

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

10 April 2024

**REPORT FOR ASSISTANT DIRECTOR OF
INCLUSIVE GROWTH AND DEVELOPMENT**

22/1525/EIS

Land At Seal Sands, Billingham,

Erection of an energy recovery facility and associated infrastructure for fuel receipt and storage, power generation, power export, process emissions control, maintenance, offices and car parking together with associated operations.

Expiry Date: 12 April 2024

SUMMARY

Planning permission is sought for the erection of an energy recovery facility and associated infrastructure on Land at Seal Sands.

Permission was given for the erection of a 24MW energy facility including gasification technology on the 29th April 2013 (Application 12/2766/EIS). Work has commenced on site and the permission is therefore extant. The extant consent would process 175,000 tonnes of refuse derived fuel (RDF) annually to operate. The proposed development would require up to 240,000 tonnes of RDF annually to operate.

Neighbours were notified and no objections were received, however 10 objections have been lodged from interested parties outside of the Borough. No objections have been received from statutory consultees. The objections have been considered and there are no sustainable planning reasons to refuse the application.

National and Local Policy documents and guidance have been reviewed and it is considered that the proposed development will assist in meeting the urgent need for renewable, sustainable, low carbon energy generation together with moving waste up the waste hierarchy and obtaining value from waste that would otherwise be exported for use or landfilled. In terms of social and economic benefits the development will create a significant investment with a value of over £500m, up to 200 jobs in the construction phase and up to 35 total full-time equivalent permanent jobs directly employed.

All other matters have been reviewed and with the imposition of conditions it is not considered that the proposed development will have an adverse impact sufficient to warrant refusal of the application and the proposed scheme is recommended for approval with conditions.

RECOMMENDATION

That Members be minded to approve planning application 22/1525/EIS subject to the following conditions and informatives and the final decision be delegated to the Planning Services Manager once agreement from Natural England be secured for the Appropriate Assessment.

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
SLR/SS/07-22/23249	26 March 2023
1019 D2 000 C01 Rev O	26 March 2023
1019 D2 001 C01 Rev O	26 March 2023
1019 D2 002 C01 Rev O	26 March 2023
1019 D2 005 C01 Rev O	26 March 2023
1019 D2 007 C01 Rev O	26 March 2023
1019 D2 091 C01 Rev O	26 March 2023
1019 D2 092 C01 Rev O	26 March 2023
1019 D2 093 C01 Rev O	26 March 2023
1019 D2 094 C01 Rev O	26 March 2023

Reason: To define the consent.

03 Waste Quantities

The types of waste to be combusted for the recovery of energy in the Energy Recovery Facility hereby approved shall be refuse derived fuel only, and the quantities shall not exceed 240,000 tonnes per annum.

Reason: To define the permission for the avoidance of doubt and in the interests of protecting local amenities

04 Details of the buildings/structures

Prior to above ground construction full details including finished floor levels of all buildings and structures shall be submitted and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved plans.

Reason: To achieve a satisfactory form of development

05 Means of Illumination

All external lighting will be designed to point downwards to minimise light spill. Outside of the delivery hours the external lighting will be turned off other than low level lighting on walking routes or in staff car parks.

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

06 Ecology and Mitigation

The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed in section 6 of the submitted Ecological Impact Assessment dated July 2022 (Appendix ES6.1).

Reason: In order to adequately protect ecology and biodiversity in accordance with the principles of Policy ENV5 and the National Planning Policy Framework.

07 Construction Environmental Management Plan

No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning

Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impact arising in relation to noise and vibration, dust and air pollutants, land contamination and ecology. It shall also set out arrangements by which the developer shall maintain communication with businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: In the interests of protecting the environment.

08 Ecology Survey

A maximum of three months before works commence on site a suitably qualified ecologist shall undertake an update survey to ensure that no protected species or their habitat are present on site. The results of the survey shall be submitted and approved in writing by the local planning authority and identify any additional or revised mitigation measures required

Reason: To conserve protected species and their habitat where necessary

09 Habitat and wildlife

Prior to removal of the vegetation on site including scrub, the vegetation should be assessed for the presence of protected species, some of which are subject to season-specific legislation. Any works should be planned so as to limit their potential adverse impact on wildlife generally. The timing of works should take account of the seasonal cycles of the species of fauna and flora concerned (including the nesting habits of birds and the egg-laying habits of insects).

Reason: In compliance with the Habitat Regulations and Countryside and Wildlife Act.

10 Habitat and landscaping plan.

Notwithstanding the submitted plans, prior to the commencement of the new development hereby permitted (excluding demolition works) a habitat and landscaping plan shall be submitted for approval in writing by the Local Planning Authority. The habitat and landscaping plan must contain, information about the steps that will be taken to minimise any adverse effect of the development on the biodiversity of the onsite habitat and provide details on habitat creation and landscaping. The works shall be implemented in accordance with the agreed details and any phasing programme. Such measures shall be retained thereafter for the lifetime of the development.

Reason: To preserve, protect and enhance the biodiversity of the site in accordance with Local Plan Policy ENV5 and the NPPF

11 Teesmouth and Cleveland Coast SSSI

As detailed in the submitted Technical Note (ref APS_P1124E_B1-2) published 15 March 2024 the technology used in the proposed facility shall achieve an NH3 Emission Limit Value of no greater than 3mg/Nm³.

Reason: In the interests of preventing any potential impacts on the Teesmouth and Cleveland Coast SSSI

12 Storage

There shall be no open storage on site of skips, waste materials or materials awaiting disposal.

Reason: In the interests of protecting neighbouring businesses / protected sites from the potential adverse impact of the development hereby approved

13 Emergency plan

The development hereby permitted shall not be brought into operation until an emergency plan, including scheme for emergency evacuation has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and subsequently maintained, in

accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the impact of an emergency situation on people on and surrounding the site and ensure they remain safe during events.

14 Travel Plan

Within six months of the first use or occupation of any part of the development hereby approved, the travel plan shall be prepared based on the framework travel plan presented at Appendix ES11.2 of the application and the results of the initial travel plan surveys. The travel plan shall be submitted to and approved in writing by the local planning authority and implemented as approved unless otherwise agreed in writing with the local planning authority.

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

15 Construction Traffic Management Plan

Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted and agreed in writing with the Local Planning Authority and shall provide details of the routing of all HGVs movements associated with the construction phases and to effectively control dust emissions from the site works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleaning, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Work shall be undertaken in accordance with the agreed details.

Reason: In the interests of the occupiers of adjacent and nearby premises.

16 Energy Efficiency

Prior to the erection of any buildings, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall identify the predicted energy consumption, the associated CO2 emissions and how the energy hierarchy has been applied to the development, including an investigation into the feasibility and viability of connection to decentralised energy networks for heat and power). The statement shall set out the feasibility and viability of achieving a minimum 10% reduction in CO2 emissions from the development, over and above current Building Regulations Part L requirements, or a minimum of 10% of the total predicted energy requirements of the development will be generated from renewable energy sources. Development shall be carried out thereafter in a manner that incorporates any feasible and viable measures identified.

Reason: Reason: In the interests of promoting sustainable development in accordance with the requirements of Local Plan Policies ENV1 and ENV3.

