

Planning Committee

A meeting of Planning Committee was held on Wednesday, 21st October, 2020.

Present: Cllr Norma Stephenson O.B.E(Chairman), Cllr Mick Stoker(Vice-Chair), Cllr Helen Atkinson, Cllr Jacky Bright, Cllr Carol Clark, Cllr Lynn Hall, Cllr Stefan Houghton (Sub Cllr Tony Hampton), Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Tony Riordan, Cllr Andrew Sherris, Cllr Marilyn Surtees, Cllr Luke Frost (Sub Cllr Steve Walmsley), Cllr Mrs Sylvia Walmsley

Officers: Julie Butcher (HR, L&C), Stephen Donaghy, Stephanie Landles (DA&H), Elaine Atkinson, Simon Grundy, Martin Parker, Rachel Powell, (EG&DS), Michael Fearman (D of A&H), Nigel Hart, Sarah Whaley (MD)

Also in attendance: Cllr Evaline Cunningham, Applicants, Agents and Members of the Public.

Apologies: Cllr Tony Hampton, Cllr Steve Walmsley

P Declarations of Interest

15/20

Councillor Helen Atkinson declared personal non prejudicial interest as she was a members of the Saltholme Bird Sanctuary.

P Minutes from the meeting which was held 29th July 2020

16/20

Consideration was given to the minutes from the Planning Committee Meeting which was held on 29th July 2020 for approval.

RESOLVED that the minutes be approved.

P 20/0692/FUL

17/20

**Land At RSPB Saltholme (South), Cowpen Bewley, Billingham
Provision of SUDs pond for Saltholme South (Approved under application
18/2079/FUL).**

20/0693/FUL

**Land At RSPB Saltholme (North), Cowpen Bewley, Billingham
Provision of a SUDs pond to serve Saltholme North (Approved under
18/2082/FUL)**

20/0625/VARY

**Land North West Of National Grid Site; Cowpen Bewley Road; Billingham
Section 73 application to vary conditions 2 (plans), 3 (materials and
colours), 4 (levels), 5 (SUDs), 9 (landscaping softworks), 10 (maintenance
softworks), 13 (noise) of planning approval 18/2079/FUL.**

20/0647/VARY

**Land North West Of National Grid Site; Cowpen Bewley Road; Billingham
Section 73 application to vary condition(s) 2. (approved plans), 3.
(Materials and Colours), 4. (Levels) 5. (SUDS), 9 (Landscaping softworks)
10. (Maintenance softworks) 13. (Noise) of planning approval 18/2082/FUL.**

The Chairman of the Planning Committee agreed to hear the officers report, public representations and member debate in relation to items 20/0692/FUL, 20/0693/FUL, 20/0625/VARY and 20/0647/VARY as one, as all items related to the same development.

The Planning Officer outlined planning application 20/0692/FUL Land At RSPB Saltholme (South), Cowpen Bewley, Billingham Provision of SUDs pond for Saltholme South (Approved under application 18/2079/FUL).

Planning permission was sought for the provision of a SUDs pond to serve a gas fired generating facility for the generation of electricity during generation shortfall and to meet peak supply demands.

Following the detailed civil design process, the SUDS ponds to serve the facility needed to be relocated. The new location meant a very slight amendment to the original red line boundary for the host scheme and as such a separate consent was required to approve its new location.

The application was presented to Committee so that the application was considered in parallel with the new Section 73 applications also included on the agenda.

The application had been considered in full and objections from residents were noted. It was however, considered that the revised scheme was acceptable and broadly in accordance with planning policy and recommended for approval with conditions as detailed within the main report.

The consultees that had been notified and the comments that had been received were detailed within the main report.

Neighbours were notified and the comments received were detailed within the main report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that for the reasons outlined within the main report the proposed development was not considered to have any significant impacts on the character of the area, ecology, drainage or features of an archaeological interest. The application was therefore recommended for approval subject to those conditions specified within the main report.

The Planning Officer outlined planning application 20/0693/FUL Land At RSPB Saltholme (North), Cowpen Bewley, Billingham Provision of a SUDs pond to serve Saltholme North (Approved under 18/2082/FUL)

Planning permission was sought for the provision of a SUDs pond to serve a gas fired generating facility for the generation of electricity during generation shortfall and to meet peak supply demands.

