley City-Region, including Durham Coalfields Communities Area;
d. insisting on high standards of new development and redevelopment, which improve the quality of the environment and promote sustainability;
10.4 Connectivity
a. encouraging the growth of passenger and freight services from Durham Tees Valley Airport in linking the Region to international markets, and encouraging the development of 80 hectares of land for airport-related uses (as defined in this RSS), to enable Durham Tees Valley Airport's potential as an economic driver to be realised and cater for its anticipated passenger growth;
b. supporting and encouraging the sustainable development of Teesport as a northern gateway port;
c. developing a modern integrated public transport network for the Tees Valley;
d. exploring the need for sustainable transport infrastructure improvements to support regeneration initiatives;
e. supporting the upgrading of the East Coast Main Line, the Durham Coast Rail improvements and rail freight improvements to Teesport; f. improving interchange facilities at the Strategic Public Transport Hubs of Darlington and

Middlesbrough
g. investigating improvements to the A66 Darlington Bypass, a new crossing of the River Tees and reducing congestion on the A19;
h. promoting bus-based public transport improvements between the Other Regeneration Areas and the Tees valley Conurbation and Main Settlements
i. protecting the line of the East Middlesbrough Transport Corridor, primarily for development as a public transport link.
10.5 Strategic Gaps
Ensuring that strategic gaps continue to maintain the separate identity of settlements in the Tees
Valley by preventing them from coalescing and by preventing urban sprawl. Strategic gaps should be identified:
Between the conurbation (Marske / Redcar / Eston / Middlesbrough / Thornaby / Stockton / Yarm / Billingham) and surrounding towns and villages;
Between Hartlepool and surrounding villages;
Between Darlington and surrounding towns and villages and Newton Aycliffe;
Between Eaglescliffe and Middleton St George; and
Between Middleton St George and Darlington.
10.6 Environment
a. supporting the establishment of strategic networks of green infrastructure, including green wedges, that links existing and proposed greenspace with green corridors running through urban, suburban and urban fringe areas to the countryside and coast;
b. subjecting development proposals in and likely to affect internationally designed sites of nature conservation importance, Saltholme Nature Reserve, the Heritage Coast and the Tees Estuary, to rigorous examination, taking account of existing biodiversity and Geodiversity interests; and
c. encouraging the development of renewable energy whilst carefully considering the local impacts of proposals.

120. Policy 12 Sustainable Economic Development
12.1 Strategies, plans and programmes should focus the majority of new economic development and investment:
a. in the Conurbations and Main Settlements within the Tyne & Wear and Tees Valley City-Regions;
b. at brownfield mixed-use locations; and
c. at Key Employment Locations, particularly for employment uses of regional and sub-regional significance.
12.2. New economic activity of an appropriate scale and nature should also be encouraged: a. in the Regeneration Towns, acting as the stimulus for their regeneration and surrounding areas, with a particular emphasis on improving access to skills and training, education and employment opportunities; and
b. in the Rural Service Centres, and to a lesser degree in Secondary Settlements, to provide
a framework for integrated rural development of an appropriate scale to support sustainable, rural communities and diversified economies.
12.3. Economic development proposals should prioritise the renewal and reuse of previously developed land and buildings, particularly within town and city centres and established industrial and commercial estates.
12.4 Proposals for new economic investment should seek to be innovative and imaginative to promote ‘green business’ in terms of self sufficiency, locally producing goods and services. High quality development in high quality settings, aided by the provision of ‘green infrastructure’ should be sought.

12.5. To enhance economic performance, and promote sustainability within existing business premises, strategies, plans and programmes should investigate improvements to the existing road and rail networks; footpaths and cycle routes; and at the Region's airports and ports. These improvements should seek to enable opportunities for the Region's businesses to:
a. operate within the regional, national and international marketplace;
b. allow their workforce to travel to and from work more efficiently, particularly by public transport; and
c. reduce the fear of crime and improve the health and safety of employees travelling to and from the workplace.

121. Policy 13 Brownfield Mixed Use Locations

13.1. Strategies, plans and programmes should support brownfield mixed use developments in sustainable locations throughout the Region.
13.2. The following Brownfield Mixed-Use Locations are identified for major mixed-use regeneration projects in the Conurbations and Main Settlements:
Blyth Estuary;

- Central Newcastle;
- Tyne River Corridor (East of Newburn, excluding MetroCentre in terms of Policy 26);
- Central Sunderland;
- Greater Middlehaven, Middlesbrough;
- Central Darlington;
- Victoria Harbour, Hartlepool; and
- North Shore, Stockton.

13.3. Local Development Frameworks should make provision for regeneration schemes within the above brownfield mixed-use locations. Provision for the employment element of proposals at these locations will be met from the General Employment Land Allocation in Policy 18.LDFs and planning proposals should ensure that the development of each site:
a. is subject to the preparation of a detailed masterplan prior to the commencement of development;
b. adopts an appropriate phasing and monitoring framework to ensure alignment with changing local and wider city-region objectives so that housing development does not exceed the respective local authority's housing provision;
c. mitigates any potential exacerbation of housing market failure in the respective local authority and surrounding districts;
d. ensures that the respective adjacent town centres are not adversely affected by the proposed development of town centre uses associated with the mixed use scheme;
e. is served by high levels of public transport, walking and cycling, particularly through the development of workplace travel plans;
f. secures any necessary improvements to the strategic and local road network required to accommodate traffic generated by the development, taking account of the likely use of public transport to the site;
g. seeks to maximise the employment opportunities for residents of surrounding wards, particularly from the more deprived wards;
h. ensures that the necessary utilities infrastructure is coordinated with new development; and
i. protects and enhances environmental, historic and resource assets