17 Discharge of Surface Water

The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

- I. Detailed design of the surface water management system; (for each phase of the development).
- II. A build programme and timetable for the provision of the critical surface water drainage infrastructure;
- III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the Local Plan Policies SD5 & ENV4 and the National Planning Policy Framework.

18 Management of Surface Water

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) SLR/SS/JJW/20056/01/V3a dated September 2023.

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any 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 and to reduce the risk of flooding to the proposed development and future occupants.

19 Recording of a heritage asset through a programme of archaeological works

A) No construction shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

B) No construction shall take place other than in accordance with the Written Scheme of Investigation approved under part (A).

C) 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 approved under part (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In the interests of archaeology and recording.

20 Contaminated Land Risk Assessment

No 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), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site, have been submitted and approved in writing, by the local planning authority:

- a) A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should be approved before a remediation strategy is submitted.
- b) The results of the site investigation and detailed risk assessment referred to in (a) 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.
- c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

This must be undertaken in accordance with the Environment Agencies "Land Contamination Risk Management" Guidance (2020). Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure there is no unacceptable risk from or being adversely affected by unacceptable levels of water and land pollution.

21 Employment and Training

The development hereby approved shall not commence until a Training and Employment Management Plan, has been submitted to and approved in writing by the Local Planning Authority. The plan will aim to promote training and employment opportunities at all stages of the development for local people and include:

- o Measures to ensure the owner and contractors work directly with local employment and training agencies;
- o Targets for employing local labour
- o Details of how services and materials used in the development are provided by Businesses within the Target Areas
- o Reasonable steps to procure that any contractor and / or subcontractor nominate an individual to liaise with the Principal Employability Officer.
- o Targets for work experience opportunities
- o Measures to provide training opportunities in respect of any new jobs created
- o Requirements to submit monitoring information on the plan at regular intervals to the Local Planning Authority

The development shall be carried out in accordance with the agreed plan and any amendments to the plan shall be agreed in writing with the local planning authority.

Reason: In accordance with the requirements of local plan policy SD4.

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 gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

Environment Agency Informative

Environmental Permit Regulations The proposed Energy Recovery Facility (incinerator) will require an Environmental Permit under Schedule 5.1 Part A (1) (b) of the Environmental Permitting Regulations (England and Wales) 2016 from the Environment Agency. We will consider the following areas of potential harm when assessing the permit:

- Management - including accident management, energy efficiency, efficient use of raw materials and avoidance, recovery and disposal of wastes,
- Operations - including incoming waste and raw material management, waste charging, furnace types and requirements, validation of combustion conditions, combined incineration, flue gas recirculation, dump stacks and bypasses, cooling systems and boiler design,
- Emissions - to surface water, sewer, air, odour, noise and vibration, monitoring and reporting of emissions.

Whilst we are the competent authority in England for determining R1 applications, we do not require incinerators to have R1 status in order for us to issue a permit. If a requirement for R1 exists, this will be driven by national or local planning policies in order to move the proposed development up the waste hierarchy (from a disposal to a recovery operation).

It is recommended that the applicant considers the implementation of the following features for their site design - Use of low-carbon cement; Solar Panels; Ground-source heating; Use of Electric Vehicles

Furthermore, it is recommended that the following Climate Mitigation plans are considered for the development: Flood risk; Extreme weather events; Wind/Storms; Droughts and Pandemics

Receiving pre-application advice will help the Applicant submit a good quality application that can be processed (determined) smoothly and quickly. If the Applicant wishes to request either basic

(free), or enhanced (chargeable) pre-application advice, they should complete the pre-application advice form.

Best Available Techniques - The latest Waste Incineration Best Available Techniques Reference (BREF) document and inclusive BAT Conclusions (BATC's) were published in 2019, and the BREF interpretation document in 2021. Therefore, the permit for the proposed development will be written with the latest BATC's and revised emission limits, which the development will need to comply with from the date of permit issue.

Ash - Ash is an incineration plant residue which is produced in the furnace or collected in the gas cleaning plant. The permit will prevent these two types of ash being mixed and will contain conditions to ensure that there are no significant emissions from the site from the handling or treatment of the ash. When ash is sent for disposal or recovery, other waste legislation will apply and the operator will be responsible for using a registered waste carrier to transport the material to an appropriately licensed facility. During the permit's lifetime, we will routinely assess the operator's compliance with this 'duty of care'.

Combined Heat and Power - We require all new proposed incineration facilities to be built Combined Heat and Power (CHP)-ready by imposing specific permit conditions. Environmental permit applications for these types of plants will therefore need to include a Best Available Technique (BAT) assessment for CHP-readiness. Permits for these plants are also likely to contain conditions that state opportunities to realise CHP should be reviewed from time to time. These opportunities may be created by building new heat loads near the plant, or be due to changes in policy and financial incentives that make it more economically viable for the plant to be CHP.

BACKGROUND

1. Planning permission was approved on the 29th April 2013 for the erection of a 24MW energy facility including gasification technology, associated infrastructure for materials handling and storage, power generation, power export, fuel receipt, process emissions control, maintenance, offices and car parking, including a new access point (demolition and site clearance of existing building) (Application 12/2766/EIS). Work commenced on site and the permission is extant.
2. The extant consent would process 175,000 tonnes of refuse derived fuel (RDF) annually to operate. The proposed development would require up to 240,000 tonnes of RDF annually to operate.

SITE AND SURROUNDINGS

3. The application site is approximately 3.7 hectares, located in Seal Sands on a plot to the north of Seal Sands Road. KD Pharma is located to the southeast and Lianhetech is located to the east of the site.
4. The site is rectangular in shape and comprises an area of concrete in the south and a small pond, scrub, bare ground, grassland and marshy ground in the north. Vehicular access to the site is via Seal Sands Road.
5. The surrounding area generally comprises chemical works, petrochemical facilities and oil refineries and associated infrastructure together with areas of undeveloped land. Undeveloped areas of Seal Sands and the adjacent mudflats and sandflats associated with the Tees estuary are nationally and internationally important wildlife sites.

PROPOSAL

6. Planning permission is sought for the erection of an energy recovery facility and associated infrastructure. The facility will have an installed electricity generation capacity of approximately 30MW with approximately 2MW of the electricity generated by the facility used in its operation. The facility will operate using approximately 240,000 tonnes of refuse derived fuel per annum.

7. The main elements of the proposed development include a fuel reception and tipping hall; fuel storage bunker and building; boiler hall; steam turbine; control room; stack; flue gas treatment (FGT) facility; bottom ash bunker; air cooled condensers; and staff facilities and offices. The buildings and the air-cooled condenser area will all be clad in trapezoidal profiled metal cladding in Goosewing grey (RAL 7039). There are a number of areas for associated plant. The associated plant and infrastructure will all be less than 35m high. The boiler hall will be up to 41m high and the stack will be up to 85m high
8. The development will be designed as Combined Heat and Power ready and discussions with local sites regarding the potential for the provision of heat and/or steam are ongoing. The development will also include ancillary infrastructures such as site fencing gates, surface water drainage and attenuation features, internal access roads and car parking, fire water storage, water treatment plant and areas of hard and soft landscaping. A new grid connection will be necessary to export electricity offsite.
9. Due to the constraints of the size of the site there is limited potential for landscaping, however a habitat and landscaping plan will be incorporated into the Construction Environmental Management Plan so that habitats and planting are provided where possible.