Following the detailed civil design process, the SUDS ponds to serve the facility needed to be relocated. The new location meant an amendment to the original red line boundary for the host scheme and as such a separate consent was required to approve its new location.

The application was presented to Committee so that the application was considered in parallel with the new Section 73 applications also included on the

agenda.

The application had been considered in full and objections from residents were noted. It was however, considered that the revised scheme was acceptable and broadly in accordance with planning policy and recommended for approval with conditions as detailed within the main report.

The consultees that had been notified and the comments that had been received were detailed within the main report.

Neighbours were notified and the comments received were detailed within the main report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The planning Officers conclusion was that the proposed development was not considered to have any significant impacts on the character of the area, ecology, drainage or features of an archaeological interest. The application was therefore recommended for approval subject to those conditions specified within the main report.

The Planning Officer outlined planning application 20/0625/VARY Land North West Of National Grid Site; Cowpen Bewley Road; Billingham Section 73 application to vary conditions 2 (plans), 3 (materials and colours), 4 (levels), 5 (SUDs), 9 (landscaping softworks), 10 (maintenance softworks), 13 (noise) of planning approval 18/2079/FUL.

Planning permission was sought to vary some of the conditions on application 18/2079/FUL which was given approval for a gas fired generating facility (GFGF) for the generation of 49.99MW electricity to facilitate regional distribution during generation shortfall and to meet peak supply demands.

There was a change to the plans recommended for approval an the updated site plan was shown during the presentation.

The principle of development had been accepted and therefore only the proposed revisions could be considered.

A number of objections had been received and additional technical information supplied in relation to noise. All documents and comments had been considered in full and the application was recommended for approval subject to conditions contained within the main report.

The consultees that had been notified and the comments that had been received were detailed within the main report.

Neighbours were notified and the comments received were detailed within the main report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that planning permission be granted with Conditions for the reasons as specified within the main report.

The Planning Officer outlined planning application 20/0647/VARY Land North West Of National Grid Site; Cowpen Bewley Road; Billingham Section 73 application to vary condition(s) 2. (approved plans), 3. (Materials and Colours), 4. (Levels) 5. (SUDS), 9 (Landscaping softworks) 10.(Maintenance softworks) 13. (Noise) of planning approval 18/2082/FUL.

Planning permission was sought to vary some of the conditions on application 18/2082/FUL which was given approval for a gas fired generating facility (GFGF) for the generation of 49.99MW electricity to facilitate regional distribution during generation shortfall and to meet peak supply demands.

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The principle of development had been accepted and therefore only the proposed revisions could be considered.

A number of objections had been received and additional technical information supplied in relation to noise. All documents and comments had been considered in full and the application was recommended for approval subject to conditions contained within the main report.

The consultees that had been notified and the comments that had been received were detailed within the main report.

Neighbours were notified and the comments received were detailed within the main report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that Planning permission be granted with Conditions for the reasons as specified within the main report.

Objectors attended the meeting and given the opportunity to make representations on all four applications. Their comments could be summarised as follows:

- The character and sound of the application was of a type and quality which warranted a more detailed investigation than that which had been carried out.
- It had been identified that the low frequency tone omitted from the facility was uncharacteristic. The usual background sound within the vicinity was measured on road traffic dB(A) scale, which was used widely. The proposed facility type of sound would be low frequency, like a helicopter in the distance.
- The noise would always be there.
- Residents requested access to noise data for the plant radiators.

- A request was made that in the event the scheme could not comply with the proposed noise levels contained within the table at condition 09 of the main report, wording should be added to that condition making the applicant responsible and that the plant should cease to operate until conditions could be met.

- It was felt that the noise of the plant facility was set too close to the World Health Organisations limit of 40 decibels, therefore leaving no room for noise creep or uncertainty which could have an adverse impact on residents. Other authorities within the country had much stricter rules in terms of noise creep

- Residents believed the development was closer than 1 kilometre to local properties.

- The Applicant was now seeking to increase operational hours of the plant which would put current and future residents of Cowpen Bewley at risk of noise pollution.

- Discussion took place around loss of green space and the adverse effect noise pollution would have on wildlife within the area, particularly the effect on bats and owls when hunting.