122 Policy 18 Employment Land Portfolio

Local Authority	**General Employment Land Allocation (hectares)**	**Key Employment Locations (hectares)**	**Total (hectares)**
Hartlepool	210	135	345
Stockton-on-Tees	255	70	325
Redcar & Cleveland	160	0	160
Middlesbrough	185	0	185
Darlington	235	125	360
Tees Valley	**1,045**	**330**	**1,375**
Durham City	150	0	150
Derwentside	105	0	105
Wear Valley	105	0	105
Sedgefield	55	95	150
Easington	110	0	110
Chester-le-Street	30	0	30
Teesdale	20	0	20
Durham	**575**	**95**	**670**
Wansbeck	165	0	165
Blyth Valley	120	55	175
Castle Morpeth	90	0	90
Tynedale	55	0	55
Berwick upon Tweed	25	0	25
Alnwick	25	0	25
Northumberland	**480**	**55**	**535**
Sunderland	225	0	225
North Tyneside	230	0	230
Newcastle	30	170	200
Gateshead	110	20	130
South Tyneside	70	0	70
Tyne & Wear	**665**	**190**	**855**
NORTH EAST	**2,765**	**670**	**3,435**

18.1. Local Development Frameworks should make the appropriate provision of general employment land and Key Employment Locations up to:

18.2. In determining the land portfolio in accordance with the provision set out above, planning
authorities should undertake sub-regional and local employment land assessments based on a 25 year level of supply and take up, taking into account of:
a. the need to protect employment land and premises from redevelopment to alternative uses, where they are an essential part of the long-term employment land and premises portfolio;
b. the potential of existing employment allocations no longer required for employment purposes for reallocation to alternative uses or de-allocation;
c. a presumption in favour of regenerating and upgrading existing employment land and premises in advance of allocating new sites on greenfield land;
d. the need to ensure that employment land provision is of an appropriate scale and nature, particularly at employment sites outside the conurbations; and
e. the need for the Tyne and Wear authorities to seek to maximise opportunities to meet any shortfall of employment land supply through the intensification of sites around transport hubs and on previously developed land.
18.3. The Regional Development Agency, the Regional Planning Body and sub-regional partnerships will conduct a joint regional study to provide up-to-date evidence, review the demand for and supply of employment land, and consider de-allocating employment land where this is not required within the 25 year period.
Notes

- Figures are subject to rounding.
- 20ha of Stockton's 255ha general employment land and 5ha of Darlington's 235ha general
- employment land is to be provided on land to the south of Durham Tees Valley Airport.
- General Employment Allocation figures exclude land developed as of June 2005.

123 Policy 24 Delivering Sustainable Communities

Strategies, plans and programmes and planning proposals, should assess the suitability of land for development and the contribution that can be made by design in relation to the following criteria:
a. the nature of the development and its locational requirements;
b. concentrating the majority of the Region's development within the defined urban areas;
c. the need to utilise previously developed land wherever possible;
d. locating development to reduce the need to travel, journey length and fuel consumption;
e. the ability for movement needs and accessibility of development sites to homes, jobs, services and facilities to be well served by all modes of transport, particularly walking, cycling and public transport;
f. linking development to appropriate provision of infrastructure including green infrastructure, water supply and wastewater treatment, energy supplies;
g. linking development to provision of educational, health and other social facilities and services;
h. the impact that the development of sites and its design will have on the Region's natural resources, biodiversity, landscapes, environmental and

cultural assets, and people's health; and its potential to contribute to enhancement of these;
i. physical constraints on the development of land including the level of contamination, flood risk and land stability, incorporating flood protection and alleviation mechanisms such as Sustainable Drainage Systems;
j. the potential contribution of development to reducing health and social inequalities including fuel poverty, and to meeting the needs of an ageing population and the disabled, through design and the provision of accessible health, sports, community, recreational, and other facilities including suitable provision of play space and greenspaces with accessible woodland, with new development;
k. the promotion of mixed use developments, well served by public transport, to reduce journey lengths and ensure that the best use is made of land, transport infrastructure and services;
l. the potential contribution of development to the strengthening of local communities and their social cohesion;
m. the potential contribution of development to secure crime prevention and community safety by design; n. ensuring that development has low consumption of natural resources both in construction and in operation, and incorporates embedded renewable energy generation where appropriate;
o. the potential contribution of development to the enhancement and creation of habitats and species populations and to the promotion of biodiversity and geodiversity; and,
p. the use of local labour markets and materials.

124 Policy 31 Landscape Character

Strategies, plans and planning proposals should:
a. promote development appropriate to the special qualities and statutory purposes of these areas in the Northumberland National Park, the Northumberland Coast and the North Pennines AONBs, and the three areas of Heritage Coast: North Northumberland, Durham and North Yorkshire and Cleveland;
b. contribute to the implementation of the National Park and AoNBs Management Plans whilst helping to achieve favourable condition status at European sites;
c. have regard to landscape character assessments and the content of AONB/National Park Management Plans to justify the retention or creation of any local landscape designations, guide policy formulation and development control decisions, and assist in targeting landscape restoration and environmental improvement schemes;
d. promote integrated management initiatives to sustain nationally, regionally and locally valued landscapes, including the Durham, North Northumberland and North Yorkshire and Cleveland Heritage Coasts and urban fringe landscapes;
e. recognise the role that character-based planning tools such as Town Design Statements, Village Design Statements, Countryside Design Summaries and Concept Statements can play in promoting high quality development that respects local character and distinctiveness;
and
f. Incorporate the findings of Shoreline Management Plans and Catchment Flood Management Plans.

