

## PLANNING COMMITTEE

A meeting of Planning Committee was held on Wednesday 10 April 2024.

**Present:** Cllr Mick Stoker (Chair), Cllr Michelle Bendelow (Vice-Chair), Cllr Carol Clark, Cllr Dan Fagan, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Tony Riordan, Cllr Andrew Sherris, Cllr Norma Stephenson OBE, Cllr Jim Taylor, Cllr Sylvia Walmsley and Cllr Barry Woodhouse.

**Officers:** Elaine Atkinson, Simon Grundy (DoF,D&R), Martin Parker (DoCS,E&C), Julie Butcher, Sarah Whaley (DoCS) and Helen Grunwell (R&IG).

**Also in attendance:** Applicants, Agents and Members of the Public.

**Apologies:** Cllr Shakeel Hussain and Cllr Eileen Johnson.

### **P/1/24 Evacuation Procedure**

The Evacuation Procedure was noted.

### **P/2/24 Declarations of Interest**

There were no declarations of interest.

### **P/3/24 Minutes of the meeting which was held on 6 March 2024**

Consideration was given to the Minutes of the Planning Committee meeting which was held 6 March 2024 for approval and signature.

RESOLVED that the minutes be approved and signed as a correct record by the Chair.

### **P/4/24 Planning Protocol**

The Planning Protocol was noted.

### **P/5/24 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.**

Consideration was given to planning application 22/1525/EIS Land At Seal Sands, Billingham.

Planning permission was 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 had commenced on site and the permission was 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.

National and Local Policy documents and guidance had been reviewed and it was considered that the proposed development would 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 would 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.

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

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

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

The Planning Offices report concluded that the Local Planning Authority had evaluated the Environmental Statement to ensure it addressed all of the relevant environmental issues and the information was presented accurately, clearly and systematically. The Local Planning Authority was satisfied that it had in its possession all relevant environmental information about the likely significant environmental effects of the project before it made its decision whether to grant planning permission.

In conclusion, it was considered the proposals did not give rise to any major concerns in terms of conflict with local planning policy and met national policy requirements.

There was no issue to suggest that the development would have a significant impact on ecology or traffic and transport. Other residual matters had also been examined and though a number of conditions would need to be imposed to properly control the development and its future operation, the proposal was considered acceptable.

In summary there were no sustainable land use planning reasons for resisting the development and it was recommended that the Members be minded to approve the application with conditions for the reasons as specified within the main report with the final decision delegated to the Planning Services Manager once Natural England approved the appropriate assessment.

The Applicants Agent attended the meeting and was given the opportunity to make representation. Their comments could be summarised as follows:

- . The application site was part of 'Teesside Geen Energy Park Ltd' and would be developed on a brown field site.

- . It was recognised that the site would incorporate techniques for carbon capture using future technology.

- . The site would be ran using 240,000 tonnes of Refuse Derived Fuel (RDF) annually.

- . The facility would have an installed electricity generation capacity of 30MW powering thousands of homes
- . There would be up to 200 jobs available during the construction phase and up to 35 full time equivalent permanent jobs at the site.
- . There would be training and apprenticeship opportunities for local people.
- . Teesside Green Energy Park was a member of the East Coast Cluster and was part of the Track-1 Cluster Sequencing process for carbon capture.
- . The site would operate 24 hours a day 365 days a year.
- . An Environmental Impact Assessment (EIA) had been undertaken.

An Objector attended the meeting and was given the opportunity to make representation. Their comments could be summarised as follows:

- . After exploring waste incineration there had been Doctors statements highlighting that this type of waste disposal would pose significant harm to Teesside residents in terms of associated negative health and climate impacts such as pollution.
- . Much of the material contained in the incinerated residual waste could have been recycled.
- . An increase in recycling would be less costly than the proposed incinerator.
- . Sir Mark Spencer MP and Minister of State (Department for Environment, Food and Rural Affairs) asked the Environment Agency to temporarily stop granting licences, to allow the Government to undertake work to look at reducing waste with a possible review.
- . Medac had requested that the proposed application was rejected or deferred until a review was published.
- . Under a recent Government announcement, businesses and households would be asked to recycle more as part of a national scheme which would mean less stock for incinerators which would then require Refuse Derived Fuel (RDF) to be imported to Teesside from other parts of the country and possibly even Europe which would impact on pollution from road traffic.
- . The Council would be left with a white elephant tied into a contract to feed these monster incinerators.