The applicant and the applicants noise consultant attended the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:

- The noise of the plant was predicted to be close to that of 40 dB(A).

- Noise levels within the vicinity of the plant already exceeded the 40dB(A) limit and ranged from 44 to 50 dB(A), therefore if there were health effects to be considered, noise levels were already exceeding this.

- The World Health Organisation stipulated an annual average for noise levels. The plant was not going to be operational every single night nor 365 days a year.

- In terms of the noise being characterised as a helicopter in the background, this low frequency sound would be removed by silencers.

- The high levels of noise limits which had been conditioned by Stockton Borough Council were stringent and would be difficult to measure as they were below the current level of noise in the area. Noise limit rating level was a protective limit.

Officers were given the opportunity to respond to comments / issues raised. Their responses could be summarised as follows:

Ambient noise levels, had also been assessed in great detail, and although it was acknowledged that an additional clause was suggested to be added to the 'Control of noise during operational phase' condition, Officers felt that the current proposed conditions were stringent, and the plant, when complete would be in line with the conditions in terms of noise levels.

Environmental Health had put a great deal of consideration in terms of noise reports and assessments. It had already been highlighted that the World Health Organisation set acceptable noise levels as an average over a whole year and the plant would not be in operation all year round.

Officers clarified that the plant was approximately 1 Kilometre from the village. Figures were calculated using GiS and map based systems to predict noise levels.

Concerns raised in terms of loss of green space, ecology and impact on wildlife, this was considered in 2018 when approval of the plant was granted.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows;

- Brief discussion was had in terms of how the increase in dB(A)'s impacted on the increase in noise levels.
- Clarity was sort as to the number of conditions that had been included within the proposed application.
- Members queried the difference between the original Rolls Royce engines which had originally been proposed compared to the newly proposed Mann gas engines and the increase from 42dB(A) to 53dB(A) when both plants were running simultaneously?
- The impact of sudden noise levels was discussed as well as the RSPB's concerns in terms of the impact this would have on bird wildlife, particularly Redshanks.
- Some Members agreed with the suggestion that the plant should cease to operate if noise levels were not adhered to as detailed within condition 09 of the main report.
- Members also agreed that if the plant was only 1 kilometre away from residents and 40 dB(A) was the noise limit, then there was no margin for error, and therefore this should be looked at again.
- A request was also made as to when and how often the plants would be in operation?
- Questions were raised as to why noise data for the radiators had not been provided at the request of residents.
- Clarity was sought in terms of both plants sharing infrastructure, specifically, the gas delivery unit. Although the plans had detailed this the main report stated that both plants would not share the same infrastructure.

Officers were given the opportunity to respond to comments / issues raised. Their responses could be summarised as follows:

Officers clarified the number of conditions were varied on 20/0625/VARY and 20/0647/VARY. It was also highlighted that work had already started on site

since the original approval in 2018 and some conditions had been discharged or included the application plans and documents

- The Applicant had stated that the newly proposed Mann gas engines were superior, efficient, were turbo charged, which meant that the engines came with both a low-pressure and high-pressure compressor. The engines should significantly reduce fuel consumption and emissions. In terms of the increase in noise levels the RSPB had confirmed the increase in noise levels should both plants be operating a simultaneously was acceptable and the revised noise reports had been made available to all ecology bodies.

Where concerns had been raised relating to bird wildlife, Officers had spoken with Natural England and the RSPB who were fully on board. There was a cut off 55 dB(A) where birds could be disturbed however this noise level should not be reached, therefore causing no disturbance to the birds.

In terms of suggestions to amend condition 09 (Control of noise during operational phase) relating to noise levels and shutting the plant down should noise levels be breached. Officers were unsure as to whether this could be amended due to technical operations of the plant, however assured the Committee that noise checks would be on going and 28 days checks would be imposed. It was also highlighted that it would be difficult to monitor the 28 day checks if the plant had to cease operating.

The plant would be operational when there was a sudden surge at peak times where the plant would supply the grid with additional electricity. The limit on hours could be 3500 hours a year, but exactly when it would run was unknown and could not be controlled. The number of hours the plant would run was controlled by the Environment Agency.

There was no specific data for the radiators due to commercial sensitivities, however the predicted sound levels had been provided and were lower than the background noise level.

