

Item No: 5.1
Application No: 16/01922/FUL Author: Rebecca Andison
Date valid: 1 December 2016 ☎: 0191 643 6321
Target 23 March 2017 Ward: Riverside
decision date:

Application type: full planning application

Location: Howdon Yard, Tyne View Terrace, Wallsend, Tyne And Wear,

Proposal: Erection of Energy Recovery Facility (with fluidised bed reactors gasification technology) and associated infrastructure

Applicant: Howdon Green Energy Park Ltd, C/o Agent

Agent: Nathaniel Lichfield & Partners, Mr Dominic Holding NLP, Generator Studios Trafalgar Street Newcastle Upon Tyne NE1 2LA

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues in this case are:

- Principle of the development
- Environmental impact
- Design and visual amenity
- Ecological impact
- Impact on highways
- Flood risk
- Other issues including ground conditions and archaeology.

2.0 Description of the Site

2.1 The application relates to a 2.8 hectare site located on the north bank of the River Tyne.

2.2 The site is occupied mainly by hardstanding, with the framework of a large industrial shed located towards the eastern boundary. There is also a security gatehouse and substation at the site entrance, and several small buildings adjacent to the north east boundary. Originally a ship yard, the site has been more recently been used for storing vehicles.

2.3 Access is from the A187, which runs along the northern boundary. To the west is vacant land with industrial units and offices beyond. Howdon Sewage Treatment works lies to the east and to the north is an access road and further

industrial units. Beyond the A187, approx.180m to the north east, is the residential area of East Howdon. Willington Quay lies approx. 450m to the north west of the site.

2.4 The site is allocated as Employment Land within the UDP and the emerging Local Plan.

3.0 Description of the Proposed Development

3.1 Planning permission is sought to develop the site to provide an energy recovery facility. The facility would generate up to 25MW of renewable energy from approximately 190,000 tonnes of Refuse Derived Fuel (RDF) per annum using gasification technology.

3.2 Gasification is a form of Advanced Conversion Technology (ACT) and differs from traditional combustion in terms of the environment in which the thermal process takes place. During the traditional combustion process, the feed material is heated and reacts with oxygen; leaving products of combustion and ash. During this very rapid reaction there is little control to prevent the formation of dioxins, furans, oxides of nitrogen and other oxides. With gasification the feed material is heated in the absence, or with little, oxygen converting the material into a fuel gas and char. This fuel gas is cleaned and purified, making it suitable for combustion in traditional high efficiency engine cycles such as gas turbines.

3.3 The RDF feedstock would be sourced in the north east region and delivered to the site in sealed bales by 26no hard sided lorries per day. On arrival at the site the HGV's would enter the plant buildings, where the bales would be inspected, unloaded and stored. The building would be held at negative air pressure to prevent odours escaping.

3.4 The RDF bales would be deposited on the shredder and transported on a sealed conveyor to the storage bunkers before being fed into the metering bins, above a fluidised bed reactor. The gasification process uses a series of process to convert the feedstock into a synthetic gas, or syngas. The flue gases produced by the process would be cleaned by a series of chemical treatment and filtering processes to remove pollutants.

3.5 The syngas output flows to the next section of the gasifier where a fan system injects air and an oxidation reaction increases the temperature of the gas to over 850°C. The hot gas is then fed into a heat steam recovery generator boiler, and the steam produced by the boiler piped directly to a steam turbine to produce approximately 20.7MW of available power. When all the energy has been removed from the steam, it passes to an air cooled condenser to be condensed back into water for re-use in the boiler.

3.6 The facility would operate 24 hours a day, 7 days a week throughout the year, except during shutdowns for planned or unplanned maintenance. The applicant has advised that the construction of the development would generate 472 direct and 713 indirect jobs, with 55 direct and 22 indirect jobs when the plant is operational.

3.7 The facility would contain 3no main buildings. A plant building used to offload, store and shred the feed material, would be positioned close to the southern boundary. This would have a floor area of 2756 sq m and a height of 19m. A 360 sq m, 2-storey office block is proposed within the south west part of the site, and the existing security gatehouse and substation would be retained and refurbished.

3.8 The buildings would be surrounded by plant required for the gasification process, including the gasifier, boiler, turbine hall, air blast coolers and ash silos. A stack is required as a release point for emissions. This would have a maximum height of 80m. The tallest part of the other plant would be the boiler, at 27.2m.

3.9 Vehicle access routes are proposed around the periphery of the site and to a car park which would be located adjacent to the proposed office block. The existing access point into the application site from the A187, and from the site to the adjacent quay, would be retained.

3.10 There is an existing concrete wall/panel fence along the northern boundary, which would be retained. An embankment is proposed behind this wall, sloping down from the highway into the site, and 3m high security fencing would be erected along the southern boundary with the river.

4.0 Relevant Planning History

75/00736/FUL - Temporary cover for purpose of welding beam sections for oil rig modules – Permitted 26.06.1975

75/00736/FUL/2 - Retention of temporary cover for welding beam sections – Permitted 13.10.1977

84/01692/FUL - The development of a new reinforced concrete pad, piled quayside wall, modification to existing building for a proposed offshore module / deck construction facility at British Shipbuilders former Cleylands Shipyard – Permitted 20.09.1984

86/00114/FUL - Extension to existing offices with pitched roof – Permitted 11.03.1986

88/01324/FULUDC - Erection of first floor office extension above existing ground floor stores building - 31.08.1988

93/01600/FULUDC - Covered Storage – Permitted 22.12.1993

94/00282/FULUDC - External landscaping including planting of small shrubs – Permitted 25.04.1994

02/01491/TWA2TT - Construction of a new Tyne Tunnel between East Howdon and Jarrow and associated works – No objection 22.08.2002

02/00049/TRAACT - Construction of a new Tyne Tunnel between East Howdon and Jarrow and associated works – Order confirmed 21.07.2005

5.0 Development Plan

5.1 North Tyneside Council Unitary Development Plan (adopted March 2002)
Direction from Secretary of State under Paragraph 1(3) of Schedule 8 to Town and Country Planning and Compulsory Purchase Act 2004 in respect of Policies in the North Tyneside UDP (August 2007)

6.0 Government Policy

6.1 National Planning Policy Framework (March 2012)

6.2 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Main issues

7.1 The main issues in this case are

- Principle of development
- Environmental impact
- Design and impact on visual amenity
- Ecological impact
- Impact on highways
- Flood risk
- Other issues including ground conditions and archaeology.

7.2 Consultations and representations received as a result of the publicity given to this application are set out in the appendix to this report.

8.0 Principle of the Development

8.1 Economic development -

The NPPF sets out the core planning principles which should underpin decisions and that planning should amongst other matters proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

8.2 The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. This proposal encourages growth, investment and employment and therefore accords with the NPPF.

8.3 In relation to renewable energy generation the NPPF states that planning plays a key role in supporting the delivery of renewable energy and associated infrastructure. It states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and that applications should be approved if the impacts are (or can be made) acceptable.

8.4 The North Tyneside Unitary Development Plan is out of date, having been adopted in March 2002, over 14 years ago. The plan period ran until 2006 and we are now significantly (10 years) beyond this. Following the advice in paragraph 14 of NPPF it states that where the development plan is out of date the presumption is that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole, or specific policies in the Framework indicate that development should be restricted. Given the development plan is out of date the presumption in favour of sustainable development applies.

8.5 The site is allocated for employment use within the UDP.

8.6 UDP Policy LE1/4 seeks to retain land allocated for class B1 (business) B2 (general industrial) and B8 (storage and distribution) development in such uses.

8.7 Within the Local Plan Pre-submission Draft the site is designated as Employment Land and lies within the River Tyne North Bank Area. Policy S2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

8.8 Policy AS2.5 states that the Council will support and encourage further development and investment in the advanced engineering, manufacturing and renewables section, with a particular focus on 'Land at Port of Tyne, part of the North East Low Carbon Enterprise Zone'.

8.9 The site lies within the River Tyne North Bank Strategic Development Framework Plan (SDFP). This is a non-statutory document which provides Interim Planning Guidance that outlines the vision, objectives and guiding principles for the regeneration of the area. The Plan sets out a vision for the riverside and aims to explore the potential for new employment opportunities and strengthening links between the riverside and nearby communities. It identifies the application site as being a suitable location for Engineering and Renewables development.

8.10 The site is allocated for industrial purposes within the UDP, and the emerging Local Plan identifies it as suitable for advanced engineering, manufacturing and renewables development. The site is currently underused and the proposal would secure economic development, helping to meet national policy to support the economy by ensuring continuity of energy supply. The proposed industrial use is wholly in accordance with the site's allocation, and would secure economic development in accordance with the NPPF.

8.11 Waste -

The Waste Management Plan for England (2013) is a high level document which is non-site specific. It provides an analysis of the current waste management situation for England, and evaluates how it will support implementation of the objectives set out in European Waste Framework Directive. The waste hierarchy set out gives top priority to waste prevention, followed by preparing for reuse, then recycling, other types of recovery (including energy recovery), and last of all disposal (e.g. landfill).

8.12 National Planning Policy for Waste 2014 (NPPW) states that when determining waste planning applications, planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. Consideration should be given to the likely impact on the local environment and on amenity taking into account the protection of water quality, resources and flood risk management; land instability; landscape and visual impacts; nature conservation; the historic environment; traffic and access; air emissions and odours.

8.13 UDP Policy E30 states that the LPA will encourage and support the minimisation of waste production, and the reuse and recovery of waste materials, including re-cycling and composting and energy from waste recovery.

8.14 Policy E30/3 sets out the factors to be taken into account when considering proposals for waste disposal facilities involving incineration, chemical or biological processes. These include the relationship to the waste hierarchy, the scale of operation, the availability of alternative facilities and the impact on residential and visual amenity, traffic and wildlife.

8.15 Emerging policy S7.7 Waste Management of the Local Plan states that the Local Planning Authority will encourage and support the minimisation of waste production, and the re-use and recovery of waste materials including, for example, re-cycling, composting and Energy from Waste recovery. Proposals for waste management facilities to deal with waste arisings within the Borough will be encouraged based upon the following principles:

- a. Seeking to move the management of all waste streams up the waste hierarchy of prevention, re-use, recycling, recovery, disposal;
- b. Promoting the opportunities for on-site management of waste where it arises;
- c. Promoting the use of rubbish as a resource, particularly encouraging co-location of developments that can use each others waste materials;
- d. Achieving the objectives and targets for recycling/recovery for waste set out in the Council's Waste Strategy;
- e. Utilising appropriate capacity available elsewhere within the North East region;
- f. Supporting opportunities to locate complementary facilities, such as waste disposal points and treatment facilities, in close proximity to each other.

Proposals for waste management facilities will be located in sustainable locations, appropriate to the proposed waste management use and its operational characteristics, where potentially adverse impacts on people,

biodiversity and the environment can be avoided or adequately mitigated. Such proposals should have regard to the following sequential priorities:

g. Employment sites where co-location with existing waste management processes is possible without detriment to residential amenity;

h. Employment sites suitable for Use Classes B2 and B8;

i. Sustainable locations within vacant previously developed land.

Sites for disposal of waste will only be permitted where it meets a need which cannot be met by treatment higher in the waste hierarchy.

8.16 The main objective of European and national legislation and guidance on waste management, is to reduce the volume of waste being sent to landfill. The waste hierarchy favours recycling as the most desirable tier for waste requiring re-processing. However, some waste remains after all the recycling possible has been carried out. This is known as residual waste, and this can either go to energy recovery or landfill. Under the waste hierarchy 'other recovery' is the favoured method for dealing with residual wastes, with 'disposal' is the least favoured tier.