125 Policy 33 Biodiversity and Geodiversity

Strategies, plans and programmes, and planning proposals should ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels by:
a. continuing to promote the protection and enhancement of internationally and nationally important sites and species;
b. reversing habitat fragmentation and species isolation particularly in Biodiversity Target Zones;
c. developing habitat creation / restoration projects particularly in the priority Habitat Creation and Enhancement Areas;
d. providing for the expansion and linking of existing habitats and species populations including the creation of semi-natural green spaces in and around urban areas and for habitat restoration;
e. contributing to improving the Region's SSSIs to a favourable condition, by 2010;
f. preparing biodiversity and geological audits;

126 Policy 37 Air Quality

Strategies, plans and programmes and planning proposals should:
a. contribute to sustaining the current downward trend in air pollution in the region;
b. consider the potential effects of new developments and increased traffic levels on air quality; and
c. consider the potential impacts of new developments and increased traffic levels on internationally designated nature conservation sites, and adopt mitigation measures to address these impacts.

127 Policy 38 Sustainable Construction

Strategies, plans and programmes, and planning proposals should:
a. ensure that the layout and design of new buildings and developments minimise energy consumption;
b. encourage and promote opportunities for new developments or the redevelopment or refurbishment of existing buildings to achieve high energy efficiency and minimis consumption in terms of energy efficiency best practice, BREEAM rating and the Code for Sustainable Homes;
c. encourage and facilitate homeowners and businesses in improving their energy efficiency and reducing consumption; and
d. promote and secure greater use of local renewable energy in new development, including through Development Plan Documents, setting local level size thresholds for major new development and require all relevant developments, particularly major retail, commercial and residential developments, to secure an ambitious but viable percentage of their energy supply from decentralised and renewable or low carbon sources. In advance of local targets being set in DPDs, major new developments of more than 10 dwellings or 1000m2 of non-residential floorspace should secure at least 10% of their energy supply from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable.

128 Policy 54 Parking and Travel Plans

54.1. The Regional Planning Body in consultation with local authorities will prepare statements on parking standards for each city-region and for the rural areas.
54.2. To complement these statements, Local Transport Plans and other strategies, plans and programmes, and planning proposals should:

a. seek to minimise parking provision for non-residential developments, linked to coordinated proposals for public transport and accessibility improvements and demand management;
b. apply guidance set out in national planning policy on residential parking standards, reflecting local circumstances;
c. ensure travel plans are prepared for all major development proposals that will generate significant additional journeys which should seek to maximise travel by public transport, cycling, walking and car sharing. At the Key Employment Locations and Brownfield Mixed-Use Locations consideration should be given to developing a coordinated approach for the whole site, including overall levels of parking provision; and
d. indicate the nature and extent of contributions that will be necessary to improve transport infrastructure and services as part of development in particular areas or sites.
54.3. To complement these statements Local Transport Plans and other strategies, plans and programmes should also:
a. set maximum parking standards for non-residential land uses in line with the standards set out in the statements for city-regions and for the rural areas, seeking to reduce provision below these levels in locations with good public transport access, particularly in the Strategic Public Transport Hubs and to a lesser extent in the sub-regional and local hubs;
b. develop management strategies in each Interchange hub for the appropriate level of total parking stock that is consistent with the above; and
c. ensure that the pricing of new parking provision does not undermine local parking regimes.

129 Of particular relevance are those relating to waste, which are detailed in full below,

130. Policy 45 Sustainable Waste Management

Strategies, plans and programmes, and planning proposals should give priority to initiatives which encourage behavioural change through:

a. developing and implementing waste minimisation plans and schemes;
b. implementing waste awareness and education campaigns;
c. developing reuse schemes; and
d. minimising the use of primary construction materials and the production of waste; and should be based on the following key principles:

a. the waste hierarchy with minimisation at the top, then reuse, recycling, composting, waste to energy and landfill;
b. enable waste to be disposed of in one of the nearest appropriate installations; and
c. ensuring communities take more responsibility for their own waste.

131 Policy 46 Waste Management Provision

Strategies, plans and programmes should provide the management capacity for the annual tonnage of waste arisings set out in Table 3 & 3A. The type and number of facilities should reflect local circumstances within the strategic framework established by RSS policies and will be based on:
Household Waste – to increase recycling and composting to 40% by 2010 and 46% by 2016
Municipal Solid Waste – to increase recovery to 53% by 2010 and 72% by 2016
Commercial & Industrial – to increase recovery to 73% by 2016

Waste and Local Development Frameworks should:

e. allocate sites for waste management facilities and contain policies which identify specific criteria for the location of waste management facilities, having regard to the locational and planning considerations set out in national planning policy, the environmental and social-economic impacts, the suitability of the road network and the potential for access by non-road transport;

f. encourage the provision of new waste related businesses to process recycled materials including, where appropriate, defining suitable sites and/or criteria based policies;

g. facilitate the development of a network of small scale local waste management facilities in accessible locations, and effective methods of waste management such as facilities to separate or store different types of waste, including materials that are required to be separated for kerbside collection schemes;

h. limit additional landfill sites unless it can be demonstrated that there is insufficient capacity for the deposit of residual wastes: and

i. assess the capacity gap for the municipal solid and commercial and industrial waste streams. Minerals and Waste Development Frameworks, Local Development Frameworks and planning proposal should require the submission of a waste audit for major developments and provide details of in-house or on-site waste management facilities.

132 Policy 47 Hazardous Waste

Waste and Local Development Frameworks should provide for a range of new facilities for the treatment and management of 567,000 tonnes of hazardous waste per annum by 2010/11, 610,000 tonnes per annum by 2015/16 and 671,000 tonnes per annum by 2021/22.

