
APPLICATION DETAILS

Application No:	18/0122/FUL
Location:	Land Off Riverside Park Road, Riverside Park West Middlesbrough
Proposal:	Anaerobic Digestion Plant facility with associated works, including buildings, apparatus, hardstanding and access.
Applicant: Company Name:	Ener-G Riverside Park Biogas Ltd
Agent: Company Name:	Mr Rod Hepplewhite Prism Planning Ltd
Ward:	Central
Recommendation:	Approve with Conditions

SUMMARY

The application seeks planning permission for the erection of an anaerobic digester power plant and associated works on land between the River Tees and Riverside Park Road. Being a full application, Members must consider the principle of the development as well as the detailed matters of the appearance, layout, scale, access and landscaping.

The application site is located within a highly industrial area and, despite not being categorised within a B1, B2 or B8 use class, the operations associated with the anaerobic digester plant would be considered compatible with the general employment and enterprise character of the Riverside Park Industrial Estate.

The main points raised during the consultation process were primarily in relation to the Environmental Health matters of odour, air quality and noise. Assessments relevant to these matters were submitted in support of the application, which have been fully considered by the respective technical services, and these have informed officers that the development would not have an unacceptable impact on any nearby occupier. It is the view of officers that the proposals would neither detrimentally affect the living conditions of residents at Metz Bridge nor compromise the successful delivery of the Tees Advanced Manufacturing Park.

The report concludes that the proposed anaerobic digester plant is acceptable development and it is the officer recommendation to approve subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a level parcel of land approximately 1.4 hectares in size, located on the western side of Riverside Park Road. The site is to the south of Intellect UK (within Intellect Court), to the east of the River Tees and the Teesdale Way riverside footpath, and to the north of the site of the proposed Tees Advanced Manufacturing Park (Tees AMP).

The application seeks planning permission for an anaerobic digester plant with associated equipment. The proposals include a combined heat and power plant (CHP) unit as well as digester and storage tanks, ancillary buildings and flare stack. Access to the site is indicatively shown as being from the northeast corner.

The four main digester and storage tanks would be situated along the rear boundary and positioned in a bund that is 2.0 metres below the levels of the buildings on site. The digester tanks measure 20 metres in diameter and 20 metres in height. The main reception building, which would be situated along the western boundary, measures 2,625 square metres in footprint, and has a total height of 15 metres.

In terms of its appearance, the finished colour of the buildings and tanks would be agreed with the LPA, but the overall plant would take a functional form, with the tanks having a traditional cladded appearance and the building comprising concrete and metal sheeting.

PLANNING HISTORY

There is no relevant planning history.

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- a) The provisions of the development plan, so far as material to the application*
- b) Any local finance considerations, so far as material to the application and*
- c) Any other material considerations.*

The following documents together comprise the Development Plan for Middlesbrough;

Middlesbrough Local Plan;

- *Housing Local Plan (2014)*
- *Core Strategy DPD (2008, policies which have not been superseded/deleted only)*
- *Regeneration DPD (2009, policies which have not been superseded/deleted only)*
- *Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)*

- *Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)*
- *Middlesbrough Local Plan (1999, Saved Policies only) and*
- *Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).*

The overarching principle of the National Planning Policy Framework (NPPF) is to support sustainable development, and that it should go ahead without delay. It defines the role of planning in achieving economically, socially and environmentally sustainable development and recognises that each are mutually dependent. The NPPF requires local planning authorities to approach development management decisions positively, utilising twelve core planning principles, which can be summarised as follows:

- *Being plan led*
- *Enhancing and improving areas*
- *Proactively drive and support sustainable economic development to deliver homes, business, industry and infrastructure and a thriving local economy*
- *Always seek a high quality of design and good standard of amenity for existing and future occupants*
- *Take account the different roles of areas, promoting the vitality of the main urban areas whilst recognising the intrinsic character of the countryside*
- *Support the transition to a low carbon future, taking full account of flood risk, resources and renewables*
- *Contribute to conserving and enhancing the natural environment*
- *Encourage the effective use of land*
- *Promote mixed use developments*
- *Conserve heritage assets in a manner appropriate to their significance*
- *Actively manage patterns of growth making fullest use public transport, walking and cycling and focus significant development in sustainable locations and*
- *Take account of local strategies to support health, social and cultural well-being and deliver community and cultural facilities to meet local needs.*