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

- . In terms of air quality there had been no objections from the Environment Agency nor the Councils Environmental Health Team.
- . Waste that would be recycled would have already been removed from the RDF which would otherwise go to landfill, and this was supported by Government policy and the waste hierarchy.

. In terms of RDF/ feed stock, this had already been secured although was commercially confidential. There was no contract with the Council for waste and, the other operators named would have to find their own feedstock otherwise the plants wouldn't go ahead.

. In terms of incinerator permits, this was a separate issue.

. The site already had extant permission for 175,000 tonnes of RDF/feedstock to operate annually, and the proposed application was to increase this to 240,000 tonnes.

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

. Was the transportation of the feed stock all going to be by Road?

. Solar Panels and Wind Farms were considered preferable to incinerators by some Members.

. In terms of transportation the number of daily HGV's would require strict monitoring in and around the Borough.

. Officers were asked if they knew what annual feed stock was in the UK currently.

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

. The feed stock would be transported using 26 Heavy Goods Vehicles per day by road.

. Officers did not know what the UK's annual feed stock was, however, the proposed site had secured the feed stock required and had grid connection.

. The proposed application was covered by Policy SD4, Economic Growth Strategy, which was where sites such as the proposed application would be directed.

A vote took place, and the application was approved.

RESOLVED 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.

#### 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

#### 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.

#### 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.

#### 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.

#### 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).

#### 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.

#### 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

#### 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).

#### 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.

#### 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/Nm<sup>3</sup>.

#### 12 Storage

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

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#### 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.

#### 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.

#### 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.

## 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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.

## 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;

## 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.

## 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.

#### 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.

#### 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.

#### 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.

P/6/24

**23/0888/OUT Land Off Stoney Wood Drive, Wynyard, TS22 5SN Outline application with all matters reserved for the erection of 2no dwellinghouses and detached garages.**

Consideration was given to planning application 23/088/OUT Land off Stoney Wood Drive, Wynyard, TS22 5SN.

The site related to an approximate 0.6-hectare parcel of land off Stoney Wood Drive, Wynyard and lay on the edge of an existing and established residential area of Wynyard Woods, The Plantations. On the site was a segment of tall and established trees which provided a buffer between the site and the surrounding residential properties. The site was located within the red line boundary of 13/0342/EIS which was approved for approximately 500no homes; this development was now well underway and was established across the majority of the wider site.

Outline consent with all matters reserved was being sought for the erection of 2no dwellinghouses and detached garages. The 0.6ha plot would be subdivided into two segments and would be for the purposes of Self-Build properties.

The proposed development had been revised to a single point of access serving both dwellings (as opposed to two separate access points). Further alterations to the scheme included a diversion of a watercourse which previously ran through the site, now proposed to run adjacent to Stoney Wood Drive and the western boundary of the

plots. Following the re-consultation on the revised proposal, there were no objections from any of the technical consultees. It was considered that the revised development had addressed the previous concerns, and the application was therefore recommended for approval subject to the conditions set out within the Officers report.

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

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

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

The Planning Officers report concluded that given the indicative drawings provided, it was considered that the proposal could satisfactorily accommodate the additional two dwellings within the site without affecting the character of the area, amenity of neighbouring residents or highway safety. It was recommended that the application be Approved with Conditions for the reasons as specified within the main report.

Members were presented with an update report which since the original report detailed condition number 6 (Buffer Landscaping) which had been updated. Full details of the revised condition were detailed within the update report.

In addition, correspondence had been received from the Wynyard Residents Association a copy of which was contained within the update report.

The comments received did not alter the original recommendation of approval with conditions and any issues raised had been addressed within the Officers update report.

An Objector attended the meeting and was given the opportunity to make representation. Their comments could be summarised as follows:

- . The proposed site sat within the red line of the boundary and should remain green wedge.

- . The site had previously received conditional permission for 500 houses ( application 13/0342/EIS) and although the current proposal related to only 2 houses, it impacted on the 500 houses as well as a future application for 135 houses, which must come before this application.

- . Concerns were raised relating to the diversion of the natural water course and how this had been resolved.