Environmental Controls

10. In addition to any planning conditions, the impacts of site operations, restoration and any resultant emissions to air, water, land and impacts on the environment would be a matter of control for the Environment Agency through the Environmental Permitting Regulations (EPR). Controls should not be duplicated.

Accompanying Documents

11. 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) Regulations 2017. Accordingly, an Environmental Impact Statement (EIS) accompanies the application. Any specialist EIA reports are summarised.
12. Guidance states that monitoring arrangements under other regulatory regimes may be used if appropriate to monitor environmental impacts, with a view to avoiding duplication. In all cases, authorities should ensure that all measures are proportionate to the nature, location and size of the relevant project and its effects on the environment. As this will require a permit a number of controls will be secured through the permitting process.

CONSULTATIONS

13. Consultees were notified and the following comments were received.
14. Highways Transport & Design Manager
Highways Comments - The applicant has submitted various site layout plans and a transport statement (TS) in support of the proposals. The TS sets out that the site currently benefits from an extant planning consent (12/2766/EIS) granted in 2013 for a '24MW energy facility including gasification technology, associated infrastructure for materials handling and storage, power generation, power export, fuel receipt, process emissions control, maintenance, offices and car parking, including a new access point (demolition and site clearance of existing buildings) associated with the site'. The extant proposals were predicted to employ 40 FTE staff working a 2-shift system with an operational day shift working between 07:00 and 19:00, and a night shift between 19:00 and 07:00. The current proposals would have 34 FTE members of staff working the same shift patterns. It is therefore considered that the current proposals would result in a marginal reduction in traffic generation, when compared to the extant permission, and as such there would be no highways objections.
Landscape & Visual Comments - The applicant seeks consent for an Energy recovery facility on the site at Seal Sands. Consent was previously given for a similar development in 2012. It

is noted that 2 no. 35 m high chimney stacks were originally consented with a maximum building height of 26m, the current application seeks consent for a maximum building height of 40.3m and a tower height of 85m. Whilst there is a difference in the scale of the proposals, the development is located at the heart of the industrial areas of Seal Sands and will still be viewed against a backdrop of other existing industrial infrastructure, buildings and towers. The visual change from the current baseline would be notable, but is unlikely to be significant, and therefore there are no landscape and visual objections to this development. Flood Risk Management - The applicant has provided sufficient information to satisfy the Local Lead Flood Authority that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However the applicant has not provided a detailed design for the management of surface water runoff from the proposed development and this information should be secured by condition.

15. Environmental Health Unit

I have checked the Environmental Impact Assessment and associated documents, which identifies all of the potential impacts on human and environmental receptors in accordance with Regulation 2(1) and Schedule 4.

I am satisfied that the Noise Report submitted (30th June 2022) shows there will be no impact from the operation of the site due to the distance of nearby receptors. I am satisfied that the noise impact during the construction phase can be addressed by submission of a Construction Management Plan. I have the following additional comments.

Air Quality: I note the air quality assessments and associated documents to assess the air quality impact of the proposed facility during construction and operational phases on human health. This has been assessed against the IAQM (2007) Industrial Emissions Directive respectively. A specific air quality assessment report will be produced to support the permit application to the Environment Agency. In response to your Technical Note (Ref P1124B_B2-2, March 2023) regarding the above air quality assessment for the above development and further information requested. I note that an air emission risk assessment (AERA) will be submitted to the Environment Agency (EA) to support the permit application following the EA's methodology and requirements. I accept that the road traffic impacts have been screened out (500 LDV AADT and 100 HDV movements per day) following relevant guidance (EPUK/IAQM, 2017), and the focus of the assessment is on the emissions from the stacks. The additional information nevertheless confirms that the traffic generated from the proposed facility is considered to be insignificant during the operational phase, and the impact from traffic generated emission to be non-negligible. As mentioned in the response, I attach a copy of the Annual Status Report (2022) for your information should you require it. I therefore have no objection to approval of the air quality assessment for this development. I have reviewed the attached technical report to address the points raised in my previous correspondence regarding the air quality assessment. The conclusion of the air quality baseline conditions report is accepted as providing representative conditions of the site. I am also satisfied that traffic generated from the proposed facility is considered insignificant. The traffic generated from the Proposed Facility is not expected to contribute more than 0.4 $\mu\text{g}/\text{m}^3$ for NO_2 and PM_{10} and 0.25 $\mu\text{g}/\text{m}^3$ for $\text{PM}_{2.5}$. This does not require further actions following the IAQM/EPUK guidance.

Contaminated Land: I have assessed the information submitted (Chpt 13 and 14 of the Environmental Impact Statement) with respect to the contaminated land assessment at the above site. This comprises a Desk Study and review of a site investigation carried out in 2001, which showed groundwater exceedances in concentrations of chromium, VOC's and other metals. I would agree that a ground investigation to assess ground conditions should be undertaken to confirm the results and outline a remediation plan in accordance with current guidance. I would recommend the scope of work for the site investigation is agreed prior to the work being undertaken. I would recommend a condition is imposed.

16. Northumbrian Water Limited

In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/> I can confirm that at this stage we would have no comments to make, as no connections to the public sewerage network are proposed in the application documents. Should the drainage proposal change for this application, we request re-consultation.

17. Natural England (Summarised)

Water Quality – Nutrient impacts are possible (conclusion: LSE). Mitigation proposed: process-related waste to be tinkered to an out of catchment treatment facility (NE would agree with an AA conclusion of No AEOSI).

Construction impacts – disturbance and or pollution possible (conclusion: LSE). Mitigation proposed: Agreement of a CEMP (NE would agree with an AA conclusion of No AEOSI).

Based on the updated air quality assessment, the applicant has demonstrated that it is possible for the proposed development to be designed such that its emissions will not result in a nutrient nitrogen deposition on the most sensitive features of the SSSI (sand dunes) of greater than 1% of the relevant critical load. As such, if a design consistent with this approach was made a condition of the proposed development, Natural England would have no further concerns regarding impacts to the SSSI from the project alone. We note that the applicant has set out how they have assessed the impacts from this application in combination with other plans and projects in previous communications. Natural England's advice on in-combination assessments for air quality impacts is set out in detail in Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations - NEA001. In particular, we advise the Competent Authorities should use their professional judgement to ensure that all relevant plans or projects have been included. If you are satisfied that this has been undertaken correctly, Natural England has no further comments.

18. Tees Archaeology

Thank you for the consultation on this application. The proposed development site situated on 3 to 4 meters of made ground, and for the most part is likely to be archaeologically sterile. However, we note that the fuel bunker is to be stored up to 6 meters below ground level, which is likely to penetrate into the deposits of the former estuary and may reveal organic deposits such as peats or features such as gravel terraces or palaeo-channels which would be of archaeological interest. We have no objection to the development in principle, but, as with application 12/2766/EIS, would ask that an archaeological condition is placed on the development, and suggest the following scheme of works:

- 1) Examination of geotechnical information to establish stratigraphy and presence or absence of organic layers or other sediments of archaeological interest.
- 2) No further action or palaeo-environmental work/archaeological monitoring during development

The proposed wording of the archaeological condition is provided

19. Highway England

National Highways wish to offer no objection to this proposed development.