8.17 An important consideration in the assessment of the sustainability of waste management proposals is the source and type of waste to be managed and how it is to be treated.

8.18 The Waste Strategy Manager has assessed the application and provided comments. She raises a number of concerns/queries regarding the type and origin of the waste, and the need for the facility in the region.

8.19 In response to her comments the applicant has provided additional information.

8.20 Refuse-derived fuel (RDF) is to be used at the facility. RDF is a fuel produced from various types of wastes such as Municipal Solid wastes (MSW), industrial wastes or commercial wastes. Typically, RDF is a processed feedstock derived from some or all of the following waste streams:

8.21 Municipal Solid Waste (MSW) is collected and disposed of by or on behalf of a local authority. It will generally consist of household waste, some commercial waste and waste taken to civic amenity waste collection/disposal sites by the general public. In addition, it may include road and pavement sweepings, gully emptying wastes, and some construction and demolition waste arising from local authority activities.

8.22 Commercial & Industrial Waste (C&I Waste) is collected privately from shops, offices and factories. Commercial waste may include packaging materials such as paper, card and polystyrene, plastics, glass, food waste, non-toxic chemicals, timber, and scrap metal. Industrial waste includes food and drink waste, textiles, wood, paper, plastic, rubber, glass, metals, oils, paints and other chemical wastes.

8.23 Construction and Demolition Waste (C&D Waste) mainly comes from building and demolition projects and road schemes. It normally includes inert

materials such as stone, concrete, brick and soil but may also include small amounts of timber, glass and metal. The contractor is responsible for recycling or disposing of the waste.

8.24 In terms of the RDF to be used at the Howdon site, the applicant has advised that the aim is to accept both Local Authority collected municipal waste and commercial and industrial waste. The intention is to use RDF which has been filtered and screened to take out all potential recyclable material prior to it being treated and baled. The residual components would then be converted into a compressed flock for which energy recovery is the only remaining alternative to landfill.

8.25 The applicant has advised that discussions have taken place with private sector RDF suppliers and these have confirmed that, in the absence of local authority waste, sufficient private sector RDF is available to secure the operation of the Howdon plant. However for confidentiality reasons the identify of these suppliers has not been disclosed. The applicant states that the providers of the waste would blend the RDF to achieve the required calorific value and that this would be a contractual obligation.

8.26 Emerging Policy S7.7 requires that appropriate capacity elsewhere in the North East region should be utilised and states that sites for waste disposal will only be permitted where it meets a need which cannot be met by a treatment higher in the waste hierarchy.

8.27 Paragraph 7 of the NPPW only requires applicants to demonstrate a need for facilities where proposals are not consistent with an up-to-date Local Plan. As the UDP is 15 years old and the Council is currently consulting on Main Modifications to the emerging Local Plan, with regards to the NPPW requirement to demonstrate a need, there is currently no up-to-date Local Plan to which the proposal can accord and so a need must be demonstrated by the applicant.

8.28 The applicant has provided the following information regarding need for the proposal:

8.29 It has been calculated by the applicant that the combined amount of Local Authority collected municipal waste and C&I waste currently being sent to landfill by the 12 North East Authorities was over 1 million tonnes in 2016, reducing to 960,000 tonnes by 2030. Using a conservative estimate of 25% of C&I waste available to energy recovery processing, this equates to a combined amount of 340,000 tonnes of additional regional waste capacity available for processing at the application site, reducing to 325,000 tonnes by 2030.

8.30 The facility is designed to process 190,000 tonnes of RDF feedstock per year. On the approximate basis of 1.5 tonnes of municipal waste being required to generate 1 tonne of RDF, the available waste currently going to landfill in the North East of England would be sufficient to provide feedstock for the planned facility.

8.31 The applicant states that nationally there is significant capacity of available RDF, with figures from Biffa indicating that the UK currently exports 2.5MT/year

of RDF to Europe. Therefore the proposed plant could use RDF sourced from RDF processing facilities in England which might otherwise go for export.

8.32 Information has been provided regarding current local authority waste management contracts, as set out in the Local Partnerships report. The Local Partnerships report also provides information on waste management. This shows that in the period 2012/13 the percentage of household waste sent for reuse, recycling or composting varied from 44% in County Durham to 22% in Middlesbrough. The percentage of municipal waste sent to landfill varied even more significantly from only 1% in Stockton to 66% in Sunderland. The applicant considers that this is a strong indication that there is scope to reduce the amount of local waste going to landfill by the development of new advanced treatment facilities such as that proposed at Howdon.

8.33 The current waste management contracts for Stockton, Redcar and Cleveland, North Tyneside, Middlesbrough, Hartlepool, Durham and Darlington are all due for renewal between 2020 and 2022. The applicant notes that there is potential for the proposed plant to compete for these contracts, and that in the meantime there are commercial providers willing to provide RDF on short term contracts now (2-3 years). As these are based on Teesside and are the current recipients of north east waste, there is a strong possibility that a proportion of the supply would be generated locally.

8.34 The proposed facility may utilise residual waste that would otherwise have been sent to landfill. Energy recovery from residual waste has a lower greenhouse gas impact than landfill and is higher than landfill in the waste hierarchy. The proposal is therefore considered to be acceptable in terms of meeting the objectives of the waste hierarchy.

8.35 The applicant has provided information to demonstrate that there is sufficient supply of waste, from the commercial sector to support the development, with the opportunity to use municipal waste in the future when current local authority contracts are renewed.

8.36 Members must determine whether the development is acceptable in terms of the policy requirements set out above. It is officer advice that the principle of an energy from waste facility in this location is acceptable.

9.0 Environmental Impact

9.1 The NPPF outlines 12 core planning principles which should underpin decision taking. It states that local planning authorities should contribute to conserving and enhancing the natural environment and reducing pollution. It goes on to state that new and existing development should be prevented from contributing to unacceptable levels of air or noise pollution. To prevent unacceptable risks from pollution local planning authorities should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

9.2 Local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

9.3 The NPPF defines pollution as 'anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.'

9.4 Policy E3 seeks to minimise the impact of pollution on the environment, including existing land uses, and on proposed development and will support and encourage measures including the monitoring of pollution to reduce existing pollution to the lowest practicable levels.

9.5 Policy LE1/7 states that in considering proposals for B1, B2 and B8 development the local planning authority will seek to ensure that the development is acceptable in terms of its impact on the environment, existing land uses and amenity and the LPA's requirements for design, landscaping, access, circulation and parking standards, storage of materials, fencing, signing, servicing and security.

9.6 UDP Policy H13 states that for applications for non residential development within or adjacent to residential areas or for changes of use from residential to other uses, or for the intensification of an existing residential use will be approved only where the Local Planning Authority consider that they would not adversely affect residential amenity. Uses that generate excessive noise, smell, fumes, traffic, or on street parking problems will not be allowed.

9.7 Policy E30/4 states other facilities related to the waste disposal process including transfer stations will be permitted in environmentally acceptable locations with adequate access and site screening. The locations of such facilities either in association with other waste disposal facilities or within industrial areas will be encouraged.

9.8 The residential area of East Howdon is located approximately 180m to the north of the site, and Willington Quay lies approx. 450m to the north west. There has been a significant level of objection from residents of these areas, with the concerns raised including the impact on health, emissions and additional odour.

9.9 The findings of the Environmental Statement in respect of the primary environmental impacts are summarised below.

9.10 Air Quality: In the UK, all waste incineration plant and Advanced Thermal Technologies plant treating waste must comply with the Waste Incineration Directive (WID). The WID sets stringent emission controls with the objective of minimising the impacts from emissions to air, soil, surface and ground water on the environment and human health, resulting from the processes. The WID also covers the combustion of syngas produced from ATT processes treating waste.

9.11 The main pollutant emissions from the process are nitrogen oxides, sulphur oxides, particulates, ammonia and carbon dioxide. Nitrogen oxide and sulphur dioxide emissions would be reduced through the use of an ammonia injection system and dry scrubbing system, using hydrated lime as a reagent. Gases would be passed through a fabric bag to remove particulates before passing into the stack for release to the atmosphere. The process would also generate a small amount of ash residue which would be cooled, stored in containers and removed from site.

9.12 A total of 69no HGV vehicle movements (two-way) per day is expected. This includes 52no involved in bringing the waste to site, 4no to transport ash from the site and the remainder to bring other materials used in the process.

9.13 The ES assesses the impact of stack emissions, dust, odour and traffic during the construction and operational phases. The assessment of dust and odour was undertaken using a qualitative methodology, which looked at the potential sources including planned and proposed mitigation measures, and the sensitivity and location of the receptor. It also incorporated local meteorological data to understand the wind patterns and how the emissions may be dispersed.

9.14 The assessment of air emissions from the stack used a computer model of the site and local meteorological data to understand how the emissions would disperse. The model predicts the concentrations at ground level and compares these against the UK air quality standards.

9.15 Taking into account the mitigation associated with the proposed development design, good practice construction methods and pollution prevention measures that will be followed, the magnitudes of all predicted changes to air quality during construction, operation and decommissioning are predicted to be medium, low, very low or negligible. The Predicted Environmental Concentration from all modelled pollutants are below 50% of the air quality standards.

9.16 The screening identified that the air emissions from the traffic did not need to be considered.

9.17 Odour: Sealed bales of RDF would be transported to the site in hard sided lorries. On arrival at the site the lorries would enter the fuel shredding area to be unloaded. All sampling, weighing and shredding of the RDF would take place within the building, which is held at negative air pressure to minimise the potential for odours escaping. There would be no handling of the feedstock outside the building. The applicant has determined the potential for odour as low.

9.18 Noise: The ES considers the noise impacts likely to arise from the construction, operation and decommissioning of the proposed development. The assessment is focussed around the residential areas around Lesbury Street and Cumberland Street. A baseline noise survey was carried out to determine existing ambient and background noise levels during daytime and night-time periods. These existing levels were used to determine construction, operational and decommissioning noise limits, on the basis that noise levels from the facility would not exceed existing background levels. As detailed design information is

not available detailed noise modelling has not been undertaken. The applicant therefore proposes that a detailed noise assessment is carried out once the design has been finalised, to demonstrate that the noise levels will be met.

9.19 The ES predicts that construction noise effects would be either minor or negligible (i.e. less than 5 dB above existing noise levels). Measures to mitigate noise impacts during the construction, decommissioning and operational phases have been identified. For the operational phase these include keeping doors closed, no external mobile plant and the use of broadband 'white noise' reversing alarms. Mitigation measures during the construction phase include acoustic enclosures, the use of 'sound reduced' plants where possible and adhering to codes of practice.

9.20 The plant would operate on a 24 hr basis but the applicant has confirmed that they would be agreeable to a restriction on lorry movements to between 07:00 and 20:00.

9.21 Health: A Health Impact Assessment has been carried out. This identified the potential health impacts of the development, which include the effect on air quality, noise, transport, visual effects and socio economic issues. The negative impacts identified include potential annoyance for local residents during construction caused by dust, noise and increased traffic; potential effects on visual amenity and heightened levels of anxiety for local residents. The assessment identifies potential improvement to health and well being from increased investment and economic output during operation.

9.22 In order to minimise the negative impacts on health the report makes several recommendations. These include implementing construction and traffic management plans, communicating information to local residents during construction and operation, establishing a complaints procedure, encouraging local employment and procurement.