Waste Management Method	**2021/22 '000 tonnes**	**2015/16 '000 tonnes**	**2010/11 '000 tonnes**
Landfill	156	168	187
Physical/chemical treatment	115	124	136
General hazardous waste incineration	34	37	40
Animal/healthcare waste incineration	1.7	1.9	2
Solvent recovery	76	82	90
Oil & oil/water recovery	132	143	156
Metal bearing waste recovery	15.1	16.2	18
Other recovery/recycling	36	38	42
Total	567	610	671

Note: Figures may not add up due to rounding

Waste and Local Development Frameworks should:

j. identify specific sites or criteria for the location of facilities to treat and manage hazardous waste, with priority being given to appropriate industrial areas in Tyne and Wear and Tees Valley;
k. identify criteria against which individual proposals will be assessed; and
l. provide for the appropriate treatment of hazardous waste where this arises on a regional or sub regional scale.

Tees Valley Joint Waste Management Strategy 2008

133 Joint Waste Management Strategy was published in June 2008. The principles are:
To reduce waste generation;
To be achievable and affordable;
To work towards zero landfill;
To minimise the impact on climate change;
To have an accountable and deliverable structure; and
To contribute towards economic regeneration.

134 Strategy details the drivers which influence the strategy, provides information on the current situation in terms of the amount and make up of waste, waste management practices and performance against statutory targets. The Strategy then identifies options for future waste management and recommends a preferred option to take forward as the strategy to 2020. Policies and actions are then put forward for achieving the strategy.

135. Headline Strategy identifies the preferred option as being one which requires a new approach to waste awareness and minimisation, a new approach to waste collections, additional waste treatment facilities to divert additional waste from landfill and the continued use of the EfW facility for waste recovery.

Local Development Plan Policy

136 Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans is the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy. The following planning policies are considered to be relevant to the consideration of this application

137. Core Strategy Policy 1 (CS1) - The Spatial Strategy

1. The regeneration of Stockton will support the development of the Tees Valley City Region, as set out in Policies 6 and 10 of the Regional Spatial Strategy 4, acting as a focus for jobs, services and facilities to serve the wider area, and providing city-scale facilities consistent with its role as part of the Teesside conurbation. In general, new development will be located within the conurbation, to assist with reducing the need to travel.
2. Priority will be given to previously developed land in the Core Area to meet the Borough's housing requirement. Particular emphasis will be given to

projects that will help to deliver the Stockton Middlesbrough Initiative and support Stockton Town Centre.

3. The remainder of housing development will be located elsewhere within the conurbation, with priority given to sites that support the regeneration of Stockton, Billingham and Thornaby. The role of Yarm as a historic town and a destination for more specialist shopping needs will be protected.
4. The completion of neighbourhood regeneration projects at Mandale, Hardwick and Parkfield will be supported, and work undertaken to identify further areas in need of housing market restructuring within and on the fringes of the Core Area.
5. In catering for rural housing needs, priority will be given to the provision of affordable housing in sustainable locations, to meet identified need. This will be provided through a rural exception site policy.
6. A range of employment sites will be provided throughout the Borough, both to support existing industries and to encourage new enterprises. Development will be concentrated in the conurbation, with emphasis on completing the development of existing industrial estates. The main exception to this will be safeguarding of land at Seal Sands and Billingham for expansion of chemical processing industries. Initiatives which support the rural economy and rural diversification will also be encouraged.

138. Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.
2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.
3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.
4. Initiatives related to the improvement of public transport both within the Borough and within the Tees Valley sub-region will be promoted, including proposals for:
   i) The Tees Valley Metro;
   ii) The Core Route Corridors proposed within the Tees Valley Bus Network Improvement Scheme;
   iii) Improved interchange facilities at the existing stations of Thornaby and Eaglescliffe, including the introduction or expansion of park and ride facilities on adjacent sites; and
   iv) Pedestrian and cycle routes linking the communities in the south of the Borough, together with other necessary sustainable transport infrastructure.
5. Improvements to the road network will be required, as follows:
   i) In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;

ii) To the east of Billingham (the East Billingham Transport Corridor) to remove heavy goods vehicles from residential areas;
iii) Across the Borough, to support regeneration proposals, including the Stockton Middlesbrough Initiative and to improve access within and beyond the City Region; and
iv) To support sustainable development in Ingleby Barwick.

6. The Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres.
7. The retention of essential infrastructure that will facilitate sustainable passenger and freight movements by rail and water will be supported.
8. This transport strategy will be underpinned by partnership working with the Highways Agency, Network Rail, other public transport providers, the Port Authority, and neighbouring Local Authorities to improve accessibility within and beyond the Borough, to develop a sustainable

139. Core Strategy Policy 4 (CS4) - Economic Regeneration

1. A range of opportunities will be provided within the employment land portfolio to meet the requirement set out in the Regional Spatial Strategy, as follows:
   General Employment Land 255 hectares (ha)
   Key Employment Location (Wynyard) 70 ha
   Durham Tees Valley Airport 50 ha
   Land for Chemical and Steel Industries, up to 445 ha
2. The main locations for general employment land will be:
   Durham Lane Industrial Estate. 40 ha
   Belasis Technology Park 20 ha
   Teesside Industrial Estate 30 ha
   Urlay Nook 20 ha
   Core Area 10 ha
3. Land for general employment uses will be released in phases as follows:
   a. 2004 - 2011 0 ha
   b. 2011 - 2016 60 ha
   c. 2016 - 2021 60 ha
   d. 2021 - 2024 40 ha
4. The target for the annual average development of all types of employment land is 13 hectares over the life of the Core Strategy.
5. To maximise opportunities for the delivery of the Regional Spatial Strategy requirements land will be safeguarded for chemical production and processing, subject to environmental constraints, in the following locations:
   a. North Tees Pools up to 100 ha
   b. Seal Sands up to 175 ha
   c. Billingham Chemical Complex up to 65 ha
   If evidence comes forward that the Billingham Chemical Complex (formerly known as the ICI Process Park) is not suitable for these purposes, other specialist uses will be considered, such as reprocessing industries and biotechnology laboratories. These are also suitable locations for the installation of new, or expansion of existing potentially hazardous or polluting industries, although these will need to be sensitively and safely located.
6. Land will also be safeguarded on the north bank of the River Tees in the Haverton Hill and Port Clarence areas. Priority will be given to developments requiring a port or river-based site. No port or river based development will be permitted on, or on land immediately adjacent to, the North Tees Mudflat component of the Tees and Hartlepool Foreshore and Wetlands Site of Special Scientific Interest (SSSI).