20. The Environment Agency

We have no objections to this application. However, we would like to draw the applicant's attention to informatives (see Informative recommendations for info)

21. Cleveland Police
Should the developer wish to get in touch we would be happy to provide them with free advice and guidance with regard to security, including fence types, lighting, CCTV and Intruder alarms.
22. National Planning Casework Unit
I confirm that we have no comments to make on the environmental statement.
23. Cleveland Emergency Planning Unit
Based on the information provided I can see no specific issues with the project given it is already in a heavily industrialised with multiple upper tier COMAH establishments however there are a few comments that I feel are relevant:
 1. Construction - During construction provision would need to be made to ensure a method of quick notification to the workers onsite in the event of a nearby chemical release. Additionally, all workers would need to be able to access a toxic refuge at short notice if required.
 2. COMAH - It would be beneficial to understand if the site itself will be storing high enough quantities to bring them into COMAH (either as a lower tier or upper tier establishment). As this would then have potential implications from a domino perspective with neighbouring COMAH establishments.
 3. Access - Seal Sands has limited access which has the potential to block at times, if the site works on just in time supplies for continued function it would be worthwhile considering the need for a certain level of redundancy.
 4. Consultees - I notice the list of consultees for neighbours is significantly out of date with some having not existed for a number of years and others having changed names multiple times therefore I would suggest that all those residents on seal sands have indeed been consulted. Additionally, there are a number of pipeline operators who are missed off the list, likely because they do not have a site / address for Seal Sands, it is recommended that they are contacted as well.
24. Marine Management Organisation
Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark. If the applicant determines that a marine licence may be required, it is up to them to go through the process of applying for a marine licence. <https://www.gov.uk/guidance/make-a-marine-licence-application> Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. If this process is not completed enabling the MMO to consult on the project, and it is determined at a later date that a marine licence is required, the applicant may be subject to enforcement action.
25. Chief Fire Officer (Cleveland Fire Brigade)
Cleveland fire Brigade offers no representations regarding the development as proposed. However, Access and Water Supplies should meet the requirements as set out in: Approved Document B Volume 2: 2019, Section B5, for buildings other than Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2. It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided

regarding the CARP, above. Further comments may be made through the building regulation consultation process as required.

26. Durham County Badger Group

We have no records or other information (eg road traffic casualties) in relation to the presence of badgers in this area and given its it is surrounded by a significant amount of industrial activity would be surprised if there was.

27. Office Of Nuclear Regulation

I have consulted with the emergency planners within Stockton-on-Tees Borough Council, which is responsible for the preparation of the Hartlepool off-site emergency plan required by the Radiation (Emergency Preparedness and Public Information) Regulations (REPPiR) 2019. They have provided adequate assurance that the proposed development can be accommodated within their off-site emergency plan arrangements. The proposed development does not present a significant external hazard to the safety of the nuclear site. Therefore, ONR does not advise against this development.

28. Pipeline CATS

CATS has no objection to Planning Application 22/1525/EIS.

29. Sabic UK Petrochemicals Ltd

Please note the planning application referenced 22/1525/EIS will not affect SABIC/INEOS high pressure ethylene pipeline apparatus

30. PADHI Health & Safety Executive

Do not advise against

PUBLICITY

31. Neighbours were notified and 10 objections were received with the main issues relating to the following;

- lack of necessity and increase in capacity from the consented scheme
- Adding to significant impact on air pollution and wildlife
- incineration has limited benefits with negative effects long term.
- importing waste would turn Teesside into one of the world's largest dumping grounds.
- How will the UK reach its target to recycle 65% municipal waste by 2035 if we continue to build incineration facilities?
- Pollution: the burning of waste creates high levels of pollution, most acutely impacting on the local people and environment as well as the health of the wider planet.
- Much of the material contained in the incinerated "residual waste" could have been recycled, reused or prevented thereby preventing targets being reached.
- The publication of the Environmental Improvement Plan 2023, which set out a target to reduce municipal residual waste by 26% by 2027 and by 50% by 2042 compared to a 2019 base year, in line with the Environment Act requirement to set legally-binding targets.
- Misleading' to call the electricity low-carbon, as you are still burning a lot of plastic to get your energy in an incinerator, so that is pretty similar to burning oil.
- The dispersion modelling study does not quantify the cumulative uncertainty in the predicted pollutant environmental concentrations and deposition.
- The 'in combination' pollutive and health effects on local people, and the designated sensitive wildlife sites (including the Teesmouth and Cleveland Coast Ramsar site) would not be insignificant - nitrous oxides, to name one pollutant, pose a severe health risk and damage to soil by over-fertilisation.
- The combined CO2 emissions from the construction phase and the 24/7 burning of waste on a long term contract violates the declared Climate Emergency we are in,

PLANNING POLICY

32. 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 Plan is the Stockton on Tees Borough Council Local Plan 2019.
33. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

National Planning Policy Framework

34. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
35. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 85. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential

Paragraph 160. To help increase the use and supply of renewable and low carbon energy and heat, plans should: a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts); b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 163. When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions; b) approve the application if its impacts are (or can be made) acceptable⁵⁸. Once suitable

areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.

Paragraph 186. When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate

Paragraph 188. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Paragraph 194. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Local Planning Policy

36. The following planning policies are considered to be relevant to the consideration of this application.

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
- Specific policies in that Framework indicate that development should be restricted.

Strategic Development Strategy Policy 2 (SD2) - Strategic Development Needs

1. The following strategic growth needs have been identified for the period 2017/18 to 2031/32, which will be met through new sustainable development and infrastructure provision that integrates positively with the natural, built and historic environment of the Borough.

Economic Growth

5. In order to provide sufficient employment sites to meet the needs of existing businesses, new start-ups and major inward investment there is a requirement to allocate sufficient land for specialist industries, business, general industry and warehousing, as follows:

- a. 120 hectares of land for specialist uses including, the chemical and process industry, energy generation, waste processing, port related uses and other uses, which demonstrate operational benefits to the North and South Tees Cluster.
- b. 70 hectares of land at Durham Tees Valley Airport of which 50ha is for airport related use and 20 hectares of general employment land.
- c. 110 hectares of land for general employment uses.

Strategic Development Strategy Policy 4 (SD4) - Economic Growth Strategy

1. Economic development needs will be directed to appropriate locations within the Borough to ensure the delivery of sustainable economic growth.

2. Proposals for the redevelopment of previously developed land, in particular prominent sites which have been derelict for a significant period of time, will be supported.

Specialist Uses

3. The Seal Sands, North Tees and Billingham Chemical Complex areas are the main growth locations for hazardous installations including liquid and gas processing; bio-fuels and biorefineries; chemical processing; resource recovery and waste treatment; energy generation; carbon capture and storage; and other activities, which have operational benefits for the cluster. To safeguard the specialist nature of this area general employment development, which is unrelated to the main cluster, will not be encouraged.

5. Economic growth proposals which attract significant numbers of people will be permitted in the vicinity of a hazardous installation only where there is no significant threat to public safety.

Employment and Training Opportunities

19. Support will be given to the creation of employment and training opportunities for residents. Major development proposals will demonstrate how opportunities arising from the proposal will be made accessible to the Borough's residents, particularly those in the most deprived areas and priority groups.

Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:

a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.

b) Protecting and enhancing designated sites (including the Teesmouth and Cleveland Coast Special Protection Area and Ramsar) and other existing resources alongside the provision of new resources.

l) Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.

m) Encouraging the reduction, reuse and recycling of waste, and the use of locally sourced materials.

2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:
 - a. Directing development in accordance with Policies SD3 and SD4.
 - b. Delivering an effective and efficient sustainable transport network to deliver genuine alternatives to the private car.
 - c. Supporting sustainable water management within development proposals.
 - d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.
 - e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.
 - f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.
 - g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.
 - h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
 - a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
 - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
 - c. Need to protect and enhance ecological and green infrastructure networks and assets;
 - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
 - e. Privacy and amenity of all existing and future occupants of land and buildings;
 - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
 - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
 - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.
4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.
5. New commercial development will be expected to provide appropriately designed signage and shop fronts.

Economic Growth Policy 4 (EG4) - Seal Sands, North Tees and Billingham

1. Development proposals for hazardous installations, uses related to the process industries, or emerging specialist sectors will be directed to available sites and expansion land in the following locations:
 - a. Billingham Chemical Complex including 45 ha of available land.
 - b. North Tees including 46 ha of available land.
 - c. Seal Sands including 144 ha of available land.

2. Development proposals in the North Tees and Seal Sands area will recognise the cumulative importance for bird species associated with the Teesmouth and Cleveland Coast SPA and Ramsar site. Appropriate development proposals will be encouraged at locations within the limits to development where:

- a. If necessary, land has been identified to provide appropriate strategic mitigation; or
- b. The applicant can demonstrate that the proposed development, in-combination with other proposals, will not adversely impact the Teesmouth & Cleveland Coast SPA and Ramsar site.

3. Should it become apparent that proposals for strategic mitigation cannot be identified, the Council will work with the Tees Estuary Partnership and relevant stakeholders to take appropriate action.

7. Development proposals in the North Tees and Seal Sands area are required, as appropriate, to be supported by a site specific Flood Risk Assessment which considers, amongst other matters, emergency access/egress in the event of tidal flooding.

8. Proposals which require hazardous substance consent will be designed and located to prevent an unacceptable increase in the level of risk to human health and the environment from an industrial accident or prejudice adjacent operational facilities or allocated sites.

Natural, Built and Historic Environment Policy 1 (ENV1) - Energy Efficiency

1. The Council will encourage all development to minimise the effects of climate change through meeting the highest possible environmental standards during construction and occupation.

The Council will:

a. Promote zero carbon development and require all development to reduce carbon dioxide emissions by following the steps in the energy hierarchy, in the following sequence:

- i. Energy reduction through 'smart' heating and lighting, behavioural changes, and use of passive design measures; then,
- ii. Energy efficiency through better insulation and efficient appliances; then,
- iii. Renewable energy of heat and electricity from solar, wind, biomass, hydro and geothermal sources; then
- iv. Low carbon energy including the use of heat pumps, Combined Heat and Power and Combined Cooling Heat and Power systems; then
- v. Conventional energy.

b. Require all major development to demonstrate how they contribute to the greenhouse gas emissions reduction targets set out in Stockton-on-Tees' Climate Change Strategy 2016; and

c. Support and encourage sensitive energy efficiency improvements to existing buildings.

2. Proposals are encouraged where development:

- a. Incorporates passive design measures to improve the efficiency of heating, cooling and ventilation; and
- b. Includes design measures to minimise the reliance on artificial lighting through siting, design, layout and building orientation that maximises sunlight and daylight, passive ventilation and avoids overshadowing.

Non domestic

4. All new non-residential developments up to and including 499 sq m of gross floor space will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).

5. All new non-residential developments of 500 sq m and above of gross floor space will be required to:

a. Submit an energy statement demonstrating how the energy hierarchy has been applied to make the fullest contribution to CO2 reduction; and

b. Be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).

Natural, Built and Historic Environment Policy 2 (ENV2) - Renewable and Low Carbon Energy Generation

1. Development proposals will be supported where renewable energy measures are considered from the outset, including incorporating small-scale renewable and low carbon energy generation into the design of new developments where appropriate, feasible and viable, and where there would be no unacceptable adverse effects on landscape, ecology, heritage assets and amenity. The Council encourages and supports:
 - a. The local production of energy from renewable and low carbon sources to help to reduce carbon emissions and contribute towards the achievement of renewable energy targets; and
 - b. Community energy schemes that reduce, manage and generate energy to bring benefits to the local community.
2. No suitable areas for wind energy generation have been identified in the Local Plan and planning applications for commercial wind turbines in the countryside will be resisted.
3. Planning applications for energy generation from renewable and low carbon sources, other than wind energy generation, will be considered against the principles in Policy SD8. Proposals should be supported by a comprehensive assessment of the landscape, visual and any other impacts of the proposal.
4. Developers should, where appropriate, provide details alongside a planning application of a satisfactory scheme to restore a site to at least its original condition when the scheme has reached the end of its operational life.
5. To ensure that the Council can monitor the effectiveness of renewable and low carbon technologies, major developments will be required to install appropriate monitoring equipment.

Natural, Built and Historic Environment Policy 4 (ENV4) - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.
2. Development on land in Flood Zones 2 or 3 will only be permitted following:
 - a. The successful completion of the Sequential and Exception Tests (where required); and
 - b. A site specific flood risk assessment, demonstrating development will be safe over the lifetime of the development, including access and egress, without increasing flood risk elsewhere and where possible reducing flood risk overall.
3. Site specific flood risk assessments will be required in accordance with national policy.
4. All development proposals will be designed to ensure that:
 - a. Opportunities are taken to mitigate the risk of flooding elsewhere;
 - b. Foul and surface water flows are separated;
 - c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and
 - d. SuDS have regard to Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.
5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:
 - a. To an infiltration or soak away system; then,
 - b. To a watercourse open or closed; then,
 - c. To a sewer.
6. Disposal to combined sewers should be the last resort once all other methods have been explored.
7. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.
8. Within critical drainage areas or other areas identified as having particular flood risk issues the Council may:

- a. Support reduced run-off rates.
 - b. Seek contributions, where appropriate, towards off-site enhancements directly related to flow paths from the development, to provide increased flood risk benefits to the site and surrounding areas.
9. Sustainable Drainage Systems (SuDS) should be provided on major development (residential development comprising 10 dwellings or more and other equivalent commercial development) unless demonstrated to be inappropriate. The incorporation of SuDS should be integral to the design process and be integrated with green infrastructure. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance.
10. Through partnership working the Council will work to achieve the goals of the Stockton-on-Tees Local Flood Risk Management Strategy and the Northumbria Catchment Flood Management Plan. This will include the implementation of schemes to reduce the risk of flooding to existing properties and infrastructure. Proposals which seek to mitigate flooding, create natural flood plains or seek to enhance and/or expand flood plains in appropriate locations will be permitted.
11. To reduce the risk of flooding the Council is working in partnership with the Environment Agency to deliver a Flood Alleviation Scheme on Lustrum Beck.