9.23 The Manager of Environmental Health has commented. She raises concern regarding the potential impact on background noise levels; the impact on air quality, particularly with regard to fugitive odours from the offloading of RDF; the risk of vermin and fly arising from the waste derived fuel; and dust arising from the ash handling. She notes that the process would be regulated by the Environment Agency and therefore measures for vermin control should be provided.

9.24 In terms of noise, she notes that while information regarding plant noise is not available, the applicant is agreeable to conditions to protect nearby residents from noise arising from the normal operation of the facility and during the construction phase. She recommends that conditions should be imposed to control construction and delivery hours, and requiring the provision of a noise mitigation scheme to protect nearby residents from plant noise.

9.25 The Manager of Environment Health advises that household waste has a high potential for odour, and notes that the applicant is taking precautions to address this, in terms of the transportation, storage and handling of the RDF. She recommends that conditions are imposed to ensure that all RDF is handled

within the building at negative air pressure, and that appropriate odour abatement is installed.

9.26 Further conditions are recommended to address dusts arising from the construction and operation of the site, and from the handling of ash.

9.27 The air quality assessment has shown that the predicted short-term increases in nitrogen dioxide, PM₁₀ particulates and sulphur dioxide concentrations from the plant would be substantially below air quality limit levels. The Manager of Environmental Health advises that typical air flows experienced at the river and coastal areas should ensure good dispersal of stack emissions, and that the design and height of the stack should ensure good dilution of the pollutants with the air flow to assist with dispersal and minimise ground concentrations.

9.28 It is recognised that there are no safe levels for particulates and that levels should be kept as low as possible. The Manager of Environmental Health notes that any new development will contribute to the overall air quality levels within an area, and that in this case while the overall impacts are considered to be minor adverse, the development would still have some air pollution impacts. She also recognises that an environmental permit will be required from the Environment Agency, and continuous air quality monitoring will be required as part of the permit conditions.

9.29 A query has been raised regarding the recent refusal of an environmental permit for a waste treatment facility in south Wales on grounds of the potential impact on local air quality. The permit was refused because nitrogen dioxide emissions produced by the process could have a negative effect on local people's health due to a predicted short term increase in nitrogen dioxide concentrations during certain weather conditions, such as thermal inversions.

9.30 The applicant has stated that a temperature inversion of the kind experienced in the valleys of Caerphilly should not occur at Howdon due to the different micro climatic conditions, and hence there should be no concern about nitrogen dioxide emissions in this case.

9.31 As noted above the applicant will need to submit an application to the Environment Agency for an Environmental Permit, who regulate the waste management processes. In assessing the Environmental Permit application, the Environment Agency will address the essential issues relating to emissions/health impacts.

9.32 NPPF advises that local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes.

9.33 Members need to consider whether the proposal would have a detrimental impact on the nearby residential and business occupiers. It is officer advice that the impact of the development upon residential amenity would be acceptable subject to the imposition of appropriate conditions.

10.0 Visual Impact

10.1 NPPF states that high quality inclusive design should be promoted, whilst design which fails to improve the character and quality of an area should not be accepted.

10.2 The Design Quality SPD provides guidance on the design of buildings, places and spaces in North Tyneside. It states that the Council will encourage innovation in the design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhances and local distinctiveness is generated.

10.3 The ES includes a townscape and visual assessment. It identifies nineteen Local Townscape Character Areas within 1km of the site, and 18no number of viewpoints to represent key views within the study area. Photomontages are provided to show the potential visual impact of the development.

10.4 The impact on the townscape character areas has been assessed and found to be not significant. In terms of the impact on visual amenity, while the development would be visible from a range of viewpoints, the only receptors anticipated to experience significant adverse effects are those residents of properties at Lesbury Street, where the development would be clearly seen to the south of the playground.

10.5 Mitigation in the Environment Statement proposes the planting of lime trees to the south of the site entrance from Tyne View Terrace, to provide screening from the road, with further areas of planting within the centre of the site and along the northern boundary.

10.6 The existing gatehouse is brick built and not a particularly attractive feature. It is proposed to refurbish this building through cladding the exterior in order to create an attractive entrance to the site and an improved presence at street level. Other buildings within the development would also be finished in cladding. A light material palette is proposed to help the buildings blend into the skyline.

10.7 The design and materials are considered to be acceptable subject to the details being controlled by condition. Further conditions are recommended to control the form of boundary enclosure and the detailed landscaping scheme.

10.8 It is acknowledged that any large scale development of an industrial nature would give rise to some visual impacts due the nature and scale required for the development operations. The application site is located within a heavily industrialised area, adjacent to several large scale industrial and commercial developments. It is officer opinion that the proposal would largely fit with the surroundings.

10.9 The chimney stack and boiler house will be particularly visible features of the site, with respective heights of 80m (max) and 27m, and visible from multiple areas around North Tyneside. There is little option to mitigate against this visual impact. However the impact on views from the north would be reduced by the fact that levels within the site are approximately 1.5m lower than the adjacent highway. It is also noted that the stack would be lower than the power line masts

crossing the Tyne next to the site. The lines over the river are at a height of 81m and the pylons are 117m (north) and 131m (south).

10.10 It is officer advice that while the development would be visible the impact will not be so adverse as to warrant refusal of the application when considering the economic benefits of the proposal.

10.11 It is appropriate to consider the visual impact on the identified heritage assets in the area around the site. The site lies within 5km of Hadrian's Wall and 2.8km of the World Heritage Site buffer zone. The nearest Scheduled Ancient Monuments are Jarrow monastery and village (1km away), and the nearest listed building is the Tyne Pedestrian and Cyclist Tunnel (300m to the west).

10.12 The ES assesses the impact on heritage assets surrounding the site and concludes that there would be a minor adverse impact on the setting of three Scheduled Monuments and six Listed Buildings. In all cases the magnitude of effect would be negligible. Historic England have advised that they do not consider that the development would harm the setting of the Hadrian's Wall World Heritage Site.

10.13 Members need to consider whether the proposal would have a detrimental visual impact. It is officer advice that on balance the impact of the development would be acceptable.

11.0 Impact on Biodiversity

11.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as part of this helping to improve biodiversity amongst other matters.

11.2 Paragraph 109 of NPPF states that the planning system should contribute to and enhance the natural and local environment by amongst other matters minimising the impacts on biodiversity and producing net gains to biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

11.3 Paragraph 118 of NPPF states that when determining a planning application, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from development cannot be avoided or as a last resort be compensated for, then planning permission should be refused.

11.4 UDP policy E12/6 states that development which would adversely affect the contribution to biodiversity of a wildlife corridor will not be permitted unless no other site is reasonably available; or appropriate measures of mitigation or compensation for are provided.

11.5 The application site comprises predominantly hard standing, with small areas of vegetation, and scattered trees and scrub adjacent to the boundaries. It lies within a wildlife corridor and the southern most section adjacent to the river, forms part of the River Tyne Local Wildlife Site.

11.6 A preliminary ecological appraisal, botanical checking survey and protected species surveys have been carried out. The habitats within the site were found to be of generally low value, and species surveys found no evidence of dingy skipper, bats or otter. A number of birds were recorded using adjacent habitats but the site itself was not considered to provide high value habitat for breeding birds.

11.7 The ES notes that the development would result in the loss of scattered trees, scrub and areas of vegetation, resulting in the loss of limited foraging and nesting habitat for birds, foraging habitat for bats and habitat utilised by a population of butterflies of local value. It considers that there is potential for minor disturbance to otter and wading birds using nearby areas including the Jarrow Slake Mud Flats and Northumberland Dock Local Wildlife Sites during construction and operation. However given the extent of existing industrial activity along the river corridor these impacts are considered to be of minor adverse significance.

11.8 The proposed landscaping scheme includes a strip of native shrub and wildflower grassland along the northern and eastern boundaries of the site, and a strip of bare ground for butterflies, with further landscaped areas within the site.

11.9 The ES considers that the impacts of greatest significance would arise from potential pollution of the River Tyne during construction and operation and from the loss of diverse ephemeral grassland. It notes that these impacts would be addressed within the mitigation scheme through the implementation of best practice working and the translocation of the grassland habitat to another area within site. It states that the development has the potential to result in an increase of the value of the habitat on site for butterflies, resulting in a minor-negligible beneficial effect overall.

11.10 Natural England have provided comments and raise no objections to the application.

11.11 The Council's Biodiversity Officer does not object to the application but advises that the proposal has the potential to impact on nesting birds, result in disturbance to birds and otter using the River Tyne, pollution of the river and the loss of habitats of value to butterfly and bats.

11.12 She advises that these impacts could be adequately mitigated through appropriate conditions attached to the planning permission and through appropriate landscaping of the site.

11.13 It is the advice of Officers that the scheme is acceptable in terms of ecological impact and complies with the aims of the NPPF.

12.0 Impact upon Archaeology

12.1 The NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal taking account of the available evidence and expertise.

12.2 UDP Policy E19 seeks to protect the sites and settings of sites of archaeological importance.

12.3 UDP Policy E19/1 states that development which would adversely affect archaeological remains of national importance, including scheduled ancient monuments, or their setting will not be permitted and UDP Policy E19/2 considers the impact of development which may adversely affect the archaeology or setting of the Hadrian's Wall military zone.

12.4 Before 1898 the site was occupied by the river channel and mudflats, which were reclaimed in order to provide land on which to build the shipyards. There are six known archaeological features within the site associated with the past ship building and activities, salt pans and a recorded wagonway.

12.5 The ES states that the potential for archaeological remains within the site is extremely low as a result of subsequent development and disturbance.

12.6 The County Archaeologist has advised that modern development does not necessarily mean that archaeological remains will have been destroyed. She recommends that a programme of archaeological fieldwork should be carried out. This can be controlled through the imposition of appropriate planning conditions.

12.7 Subject to these conditions it is the advice of Officers that the scheme is acceptable in terms the impact on archaeology, and complies with the aims of the NPPF.

13.0 Highways

13.1 The NPPF states that Transport policies have an important role to play in facilitating sustainable development and also in contributing to wider sustainability and health objectives. The NPPF also states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

13.2 UDP Policy T6 states that the highway network will be improved in accordance with the Council's general objective of amongst other matters improving the safety and convenience of the public highway.

13.3 UDP Policy T8 seeks to encourage cycling by amongst other matters ensuring cyclists needs are considered as part of new development.

13.4 UDP Policy T9 states that the needs of pedestrians, including people with disabilities and special needs will be given a high priority when considering transport and development issues.

13.5 UDP Policy T11 states that parking requirements will in general be kept to the operational maximum and should include adequate provision for people with disabilities and special needs.

13.6 Development Control Policy Statement (DCPS) 4 'Car and Cycle Parking Standards' has been devised to minimise the impact on the private car by encouraging the greater use of public transport and cycling. This will be

achieved by, amongst other matters, adopting a reduced requirement for car parking.

13.7 LDD12 Transport and Highways SPD sets out the Council's adopted parking standards.

13.8 Access to the proposed development would be via the existing access from A187, which is a wide "T" junction shared with the adjacent concrete plant. During operation total daily movements (two-way) of 69 HGVs is anticipated, equating to approx. 7 HGV movements per hour between 08:00 and 18:00. A car park containing 39no parking spaces for staff and visitors is proposed. The site can also be accessed by public transport, including local bus services linking North Shields with Wallsend and is within walking distance to Howdon Metro.

13.9 A Transport Statement (TS) and Travel Plan (TP) have been submitted to assess the impact of the development on the adjacent highway network.

13.10 The Highway Network Manager does not consider that the number of trips associated with the development would have a severe impact on the highway network. He notes that manoeuvrability within and into the site has been demonstrated through a swept path analysis, and that adequate parking would be provided.