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

H1 – Spatial Strategy
 DC1 – General Development
 CS4 – Sustainable Development
 CS5 – Design
 E5 – Teesdale Way
 H1 – Spatial Strategy
 REG17 – Green Blue Heart
 CS21 – Green Blue Heart
 REG12 – Employment Land Provisions
 REG13 – Riverside Park - General Development Considerations
 REG14 – Riverside Park - Southwest Ironmasters
 CS7 – Economic Strategy

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

The application was subject to the standard consultation of neighbouring properties. A site notice was also displayed along Riverside Park Road, near to the existing bus stop, and

close to the site of the proposed access. Following the consultation period, two letters of objection were received.

A letter of petition was received from the residents of Metz Bridge (signed by 16 individuals) objecting to the proposed development on the grounds of noise, odour and air quality nuisance.

A letter of objection was received from Intellect UK objecting on the following grounds:

- Plans do not give a clear picture of the site location with respect to the neighbours.
- The location of such a plant is wrong for the environment of Riverside Park.
- With so much heavy industrial land available, why is this area being considered?
- Strong odours will be an issue.
- The development may result in the final office block phase of Intellect Court being scrapped.
- The Planning Statement should have accurate photographs showing the site, as the dense foliage and car park have been removed.
- The business will be low on employment. A site of this size could employ a greater number if utilised correctly.
- The site will be an eye sore on the entry to Riverside Park. This is not the impression we should be portraying for Middlesbrough along the Tees corridor.
- The food waste [brought to the site] will make the rodent problem worse.
- This could have a detrimental effect on our business, with the majority being for the food industry, and having many site visits from Nestle, KP snacks, Tetley tea, and Walkers.

Responses from Internal Technical Consultees:

MBC Planning Policy

The proposed development would be considered to be in accordance with national and local policy guidance and there are no objections in principle.

MBC Environmental Health

The air quality assessment, odour assessment and noise impact assessment have been considered and are deemed to be acceptable. The overall impact of the development is considered to be minimal and there are no objections subject to conditions for the submission of a site investigation and validation report.

MBC Highway Engineers

There are no objections to the development subject to conditioning drainage details.

MBC Transport Planning

Based upon the volume of material the plant is capable of handling/processing, the development is anticipated to generate 16 vehicular movements per day. Such a level of vehicular traffic will not have a material impact on the adjacent network or operation of adjacent junctions. Access to the proposed site is to be via a new priority junction from Riverside Park Road where visibility meets the necessary sightlines. There are no objections to the development subject to conditions regarding access details.

MBC Waste Policy

There are no objections to the proposed waste storage arrangements.

Secured By Design

The development should actively seek to develop to accredited SBD standards.

Responses from External Statutory Consultees:

Health and Safety Executive

The HSE does not advise against the development.

Northumbrian Water

There are no objections to the development subject to a condition for a scheme showing the disposal of foul and surface water.

Natural England

There are no objections to the proposed development subject to appropriate mitigation being secured. A condition for mitigation has been requested.

Environment Agency

There are no objections to the development in principle, but the EA advises that an Environmental Permit is required for activities involving the treatment of waste materials. A successful Environmental Permit application will require the submission of an Odour Management Plan (OMP), which will need to address key criteria relating to odour management.

The Odour Assessment is based on assumptions and examples from other plants, rather than detailing the exact odour issues at the proposed plant. The odour abatement technology that is chosen must be able to manage all levels of odour from the site.

Northern Gas Networks

There are no objections to the proposed development.

Stockton Council

There are no objections to the proposed development.

Public Responses

Number of original neighbour consultations	29
Total numbers of comments received	16
Total number of objections	15
Total number of support	0
Total number of representations	1

PLANNING CONSIDERATION AND ASSESSMENT

1. The application site is part of a larger site allocation, being identified on the Local Plan Proposals Map for employment purposes where B1, B2 and B8 uses are considered appropriate. Policies REG12 (Employment Land Allocations), REG13 (Riverside Park – General Development Considerations), REG14 (Riverside Park – Southwest Ironmasters), REG15 (Riverside Park – Enterprise Centre) and E5 (Teesdale Way) are particularly relevant to this site.
2. As well as the aforementioned Policies, the application must also be considered against the requirements of Policies H1 (Spatial Strategy), CS4 (Sustainable Development), CS5 (Design), CS7 (Economic Strategy), CS21 (Green Blue Heart) and DC1 (General Development). In general terms, these policies seek to achieve high quality sustainable economic development, which is in the right location and minimises the impact on neighbouring sites.