Natural, Built and Historic Environment Policy 5 (ENV) - Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.
2. The Council will preserve, restore and re-create priority habitats alongside the protection and recovery of priority species.
3. Ecological networks and wildlife corridors will be protected, enhanced and extended. A principal aim will be to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats.
4. Sites designated for nature or geological conservation will be protected and, where appropriate enhanced, taking into account the following hierarchy and considerations:
 - a. Internationally designated sites - Development that is not directly connected with or necessary to the management of the site, but which is likely to have a significant effect on any internationally designated site, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an Appropriate Assessment. Development requiring Appropriate Assessment will only be allowed where:
 - i. It can be determined through Appropriate Assessment, taking into account mitigation, the proposal would not result in adverse effects on the site's integrity, either alone or in combination with other plans or projects; or
 - ii. as a last resort, where, in light of negative Appropriate Assessment there are no alternatives and the development is of overriding public interest, appropriate compensatory measures must be secured.
 - b. Nationally designated sites - Development that is likely to have an adverse effect on a site, including broader impacts on the national network of Sites of Special Scientific Interest (SSSI) and combined effects with other development, will not normally be allowed. Where an adverse effect on the site's notified interest features is likely, a development will only be allowed where:
 - i. the benefits of the development, at this site, clearly outweigh both any adverse impact on the sites notified interest features, and any broader impacts on the national network of SSSI's;
 - ii. no reasonable alternatives are available; and
 - iii. mitigation, or where necessary compensation, is provided for the impact.
 - c. Locally designated sites: Development that would have an adverse effect on a site(s) will not be permitted unless the benefits of the development clearly outweigh the harm to the

conservation interest of the site and no reasonable alternatives are available. All options should be explored for retaining the most valuable parts of the sites interest as part of the development proposal with particular consideration given to conserving irreplaceable features or habitats, and those that cannot readily be recreated within a reasonably short timescale, for example ancient woodland and geological formations. Where development on a site is approved, mitigation or where necessary, compensatory measures, will be required in order to make development acceptable in planning terms.

5. Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of biodiversity should be retained and recreated alongside any remediation of any identified contamination). Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative should be avoided. Where this is not possible, mitigation and lastly compensation, must be provided as appropriate. The Council will consider the potential for a strategic approach to biodiversity offsetting in conjunction with the Tees Valley Local Nature Partnership and in line with the above hierarchy.

Natural, Built and Historic Environment Policy 7 (ENV7) - Ground, Air, Water, Noise and Light Pollution

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.

2. Development that may be sensitive to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive developments or areas unless satisfactory mitigation measures can be demonstrated.

3. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.

4. Where future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must demonstrate via site investigation/assessment that:

a. Any issues will be satisfactorily addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health and the environment; and

b. Demonstrate that development will not cause the site or the surrounding environment to become contaminated and/or unstable.

5. Groundwater and surface water quality will be improved in line with the requirements of the European Water Framework Directive and its associated legislation and the Northumbria River Basin Management Plan. Development that would adversely affect the quality or quantity of surface or groundwater, flow of groundwater or ability to abstract water will not be permitted unless it can be demonstrated that no significant adverse impact would occur or mitigation can be put in place to minimise this impact within acceptable levels.

6. To improve the quality of the water environment the Council will:

a. Support ecological improvements along riparian corridors including the retention and creation of river frontage habitats;

- b. Avoid net loss of sensitive inter-tidal or sub-tidal habitats and support the creation of new habitats; and
- c. Protect natural water bodies from modification, and support the improvement and naturalisation of heavily modified water bodies (including de-culverting and the removal of barriers to fish migration).

Transport and Infrastructure Policy 1 (TI1) - Transport Infrastructure

New Development

10. Existing sustainable transport and public transport infrastructure will be protected from development which would impair its function or attractiveness to users.

11. To assist consideration of transport impacts, improve accessibility and safety for all modes of travel associated with development proposals, the Council will require, as appropriate, a Transport Statement or Transport Assessment and a Travel Plan.

The Joint Minerals and Waste Local Plan 2011 - 2026.

37. The Tees Valley Minerals and Waste Development Plan Documents (DPDs) prepared jointly by the boroughs of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees bring together the planning issues surrounding minerals and waste within the area.

Policy MWC6: Waste Strategy

The sustainable management of waste arisings in the Tees Valley will be delivered through:

- a) making provision for sufficient annual waste management capacity to allow:
 - i) 40% of household waste from the Tees Valley to be recycled or composted from 2010, rising to 46% from 2016;
 - ii) to recover value from 53% of municipal solid waste from the Tees Valley from 2010, rising to 72% from 2016; and
 - iii) to increase the recovery of value from commercial and industrial waste from the Tees Valley to 73% from 2016;
- b) promoting facilities and development that drives waste management up the waste hierarchy;
- c) the distribution of waste management sites across the Tees Valley so that facilities are well related to the sources of waste arisings, related industries or the markets for any products created;
- d) safeguarding the necessary infrastructure to enable the sustainable transport of waste, in particular the use of the existing rail and port facilities in the Tees Valley; and
- e) developing the regional and national role of the Tees Valley for the management of specialist waste streams. In taking forward waste development in the plan area, and particularly along the river corridor and the Tees Estuary, proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site, and other European sites, either alone or in combination with other plans and programmes. Any proposed mitigation measures must meet the requirements of the Habitat Regulations. All waste developments must be compatible with their setting and not result in unacceptable impacts on public amenity, environmental, historic or cultural assets from their design, operations, management and, if relevant, restoration.

Policy MWC7: Waste Management Requirements

Land will be provided for the development of waste management facilities to meet the identified requirements of the Tees Valley, as follows:

- a) for the composting of at least 16,000 tonnes of municipal solid waste per year from 2010, rising to at least 24,000 tonnes per year in 2016 and 31,000 tonnes per year by 2021;
- b) for the recovery of value from at least 103,000 tonnes of municipal solid waste and commercial and industrial waste per year from 2010, falling to 83,000 tonnes per year by 2021;

- c) for the recycling of at least 700,000 tonnes of construction and demolition waste per year from 2016, rising to 791,000 tonnes per year by 2021; and
- d) to provide additional treatment and management facilities to reduce the amount of hazardous waste that is sent for landfill or disposal each year from the 2007 level of around 130,000 tonnes. Land for one household waste recycling centre within the south of Stockton-on-Tees Borough, and one household waste recycling centre in the South Tees area will be provided to address a spatial imbalance of service provision. Proposals for facilities to meet capacity to deal with waste imported from outside the Tees Valley must be supported by evidence of the need for these facilities and justification for their location within the Tees Valley.

MATERIAL PLANNING CONSIDERATIONS

- 38. The main material considerations in this application are the principle of development; landscape and visual amenity, transport issues, and any other residual matters that arise during the course of the application.