13.11 Members need to determine whether the proposal will have a severe impact on the transport network. It is officer advice that the development would have an acceptable impact on highway safety and the local road network.

14.0 Flood risk

14.1 In relation to flood risk the NPPF states that Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk.

14.2 The majority of the site is located within Flood Zone 2, with a small section within Zone 1.

14.3 Northumbrian Water have commented and raise no objections subject to the development being carried out in accordance with the submitted surface water drainage strategy. They recommend that a condition is imposed to control the management of foul water.

14.4 The Environment Agency have commented on the application and raise no objections on grounds of flood risk.

15.0 Contaminated Land

15.1 NPPF states that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects of pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

15.2 Policy E3 seeks to maintain the impact of pollution on the environment including existing land uses and on proposed development and will support and encourage measures including monitoring of pollution to reduce it to the lowest practicable levels.

15.3 Policy E8 of the UDP provides that future dereliction or contamination should be prevented by imposing restoration and aftercare conditions on appropriate development permissions.

15.4 The Council's Contaminated Land Officer has advised that the site overlies an area unknown filled ground and the eastern half of the site has been identified as a former landfill. She recommends that conditions should be imposed to address these issues.

15.5 Members must determine whether the proposal is acceptable in terms of land stability and contamination. Officer advice is that, subject to the suggested conditions, the proposal is acceptable in this regard.

16.0 Impact on aviation

16.1 Newcastle Airport have been consulted and raise no objections subject to lighting being provided on the stack. The impact on the safe operation of Newcastle airfield is therefore considered to be acceptable.

17.0 Financial Considerations

17.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy.

17.2 The proposed development would bring employment opportunities and associated benefits to the local area.

18.0 Planning Obligations

18.1 Policy DC4 of the UDP states that where it can be demonstrated that it is a necessary requirement for the grant of planning permission, agreement will be sought with a developer to enter into a planning obligation/agreement or to make a financial contribution towards infrastructure or other essential elements.

18.2 The Council's Supplementary Planning Document LDD 8 on Planning Obligations was adopted in October 2009. Planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that necessary infrastructure and facilities are provided to mitigate impacts, ensure enhancements and achieve high quality environment where people choose to live, work, learn and play and should comply with local and national planning policies.

18.3 A planning obligation must be lawful and comply with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. It

must be necessary; directly related to the development; and fairly and reasonably related in scale and kind to the development.

18.4 The applicant has offered to provide 100 apprenticeships over the construction and initial 15-year operation of the project. 20no of these apprenticeships will be in the position of trade apprentice and will be employed by the applicant's chosen contractor. 80no apprenticeships will be directly employed by Port of Tyne via Howdon Green Energy Park Ltd. The apprenticeships will cover a wide range of opportunities.

18.5 It is officer opinion that the contributions are necessary, directly related to the development and would be fairly and reasonably related in scale and kind and would comply with the CIL Regulations.

19.0 Plant Technology

19.1 A number of objectors are concerned that the technology used within the facility is new and unproven. The applicant has responded to these concerns.

19.2 They advise that operator, Outotec, has more than 100 waste-to-energy and bioenergy plants around the world utilising more than 250 different fuel sources, including three sites in Italy already using the same technology proposed for Howdon Green Energy Park, all handling household waste and producing electricity. These include sites in towns such as Bergamo, Massfra and Ravenna in Italy.

19.3 Other similar plants, not operated by Outotec, are successfully utilising similar technology to generate power from Refuse Derived Fuels. A list of these plants has been provided.

19.4 It is currently proposed to generate energy in the form of electricity alone, rather than combined heat and power (CHP). However the plant would be CHP ready so that if a demand is identified for heat from the plant then this can be secured in the future. To ensure this option is explored, a condition is recommended requiring the developer to investigate the possibility of exporting heat for use by local domestic, commercial and/or industrial users.

20.0 Conclusion

20.1 The development plan is out of date therefore the presumption in favour of sustainable development applies. It follows that planning permission should be granted unless the impacts of development would significantly and demonstrably outweigh the benefits.

20.2 Members need to weigh the benefits of the proposal against the impacts and determine whether or not to grant planning permission.

20.3 It is officer advice that, the benefits of the development in terms of securing economic development, additional employment within the borough and low carbon energy generation, outweigh any concerns regarding the need for a development of this nature within the borough. It is officer advice that the impact on the environment, nearby residents, visual amenity and highway safety is acceptable.

20.4 In conclusion subject to conditions and a S106 Legal Agreement, it is recommended on balance that planning permission should be granted.

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that members indicate they are minded to approve the application subject to the Coal Authority not objecting and the conditions set out below and the addition or omission of any other considered necessary, subject to the receipt of any additional comments received from consultees and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

**Members are also recommended to grant plenary powers to the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following;
-100 apprenticeships**

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications.

PA01 Proposed Site Plan AL-90-002 Rev.H

PA02 Proposed Street Elevations A,B AE-20-004 Rev.B

PA03 Proposed Street Elevations C, D AE-20-005 REV B

PA04 Proposed Office Block Elevations AE-20-006 Rev.C

PA05 Proposed Reception Building Elevations AE-20-020 Rev.C

PA06 Proposed Site Sections AS-20-009 Rev.B

PA07 Proposed Roof Plan AL-27-022

PA08 Proposed Vehicle & Circulation Plan AL-90-014 Rev.B

PA09 Proposed Office Plans PA09 AL-20-015 Rev.B

Proposed 3D Views ASK-00-011Rev.C

Proposed Site Plan inc. Heights and OS Information AL-90-017 Rev.A

Proposed Gatehouse Overcladding ASK-00-024

Reason:To ensure that the development as carried out does not vary from the approved plans

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|----|--|-------|--------|
| 2. | Standard Time Limit 3 Years FUL | MAN02 | * |
| 3. | Materials Building Schedule Before Devel | MAT03 | *LE/17 |
| 4. | Materials Surfaces Schedule Before Devel | MAT04 | *LE1/7 |

5. The development shall not be brought into use until details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development

shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the proposed development does not adversely effect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policy LE1/7 of the North Tyneside Unitary Development Plan 2002.

6. The development shall not be brought into use until details of facilities to be provided for the storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policy T11 of the North Tyneside Unitary Development Plan 2002.

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|------------------------------------|-------|--------|
| 7. Veh Parking Garaging before Occ | PAR04 | *LE1/7 |
| 8. Construction Method Statement | SIT05 | *E3 |
| 9. Turning Areas Before Occ | ACC25 | *LE1/7 |

10. Prior to the development being brought into operation a scheme for the provision of secure undercover cycle parking shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

11. The Travel Plan shall be implemented in accordance with the details submitted.

Reason: To accord with Central Government and Council Policy concerning sustainable transport.

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|---|-------|---|
| 12. Contaminated Land Investigation Housing | CON01 | * |
| 13. Gas Investigate no Development | GAS06 | * |

14. The development shall be implemented in accordance with the submitted Surface Water Management Plan October 2016.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

15. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason: This is required from the outset of the development in order to ensure that an appropriate scheme for surface water management is provided on the site.

16. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 5.35 m above Ordnance Datum (AOD), as detailed in section 3.2.1 and 5.1 of the submitted FRA.

2. Flood resilience measures are adopted for buildings and through design layout as specified in section 5.2 of the submitted FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently 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 risk of flooding to the proposed development and future occupants in accordance with the NPPF.

17. No groundworks or development shall commence until a programme of archaeological work (to include desk based assessment, evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. This is required from the outset of the development in order to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

18. The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition () has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

19. The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF

20. No vegetation removal shall be undertaken within the bird nesting season (March-August inclusive), unless a survey by a qualified ecologist has confirmed the absence of nesting birds immediately prior to work commencing.

Reason: In the interests of ecology, having regard to Policy E12/6 of the North Tyneside Unitary Development Plan.

21. Notwithstanding the approved plans, a detailed landscaping plan must be submitted to and approved by the Local Planning Authority prior to the development being brought into operation. The scheme shall detail wildflower grassland areas around the boundary of the site and native trees and shrubs that are beneficial to biodiversity. The development shall be carried out in accordance with the approved plan.

Reason: To sufficient provision is made for areas of landscaping on the site in the interests of ecology, having regard to Policy E12/6 of the North Tyneside Unitary Development Plan.

22. Landscape Scheme Implementation LAN06 *LE1/7
Period

23. Prior to the commencement of development a detailed noise assessment to assess the impact of the development on bird populations must be submitted to and approved in writing by the Local Planning Authority. Should the assessment predict a significant increase in noise, greater than that already predicted within the existing assessment, the HRA screening opinion report must be updated to confirm that any increase in noise will have no likely significant effect on the qualifying features of the SPA. Thereafter the development must be carried out in accordance with the agreed details.

Reason: This is required from the outset of the development in order to protect local bird populations in the interests of ecology, having regard to the NPPF and Policy E12/6 of the North Tyneside Unitary Development Plan.

24. Prior to the installation of an external lighting a detailed lighting strategy, designed to minimise light spill onto the River Tyne corridor, particularly areas to the east and south. must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the agreed details.

Reason: This is required from the outset of the development in order to protect local wildlife in the interests of ecology, having regard to the NPPF Policy E12/6 of the North Tyneside Unitary Development Plan.

25. Any excavations deeper than 100mm and left open overnight must be fitted with a means of escape to allow mammals, including otter, to escape.

Reason: To protect local wildlife populations in the interests of ecology, having regard to the NPPF and Policy E12/6 of the North Tyneside Unitary Development Plan.

26. An otter checking survey must be carried out immediately prior to construction works commencing on site.

Reason: To protect local wildlife populations in the interests of ecology, having regard to the NPPF and Policy E12/6 of the North Tyneside Unitary Development Plan.

27. Prior to any renovation or demolition works being undertaken to the security gatehouse (Building 11), a bat activity survey must be undertaken in line

with BCT Bat Survey Guidelines to ensure there are no impacts on a European Protected Species.

Reason: To protect local wildlife populations in the interests of ecology, having regard to the NPPF and Policy E12/6 of the North Tyneside Unitary Development Plan.

28. The 100m² area of good quality diverse perennial grassland identified within the site must be translocated to an area identified for soft landscaping within the site, prior to the start of vegetation clearance works along the northern boundary.

Reason: To protect local wildlife populations in the interests of ecology, having regard to the NPPF and Policy E12/6 of the North Tyneside Unitary Development Plan.

29. A landscape management plan must be submitted to and approved by the Local Planning Authority prior to the development being brought into operation. Thereafter landscape management shall be carried out in accordance with the agreed details.

Reason: To ensure sufficient provision is made for areas of landscaping on the site in the interests of ecology, having regard to Policy E12/6 of the North Tyneside Unitary Development Plan.

30. Removal of invasive species, cotoneaster and Japanese rose must be undertaken in line with working Method Statements attached in Appendix B and Appendix C of the Ecological Appraisal Report Nov 2016. These species must be removed from site prior to development commencing.

Reason: This is required from the outset of the development in order to protect local wildlife in the interests of ecology, having regard to the NPPF Policy E12/6 of the North Tyneside Unitary Development Plan.

31. Restrict Hours No Construction Sun BH HOU04 *

32. No piling shall take place outside the hours of 09:00 and 18:00 hours on Monday to Friday and 09:00 to 14:00 hours on Saturday, with no piling on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

33. Prior to the development being brought into operation, a delivery management plan, to assess the impact and provide details of mitigation measures and management controls that will be put in place, must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be operated in accordance with the agreed details.