3. The main issues to consider as part of this application include the suitability of the site for the proposals, the highways implications and the associated impact upon the local transport infrastructure, whether the design and form of the development is acceptable, and the issues of nuisance, including whether the associated levels of noise, odour and air quality are appropriate for the area / surrounding uses.

National and Local Planning Policy

4. National planning guidance is enshrined within the National Planning Policy Framework (NPPF). The basic doctrine of the NPPF is that planning should be genuinely plan-led and it sets out the core planning principles in paragraph 17. Relevant to the proposed development, these core planning principles include proactively driving and supporting sustainable economic development, supporting the transition to a low carbon future in a changing climate, encouraging the use of renewable resources, enhancing the natural environment and reducing pollution, and encouraging the effective use of brownfield land.
5. The Government places considerable obligation on the planning system to help reduce the impacts of climate change, including a reduction in greenhouse gas emissions. The Government's Planning Practice Guidance states that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. The NPPF states that local planning authorities should approve applications (unless material considerations indicate otherwise) for renewable and low carbon energy projects, if its impacts are, or can be made, acceptable.
6. Paragraph 97 of the NPPF is of particular relevance to the application and states that '*to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources*'.
7. In general, the proposal is considered to be in compliance with the NPPF and its aims and objectives regarding sustainable development, building a strong and competitive economy, and meeting the challenge of climate change.
8. In terms of the local policies that relate to the application site specifically, Local Plan Policy H1 identifies Riverside Park and the areas of north Middlesbrough as one of the main areas to focus new employment proposals that will assist the economic strategy for the town. Core Strategy Policy CS7 identifies Riverside Park as one of five strategic employment locations in the town and the site is allocated in Regeneration DPD Policy REG12 for development in use classes B1, B2 and B8.
9. Policy CS4 seeks to deliver sustainable economic development that makes the most efficient use of land and prioritises brownfield land. Policy CS7 commits the Council to supporting and encouraging employment proposals that assist in the delivery of economic prosperity and developing the role of Middlesbrough as part of the heart of a vibrant and prosperous Tees Valley city region and the proposal is considered to be in general accordance with these policies.
10. In terms of the design, appearance and form of the development, local Policy CS5 requires all development to demonstrate a high quality of design that is well integrated with the immediate and wider context. Policy DC1, similarly, requires that the visual appearance and layout of development and its relationship with the surrounding area is of high quality. Regeneration Policy REG13 states that any proposed development in Riverside Park will only be granted where there are no significant detrimental impacts upon the amenities of neighbouring properties. Consideration shall also be given to Policies REG14 and REG15, which support development in use classes B1 and B2

provided the development is of a high sustainable quality, and will not have a significant detrimental impact upon the amenities or activities of neighbouring properties.

11. Furthermore, consideration regarding the impacts of the development on the Teesdale Way will be required, particularly, as under Local Plan (1999) Policy E5, the Teesdale Way which runs along the south bank of the River Tees, emphasises the need to improve, maintain and protect from development that could prejudice its use as a long distance footpath.
12. Tees Valley Minerals and Waste Core Strategy Policies MWC6, MWC7, MWC8 and MWC10 are also relevant, along with the Tees Valley Minerals and Waste DPD - Policies and Sites, Policy MWP12.

Anaerobic Digester Processes and Site Operations

13. Anaerobic Digester facilities are primarily used as a source of renewable energy. The process produces a biogas (containing methane), which can then be used as energy or fed into the power grid. The digestate that is also produced can be used as a fertiliser.
14. In simple terms, organic material (food waste, manure, slurry, silage) will be transported to the application site in HGVs (solid waste) and tankers (liquid feedstock). The organic material is put into a large round tank with a roof over it and is then fermented within the sealed vessel to produce the biogas.
15. The solid material will be tipped into dedicated bays in the main reception building prior to processing through the plant. It is proposed that the doors of the reception building will be kept closed at all times other than HGVs entering and leaving. The liquid material will be pumped straight into the reception tanks.
16. This biogas produced by the process can then be used to drive engines to generate power, or stored in bottles for fuel, or fed into the national power grid. It is noted that the proposed development includes a small combined heat and power plant (CHP) unit to produce electricity to run the plant.