7. Employment sites which are viable and attractive to the market will be protected from increasing pressure for redevelopment for alternative uses which may secure higher land values, for example housing.
8. Additionally, support will be given to:
   i) Suitable enterprises that require a rural location and which support the rural economy and contribute to rural diversification; ii) The establishment of new enterprises, particularly where related to existing industries, assisting them to evolve with advancing green technologies;
   iii) The expansion of research-based businesses associated with Durham University's Queen's Campus;
   iv) Growth in sustainable tourism, particularly in the following locations:
   a. The River Tees as a leisure, recreation and water sports destination, with regard given to the protection and enhancement of the character of tranquil areas along the river corridor between the towns of Stockton and Yarm;
   b. Preston Park;
   c. Sites linked to the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution; and
   d. Saltholme Nature Reserve.

v) The creation of employment and training opportunities for residents by developersand employers.

140 Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

1. In taking forward development in the plan area, particularly along the river corridor, in the North Tees Pools and Seal Sands areas, proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, or other European sites, either alone or in combination with other plans, programmes and projects. Any proposed mitigation measures must meet the requirements of the Habitats Regulations.
2. Development throughout the Borough and particularly in the Billingham, Saltholme and Seal Sands area, will be integrated with the protection and enhancement of biodiversity, geodiversity and landscape.
3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:
   i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.
   ii) Green wedges within the conurbation, including:
   _ River Tees Valley from Surtees Bridge, Stockton to Yarm;
   _ Leven Valley between Yarm and Ingleby Barwick;
   _ Bassleton Beck Valley between Ingleby Barwick and Thornaby;
   _ Stainsby Beck Valley, Thornaby;
   _ Billingham Beck Valley;
   _ Between North Billingham and Cowpen Lane Industrial Estate.
   iii)Urban open space and play space.
4. The integrity of designated sites will be protected and enhanced, and the biodiversity and geodiversity of sites of local interest improved in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation, ODPM Circular 06/2005 (also known as DEFRA Circular 01/2005) and the Habitats Regulations.
5. Habitats will be created and managed in line with objectives of the Tees Valley Biodiversity Action Plan as part of development, and linked to existing wildlife corridors wherever possible.

6. Joint working with partners and developers will ensure the successful creation of an integrated network of green infrastructure.
7. Initiatives to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity will be supported, including:
   i) Haverton Hill and Seal Sands corridor, as an important gateway to the Teesmouth National Nature Reserve and Saltholme RSPB Nature Reserve;
   ii) Tees Heritage Park.
8. The enhancement of forestry and increase of tree cover will be supported where appropriate in line with the Tees Valley Biodiversity Action Plan (BAP).
9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.
10. When redevelopment of previously developed land is proposed, assessments will be required to establish:
    _ the risks associated with previous contaminative uses;
    _ the biodiversity and geological conservation value; and
    _ the advantages of bringing land back into more beneficial use.

141 Core Strategy Policy 11 (CS11) - Planning Obligations

1. All new development will be required to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements.
2. When seeking contributions, the priorities for the Borough are provision of:
   - highways and transport infrastructure;
   - affordable housing;
   - open space, sport and recreation facilities, with particular emphasis on the needs of young people.

142 Policy IN2

Land is allocated for general industrial or storage and distribution uses (Classes B2 and B8) at the following locations:
(c) ICI Process Plant Park, Billingham 158HA

143 Policy IN4

On the following sites business uses will be permitted where development incorporates a high standard of design in the layout and detailing of buildings and highways, and includes substantial landscaping:
(a) Belasis Hall Technology Park, Billingham 54 HA

144 Policy EN36

Any new hazardous installations will only be permitted if:
- it is on land identified in policies in 6 and in 7; and
- it does not prejudice the development of adjacent land; and
- there is no increased hazard to existing residential areas, prestige industrial sites or any site attracting large numbers of people**.**

145 Policy EN39

The expansion of existing industrial or commercial undertakings in the vicinity of hazardous installations will normally be permitted if it can be shown that additional people and buildings will not be placed at unacceptable risk because of the proximity of the installation.

146. Emerging Policies and Documents

The Tees Valley Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents are with the Secretary of State for Examination in Public, and the hearing sessions which form part of that process are now substantially completed. However, as the Council has not formally adopted those documents they carry no weight in the determination of this planning application.

Nevertheless, it is acknowledged that representations were received from NPL Estates during the production of those documents, which sought allocation of the Anhydrite Mine for disposal of hazardous waste. The Council's evidence however showed sufficient capacity within the Tees Valley to deal with hazardous waste arising locally. Further to this, the proposal would not move the management of APC residues up the waste hierarchy and the continuing development of treatment and recycling processes to deal with APC residues can provide opportunities to do this; there was no guarantee that NPL Estates would be able to utilise their proposed primary source of APC residues; other disposal options are available in the Tees Valley - through the stabilisation of APC residues and subsequent disposal in existing landfill sites; and no evidence being provided to support the claims that there will be a regional need for APC residue disposal facilities. Subsequently, it has not been considered appropriate to allocate the site for hazardous waste management purposes.