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

34. The rating level from operational activities and plant must not exceed the background noise levels for daytime and night measured at the nearest noise sensitive receptors time in accordance with BS4142:2014 as set out in the noise

report 2279/HE/GB . Following installation of the plant and equipment acoustic testing must be undertaken to verify compliance with this condition within one month of its installation. The results of the testing must be submitted to and approved in writing by the Local Planning Authority prior to the plant being brought into operation (other than for testing purposes) and the plant shall thereafter be maintained in working order.

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

35. Prior to the development being brought into operation an odour management plan, identifying odour sources, outlets and odour abatement controls must be provided in accordance with H4 odour management guidance. The plan must include odour modelling to demonstrate that the accumulative effect of odours can meet an odour level of 1.0 OUEm-3 as 98th percentile at nearest sensitive receptors.. This odour management plan and any abatement equipment shall thereafter be installed, operated and maintained in accordance with the agreed details.

Within six months of the normal operation of the plan, a validation report for the odour modelling using olfactory sampling and odour modelling must be submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with the agreed odour limit at the nearest sensitive receptors.

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

36. Prior to commencement of development, a method statement for the handling and disposal of contaminated waste materials during the construction phase of the project must be submitted to and approved in writing by the Local Planning Authority.

Reason: This is required from the outset of development to ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

37. Prior to commencement of development, a background dust gauge to determine the existing dust load must be carried out and the findings submitted to and approved in writing by the Local Planning Authority. Dust monitoring must be carried out during the construction phase if complaints arise in accordance with IAQM Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012. The dust load must not exceed 200 mg/m²/day averaged over a 4 week period.

Reason: This is required from the outset of development in order to safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

38. No deliveries or collection from the operational of the site shall take place between the hours of 20:00 and 07:00 Monday to Saturday and between the hours of 20:00 and 08:00 on Sundays.

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

39. Prior to the commencement of the use, a study detailing the demand for, feasibility and commercial viability of, exporting heat from the gasification plant for use by local domestic, commercial and/or industrial users (together with the demand for such heat), shall be submitted to and approved in writing by the Waste Planning Authority. If the study concludes that exporting heat from the plant is not immediately feasible or commercially viable, then a timetable for the review of the study shall be agreed in writing with the Waste Planning Authority.

Reason: To facilitate full energy recovery in accordance with the NPPF

40. All surface water must be passed through an oil interceptor prior to discharge to the River Tyne. Prior to commencement of development details of the surface water drainage system and maintenance of this system must be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme must be implemented in accordance with the approved details.

Reason: This is required from the outset of the development in order to prevent pollutants from entering the River Tyne.

41. Prior to the development being brought into use details of how the development will be protected from a 1in200 year flood event must be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme must be implemented in accordance with the approved details.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the NPPF.

42. Prior to the installation of external plant, ventilation and extraction systems a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The noise scheme must provide details of all noisy external plant and any tonal or impulsivity characteristics to the plant. The noise scheme shall include the overall equivalent noise level and noise rating level for different worst case operational scenarios for both daytime and night time arising from the site at the nearest noise sensitive housing, as shown in Chapter E noise report ref 2279/HE/GB. A noise contour plan for daytime and night time, for different worst case scenarios with regard to load and operation of plant must be included using a noise modelling package in accordance with BS4142. The scheme shall be implemented in accordance with the agreed details and thereafter maintained.

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

43. No storage of waste derived fuel shall take place externally, including storage in containers or heavy goods vehicles.

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

44. All offloading of the baled refuse derived fuel must be carried out internally, and the loading area doors to the reception hall must be kept closed except for access and egress and in case of emergency. The handling area building must be operated under negative air pressure to prevent fugitive emissions .

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

45. Prior to the operation of the building for the handling and storage of the waste derived fuel, a smoke test must be carried out to demonstrate that the building is under negative pressure. Notification of test date shall be provided to the Local Planning Authority at least 7 days in advance and the report of the findings submitted to demonstrate the building is under negative pressure and is airtight.

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

46. All air discharged from the RDF handling and storage building must be passed through an odour abatement system prior to discharge. The details of the system must be submitted to and agreed in writing by the Local Planning Authority, prior to the plant becoming operational. Thereafter the system shall be implemented and maintained in accordance with the agreed details.

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

47. No RDF may be stored on site for more than 3 days. Details of a storage rotation scheme to allow for cleaning and disinfecting must be submitted to and agreed in writing by the Local Planning Authority, prior to the plant becoming operational. Thereafter the system shall be implemented in accordance with the agreed details. Records to include information on the date bales were delivered to the site shall be made available to the Local Authority if required.

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

48. Prior to the site being brought into operation, a method statement for the handling and loading of dry materials, particularly ash, must be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

49. The development shall be carried out in accordance with the mitigation measures set out in Appendix D5 of report no 1660896/A.2 for construction and operation phase of the facility.

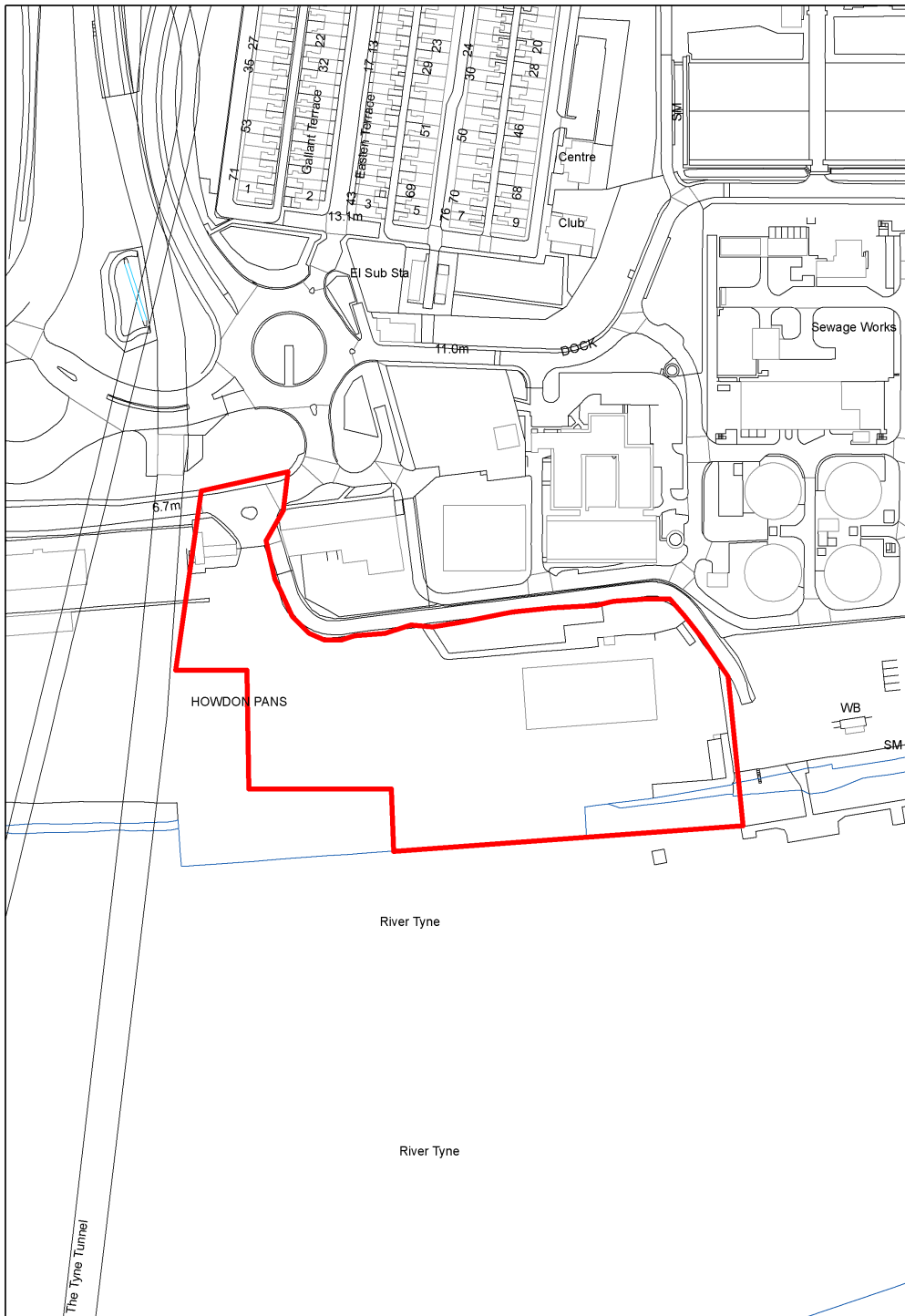
Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Informatives

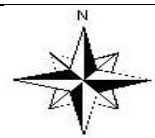
All works must be undertaken in line with best practice guidelines to minimise pollutants entering the River Tyne during construction works.



Application reference: 16/01922/FUL
Location: Howdon Yard, Tyne View Terrace, Wallsend, Tyne And Wear
Proposal: Erection of Energy Recovery Facility (with fluidised bed reactors gasification technology) and associated infrastructure

Not to scale
 Date: 10.03.2017

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**Appendix 1 – 16/01922/FUL
Item 1**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the erection of an Energy Recovery Facility (with fluidised bed reactors gasification technology) and associated infrastructure.

1.3 As part of the application a Transport Statement (TS) & Travel Plan (TP) were submitted that examined the impact of the development on the adjacent highway network. This site is accessed via the A187 Tyne View Terrace into an established industrial area and it is considered that the number of trips associated with the site will not have a severe impact. A swept path analysis of the access and internal site layout for appropriate service vehicles has also been supplied and parking will be provided to meet the needs of the development.

1.4 For the reasons outlined above and on balance we recommend that planning permission is granted subject to conditions.

1.5 Recommendation - Conditional Approval

1.6 Conditions:

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

Prior to works commencing a scheme for the provision of secure undercover cycle parking shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

The Travel Plan shall be implemented in accordance with the details submitted.

Reason: To accord with Central Government and Council Policy concerning sustainable transport.

1.7 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlp

1.8 Manager of Environmental Health (Land Contamination)

1.9 The site overlies an area unknown filled ground and the eastern half of the site has been identified as a former landfill. This may give rise to contamination including the potential for ground gas. The following should be applied:

CON 01

1.10 Design Comments

1.11 The design of the scheme has been based on a thorough site analysis and the application has assessed the visual impacts both during construction and operation. A Design and Access Statement supports the application which sets out the principles and concepts that have been applied to the scheme.

1.12 The visual impact of the proposed development has been assessed from a number of locations which were agreed with the Planning Authority during the pre-application. It is acknowledged that any large scale development of an industrial nature would give rise to some visual impacts, due to the nature and scale required for the development operations. The site and surrounding area is industrial in nature; therefore the proposal will largely fit with the surroundings. The chimney stack and boiler house will be particularly visible features of the site. The site will be visible from multiple areas around North Tyneside and the impact ranges from minor to moderate to adverse. It is accepted that this impact will need to be balanced against economic benefits resulting from the facility.

1.13 Mitigation in the indicative Landscape Plan proposes the planting of trees, shrubs and plants which will help to screen and soften the lower, operational areas of the facility over time. A detailed Landscape Plan should be conditioned.

1.14 The facility will be a landmark building within the landscape and the materials chosen for the construction of the facility should reflect this as best of possible. An indication of the type and colour of the cladding material is provided in the Design and Access Statement. While the proposed materials are considered appropriate, they should be conditioned and a sample supplied to the Planning Authority. Details of the perimeter fence should also be conditioned to ensure that a suitable boundary treatment is selected which contributes towards the appearance of the site at street level.