Where concerns had been raised relating to the two plants sharing the gas delivery unit, Officers confirmed that limited infrastructure could be shared as long as the plants operated separately.

A motion was proposed and seconded that the application be deferred to a future meeting of the Planning Committee due to a lack of information.

A vote took place and the motion was refused.

A vote then took place for each of the agenda items separately as follows:

P **20/0692/FUL**
18/20 **Land At RSPB Saltholme (South), Cowpen Bewley, Billingham**
 Provision of SUDs pond for Saltholme South (Approved under application
 18/2079/FUL).

For the discussion of this item please see above.

RESOLVED that planning application 20/0692/FUL be approved subject to the following conditions and informatives;

Time Limit

01 The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

02 The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date Received
290_SSDP_02	1 April 2020
290_SSABP_02	31 March 2020
290_SSALP_02	31 March 2020

03 Sustainable Surface Water Drainage Scheme

The scheme shall be implemented and thereafter managed and maintained in accordance with the submitted management plan received by the local planning authority on the 28th September 2020.

04 Ecology

Work shall be undertaken outside of the overwintering bird period (November to March inclusive) unless otherwise agreed in writing with the local planning authority.

05 Assessment of a heritage asset through a programme of archaeological works

A) No development shall take place other than in accordance with the Written Scheme of Investigation as approved under application 20/0183/DCH.

B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

**P
19/20**

20/0693/FUL

**Land At RSPB Saltholme (North), Cowpen Bewley, Billingham
Provision of a SUDs pond to serve Saltholme North (Approved under
18/2082/FUL)**

For the discussion of this item please see above.

RESOLVED that planning application 20/0693/FUL be approved subject to the following conditions and informatives;

01 Time Limit

The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

02 Approved Plans

The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date Received
290_SNALP_01	31 March 2020
290-SNABP_01	31 March 2020
290_SNDP_01	1 April 2020

03 Sustainable Surface Water Drainage Scheme

The scheme shall be implemented and thereafter managed and maintained in accordance with the submitted management plan received by the local planning authority on the 28th September 2020.

04 Ecology

Work shall be undertaken outside of the overwintering bird period (November to March inclusive) unless otherwise agreed in writing with the local planning authority.

05 Assessment of a heritage asset through a programme of archaeological works

A) No development shall take place other than in accordance with the Written Scheme of Investigation as approved under application 20/0182/DCH.

B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

**P
20/20**

20/0625/VARY

Land North West Of National Grid Site; Cowpen Bewley Road; Billingham Section 73 application to vary conditions 2 (plans), 3 (materials and colours), 4 (levels), 5 (SUDs), 9 (landscaping softworks), 10

(maintenance softworks), 13 (noise) of planning approval 18/2079/FUL.

For the discussion of this item please see above.

RESOLVED that planning application 20/0625/VARY be approved subject to the following conditions and informatives;

01 Approved Plans

The development hereby approved shall be in accordance with the following approved plan(s);

SL195_L_X_ELEV_1_REV B 12 October 2020
GP-WT_01_REV A 23 September 2020
1001 P4 17 March 2020
290_PPS_01 17 March 2020
290_SSC_02 17 March 2020
290_SSDP_02 REV B 12 October 2020
SL195_L_X_MP_3 17 March 2020
SL204_L_X_ELEV_2 17 March 2020
SL204_L_X_ELEV_3 17 March 2020
SL204_L_X_ELEV_4 17 March 2020
SL204_L_X_ELEV_5 17 March 2020
1176-SALT-CI-L-003 REV 5 11 May 2020
E-18091000-M-0201-00X 11 May 2020
SL195_L_1_VEH (APPROVED UNDER 18/2079/FUL)
GP_PF_02 (APPROVED UNDER 18/2079/FUL)
GP_EG_03 (APPROVED UNDER 18/2079/FUL)
SL_195_L_X_LP_2 (APPROVED UNDER 18/2079/FUL)

02. Sustainable Surface Water Drainage Scheme

The scheme shall be implemented and thereafter managed and maintained in accordance with the submitted management plan received by the local planning authority on the 28th September 2020.