MATERIAL PLANNING CONSIDERATIONS

147 The primary material planning considerations of the application relate to whether the proposal satisfies the requirements of National and Regional Guidance and Local Policies; the impact of the proposed development in terms of land and water quality, flood risk, ecology and nature conservation, air quality, traffic impact and highway safety and any other residual matters that might make the development unacceptable.

Planning Policy and Guidance

148. As stated previously, the overall objective of Government policy on waste is to protect human health and the environment through sustainable waste management and moving the management of waste up the ‘waste hierarchy’. PPS10 sets out that positive planning has an important role in delivering sustainable waste management through the development of appropriate strategies for growth, regeneration and the prudent use of resources; and specifically and importantly in consideration of this application by providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time.

149. The Local Planning Authority employed consultants, Entec, to give an opinion on the policy merits of the proposal. Entec are the consultants employed by the five Tees Valley planning authorities to develop the Tees Valley Mineral and Waste Development Plan Documents.

150. The emerging Tees Valley Minerals and Waste Core Strategy state that its aim is to provide for the needs of the Tees Valley and that any facilities proposed to meet a need for waste produced elsewhere must be supported by evidence of that need (policy MWC7).

151. Wardell Armstrong, the agents acting on behalf of NPL Estates have drawn attention to the opinion where there is an up to date development plan there is no need to argue a case for need.

152. It is considered that it is not clear what PPS10 constitutes as a Development Plan in this instance. Stockton has the Regional Spatial Strategy which is to be abolished and its Core Strategy within its Development Plan but as the Development Plan Document's on waste are not yet adopted it could therefore be argued that there is no up to date development plan with regard to waste.

153. In this case PPS 10 advises that planning applications are determined against the policies in PPS10, the core strategy and in the instance of disposal facilities that the development will not undermine the waste hierarchy. PPS10 does not mention need in the criteria which is considered but need is mentioned elsewhere in other PPS10 policies and has therefore been addressed by the applicant.

154. The application makes a case that the proposed facility would help to meet a regional and national need for the disposal of hazardous waste which does not meet waste acceptance criteria, in particular; APC residues. The argument for need is made that there is only one other similar facility in the country at the present time (the former salt mine in Cheshire) and that this facility has experienced continued and successful use. The Agent, Wardell Armstrong have provided further evidence and made assumptions on need. The assumptions have been considered by consultants acting on behalf of the Council who deem them to be reasonable and the application does therefore identify that there is a need for this facility and conforms with PPS10 (and RSS Policy 47 c).

155. The application further explains that the proposed development would help the Tees Valley to become more self sufficient in managing its own waste arisings and therefore be a sustainable development as it will reduce the need to export waste arisings to other parts of the country. It is also claims that it will meet a national and regional need for hazardous waste storage, particularly for APC residues. With regard to the arisings of APC residues in the Tees Valley the application identifies the energy from waste plant operated by SITA on land neighbouring the proposed site and the opportunity for APC residues from this site to be disposed of at the mine, rather than being transported to a similar facility in Cheshire. There is correspondence from SITA stating that they support the proposed development in principle and are currently in contract discussions with the applicant with regard to potentially using the proposed development.

156. The use of the proposed facility by SITA to dispose of the APC residues produced at Haverton Hill would create a more sustainable situation as it would remove the need for vehicles to undertake a 300 mile round trip to dispose of these residues in a similar storage facility in Cheshire. However it is understood that SITA are currently contracted to use this storage facility in

Cheshire for several years yet. There are some concerns over the lack of confirmed commitment from SITA that the APC residue from Haverton Hill would be disposed of in the Billingham facility, as if it was not disposed of here would necessitate importation of hazardous waste into the Teesside area from elsewhere. It is however accepted that there is support for the proposal from SITA and this would bring about a more sustainable disposal process for this waste than presently utilised.

157. Overall, it is considered by the Council's consultants that the applicants have made a valid case with regard to the sustainability benefits, which would arise from the ability to dispose of APC residues from within the Tees Valley (from the Haverton Hill energy from waste facility) rather than the present use of a disposal facility in Cheshire. It is therefore considered that this aspect of the proposal conforms with planning policy as found in PPS10 and RSS policy 45 (key principles b and c).

158. The applicants also state that the proposals will help to move waste management up the waste hierarchy as it will support energy from waste facilities by providing them with a facility for the disposal of the APC residues that they produce. It is also commented that the opportunities to move the management of the APC residues up the waste hierarchy are limited as the methods available to either recover value from the residues, or treat them to allow disposal in existing facilities, are limited due to the methods being unproven, their unsustainable nature or the fact that some disposal would still be required.

159. While the proposals could help to support the management of general waste up the waste hierarchy by providing facilities for the disposal of APC residues and thereby supporting additional energy from waste facilities, they do not promote the movement of APC residue management itself up the waste hierarchy. Proposals for additional disposal capacity could stifle the development of the technologies, which exist, and are emerging, for the recovery of value from APC residues and would help to move their management up the waste hierarchy. Some such technologies have permission for development in the Tees Valley such as the operation at Port Clarence Recovery Park which has permission for the construction and operation of a waste recovery park for the recycling, recovery, treatment and storage of waste approved in 2008. (To date the company (Augean) are not treating APCR's to recover value and move them up the waste hierarchy and the Local Planning Authority is not aware of any definite date/commitment to implementing this process.