1.15 The external refurbishment of the existing Gatehouse is welcomed. This will be a focal point for the site and provide an attractive and improved presence at street level.

1.16 The exhaust stack will release emissions – further information was requested during the application as to the visual appearance of these emissions; will this be seen as white / grey steam? What will the length of this be? Will this be all day? No information has been provided by the applicant and this remains a strong concern.

1.17 Overall the scheme will have some visual impact from different view points around North Tyneside. The wider benefits of the scheme are acknowledged and it is considered that in time the scheme will fit with the industrial surroundings of the area.

1.18 Biodiversity Officer

1.19 An ecological assessment undertaken for the above scheme has shown the site to generally be of low importance for habitats and species. The site supports a small area of diverse grassland habitat and some scattered trees and scrub

which will be lost from the site as a result of the development. A bat risk assessment of building 11 on site considered this building to be of low suitability for supporting roosting bats and confirmed that it was being retained as part of the development. However, if there are any plans to renovate this building (or demolish) as part of the development, a bat activity (emergence) survey will be required in line with BCTs Bat Survey Guidelines.

1.20 The site is considered to be of low suitability for species such as reptiles, otter and badger and whilst the ephemeral grassland habitats are suitable for brownfield butterfly species such as dingy skipper and grayling, these species were not found.

1.21 Cotoneaster and Japanese Rose, both invasive species, were found at the site and will need to be removed prior to any development commencing.

1.22 An assessment of wading birds was also undertaken in order to inform a Habitat Regulations Assessment (HRA) screening opinion report. The HRA assessment concluded that based on survey work undertaken, the nature of the development and location of the site, no likely significant effects on the qualifying features of the SPA are envisaged and no appropriate assessment considered necessary.

1.23 The HRA screening opinion report also concluded that further assessment of the noise impacts of the development should be carried out on completion of the detailed design scheme. Detailed design information for the facility was unavailable at the time of the assessment. It is therefore proposed that a condition is attached to planning permission requiring further assessment. Should this assessment predict a significant increase in noise, greater than that already predicted within the existing assessment, the HRA screening opinion report will require updating to confirm that any increase in noise will have no likely significant effect on the qualifying features of the SPA.

1.24 The above scheme will result in the following impacts:-

Harm to nesting birds if clearance work undertaken in the bird breeding season

Disturbance impacts to birds in the local area utilising the River Tyne mudflats, including those listed on the SPA and SSSI designations

Loss of habitats considered to be of up to parish conservation value

Pollution of the adjacent River Tyne as a result of run-off during construction and operation

Disturbance to otters in the River Tyne during construction phase

Loss of habitats of local value to butterfly species

Loss of habitat of local value to foraging and commuting bats

1.25 These impacts can be adequately mitigated through appropriate conditions attached to the planning permission and through appropriate landscaping of the site.

1.26 I therefore, have no objection to the above scheme from an ecological perspective, subject to the following conditions being attached to the application:-

A detailed noise assessment on bird populations will be required on completion of the detailed design for this scheme. Should this assessment predict a significant increase in noise, greater than that already predicted within the existing assessment, the HRA screening opinion report will require updating to confirm that any increase in noise will have no likely significant effect on the qualifying features of the SPA. The results of this assessment must be submitted to the Local Authority for approval prior to development commencing.

No vegetation clearance will be undertaken during the bird nesting season (March-September inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

A detailed lighting strategy must be submitted to the LA for approval prior to development commencing and should be designed to minimise light spill onto the River Tyne corridor, particularly areas to the east and south.

All works will be undertaken in line with best practice guidelines to minimise pollutants entering the River Tyne during construction works.

Any excavations deeper than 100mm and left open overnight will be fitted with a means of escape to allow mammals, including otter, to escape.

An otter checking survey must be carried out immediately prior to construction works commencing on site.

If any renovation or demolition works are undertaken on Building 11, a bat activity survey must be undertaken in line with BCT Bat Survey Guidelines to ensure there are no impacts on a European Protected Species.

A detailed landscape plan must be submitted to the Local Authority for approval prior to development commencing. Planting must consist of diverse wildflower grassland and native trees and scrub.

The 100m² area of good quality diverse perennial grassland identified on site must be translocated to an area identified for soft landscaping within the site, prior to the start of vegetation clearance works along the northern boundary.

A landscape management plan must be submitted to the Local Authority for approval prior to works commencing.

Removal of invasive species, cotoneaster and Japanese rose must be undertaken in line with working Method Statements attached in Appendix B and Appendix C of the Ecological Appraisal Report Nov 2016. These species must be removed from site prior to development commencing.

1.27 Waste Strategy Manager

1.28 The Planning Statement para 4.27 and 5.4 state that emerging Policy S7.7 is not directly relevant to the proposals as the scheme is not designed as a waste management facility but as an energy generation plant, albeit one that uses waste as its fuel. The Statement continues that there is, therefore “no requirement for the applicant to demonstrate that there is no appropriate capacity available elsewhere within the North East to deal with waste or to address the origin of the baled RDF.” The facility is designed to use waste as a fuel and therefore ultimately to manage the disposal of that waste. The common understanding including in the National Planning Policy for Waste is waste management facilities include such facilities such as incinerators.

1.29 However in the Environmental Statement H2.17 It states that there is still a requirement for the applicant to demonstrate the quantitative or market need for the facility as at this time there is no up-to-date Local Plan.

1.30 The Local Plan Policy S7.7 Waste Management should, however, be considered as part of the emerging Local Plan and as a Policy that reflects the National Planning Policy for Waste.

1.31 Commentary below is where the application is in line with the principles or where the evidence requires some clarification:

1.32 Proposals for waste management facilities to deal with waste arisings within the Borough will be encouraged based upon the following principles:

a. Seeking to move the management of all waste streams up the waste hierarchy of prevention, re-use, recycling, recovery, disposal;

The proposal is for a waste recovery facility therefore this is lower down the waste hierarchy than a recycling facility. It is not clear how the feedstock (RDF) will be pre-treated to comply with the waste hierarchy. The RDF specification will only be agreed at a later stage. To include an informative as to what RDF is, including that the waste should have been processed to remove material for reuse or recycling prior to baling.

RDF - Defra definition (confirmed 16 February 2017) as, “residual waste that complies with the specifications in a written contract between the producer of the RDF and a permitted end-user for the thermal treatment of the waste in an energy-from-waste facility or a facility undertaking co-incineration such as cement and lime kilns”. The National Planning Policy for Waste, “expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy.”

b. Promoting the opportunities for on-site management of waste where it arises; Detail to be part of a Site Waste Management Plan. H6.2 Some reference to on-site use of inert demolition material on site.

c. Promoting the use of rubbish as a resource, particularly encouraging co-location of developments that can use each others waste materials; Consistent with policy as this facility is promoting the use of rubbish as a resource. It will not, however, be co-located with the facility required to process the raw waste into an RDF.

d. Achieving the objectives and targets for recycling/recovery for waste set out in the Council's Waste Strategy;

The application is consistent with the Waste Strategy Objective, “We will put technology in place to recover value from our rubbish and minimise the amount we send to landfill”.

e. Utilising appropriate capacity available elsewhere within the North East region; This is not fully addressed in the application. There is significant capacity within the North East region for generating energy from waste, in particular at Teesside, including an existing planning permission for an extension to the Haverton Hill facility.

Eunomia's "Residual Waste Infrastructure Review" (December 2016) maintains that the UK is still on course to exceed the waste infrastructure it will need in future. This is especially true if it is to achieve the higher levels of recycling envisaged in the European Commission's Circular Economy Package, but remains true at lower recycling rates. The capacity of facilities either currently operational, being built or having reached financial close and expected to be operational by 2020/21, combined with anticipated waste exports, will total 23.1 million tpa of demand. Fully utilised, this will exceed the 22.7 million tonnes of residual waste expected to be produced in the year.

The European Commission has adopted guidance (26 January 2017) over the role of waste-to-energy in a circular economy, and has warned against public investment contributing to incinerator 'overcapacity'.

f. Supporting opportunities to locate complementary facilities, such as waste disposal points and treatment facilities, in close proximity to each other. This facility is not to be co-located with the facility required to process the raw waste into an RDF.

Proposals for waste management facilities will be located in sustainable locations, appropriate to the proposed waste management use and its operational characteristics, where potentially adverse impacts on people, biodiversity and the environment can be avoided or adequately mitigated. Such proposals should have regard to the following sequential priorities:

- a. Employment sites where co-location with existing waste management processes is possible without detriment to residential amenity; This is an existing employment site.
- b. Employment sites suitable for Use Classes B2 and B8; This is a suitable employment site.
- c. Sustainable locations within vacant previously developed land. This is vacant previously developed land

The proposal is in line with this Policy objective.

Sites for disposal of waste will only be permitted where it meets a need which cannot be met by treatment higher in the waste hierarchy. This still needs to be clarified and fully evidenced.

1.33 The ES H4.7, states that the total LACW sent to landfill in the North East in 2014/15 to be 114,500. Therefore there is insufficient residual LACW produced in the region to supply the need for this facility. Without knowing where the waste is coming from it is not possible to state that this application is meeting a need for LACW that cannot be met by treatment higher up the waste hierarchy. The assumption in the Planning Statement 5.5 is that there is a significant amount of available waste from commercial and industrial feedstock, it is unknown how this is treated to comply with the waste hierarchy. Also in paragraph 5.5 the calculation of available waste going into landfill in the North East of England refers only to a calculation for municipal waste.

1.34 Much of the communication has referred to the facility utilising primarily household waste. For example in the community consultation document , “The proposed facility will generate energy from household waste”

1.35 In the supporting text:

10.60 The current waste disposal contract with Suez (formally SITA) runs until March 2022. Given the capacity within the region, it is felt that on balance there will not be sufficient need to require a specific land allocation for new landfill or treatment facilities within North Tyneside. However, development of policy that is flexible to changing circumstances and sets a positive framework for enabling the delivery of new waste management facilities if a requirement is identified is recognised and is integral to the approach set out in policy S7.7.

1.36 During the development of the Local Plan no specific need was identified for a facility within North Tyneside, however, a flexible approach to changing circumstances was recognised in the Policy.

1.37 The applicant could strengthen their argument by evidencing how circumstances have changed, for example proposed waste management facilities not becoming operational as planned.

1.38 I think a condition like the following with regard to energy and heat would be helpful:

Prior to the commencement of the use under the application, a study detailing the demand for, feasibility and commercial viability of, exporting heat from the gasification plant for use by local domestic, commercial and/or industrial users (together with the demand for such heat), shall be submitted to and approved in writing by the Waste Planning Authority. If the study concludes that exporting heat from the plant is not immediately feasible or commercially viable, then a timetable for the review of the study shall be agreed in writing with the Waste Planning Authority.

Reason: To facilitate full energy recovery.

1.39 Local Lead Flood Authority

1.40 Following the comments from Environment Agency, I can confirm that the applicant is not required to attenuate the surface water within the site. The EA are advising as this is a tidal river the surface water from the site can enter the River Tyne at an unrestricted discharge rate so a SUDS system would not be required.

1.41 There will still be a requirement to capture all the surface water that falls within the site and into the sites surface water drainage system in order to remove the chance of pollutants entering the River Tyne. A description of how this drainage system will operate will be required before works can commence on site and details on the maintenance of this system and how pollutants will be prevented from entering the Tyne. These could be conditioned.

1.42 The only other issue is regarding the potential impact of the River Tyne on the site during a 1in200 year event from what I understand this has been raised by the EA and the applicant has or is providing details on how the site will be

protected from such an event. This may have already been provided but if not then we will require details on what method they will be using to protect the site during such an event (raising of thresholds / flood barriers).