03 Ecology

The development shall be carried out in accordance with the recommendations set out at Section 5 of the Ecological Survey carried out by Naturally Wild (Ref SE-18-02) dated August 2018 and the Habitats Risk Assessment (project number: sec8481) dated 18 December 2018, unless updated by the Shadow Habitat Regulations Assessment Addendum (sec8481) (v2) final dated 08 July 2019; as submitted with application 18/2079/FUL . In particular;

- the cable connection works to the sub-station shall be undertaken outside of the over-wintering period as detailed in the submitted Shadow Habitats Regulations Assessment (HRA) Addendum

04. Construction Environmental Management Plan (CEMP)

Works shall be undertaken in accordance with the Construction Environmental Management Plan (CEMP) and associated reports as approved in writing by the Local Planning Authority under application reference 19/0187/DCH..

05. Habitat Management, Mitigation and Enhancement Plan (HMMEP)

Works shall be undertaken in accordance with the Habitat Management,

Mitigation and Enhancement Plan (HMMEP) approved in writing by the Local Planning Authority under application reference 19/2356/DCH. The Biodiversity enhancement measures set out in the approved plan shall be implemented and maintained unless otherwise agreed in writing by the Local Planning Authority.

06 Maintenance Softworks

Planting works shall be undertaken in accordance with the approved landscaping plans. Any vegetation within a period of 5 years from the date of from the date of completion of the total works 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.

07 Assessment of a heritage asset through a programme of archaeological works

A) No development shall take place other than in accordance with the Written Scheme of Investigation as approved under application 20/0183/DCH.

B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

08 Construction Traffic Management Plan

Work shall be undertaken in accordance with the submitted Construction Traffic Management Plan accompanying the application 18/2079/FUL; dated September 2018 (Project Ref: Saltholme South CTMP) unless otherwise agreed in writing with the Local Planning Authority.

09 Control of noise during operational phase

Within 28 days of the site becoming operational; a validation report regarding the individual and cumulative operational noise measurements at each of the identified locations must be undertaken in accordance with British Standard 4142. The results of the validation report shall be submitted to the local planning authority within three months from the date of the site becoming operational, including details of any remedial works and a programme for implementation of this remediation; should noise levels exceed the level specified in the tables below.

Individual

Location	Revised Scheme Specific Sound Level, dBA			Rating Level, dB
LAr,Tr	BS4142	Rating Level	Difference	dB
Cowpen Bewley Road	37	37	0	(23:00- 07:00)
Cowpen Lane	38	38	+1	(23:00- 07:00)
Haverton Hill Hotel	35	35		
Lime Tree Close	32	32		
Charlton Close	23 (South) & 24 (north)		23 (South) & 24 (North)	

Cumulative

Location	Revised Scheme Specific Sound Level, dBA			Rating Level, dB
LAr,Tr	BS4142	Rating Level	Difference	dB
Cowpen Bewley Road	39	39	+2	(23:00- 07:00)
Cowpen Lane	40	40	+3	(23:00- 07:00)

Haverton Hill Hotel	37	37
Lime Tree Close	36	36
Charlton Close	27	27

Any remedial works must be carried out in accordance with the approved programme for implementation and the noise measurements must be repeated and submitted to the local planning authority for approval following completion of remedial works to demonstrate that the noise levels are within the limits set out in the table above. Measurements demonstrating compliance are to be made at the locations above and a sound power level at source should also be established. If however after discussions with the local planning authority this method is deemed unsuitable it may be necessary for noise measurements to be taken at source and noise modelling to be used to demonstrate compliance with the above requirements. The subsequent approved sound power level at source which demonstrates compliance shall then be maintained for the lifetime of the development.

Upon acceptance of the validation report and for the lifetime of the development thereafter, the noise levels should not exceed the sound power level at source or the above columns titled 'Revised Scheme Specific Sound Level, dBA' or 'Rating Level, dB LA_r,Tr' either individually or cumulatively at any of the locations listed above.

10 Decommissioning of the plant

In the event that the gas generators and battery storage are inoperative for a period of 12 months or longer the development hereby approved shall be removed and the site restored to green field within 18 months from the time at which it became inoperative.

11.Unexpected land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

Informative: Health and Safety

A toxic refuge shall be provided for any construction teams working in the area and provisions are made for early warning of the workers e.g. providing contact details to pipeline operators / Falck emergency services. For further information please contact the Emergency Planning Unit.