Use of Land and Principle of Development

17. Although the proposed development and its operations would be considered to be sui generis (a use class of its own), rather than fall within category B2 of the Use Class Order, it is considered that the development is acceptable in principle on this site and in this location as the proposals would be compatible with the surrounding land uses. Given the local context – predominantly land in B1, B2 and B8 uses – it is considered that the proposals would successfully fit within the surrounding Riverside Park Industrial Estate given it relates to a use where there are large industrial scale buildings, an industrial or similar operation and deliveries to the site via HGVs or similar.
18. Given past uses on this and the wider sites, there is the potential for ground level contamination and as part of the application, a site investigation has been undertaken. The Council's Environmental Health service requested a site investigation be undertaken with associated remediation suitable to the level of risk and that these take place prior to development commencing. A standard condition is recommended requiring a site investigation to be undertaken, remediation to be undertaken and a validation report to be submitted to the Local Planning Authority to verify that all remedial works were completed on site.

Appraisal of Proposed Development

19. In respect of Policy CS4, the proposed development would be located on a site that is identified as brownfield land, thus prioritising previously developed land. In addition, the development would be situated in an area that is supported by sustainable transport methods, as a bus stop sits outside the site of the proposed development. The

development would therefore be considered to be in accordance with the sustainable development criteria of Policy CS4.

20. When considering a proposed development of this size and scale, an important factor to take account of is the potential impact of the development on the character and appearance of the area. The Riverside Park industrial estate is predominantly characterised by large industrial buildings, many of which take on a utilitarian form and appearance. The nature of an anaerobic digester plant, with its associated tanks and equipment, would result in a proposed development that appears largely functional. Most notably, the large 20-metre high tanks and 15-metre high building would appear very prominent and easily perceptible from the near and wider surroundings. In principle, the design of the proposal would be considered appropriate for and consistent within the local context.
21. Although the surrounding environment is a highly industrial one, an appropriate and complementary landscaping scheme would soften the appearance of the proposals on the area and the adjacent Teesdale Way whilst assisting with adhering to local policies relating to high quality design. Although the submitted Design and Access Statement suggests that the site is well screened from Riverside Park Road by a belt of trees, these have since been removed and it is considered that an appropriate landscaping scheme fitting for the proposed development can be secured by condition. Appropriate landscaping would also allow the development to sit comfortably adjacent to the Teesdale Way, which runs along the western boundary of the site.

Ecology and the Impact on the SPA

22. There are no designated wildlife sites within the immediate vicinity of the proposal site, but internationally and nationally important Teesmouth and Cleveland Coast Special Protection Area (SPA) runs up the River Tees and close to the site.
23. The application was accompanied by a Habitats Regulations Assessment, which suggests a number of mitigation measures and techniques to ensure there are no residual impacts on any passing birds associated with the SPA. Natural England have been consulted on the application and requested that all measures should be implemented as detailed in the Assessment. Overall, Natural England raised no objection subject to appropriate mitigation being secured. Without appropriate mitigation, Natural England considers the development could have an adverse effect on the integrity of the SPA and Ramsar site, as well as potentially harming the Tees and Hartlepool Foreshore and Wetlands SSSI. In order to prevent undue impacts through appropriate mitigation, a condition is recommended securing the mitigation measures as detailed in the Habitats Regulations Assessment. These mitigation measures include minimisation techniques during construction (including alternative techniques to pile driving) and noise screening along the western edge closest to the river to minimise the potential for visual and noise disturbance.

Health and Safety Executive

24. The Health and Safety Executive (HSE) is a statutory consultee for developments of this type that are within the consultation distance of Major Hazard Sites/Pipelines. The proposed development is within at least one consultation distance, and therefore has been considered using the HSE's Land Use Planning Methodology. Consequently, the HSE does not advise against the granting of planning permission.

Highways and Drainage Implications

25. Based upon the volume of material the plant is capable of handling and processing, the development is anticipated to generate 16 vehicular movements per day. Such a level of vehicular traffic is not considered to have a material impact on the adjacent highway network or operation of adjacent junctions given the functioning and existing demands

on the wider highway network. The proposed car park and internal layout of the site is also considered to be acceptable in highways terms.