1.43 In general I am happy with the proposals and as such have no objections to the application.

1.44 Manager of Environmental Health (Pollution)

1.45 The applicant has assessed air quality and noise. I would have concerns with regard to noise and air quality particularly with regard to protecting the housing from fugitive odours from the offloading of the refuse derived fuel and from risk of vermin and fly control from the waste derived fuel. I would be concerned with regard to dust arising from ash handling which is a by-product of the process. The process will be regulated by the Environment Agency and therefore measures for vermin control should be provided.

1.46 I would make the following comments as follows:

1.47 Noise

1.48 The noise report is limited as the consultant has been unable to assess the noise from the development and has provided the existing background noise levels. The applicant is unable to provide any details with regard to the plant noise at this time.

1.49 The applicant is agreeable to conditions to protect the noise sensitive from the overall plant noise during the normal operation of the facility and during the construction phase. The noise sensitive houses were identified as Lesbury Street in East Howdon, Cumberland Street in Willington Quay and Priory Road in South Shields. The applicant in noise report has indicated that noise will be addressed by ensuring the rating level for plant during the day and night will not exceed the existing background noise level.

1.50 An assessment of the construction phase of the plant has been carried out based on assumptions on activities and associated equipment that will be used. This assessment indicated that plant noise will be below the construction noise limit as derived from BS528 for adverse impact.

1.51 The construction noise will be controlled by restricting the operating times of the construction activity and I would recommend a condition requesting details of the construction activities and plant when known during the construction phase. Construction noise assessment was based on the potential equipment that may be operated and including piling.

1.52 The plant will operation on a 24 hour rotating shift however the applicant is agreeable to conditions on delivery times from HGV vehicles.

1.53 The applicant has indicated that delivery and collection movements will be restricted to between 07:00 hours and 20:00 hours. The lorries for the waste derived fuel will be reverse into the loading area and the doors closed. The noise from reversing alarms can be annoying particularly during the quieter time of day. To minimise the impact noise from reversing alarms there will be no

collections or deliveries at night and it is recommended that reversing alarms should not be operated between 07:00 and 08:00 hours and a delivery management plan provided to show how they will address noise issues from deliveries.

1.54 I would recommend the use of adjustable white noise alarms with background sensors for fork lift trucks and HGV used in external areas of the facility. White noise creates less annoyance to the high pitched alarms as it is less distinctive .

1.55 The applicant has provided a study of the current background noise levels at closest noise sensitive houses for both daytime and night time.

I would recommend the following noise conditions:

i) Prior to the installation of external plant, ventilation and extraction systems to the development, a noise scheme must be submitted to the planning authority agreed in writing giving mitigation measures and thereafter implemented and maintained. The noise scheme must provide details of all noisy external plant and any tonal or impulsivity characteristics to the plant. The noise scheme shall include the overall equivalent noise level and noise rating level for different worst case operational scenarios for both daytime and night time arising from the site to the nearest noise sensitive housing . The noise sensitive locations are outlined in report and are about Lesbury Street, Cumberland Street and Priory Road as shown in Chapter E noise report ref 2279/HE/GB. A noise contour plan for all daytime and night time for different worst case scenarios with regard to load and operation of plant must be included using a noise modelling package in accordance with BS4142.

ii) The rating level from operational activities and external plant must not exceed the existing background noise levels in accordance with BS4142:2014 for daytime and night time as derived from noise report 2279/HE/GB and outlined in table

Noise Sensitive Receptor	Daytime Rating level dBL <small>Aeq 1 hour</small>	Night time Rating Level dBL <small>Aeq 15 mins</small>
Lesbury Street	57	41
Cumberland Street	56	43
Priory Road	52	35

iii) A validation noise assessment must be submitted within 1 months of operation of the plant to demonstrate compliance with rating level and agreed in writing.

iv) No delivery or collection from the operational of the site shall be permitted between the hours of 20:00 hours and 07:00 hours between Monday to Saturday and between the hours of 20:00 hours and 08:00 hours on a Sunday.

v) Prior to operation of the site a delivery management plan must be submitted to the planning authority for agreement in writing and thereafter implemented. The plan must provide details of the assessment of impact and any mitigation measures and management controls.

vi) HOU04 the standard construction hours of between 08:00 hours and 18:00 hours Monday to Friday and between 08:00 hours and 14:00 hours on a Saturday and at no time on a Sunday or Bank Holiday should be applied except for piling.

HOU04 for piling only shall be restricted to between 09:00 and 18:00 hours Monday to Friday and between 09:00 and 14:00 hours on a Saturday and at no time on a Sunday or Bank Holiday.

1.57 Odour

1.58 The submission indicates that the offloading of the refuse derived fuel will be carried out internally. The vehicles will drive via solid roller shutter doors into the enclosed loading building and the doors closed. The building will be in a negative pressure however there are no details of the handling and treatment for the odorous air from the building. It will be necessary for further odour control information to be submitted prior to its operation. The applicant has indicated that the waste is stored at the premises. The applicant has indicated that the building storing the refuse derived fuel will be unloaded into a hall with ventilation system passing the air through an outotec package. No details are provided on what this system is and how it removes odour from the building.

1.59 Household waste has a high potential odour in accordance with the IAQM guidance and therefore their statement that the odour potential is low is not correct. The applicant is taking some precautions in its handling to reduce this odour potential.

1.60 H4 guidance defines putrescible waste as a high potential odour. This odour potential will be lowered if appropriate precautions on offloading of waste within a building, its transportation and appropriate odour abatement for the treatment of odorous air within the loading and storage of waste derived fuel area and shredding. I would recommend that these areas are partitioned to provide additional control over odours.

1.61 The refuse derived fuel does not have a restriction on storage periods once it is considered a product. This could lead to such fuel having an increased odour issue prior to its arrival to site. The wrapping to the baled refuse does not provide an air tight seal against the emissions of odour, as it can be easily damaged. The applicant has indicated the baled waste will be transported into metal sided delivery vehicle and a condition will be added to this effect.

1.62 It will be necessary for appropriate conditions to be placed on this application to address these concerns and the applicant has advised that he is agreeable to such conditions.

1.63 It would be necessary to demonstrate that high sensitive housing areas are not subject to odour levels of 1.5 OUEm-3 as 98th percentile. An odour modelling exercise is required to provide information on the odour outlets and to consider the accumulative effect of odours to East Howdon from a sewage works. The guidance suggest that the odour levels should be lowered due to the sensitivity caused by the existing odour issues in the area. I would therefore require the

applicant to demonstrate that any odours can meet an odour level of 1.0 OUEm-3 as 98th percentile.

The conditions I would recommend for odour control are:

- i) No storage of waste derived fuel is permitted externally in containers or heavy goods vehicles.
- ii) All offloading of the baled RDF refuse Derived fuel must be carried out internally.
- iii) The loading area doors to the RDF must be kept closed except for access and egress and in case of emergency .
- iv) Prior to the operation of the installation. an odour management plan identifying odour sources, outlets and odour abatement controls must be provided in accordance with H4 odour management guidance and provide odour modelling to demonstrate that the accumulative effect of odours can meet an odour level of 1.0 OUEm-3 as 98th percentile at nearest sensitive receptors.. This odour management plan and any abatement equipment must be submitted, agreed in writing and thereafter implemented and maintained.
- v) Within six months of the normal operation of the plan, submit a validation report for the odour modelling using olfactory sampling and odour modelling to the planning authority for written agreement to demonstrate compliance with odour limit at nearest sensitive receptors..
- vi) The RDF storage and handling area building must be operated under negative air pressure to prevent fugitive emissions .
- vii) Prior to the operation of the building for the handling and storage of the waste derived fuel, a smoke test shall be carried out to demonstrate that the building is under negative pressure, notification of test date shall be provided to the council at least 7 days and the report submitted to the planning authority to demonstrate the building is under negative pressure and is airtight.
- viii) All air discharged from the RDF handling and storage must be passed via an odour abatement system prior to discharge. The details of the system must be submitted to the planning authority, agreed in writing and thereafter implemented and maintained.
- ix) No RDF may be stored for more than 3 days on site and a rotation of the storage area to allow for cleaning and disinfecting should be provided.

1.65 Air Quality

1.66 I have concerns with regard to potential dust during the offloading of ash generated by the process and from the storage of aggregate .

1.67 Appendix D3 Operational dust and odour assessment states in conclusion that no qualitative dust impact assessment was required, provided suitable management measures are implemented.

1.68 I would therefore recommend a condition to ensure all mitigation measures specified in Appendix D5 of the report project no: 1660896/A.2 are implemented. This includes requirements for a dust management plan, monitoring and appropriate screening against wind blown dust during operation.

1.69 During construction activity Appendix D5 provides mitigation measures including use of wheel wash facility at site exit during the earthworks, demolition and construction phase.

I would recommend the following conditions:

i) SITO3

ii) Prior to construction of site, a background dust gauge must be carried out and submitted to planning authority to determine the existing dust load. Dust monitoring must be carried out during construction phase if complaints arise in accordance with IAQM Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012. The dust load must not exceed 200 mg/m²/day averaged over a 4 week period.

iii) Prior to operation of the site, details of the handling and loading of dry materials particularly ash must be submitted and agreed in writing.

iv) Implement the mitigation measures stipulated in Appendix D5 of report no 1660896/A.2 for construction and operation phase of the installation

1.71 The air quality assessment has considered worst case and modelled using the maximum permitted emission limits for the Industrial Emissions Directive.

1.72 The assessment has used the national background maps for NO₂ and PM₁₀, rather than using the air pollutant levels from the real time continuous air station located at the Northumbria Water sewage works, however it is noted that the levels used for NO₂ within the assessment are comparable with the levels monitored, as a level of 18.93 µg/m³ was monitored in 2015. For PM₁₀ a level of 18.29 µg/m³ was monitored in 2015, which is higher than that obtained from the background maps, but lower at 13.6 µg/m³ in 2014. The emission rates unit of measure has not been specified in table 6. I have viewed the air dispersion maps that have shown the predicted emissions at ground level. The predicted short-term increases in nitrogen dioxide, PM₁₀ and SO₂ concentrations from the proposed energy recovery plant have been shown to be substantially below the short term limit levels of 50 µg/m³ for 24 hour PM₁₀, 200 µg/m³ for 1 hour NO₂ and 266 µg/m³ for the SO₂ 15 minute mean.

1.73 This predicted ground concentration levels are modelled using typical historic weather data for the region. Typically the air flows experienced at the river and coastal areas should ensure good dispersal of stack emissions. The design and height of the stack has been based on worst case pollutants to ensure good dilution of the pollutants with the air flow to assist with dispersal and minimise ground concentrations. There should be minimal occasions when

weather inversions may occur that will result in an increase in the short term pollutant concentrations at ground level above the specified levels in the predicted air dispersion maps, but unlikely to be above the limit values. Air quality levels can be influenced by thermal weather inversions, however continuous air quality monitoring at East Howdon has shown very few occasions when the short term PM10 24 hour mean value has been breached. There have been no exceedances of the short term 1 hour NO2 mean limit level.

1.74 With regard to PM_{2.5} levels, although there is a limit level within the 2010 Regulations there are no specific target limits set within the LAQM Technical Guidance (TG16) for Local Authorities in England to work towards. It is recognised that there are no safe levels for particulates and that Local Authorities must have policies in place to reduce the levels to as low a level as possible. Any new development will contribute to the overall air quality levels within an area and therefore although the overall impacts are considered to be minor adverse, the development will still give rise to air pollution impacts for local residents that will affect their amenity.