SABIC/INEOS should be consulted should any work within 50 metres of their

pipeline be undertaken as this would require our approval prior to work commencing.

Informative: Drainage and Permitting (Environment Agency)

The TSL Construction Water Management Plan addresses the management of surface water during construction until the end of "inactive commissioning".

Page 5 of this document describes the decision tree to be used when considering the discharge of contained water on site and appears to suggest that water contaminated with oils/greases or unusual odours will be reviewed and ultimately pumped into the large attenuation ponds. This could lead to a pollution event and must be prevented. The Plan goes on to explain the correct decision route for such potentially polluting liquids which should be reflected within the decision tree on page 5. We have noted that such contaminated liquids should be tankered off site for appropriate disposal not diluted within the attenuation ponds, and the source of the contamination investigated to prevent a reoccurrence.

Another common source of pollution during construction originates from the wash-outs from concrete mixers of all sizes and the incorrect storage of surplus concrete mix however these issues have been adequately addressed under section 5.8 of this document.

Whilst we are unable to pre-determine the EPR Permit application, a review of the submitted details suggests that the general principal of containment and control of potentially polluting surface water and flood waters has been applied. Should you have any queries in respect to this response please don't hesitate to contact me on the number below.

P 20/0647/VARY
21/20 Land North West Of National Grid Site; Cowpen Bewley Road; Billingham Section 73 application to vary condition(s) 2. (approved plans), 3. (Materials and Colours), 4. (Levels) 5. (SUDS), 9 (Landscaping softworks) 10. (Maintenance softworks) 13. (Noise) of planning approval 18/2082/FUL.

For the discussion of this item please see above.

RESOLVED that planning application 20/0647/VARY be approved subject to the following conditions and informatives;

01 Approved Plans

The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date Received
SL195_L_X_MP_3_REV A	7 September 2020
GP-WT_01_REV A	23 September 2020
1001 P4	17 March 2020
290_PPN_02	17 March 2020
290_SNCS_01	17 March 2020
SL195_L_X_MP_2	17 March 2020
SL204_L_X_ELEV_2	17 March 2020
SL204_L_X_ELEV_3	17 March 2020
SL204_L_X_ELEV_4	17 March 2020

SL204_L_X_ELEV_5 17 March 2020
E-18091000-M-0201-00X 11 May 2020
1176-SALT-CI-L-003 REV 5 11 May 2020
290_SNDP_02_Rev B 12 October 2020
SL195_L_X_ELEV_1_Rev B 12 October 2020

SL195_L_1_VEH approved under App 18/2082/FUL
GP_PF_02 approved under App 18/2082/FUL
GP_EG_03 approved under App 18/2082/FUL
SL195_L_X_LP_2 approved under App 18/2082/FUL

02. Sustainable Surface Water Drainage Scheme

The scheme shall be implemented and thereafter managed and maintained in accordance with the submitted management plan received by the local planning authority on the 28th September 2020.

03 Ecology

The development shall be carried out in accordance with the recommendations set out at Section 5 of the Ecological Survey carried out by Naturally Wild (Ref SE-18-02) dated August 2018 and the Habitats Risk Assessment (project number: sec8481) dated 18 December 2018, unless updated by the Shadow Habitat Regulations Assessment Addendum (sec8481) (v2) final dated 08 July 2019; as submitted with application 18/2082/FUL . In particular;

- the cable connection works to the sub-station shall be undertaken outside of the over-wintering period as detailed in the submitted Shadow Habitats Regulations Assessment (HRA) Addendum

04. Construction Environmental Management Plan (CEMP)

Works shall be undertaken in accordance with the Construction Environmental Management Plan (CEMP) and associated reports as approved in writing by the Local Planning Authority under application reference 19/0185/DCH.

05. Habitat Management, Mitigation and Enhancement Plan (HMMEP)

Works shall be undertaken in accordance with the Habitat Management, Mitigation and Enhancement Plan (HMMEP) approved in writing by the Local Planning Authority under application reference 19/2358/DCH. The Biodiversity enhancement measures set out in the approved plan shall be implemented and maintained unless otherwise agreed in writing by the Local Planning Authority.

06 Maintenance Softworks

Planting works shall be undertaken in accordance with the approved landscaping plans. Any vegetation within a period of 5 years from the date of from the date of completion of the total works 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.