160. In response to this, the applicant has provided supporting information regarding lack of provision of new technologies the sustainability of the processes and commercial viability. It is considered that at this point in time without evidence to the contrary to prove that new technologies are readily available, sustainable and commercially viable then it is difficult to argue that the proposed scheme would be contrary to national waste policy.

161. Overall it is considered that the application complies with the advice contained in PPS10 (Sustainable Waste Management) and RSS Policies 45 and 47 (although these are soon to be abolished) and therefore there are no policy objections to the proposed scheme.

<u>Landscape and visual amenity</u>

162. The applicant has carried out a landscape visual assessment, which has been considered by Council Officers, and in landscape and visual terms the proposal is considered to be acceptable.

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

164. Other matters that can be controlled by condition are means of enclosure, methods of illumination and building materials.

165. Overall it is considered that the proposed scheme will not have an adverse impact on landscape or visual amenity.

Ecology and nature conservation;

166. Natural England has assessed the proposal and has stated they have no objections to the scheme, and are satisfied that it will not be likely to have a significant effect on the features of interest of the above ground areas, providing precautionary working methods to avoid spills on site are adhered to as outlined in the submitted EIA.

167. Natural England advises that the above proposal is unlikely to have an adverse effect in respect of species especially those protected by law; however would suggest a precautionary approach to minimise risk.

168. The Phase 1 Habitat Survey indicated areas of scrub on site that may provide suitable bird breeding habitat, any on site vegetation clearance should avoid the bird-breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present.

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

170. Taking the above into account it is therefore considered that the proposed development will not have an adverse effect on ecology subject to a number of mitigation measures, which have been conditioned.

Geology, mining, and ground conditions and contamination

171 The application has been assessed by the Environment Agency and Environmental Health with regards to ground conditions and contamination.

172 The information given in Chapter 8 of the Environmental Statement (Volume 2) has been produced from desk-based studies and a site investigation report dated February 1999. Sufficient information has been submitted to fulfil the requirements of PPS23 for a preliminary risk assessment to be undertaken and further testing has been carried out at the request of the Environment Agency.

173 The Environment Agency are satisfied with the submitted information and have suggested further conditions including the requirement of a site investigation scheme to be carried out, based on the submitted Preliminary Risk Assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site which would allow the confirmation of any pollutants present within the site and the actual risk presented would be assessed and appropriate recommendations made. In addition to this the Environmental Health Unit have suggested conditions which have been recommended.

174 The Environment Agency and have offered advice to the applicant regards the assessment and the information required to be submitted to discharge the conditions.

Hydrology and hydrogeology

175 The original information submitted with the application was not considered to be detailed enough to satisfy the Environment Agency that the proposed scheme would not have significant impacts on the environment.

176 Since this response, further testing and works have been carried out in accordance with a scope of the works required identified by the Environment Agency. In light of these further tests, the information given in Chapter 9 of the Environmental Statement (Volume 2) has been updated and covers the hydrology and hydrogeological setting of the proposed development and hydrogeological risk assessment supplements to Chapter 9 have also been submitted and reviewed by the Environment Agency.

177 The report has addressed the points requiring further clarification. The proposed facility lies between the Sherwood Sandstone and the Magnesian Limestone principal aquifers and this additional work included further modelling to improve understanding of the likely impact of the proposed underground waste storage facility on the Sherwood Sandstone principal aquifer, which lies above the waste storage facility and also to private abstractions from the Sherwood Sandstone. The modelling concludes that the main contaminant of concern (lead) will not reach the Sherwood Sandstone or any boreholes in a concentration that would cause a significant environmental effect. This modelling reflects on the impact on the Magnesian Limestone aquifer.

178 A further objection was received which stated that APCR is a highly soluble hazardous waste, placed in a cavity that will be flooded, with a demonstrated pathway linking the cavity to the biosphere and this cannot be considered an environmentally sustainable solution for this waste stream. The Environment Agency had indicated no objections to the proposal subject to conditions and confirmation is being sought that these concerns have already been taken into account by the Environment Agency in their advice. Members will be advised at the Planning Committee of the Environment Agency's response.

179 Given that no significant impacts are predicted and conditions have been recommended, by the Environment Agency to ensure there are no risks to groundwater's it is considered that the proposed scheme will not have a significant effect on the environment.

180 For information the waste storage facility will require an Environmental Permit under the Environmental Permitting Regulations 2010 from the Environment Agency.

Flood risk

181 Both the above ground and the mine area proposed to be used lies within flood zone 1 on the Environment Agency's Flood mapping system and the strategic flood risk assessment shows the site is suitable for all vulnerability classes of development.

182 The Environment Agency has assessed the proposed development and stated that in managing the surface water drainage, the existing network is proposed to be utilised however there is no information confirming the network is capable of conveying the proposed flows plus a climate change allowance and recommends a condition that a suitable scheme for surface water management is submitted prior to commencement of works.

183 It is considered that subject to conditions relating to surface water management that the proposed scheme will not increase flood risk.

Archaeology and cultural heritage

184 The mine is recorded on the Stockton sites and monuments record and is a feature of cultural heritage importance. The applicant has indicated that the above ground site has been cleared and therefore this importance relates to the mine itself.

185 Tees Archaeology was consulted on the application and agrees that the impact of the proposal on above ground remains and prehistoric to medieval underground remains will be neutral. They do however consider the proposed development will have a moderate to major impact on any below ground industrial remains. Notwithstanding this, no objections are raised however it is recommended that a photographic record of the underground elements of the mine is produced and important elements of the mine remain in situ and this has been conditioned.

Transport assessment;

186 A Transport Assessment and a Travel Plan was submitted with the application and has subsequently been amended and updated on the advice of statutory consultees.

187 The Highways Agency have reviewed the submitted information and have no objections to the application subject to a condition requiring the implementation of the travel plan and a condition requiring a construction management plan being submitted prior to commencement of works.