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

- . In terms of the red line Boundary and the approved application for 500 homes, which, had a limitation for 500 houses, was largely down to highway capacity at that time. National Highways (formerly Highways England) had subsequently relaxed that limitation, therefore the planning principle around that boundary also changed, as it was based on traffic capacity. The 135 units would come forward in due course.

. In relation to density, the site would increase from 6 to 9 dwellings per hectare which was considered low in terms of density.

. The land was woodland not green wedge, which had no additional protection.

. The diversion of the watercourse had been resolved with the Local Flood Authority.

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

. The proposed application stated that the site was within the red line boundary, however it was not.

. Was the site green wedge or woodland? Both were open spaces.

. Were there any other self-build development sites within the area?

. Due to previous water drainage issues at other housing developments within the Borough, concerns were raised around water drainage at the proposed site and the lack of comments contained within the report around this, particularly from Council Officers regards drainage plans.

. Clarity was sought as to why road traffic capacity had been relaxed.

. Although the proposed application was minor there were concerns around the accumulative effect.

. Regarding site capacity, questions were raised in terms of ecology issues. What was the maximum development capacity? Should every plot of land be taken for dwellings?

. Reference was made relating to the ecology appraisal that was submitted online 2 April 2024 compared to the impact on ecology detailed within the officers report. It was felt that there were contradictions between the online ecology appraisal and the officers report. It was also highlighted that the impact assessment contained within the online appraisal referenced the impact on protected species, loss of trees etc and that further survey work was required to be undertaken on the site. The online appraisal also stated that 'This report is not suitable to support a planning submission. Further survey/detailed site design is required to complete the assessment, allowing a detailed impact assessment and design of an appropriate mitigation/compensation scheme', however the officers report concluded that subject to recommended conditions the proposed development was considered to be acceptable.

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

. Officers confirmed that the site was not green wedge and was an area of woodland and was not considered open space in planning terms. The trees were quite spindly with no vegetation at the bottom, and it was believed that some of the trees had been taken down. Officers were looking to condition screening and additional vegetation, which would offset the loss of woodland.

. Officers were not aware of any more self-build developments currently and in planning terms the 2 dwellings were acceptable.

. In terms of drainage, there was a pre-condition, a drainage plan would be submitted prior to the commencement of the site.

. It was confirmed that National Highways had relaxed vehicle capacity at the A19 / A689 intersection. There had been a regional cap based on 3 major junctions as part of the local plan. Improvement had been made at the A19 major interchange which allowed National Highways to change their position.

. There were 500 and 130 approved homes and a further 135 pending as well as the proposed 2 dwellings. If all 767 came forward, anything beyond that would need to be assessed to see if there were any adverse effects on that area.

. Where concerns had been raised relating to the online ecology appraisal in comparison to the ecology information contained within the officers report, officers confirmed that there were ecological mitigation measures within the officers recommendations secured by planning conditions.

A motion was proposed and seconded that the item be deferred to provide the Committee with further ecological information.

A vote took place, and the motion was carried.

RESOLVED that planning application 23/0888/OUT Land Off Stoney Wood Drive, Wynyard, TS22 5SN be deferred to a future meeting of the Planning Committee to receive further ecological information.

**P7/24**

**23/2192/X Woodend Court, The Wynd, Wynyard Application to reduce height by 5m, prune side to shape and reduce limbs in by 2-3m to include removal of deadwood to 1no Oak tree (T3), 2no Sycamore trees (T5 and T7 of G1) and 1no Oak tree (T13 of G1), reduce height by 4m and prune sides to shape, reduce limbs in by 2-3m to include removal of deadwood to 3no Oak trees (T4, T11 and T15 of G1), fell 1no Larch tree (T12 of G1) and 1no Hawthorn tree (T14 of G1) and remove crown leaving the stem as a monolith at 6m to 1no Oak tree (T17 of G1) to tree preservation order 458 (00.8.5.455)**

Consideration was given to planning application, 23/2192/X, Woodend Court, The Wynd, Wynyard.

Planning approval was sought for works to trees covered by a tree preservation order, which consisted of works to reduce the heights and general shape of a series of trees.

The proposed works had been considered by the Councils Principal Tree and Woodland Officer and overall it was considered that the works proposed were acceptable to ensure the safety and future health of the tree group.

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

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

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

The Planning Officers report concluded that the application be recommended for Approval with Conditions for the reasons as specified within the main report.