07 Assessment of a heritage asset through a programme of archaeological works

- A) No development shall take place other than in accordance with the Written Scheme of Investigation as approved under application 20/0182/DCH.
- B) The development shall not be occupied until the site investigation and post

investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

08 Construction Traffic Management Plan

Work shall be undertaken in accordance with the submitted Construction Traffic Management Plan accompanying the application 18/2082/FUL; dated September 2018 (Project Ref: Saltholme South CTMP) unless otherwise agreed in writing with the Local Planning Authority.

09 Control of noise during operational phase

Within 28 days of the site becoming operational; a validation report regarding the individual and cumulative operational noise measurements at each of the identified locations must be undertaken in accordance with British Standard 4142. The results of the validation report shall be submitted to the local planning authority within three months from the date of the site becoming operational, including details of any remedial works and a programme for implementation of this remediation; should noise levels exceed the level specified in the tables below.

Individual

Location	Revised Scheme Specific Sound Level, dBA	Rating Level, dB
LAr,Tr BS4142	Rating Level	Difference dB
Cowpen Bewley Road	37	37 0 (23:00- 07:00)
Cowpen Lane	38	38 +1 (23:00- 07:00)
Haverton Hill Hotel	35	35
Lime Tree Close	32	32
Charlton Close	23 (South) & 24 (north)	23 (South) & 24 (North)

Cumulative

Location	Revised Scheme Specific Sound Level, dBA	Rating Level, dB
LAr,Tr BS4142	Rating Level	Difference dB
Cowpen Bewley Road	39	39 +2 (23:00- 07:00)
Cowpen Lane	40	40 +3 (23:00- 07:00)
Haverton Hill Hotel	37	37
Lime Tree Close	36	36
Charlton Close	27	27

Any remedial works must be carried out in accordance with the approved programme for implementation and the noise measurements must be repeated and submitted to the local planning authority for approval following completion of remedial works to demonstrate that the noise levels are within the limits set out in the table above. Measurements demonstrating compliance are to be made at the locations above and a sound power level at source should also be established. If however after discussions with the local planning authority this method is deemed unsuitable it may be necessary for noise measurements to be taken at source and noise modelling to be used to demonstrate compliance with the above requirements. The subsequent approved sound power level at source which demonstrates compliance shall then be maintained for the lifetime of the development.

Upon acceptance of the validation report and for the lifetime of the development thereafter, the noise levels should not exceed the sound power level at source

or the above columns titled 'Revised Scheme Specific Sound Level, dBA' or 'Rating Level, dB LAr,Tr' either individually or cumulatively at any of the locations listed above.

10 Decommissioning of the plant

In the event that the gas generators and battery storage are inoperative for a period of 12 months or longer the development hereby approved shall be removed and the site restored to green field within 18 months from the time at which it became inoperative.

11 Unexpected land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

Informative: Health and Safety

A toxic refuge shall be provided for any construction teams working in the area and provisions are made for early warning of the workers e.g. providing contact details to pipeline operators / Falck emergency services. For further information please contact the Emergency Planning Unit.

SABIC/INEOS should be consulted should any work within 50 metres of their pipeline be undertaken as this would require our approval prior to work commencing.

Informative: Drainage and Permitting

The TSL Construction Water Management Plan addresses the management of surface water during construction until the end of "inactive commissioning". Page 5 of this document describes the decision tree to be used when considering the discharge of contained water on site and appears to suggest that water contaminated with oils/greases or unusual odours will be reviewed and ultimately pumped into the large attenuation ponds. This could lead to a pollution event and must be prevented. The Plan goes on to explain the correct decision route for such potentially polluting liquids which should be reflected within the decision tree on page 5. We have noted that such contaminated liquids should be tankered off site for appropriate disposal not diluted within the attenuation ponds, and the source of the contamination investigated to prevent a reoccurrence.

Another common source of pollution during construction originates from the wash-outs from concrete mixers of all sizes and the incorrect storage of surplus

concrete mix however these issues have been adequately addressed under section 5.8 of this document.

Whilst we are unable to pre-determine the EPR Permit application, a review of the submitted details suggests that the general principle of containment and control of potentially polluting surface water and flood waters has been applied. Should you have any queries in respect to this response please don't hesitate to contact me on the number below.