1.75 The process will be required to obtain an environmental permit from the Environment Agency. Continuous air quality monitoring will be required as part of the permit conditions and therefore this will be addressed via the environmental permit which is regulated by the Environment Agency. I would advise that Public Health England are a consultee for the environmental permit.

2.0 Councillor Comments

2.1 Cllr Wendy Lott (Riverside Ward) has requested speaking rights at Planning Committee.

2.2 Cllr Bruce Pickard (Riverside Ward) objects to the application and has requested speaking rights at Planning Committee. The grounds of objection are:
Over development of waste recovery activities in the area.

Uncertain energy recovery benefits.

Failure of similar sites in other areas.

No other plants operating in an urban area to consider effect.

Possible health effect in an area that already suffers from unacceptable air pollution conditions.

Operating hours 365 days 24 hours a day will require an unacceptable level of heavy commercial vehicles both affecting the Tunnel and more importantly adding to traffic congestion, additional pollution and noise effect.

3.0 Representations

3.1 53no letters of objection have been received. The concerns raised are summarised below.

- Impact on landscape.
- Inappropriate design.
- Nuisance – disturbance, dust, dirt, fumes, noise.
- Traffic congestion.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicle access.
- Visual intrusion.
- Precedent will be set.

- Inappropriate materials.
- Loss of residential/visual amenity.
- Pollution of watercourse.
- Adverse effect on wildlife.
- Affect character of conservation area.
- Loss of/damage to trees.
- Inappropriate in special landscape area.
- Out of keeping with surroundings.
- Impact on landscape.
- Non-compliance with approved policy.
- The plant is not green energy – it will use household waste.
- The gasification process is unproven.
- Unsafe and inefficient.
- Plants of this type elsewhere in the country have been unsuccessful.
- Insufficient information regarding the toxicity, monitoring or control of emissions.
- Impact of lorries used to transport the waste on traffic congestion and pollution.
- Adverse impact of emissions and odours.
- Lack of information regarding the emissions.
- Who will monitor air quality.
- Few local people would be employed and few long term employment opportunities.
- Disruption caused by volume of traffic during building and operational phases.
- Adverse impact on public health.
- Potential build up of unprocessed material on site.
- Proximity to residential areas.
- Will add to problems caused by existing industrial uses in the area.
- The area is already littered with plants that deal with rubbish.
- The north east should not have to deal with other people's waste.
- Devaluation of property.
- Additional air pollution and odour.
- Plant will produce nano particulates that are dangerous to health.
- Adverse impact on local community.
 - If the wind is not blowing east noxious emissions will blow over inhabited areas, or drop close to the plant – risk to humans and livestock from dangerous emissions, ammonia and dust.
- Fumes will pass over residential areas before being blown out to sea.
- Disregard for resident's opinions and wellbeing.
- Impact of 80m chimney on the landscape.
- Risk of waste being damaged, leading to health hazards and vermin.
- Impact on further residential developments downwind e.g. 18R, Smith's Dock, and shoppers and users of sports facilities at Royal Quays, Marina users, ferry/cruise ship passengers.
- Too close to residential properties.

3.2 45no copies of a standard objection letter have been received. The letter states:

- Too close to housing in East Howdon and Willington Quay.
- The technology is littered with mistakes, and these mistakes will have an effect on everyone's health.
- We have enough problems with existing companies in our area without adding to it.

- Health before waste please.
- Who is going to help us when this goes wrong and it will.

3.3 A petition against the development, containing 90no signatures has been received.

3.4 18no letters of support have been received from trade organisations, local businesses and individuals. A further 13no letters have been submitted from unnamed addresses.

3.5 The letters are summarised below.

- Brings an opportunity to use the site, to create new jobs and apprenticeships, and secure the existing employment for not only the Port, aiding its future sustainability, but also for the future benefit of the local area, the community and the region is substantial.
- The scheme meets the requirements of the planning framework and will provide a sustainable source of electricity for the future.
- Will help secure both current and future jobs to benefit both the local community and the region.
- The Port have been instrumental in attracting and moving JML from its London/South base and as a strategic partner helping us expand in the North East.
- This is an important project that will help the regional economy by creating employment and apprenticeship opportunities and will provide a sustainable source of electricity for the future.
- Helps ensure the future sustainability of the Port of Tyne, a company that is so important to the future prosperity of the North East region.
- Tackling our growing energy challenges is vital for the UK economy. Effort should be focused on building a more prosperous and competitive UK economy and investing in meeting the country's energy needs responsibly is key.

4.0 External Consultees

4.1 Northumbrian Water

4.2 With regard to surface water, we would have no issues to raise provided the development is carried out in accordance with the submitted Surface Water Management Plan, which states that surface water from the proposed development will discharge directly to the River Tyne.

4.3 With regard to foul flows, the planning application does not provide sufficient detail with regards to the management of foul water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

4.4 Condition: Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

4.5 Natural England

4.6 Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

4.7 Protected species - We have not assessed this application and associated documents for impacts on protected species.

4.8 Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

4.9 Local sites - If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

4.10 Sites of Special Scientific Interest Impact Risk Zones - The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

4.11 South Tyneside Council

4.12 The Authority raises no objections in principle. The submitted noise assessment states that a detailed design statement is not available, but suggested guideline limits for noise at residential receptors has been agreed. South Tyneside Council request that upon submission of any detailed noise assessment as part of this application or discharge of any future condition, if approved, that a copy be provided to the Local Authority for monitoring.

4.13 Tyne and Wear County Archaeologist

4.14 I have read chapter G of the Environmental Statement (Heritage and Archaeology).

4.15 The chapter concludes that the site lies within 5km of Hadrian's Wall and 2.8km of the World Heritage Site buffer zone. The nearest Scheduled Ancient Monuments are Jarrow monastery and village (1km away). The nearest listed building is the Tyne Pedestrian and Cyclist Tunnel (300m to the west).

4.16 The report says “Minor adverse impacts are expected on the setting of three Scheduled Monuments (two of which are also designated as part of the Hadrian’s Wall World Heritage Site) and six Listed Buildings as a result of visual effects during construction. In all cases the magnitude of effect is negligible, with changes to setting very slight (adverse), or barely discernible”. “Assets in closest proximity to the site, specifically LB-009 and LB-010, will have unobstructed views of the development; however it is not considered that their setting will be drastically altered. These buildings are listed primarily for their internal fittings, in particular wooden escalators, and so it is considered that their setting is internally focused”.

4.17 Historic England should be consulted on the setting of these designated heritage assets, particularly with regard to the 80m high chimney, to see if they agree with these statements.

4.18 There are six known archaeological features within the site:

- Howdon salt pans dating from the 18th century
- Northumberland Dock – built in 1853
- Howdon Pans Shipbuilding Yard – 19th century in date
- Northumberland Shipyard – built after 1858
- Howdon Shipyard – late 19th century in date
- Cramlington Colliery Railway – late 19th century in date

4.19 The site is thus of industrial archaeological interest. Before 1898 the site was occupied by the river channel and mudflats. These were reclaimed in order to provide land on which to build the shipyards.

4.20 Para G5.5 states that “the potential for remains of such assets, or any previously undiscovered archaeological remains, to exist at the site is extremely low as a result of subsequent development and disturbance”.

4.21 However modern development does not necessarily mean that archaeological remains will have been destroyed. At Neptune Yard at Walker, a beautifully preserved timber colliery waggonway of 18th century date, was found during archaeological excavations in 2013 despite the fact that the shipyard had been in use until fairly recent times.

4.22 Unless ground levels have significantly been lowered since the shipyards went out of use, evidence of slips and railways may still survive. I would therefore question whether we can be 100% sure that there is no direct impact on non-designated heritage assets (para 7.4 of the ES Non Technical Summary).

4.23 I would therefore recommend archaeological evaluation trenching as a precaution.

4.24 A detailed archaeological desk based assessment has not been done. I did want to see the assessment before a planning decision is made. However I will accept it being conditioned as I have enough archaeological information for the

application to be determined; just not enough to decide what archaeological fieldwork might be required.

4.25 Please impose these conditions:

4.26 Archaeological Excavation and Recording Condition

No groundworks or development shall commence until a programme of archaeological work (to include desk based assessment, evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

4.27 Archaeological Post Excavation Report Condition

The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition () has been submitted to and

approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

4.28 Archaeological Publication Report Condition

The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a

suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF.

4.29 Historic England

4.30 We do not wish to comment in detail, but offer the following general observations.

4.31 Having considered the details of the application, we do not believe that this proposal would impact directly on any archaeological remains from the Hadrian's Wall World Heritage Site. In addition, although potentially visible from the World Heritage Site in views over very long distances, we do not believe that it would harm the ability to appreciate and understand Roman military planning and land use. In light of this, we do not believe that this proposal would harm the setting of the World Heritage Site. Outside of Historic England's remit, we would suggest

that you consult your own specialist conservation staff, as well as the County Archaeology team.

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

4.33 Newcastle Airport

4.34 The proposed positioning and height of the stack have been assessed in relation to the safe operation of aircraft, and it is considered that there will be no detrimental impact on the Airport's protected navigational surfaces. The main issue to consider is that the 80m stack would require lighting at all times. This would need to be steady red Omni directional lighting of medium intensity (2000 candela) and +/- 4deg to the vertical. The lighting would need to be located 1.5-3m below the top of the stack. Provided that this lighting is situated on the stack as soon as it is raised into position NIA have no objection to the proposal.

4.35 Although the stack will not penetrate the Airport's protected navigational surfaces, it will still need to be plotted. Therefore the Airport request to be informed when it is planned for the stack to be raised into position.

4.36 Newcastle International Airport (NIA) supports the Port of Tyne's application to construct an energy recovery plant at Howdon. The development will provide a modern facility to help the region, including the airport, to more sustainably dispose of waste, as well as generating low carbon energy. NIA welcomes the development of such technology in the North East.

4.37 It is also apparent that the scheme will provide local opportunities for employment and apprenticeships, and so aid the growth of the regional economy.

4.38 Environment Agency

4.39 Having received additional information we are now in a position to withdraw our objection. The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

4.40 Condition: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 5.35 m above Ordnance Datum (AOD), as detailed in section 3.2.1 and 5.1 of the submitted FRA.
2. Flood resilience measures are adopted for buildings and through design layout as specified in section 5.2 of the submitted FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently 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 risk of flooding to the proposed development and future occupants.

4.41 Emergency Access and Egress - Advice to LPA

4.42 As principle Risk Management Authority, the Local Planning Authority are responsible for providing a consultation response on emergency access, egress and contingency plans. There is still some residual flood risk during an extreme event at the site. Consideration and identification and provision of safe route(s) into and out of the site to an appropriate safe haven is advised, at this site. Some contingency detail is provided in the FRA, but further details such as accessible maps and protocols can be of assistance to site occupants.

4.43 Flood Activity Permitting - Advice to Applicant

4.44 The submitted site plans delineate outfalls and other activity near a statutory main-river. This development will require an Environmental Permit under the Environmental Permitting Regulations 2010, unless an exemption applies. The applicant is advised to contact the Environment Agency to discuss the issues likely to be raised.

4.45 Permitting - Advice to LPA/Applicant

4.46 The proposed development will require an environmental permit under the Environmental Permitting Regulations 2010. We do not currently have enough information to know if the proposed development can meet our requirements to prevent, minimise and/or control pollution.

4.47 The facility will have to comply with Best Available Techniques (BAT) in relation to its operation. There is insufficient information in the planning application with regards to BAT to say if the proposal and the techniques proposed will be BAT.