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

. When applications were submitted for trees to be felled why could they not be taken down until October?

. Clarity was sought as to when this application had been received.

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

. There was a standard condition to ensure the development conformed to BS3998 and the requirements in relation to the timing of works.

. The proposed application was received by the Council in late November and was put formerly on the public register 19 December, Officers acknowledged that there had been a delay processing the application, however officers were working to clear the backlog.

. Standard advice had been brought out earlier in the year as Planning Officers appreciated there was a backlog of tree applications. Members requested more information on the new advice to share with residents.

A vote took place and the application was approved.

RESOLVED that planning application 23/2192/X be approved subject to the following conditions below;

#### 1. Time Limit

The works hereby permitted shall be begun before the expiration of 24 months from the date of this permission.

#### 2. Habitat and wildlife

As detailed in BS 3998:2010 Prior to work commencing, the tree and its surroundings 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).

#### 3. Extent of Works

Permission is granted for the works as detailed in this approval. The crown reduction work should adhere to pruning mainly 'soft growth' eg under 75mm diameter, on the outer part of the tree crown to reduce overall height and spread but must not include removal of larger structural branches over this size. Branch reductions must also ensure pruning back to suitable junctions to retain sufficient live foliage that will

support continued growth/prevent branch die-back. Pruning must be done evenly all round to maintain the tree's natural form and symmetry. Visible deadwood may be removed as required.

All works must be undertaken to a high professional standard in accord with arboricultural best practice and in line with BS3998: 2010 Tree Work Recommendations.

## **P/8/24 Local enforcement plan – planning guidance**

Members were asked to consider, note, and endorse the contents of a report 'Local enforcement plan – planning guidance'.

Member heard that the Council had a statutory duty to investigate breaches of planning control although the decision on whether to act was nevertheless discretionary. Ensuring compliance with planning regulations was also considered to play an important role in safeguarding the policies of the Local Plan and achieving high standards of development across the Borough.

The NPPF (para 59) stated that effective enforcement was important to maintain public confidence and that local planning authorities should consider publishing a local enforcement plan "to manage enforcement proactively, in a way that is appropriate to their area".

Additionally following last year's scrutiny review of planning (development management) & adoption of open space, the agreed action plan (point 3) sought to introduce a local enforcement plan. A draft "Local Enforcement Plan" has been developed and this has been previously shared with CMT who supported the intention to introduce and 'adopt' the local enforcement plan.

The local enforcement plan did not have any legal status or formal adoption process, instead it was intended to provide guidance and increased transparency on the authority's approach to how breaches of planning control would be processed with potential benefits being to help manage customer expectations and improve the overall customer experience.

Members were provided with a presentation which gave an overview of the following:

### **Prioritise and Waymarking**

#### **. Enforcement Prioritisation Categories**

1. Emergency
2. High Priority
3. Low Priority

#### **. Planning Enforcement Waypoints**

#### **4. Action and Priority Level**

### **Expediency Test**

#### **. Planning Department assessment of a reported breach**

## Performance Monitors

### .Service Standards

1. Response times to different categories of reported breach
2. Number of reported breaches received and determined per month.
3. How reported breaches had been received.

## Categorisation Scores

### . ENF categorisation lists

## Priority Rating

- . ENF Prioritisation table
- . Risk Categories

The main topics discussed were as follows:

The plan was welcomed, and it was hoped that the backlog of reported breaches could be cleared asap.

More detail was requested to include details of breaches relating to demolition, conservation areas and Tree Preservation orders.

The process that was shared with the Committee did not form part of the planning enforcement plan; this was a general ethos in terms of how the Council dealt with planning enforcement. Breaches relating to trees went through a different process, however officers could look at including more detail.

Members felt it was important that they understood how the public would complete online forms to report breaches in order to help residents should they require it.

The process was based on a triage approach, assessing and prioritising allegations when they were submitted. Ideally residents should submit breaches online, where they would be asked a series of questions, where the alleged breach would be assessed against risk.

A motion was proposed and seconded that the item be deferred to provide Members with further planning committee engagement/training.

A vote took place, and the motion was carried.

RESOLVED that item 'Local enforcement plan – planning guidance' be deferred to a future meeting of the Planning Committee to allow time to deliver Member engagement/training to gain a better understanding of the planning guidance.



The Appeals were noted.