Policy Implications and principle of development

- 39. The applicant states there is a national need for the generation of energy from renewable, sustainable, and low carbon sources including energy recovery facilities and that energy from waste facilities are well established. The Overarching National Policy Statement for energy (EN-1) (which is used for nationally significant infrastructure projects) states the principal purpose of the combustion of waste, or similar processes is to reduce the amount of waste going to landfill in accordance with the Waste Hierarchy and to recover energy from that waste as electricity, heat or fuel. Only waste that cannot be re-used or recycled with less environmental impact and would otherwise go to landfill should be used for energy recovery. This is to ensure that environmental impacts are minimised, and that the resource value extracted is maximised. In addition, the plant must not compete with greater waste prevention, re-use or recycling, or result in over-capacity of EfW waste treatment at a national or local level.
- 40. National Policy Statement EN-3 Renewable Energy states 'Energy from Waste (EfW) plays an important role in meeting the UK's energy needs. Furthermore, the recovery of energy from the combustion of waste forms an important element of waste management strategies in both England and Wales.' Energy from Waste could contribute to the decarbonisation of electricity generation through the addition of carbon capture, utilisation and storage.
- 41. Paragraph 163 of the NPPF states 'When determining planning applications for renewable and low carbon development, local planning authorities should a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable...'
- 42. The overarching ambition of the draft Tees Valley Local Industrial Strategy is for Tees Valley to be a global leader in clean energy, low carbon and hydrogen. The area aspires to achieve a net zero carbon industrial cluster by 2040, providing good jobs with long-term prospects that local people can access. It is recognised in the document that Tees Valley has regional strengths and growth potential for energy production across key industrial sites including Seal Sands.
- 43. In terms of Local Policy, the application site is located in an area generally used for chemical, general industrial or storage and distribution uses. Policy SD4 allocates the land for "specialist economic development" to ensure the delivery of sustainable economic growth whilst protecting the natural and historic environment. The proposed development meets the requirements this policy as a resource recovery and waste treatment plant producing electricity.

44. Policy ENV2 of the Stockton on Tees Borough Council Local Plan states that development proposals will be supported where renewable energy measures are considered from the outset and the Council encourages and supports the local production of energy from renewable and low carbon sources to help to reduce carbon emissions and contribute towards the achievement of renewable energy targets. The proposed development accords with this policy.
 45. The Applicant states that the Refuse Derived Fuel (RDF) will comprise residual waste that has had all the reusable, recyclable or compostable material removed and is material that would otherwise be landfilled or exported abroad. This is consistent with the waste hierarchy and is moving waste up the hierarchy as energy will be recovered.
 46. Comments have been made generally about the application and that times have changed since the original approval, in particular the recycling targets. The Applicant has provided additional information stating that whilst the recycling rate in England has increased since 2020 (44.4%). Even if the 65% recycling rate target is met by 2035 there will still be a need to manage residual waste that cannot be prevented, reused or recycled. This waste can either be used as a fuel at the proposed facility - or landfilled. The need for energy recovery from waste is acknowledged by Government in the Resources and Waste Strategy. Based on the guidance and the calculation formula provided by the European Commission for R1 facilities, the proposed plant is likely to achieve R1 status and can be classified as a recovery operation under the terms of the Waste Framework Directive.
 47. Comments regarding the UK being dumping ground for other people's waste are noted and that there are other facility's that can take the waste mentioning the Tees Valley Energy Recovery Facility; however a fuel supply agreement (FSA) is in place for the delivery of 200,000 tonnes of fuel per annum to the proposed facility from the local area. A copy of the FSA has been provided in commercial confidence to the case officer. Additional fuel sources for the remaining 40,000 tonne capacity will be sought from the UK. The other sites that have been mentioned by objectors have not yet commenced and it is likely that projects will not be taken forward to construction unless there is certainty regarding the supply of the fuel source and the operation of the facility. In this case as well as fuel source, export grid capacity has been secured with the Distribution Network Operator (Northern PowerGrid) for the export of up to 40MW of electricity from the proposed plant.
 48. The proposed development will assist in meeting the urgent need for renewable, sustainable, low carbon energy generation together with moving waste up the waste hierarchy and obtaining value from waste that would otherwise be exported for use or landfilled.
 49. In terms of social and economic benefits the development will create a significant investment with a value of over £500m, up to 200 jobs in the construction phase and up to 35 total full-time equivalent permanent jobs directly employed. A condition has been recommended to secure the local labour and investment where possible.
 50. Advice from the Health and Safety Executive has been obtained and they raise no objections, and the proposal therefore complies with Policy SD4 of the Adopted Stockton on Tees Local Plan. Comments from Cleveland Emergency Planning are noted however the pipeline operators and correct neighbours have been notified and no objections have been received.
- Impact on the Character and appearance of the area
51. A Landscape and Visual Impact Assessment accompanies the application. The proposals incorporate a number of buildings and structures. The associated plant and infrastructure will all be less than 35m high. The boiler hall will be up to 41m high and the stack will be up to 85m high

52. These structures and proposed land use are consistent with the wider industrial context of the area and it is considered that the scale and appearance of the scheme is acceptable within this industrial location as it is comparable to in size to existing buildings in the area and the scheme will not have an adverse impact on the surrounding area, which is predominantly industrial in nature. Accordingly, the HTDM has raised no objections to the proposed scheme.
53. Overall, given the context of the site it is not considered that the proposed scheme will have an adverse impact on the character and appearance of the area.

Impact on Amenity of neighbouring land users

54. Given the predominantly commercial and industrial nature of the surrounding site and uses, it is considered that the scheme will not have an adverse impact on the amenity of neighbouring land users or lead to a significant increase in the levels of noise and disturbance. Furthermore, the Environmental Health Unit has raised no objections in this regard.
55. Pipeline operators were notified, and no objections have been received. Comments from the CEMPU are noted however the pipeline operators have all been notified along with the relevant neighbours.

Impact on highway safety

56. A Transport Assessment has been submitted in support of the application along with the access and layout plans.
57. Once operational, the proposed development would employ 34 full time employees. The site would operate 24 hours per day and would operate two 12-hour shifts, running between 07:00 - 19:00, and 19:00 – 07:00. There would be 22 staff on site during the day shift, and 12 on site during the night shift. The site provides 28 car parking spaces, including two disabled spaces, and four bicycle spaces. This is satisfactory to accommodate the requirements of the proposed development.
58. HGVs are expected to generate 26 movements per day. Deliveries would operate 24 hours per day however approximately 75% of HGV movements would occur during the day shift, with two two-way HGV movements an hour during the day shift, and one every two hours during the night shift. The proposed development would generate five more daily two-way HGV movements than the extant consent.
59. Construction is expected to last approximately 28 months, with 200 people employed over the duration, with the maximum number of workers expected onsite at 100, and their arrivals and departures would be timed to avoid the peak hours. Construction Traffic would park off-site on nearby land. A detailed Construction Management Plan (CMP) would be produced; however a Framework Travel Plan has been prepared to accompany the application.
60. The Highways Transport and Design Team have considered the proposal in context with the extant permission and raised no objections, and it is therefore considered that the scheme will not have a detrimental impact upon highway safety and is acceptable.

Ecology

61. The application site is in close proximity to the Teesmouth and Cleveland Coast Special Protection Area (SPA), Wetland of International Importance under the Ramsar Convention (Ramsar Site). The SPA site is also a Site of Special Scientific Interest (SSSI) and a National Nature Reserve (NNR). European sites are afforded protection under the Conservation of Habitats and Species Regulations (the 'Habitats Regulations').

62. When considering the European site interest, as a competent authority under the provisions of the Habitats Regulations, the local planning authority should have regard for any potential impacts that a plan or project may have. There are a series of steps and tests which should be followed for plans or projects that could potentially affect a European site and these steps and tests are commonly referred to as the "Habitats Regulations Assessment" process. The tests/screening is set out below.