188 The Head of Technical Services has reviewed the information and agrees with the Highways Agency's requirements. In addition, the indicative site layout is considered acceptable as sufficient space is accommodated within the site to achieve appropriate manoeuvrability and car parking, pedestrian walkways are indicated.

189 The applicant has indicated that they would look to use rail in the future and the local planning authority would encourage this.

190 In conclusion, there are no objections to the proposed scheme on highway grounds subject to the implementation of certain measures, which can be secured by planning condition.

Noise and vibration;

190. The potential impact on noise and vibration from both the construction and operation of the development has been assessed. Advice was taken from the Councils Environmental Health Officer regarding the most appropriate methodology to measure these impacts.

191. The applicant has proposed certain mitigation measures to minimise the potential short term and localised impacts from construction noise and vibration and above ground noise and vibration impacts from the development during operation.

192. The information has been viewed by the Environmental Health Officer who raises no objections to the proposed scheme subject to a condition relating to noise from plant.

193. Concerns have been raised regarding noise and vibration from the operation of the use, however Environmental Health have considered the proposal and consider this to be a much less noise intensive operation than the previous extraction use and as there are no sensitive receptors nearby (the area of the mine to be used is not below the residential dwellings), it is considered that there will be no significant impacts from noise or vibration from the development.

194. Overall whilst it is considered that some additional noise may occur during the construction phase, as with all new developments, this will be temporary and there are no objections to the proposal regarding noise

Air quality

195. The applicant has submitted an air quality assessment as part of the proposal, assessing both the impacts from the construction phase and the operational of the site.

196. The assessments of dust, during operation have been undertaken and have found that the risk of significant generation of emissions during the operational phase is insignificant. However, a series of 'designed-in' mitigation measures are proposed which include all materials entering and leaving the site will be transported in enclosed vehicles and all waste reception, processing and storage activities will be contained within the proposed building in enclosed vessels and silos.

197. The impact of construction traffic on air quality would be below the Design Manual for Roads and Bridges (DMRB) screening criteria (of 200 HGV movements per day) and would only be for a limited duration. The potential effect on air quality due to the additional emissions from construction traffic is therefore considered as being negligible, and no mitigation is therefore required.

198. No objections have been raised regarding this matter from statutory consultees and 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.

Socio-economic issues.

199. The applicant states that the proposed scheme will have a positive impact on the local and regional economy through bringing a brownfield site back into use, job creation and meeting hazardous waste management targets.

200. The proposed scheme will provide development on a vacant brownfield site and the investment will be welcomed along with the employment that this scheme will bring. 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.

201. It is considered that the proposed scheme will have some positive socio economic benefits.

Other Matters

202. The presence of gas within the mine has been queried. The Mine Inspectorate does not hold records from, the 1960's that would confirm the presence of such gases, however has confirmed that the Employer has a duty to notify the Inspectorate of Mines that the mine has reopened. The Employed is duty bound to carry out risk assessments and the Mine Inspectorate will have an intervention programme to inspect the mine and working practices. Should the results of the risk assessments shown the presence of gas then appropriate methods of dealing with this will be implemented.

203. In addition to the above, comments have been raised regarding the implication of seepage through the mines of the gases created by the waste. The waste is to be stabilised and in its treated state there will be no seepage of gases. For clarification when buildings are constructed above mines full assessments are carried out under Part C of the Building Regulations Act to ensure necessary precautions are in place to prevent any adverse impacts from gases.

204. Residents are concerned that the approval of the application will lead to the storage of nuclear or more radioactive waste, however the applicant has agreed to sign a legal agreement to prevent the storage of such waste. Should the applicant wish to not comply with this legal agreement then a revised application will need to be submitted and duly considered and the applicant will need to apply to the Courts for the covenant on the land to be lifted.

205. Residents are concerned about the safety of storing such waste and the safety procedures. Tests have been carried out to shown that from a planning perspective there will be no significant effects from the operation of the mine, however the use of the mine will also require an Environment Permit which will include a number of operational requirements to ensure that safety is not compromised.

206. Comments have been made about the publicity for the application, however the applicant facilitated several exhibitions, leaflet drops and advertisements in the

press and during the course of this application the local planning authority sent out over 800 neighbour letters, consulted Billingham Ward Councillors, local resident groups, partnership boards and Billingham Town Council and also displayed several site notices and advertised the application in the press. It is therefore considered that the amount of publicity afforded to the application is acceptable and of a reasonable level.

207. Concerns were also raised that the applicant had not served the noticed on above ground landowners, however Legal Advice was taken on this matter and the applicant has served notice on all landowners affected by the above ground works which is the correct approach.

208. Objections have been raised regarding the possible reduction in houses prices/ attractiveness of business premises, however devaluation of property and land ownership are not material planning considerations and this has been clearly expressed by the Courts.

CONCLUSION

209. The Local planning authority is responsible for evaluating the Environmental Statement to ensure it addresses all of the relevant environmental issues and that the information is presented accurately, clearly and systematically. It is considered that the authority has in its possession all relevant environmental information about the likely significant environmental effects of the project to make a decision whether to grant planning permission.

210. It is considered the proposals accord with planning policy and meets national and regional policy requirements and there will be no significant impacts on the environment. It is recommended that the application be Approved with Conditions for the reasons specified above.

211. 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 though a number of conditions will need to be imposed to properly control the development and its future operation.

212. 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 Mrs Elaine Atkinson Telephone No 01642 526062

WARD AND WARD COUNCILLORS

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

IMPLICATIONS

Financial Implications: As Report

Environmental Implications: As Report

Legal 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

Community Safety Implications:
The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.