

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010

APPROVAL SUBJECT TO CONDITIONS

Application Number: 22/1525/EIS

Applicant :

Teesside Green Energy Park Limited
Regents Court
Princess Street
Hull
HU2 8BA

Agent :

MJCA
Main Rd
Atherstone
CV9 2LE

This Council of Stockton-on-Tees as the Local Planning Authority **HEREBY PERMIT** the development proposed by you in your application registered on 30 August 2022 namely

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

Land At Seal Sands , Billingham,

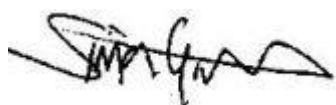
and shown on the approved plan(s) subject to the compliance with the Building Regulations and general statutory provisions in force in the district and subject to the conditions and reasons specified hereunder:

1 Time Limit

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

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

Dated: 8 August 2024



Simon Grundy
Planning Services Manager

This decision relates to planning consent only. Any other statutory decision e.g. Building Regulation and Improvement Grant must be obtained from the appropriate authority

2 Approved Plans

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

Plan Reference Number	Date Received
SLR/SS/07-22;/23249	26 March 2024
1019 D2 005 C01 Rev O	26 March 2024
1019 D2 000 C01 Revision O	26 March 2024
1019 D2 001 C01 Rev O	26 March 2024
1019 D2 002 C01 Rev O	26 March 2024
1019 D2 007 C01 Rev O	26 March 2024
1019 D2 091 C01 Rev O	26 March 2024
1019 D2 092 C01 Rev O Rev O	26 March 2024
1019 D2 093 C01 Rev O	26 March 2024
1019 D2 094 C01 Rev O	26 March 2024

Reason: To define the consent.

3 Waste Quantities

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

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

4 Details of the buildings/structures

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

Reason: To achieve a satisfactory form of development

5 Means of Illumination

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

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

6 Ecology and Mitigation

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

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

7 Construction Environmental Management Plan

No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impact arising in relation to noise and vibration, dust and air pollutants, land

contamination and ecology. It shall also set out arrangements by which the developer shall maintain communication with businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: In the interests of protecting the environment.

8 Ecology Survey

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

Reason: To conserve protected species and their habitat where necessary

9 Habitat and wildlife

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

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

10 Habitat and landscaping plan.

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

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

11 Teesmouth and Cleveland Coast SSSI

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

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

12 Storage

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

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

13 Emergency plan

The development hereby permitted shall not be brought into operation until an emergency plan, including scheme for emergency evacuation has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

14 Travel Plan

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

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

15 Construction Traffic Management Plan

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

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

16 Energy Efficiency

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

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

17 Discharge of Surface Water

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

the approved details, the scheme shall include but not be restricted to providing the following details;

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

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

18 Management of Surface Water

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

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

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

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

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

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

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

Reason: In the interests of archaeology and recording.

20 Contaminated Land Risk Assessment

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with

contamination of the site, have been submitted and approved in writing, by the local planning authority:

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

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

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

21 Employment and Training

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

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

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

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

INFORMATIVES

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

Environment Agency Informative

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

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

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

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

Furthermore, it is recommended that the following Climate Mitigation plans are considered for the development: Flood risk; Extreme weather events; Wind/Storms; Droughts and Pandemics
Receiving pre-application advice will help the Applicant submit a good quality application that can be processed (determined) smoothly and quickly. If the Applicant wishes to request either basic (free), or enhanced (chargeable) pre-application advice, they should complete the pre-application advice form.

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

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

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

The submitted environmental information set out in the Environmental Statement has been taken into consideration in the permission hereby granted.

Appeals to the Secretary of State

Important Note: The applicant's attention is drawn to the appeal time limits indicated below and the need to adhere to the specific time limit for appeal in relation to the application/appeal type

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.*
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.*
- If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.*
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.*
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pes.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land to grant it subject to conditions, the owner may claim that the land has become incapable of reasonable beneficial use in its existing state and in a case where planning permission was granted subject to condition, that the land cannot be rendered capable of reasonable beneficial use by the carrying out of the permitted development in accordance with these conditions, and in any case that the land cannot be rendered capable of reasonably beneficial use for the carrying out of any other development for which planning permission has been granted or for which the Local Planning Authority or the Secretary of State has undertaken to grant planning permission.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated requiring the council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Part VI of the Town and country Planning Act 1990.
By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended) and Article 7(1) of the Town and country Planning General Development Order 1988, where outline planning permission is granted on or after the 1st April 1969 of this section it shall be granted subject to the condition that in the case of any reserved matter, application for the approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission and that the development to which the permission relates must be begun not later than whichever is the later of the follow dates:-
 - (i) the expiration of three years from the date of the grant of outline planning permission;Or
 - (ii) the expiration of two years from the final approval of the reserved matters or in case of approval on different dates, the final approval of the last such matter to be approved.The attention of developers is drawn to the fact that any failure to adhere to the details of approved plans or to comply with conditions attached to the consent constitutes a contravention of the provisions of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.