STEP 1: Is the project or plan directly connected with or necessary to the management of the site? NO

STEP 2: Is the proposal likely to have a significant effect on the sites of importance? YES

63. The potential pathways for likely significant effects are as a result of noise, visual disturbance, emissions to ground, water and air and construction traffic movements. Due to the distance of the site from the SPA, Ramsar or SSSI site and the intervening industrial land uses it is considered that temporary construction impacts and the noise, light and visual impacts will not affect the qualifying features. The industrial uses located between the site and the SPA, Ramsar or SSSI site have been present for many years and it is considered that the birds are habituated to the surrounding land uses in close proximity to the SPA, Ramsar or SSSI site.
64. Without mitigation the proposed development has the potential to result in effects on the sites. The HRA concludes that with mitigation and the controls that will be implemented during construction and operation of the site through the CEMP, the combustion process and associated emission controls and the stack height determined by detailed air quality modelling, the Environmental Permit and associated Environmental Management System respectively that there will be no significant effects on the Teesmouth and Cleveland Coast SPA, Ramsar and SSSI.
65. Natural England has considered the submission and further information was required in relation to the potential for nutrient nitrogen deposition impacts on features of concern within Teesmouth and Cleveland Coast SSSI, in particular the coastal sand dunes. The technology to be used in the proposed facility can achieve an Ammonia (NH₃) Emission Limit Value (ELV) of 3 mg/Nm³ (Milligrams per normalised cubic metre) and with this level it is considered that the impacts of the facility on the features of concern within the Teesmouth and Cleveland Coast SSSI are less than 1% of the most stringent critical load and therefore the impacts are judged to be not significant. Limiting the NH₃ ELV to 3 mg/Nm³ will also reduce any potential impacts on the Teesmouth and Cleveland Coast SPA and Ramsar. This information has been considered by NE and based on this information it is considered that the likely significant effect can be ruled out. NE has requested that this approach is made a condition of the proposed development which has been recommended.
66. In terms of road traffic emissions, the potential for cumulative traffic impacts has been assessed and compared to the extant consent and it is considered that the road traffic emissions from this minor increase would not result in a significant adverse impact.
67. A Preliminary Ecological Appraisal and a walkover was undertaken. eDNA surveys were undertaken on the 4 small ponds on site and one pond on the adjacent land. Habitats were assessed for their suitability by birds, reptiles, bats, badgers and water voles/otters. No additional protected or priority species not previously recorded in 2012 were found or were considered likely to be present in 2022. There has been no material change in the ecological value of the site since 2012.
68. The submitted information acknowledges that there will be an impact and in the LPAs role of competent authority an Appropriate assessment has been undertaken and is currently being reviewed by Natural England. Whilst there will be an impact, with the mitigation secured the

local planning authority consider that the development will have no significant residual effect upon any statutory designated site/qualifying features. In principle, Natural England have raised no objections to the scheme subject to the mitigation being secured by condition or legal agreement. Conditions have been recommended to this effect.

Contaminated Land

69. A Desk Study and a review of the 2001 site investigation has been undertaken, which showed groundwater exceedances in concentrations of chromium, VOC's and other metals. A further ground investigation to assess ground conditions will be undertaken to confirm the results and outline a remediation plan.
70. The Environment Agency and Environmental Health Officer have been consulted and raised no objections subject to conditions and informatives which have been recommended.

Noise and Vibration

71. A baseline noise survey has been undertaken at locations agreed with SBC Environmental Health Officer. Given the large separation distance between the site and noise sensitive premises and the proposed threshold limits the results show that the noise generated during the construction operations is not likely to cause significant impacts.
72. Due to the distance of the development site from the assessment locations the calculated noise levels from the operations are lower than the background sound level hence it is concluded that the scheme will have a low impact. There will be no detectable effect on health or quality of life due to noise from the proposed facility
73. Overall, it is considered that there will be no adverse impact through noise and the proposals comply with policy ENV7.

Air Quality

74. An AQA was undertaken to assess the air quality impacts of construction and operation of the proposed development and additional information has also been provided at the request of the EHO. The air quality impacts from the proposals were determined as not significant given the proposed design and based on the predictions, the designed emission and stack heights and the use of robust assumptions.
75. Comments regarding the 'in combination' pollutive and health effects on local people, are noted however emissions associated with the operation of the plant will be the subject of control and regulation by the Environment Agency through the Environmental Permit. Further air quality assessments will be undertaken and submitted as part of the permit application. As part of the air quality assessment, it is necessary to assess the cumulative impact of the development with existing operational plant together with committed development.
76. Comments in relation to the combined CO2 emissions violating the declared Climate Emergency the UK are in are noted; however, the proposed development will have the potential for the addition of carbon capture, utilisation and storage (CCUS) technology and is well located to join Net Zero Teesside. It is not considered that this would be a reason to refuse the application.
77. Concerns were also raised regarding the uncertainty of the modelling predictions; however the reports have been undertaken by a competent expert using professional judgement to determine the likely significant effect of the proposal. The information has been considered by the Environment Agency and the Environmental Health Team and no objections have been raised and therefore the content is considered valid.

Flood Risk

78. Policy ENV4 (Reducing and Mitigating Flood Risk) states that all new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.
79. A surface management scheme will be implemented during the construction and operation of the site which has been conditioned. The site is located in Flood Zone 1 and there are no reports of historical flooding at or in the vicinity of the site. It is concluded that with the mitigation measures proposed including the implementation of the surface water management scheme the development can be undertaken without significant effects on flood risk at or in the vicinity of the site. Mitigation measures would include the preparation of a CEMP, which is secured by condition.
80. Overall it is considered that the scheme is acceptable in flood risk and drainage terms subject to conditions as advised by the LLFA which have been recommended.

Other matters

81. Policy ENV1 (Energy Efficiency) highlights that development should minimise the effects of climate change through meeting the highest environmental standards during construction and occupation. All major developments are required to demonstrate how they contribute to greenhouse gas emissions reduction targets. This will be secured by a suitably worded planning condition

CONCLUSION

82. The Local Planning Authority has evaluated the Environmental Statement to ensure it addresses all of the relevant environmental issues and the information is presented accurately, clearly and systematically. The Local Planning Authority is satisfied that it has in its possession all relevant environmental information about the likely significant environmental effects of the project before it makes its decision whether to grant planning permission.
83. In conclusion, it is considered the proposals do not give rise to any major concerns in terms of conflict with local planning policy and meets national policy requirements.
84. There is no issue to suggest that the development will have a significant impact on ecology or traffic and transport. Other residual matters have also been examined and though a number of conditions will need to be imposed to properly control the development and its future operation, the proposal is considered acceptable.
85. In summary there are no sustainable land use planning reasons for resisting the development and it is recommended that the application be approved with conditions for the reasons specified above.

Assistant Director Of Inclusive Growth And Development
Contact Officer Elaine Atkinson Telephone No 01642 526062

WARD AND WARD COUNCILLORS

Ward	Billingham South (Pre May 2023)
Ward Councillor	Councillor Mrs Jean O'Donnell
Ward Councillor	Councillor Mike Smith

IMPLICATIONS

Financial Implications: None

Environmental Implications: See 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

Background Papers

National Planning Policy Framework

National Policy Statements

Stockton on Tees Local Plan Adopted 2019

Tees Valley Joint Minerals and Waste Development Plan Documents – Core Strategy DPD – 2011

Tees Valley Joint Minerals and Waste Development Plan Documents – Policies and Sites DPD – 2011