26. Access to the proposed site will be via a new priority junction from Riverside Park Road. Visibility at the proposed access would meet the necessary sightlines. Details of the specific design of the access arrangements can be secured by condition. A condition is also recommended to deal with the surface water drainage from the site.

Air Quality, Noise and Odour Matters

27. In view of the nature of the proposed use of the site, it is considered necessary to understand and assess matters relating to air quality, noise and odour. In order to fully analyse these issues, the application was supported by an Air Quality Assessment, Noise Impact Assessment and Odour Assessment.
28. The Air Quality Assessment concludes that emissions from the plant are unlikely to result in a detrimental impact upon air quality and any impacts would be 'not significant'. Officers from the Council's Environmental Health service have examined the submitted details and raise no objections, suggesting that given the details of the report, there are no potential air quality issues that would prevent planning permission being granted.
29. The Noise Impact Assessment submitted with the application has been considered by officers and there are considered to be no significant noise impacts on the local residents at Metz Bridge, these being the nearest key receptor of any noise disturbance. The Assessment concludes that noise would be heard from the site operations and that the site operation would slightly affect the acoustic character of the area but not to an extent that would result in a perceived change in the quality of life for the nearest residents. Noise impacts on nearby industrial and commercial operations, which may be greater due to being in closer proximity, are considered to be a normal part of the functioning of any industrial estate.
30. A key issue that has required careful consideration is the potential impacts from the odours that are generated at the plant. Owing to the types of organic material that are brought to and used at the plant – food waste, manures, slurry, silage – the containment of potentially high levels of odour is essential to ensure the general amenities of the local area. It is noted that high levels of odours from the site have the potential to significantly affect the living conditions of the residents at the nearby Metz Bridge site. In addition, there could be detrimental impacts on existing industrial operators in the area, as well as upon the proposed Teesside Advanced Manufacturing Park (Tees AMP) that will bring forward major employment opportunities and local economic benefits.
31. As the proposed activity involves the treatment of waste materials, an Environmental Permit is required from the Environment Agency. The Environment Agency has been notified as part of the consultation process and advised that there are no objections to the proposals, but has acknowledged that without sufficient technical consideration to odour abatement technology, even low level odours that would be generated from the site could pose a risk of odour nuisance. Therefore, the importance of choosing appropriate odour abatement technology is critical to ensure the anaerobic digester plant is an acceptable form of development in this location.
32. The Environment Agency has advised that it will robustly examine proposals for odour management during the permit application. An Environmental Permit seeks to reduce and minimise odours through the application of 'Best Available Techniques', and any successful Environmental Permit application will require the submission of an Odour Management Plan. Such a rigorous process should secure an appropriate development that contains odours to a level that would retain the general amenities of the area. This Permit process helps to minimise the potential odour nuisance to the surrounding

environment, but any issues of nuisance once the plant is operational would revert back to the Council's Environmental Health service under statutory nuisance.

33. The legislation of both the Environment Agency licensing process and Environmental Health in relation to odour will have overall control of remedying any odours that would be problematic. However, it is considered appropriate that any planning permission should first require appropriate mitigation to be designed into the development, and a condition is recommended to address this matter.

Conclusion

34. On balance, it is considered that the proposed development of an anaerobic digester plant will not result in a detrimental impact upon the character of the local area or the wider Riverside Park Industrial Estate. The issues of air quality, noise and odour have been considered and there are deemed to be no significant adverse impacts on the amenities of nearby operators or on the living conditions of the residents at Metz Bridge, although should matters arise, then these can be considered further through separate controlling legislation and licensing.
35. The impacts of the proposals on the local highway network have been considered to be acceptable. The form and appearance of the anaerobic digester plant, along with its associated buildings and apparatus, is not considered to unduly harm the industrial character of the area. The proposals are also considered not to be harmful to the nearby designated Special Protection Area.
36. As such, it is considered that that the development accords with all relevant planning policies contained within the Middlesbrough Local Plan, the Tees Valley Joint Minerals and Waste Core Strategy Development Plan Document, and principles within the NPPF and the officer recommendation is to approve conditionally.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. Time Limit
The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. Approved Plans and Documents
The development hereby approved shall be carried out in complete accordance with the following plans and specifications and shall relate to no other plans.

Proposed Location Plan (Drawing No 01-01)
Proposed Site Elevations (Drawing No 20-10)
Proposed Site Layout (Drawing No 10-01)

Air Quality Assessment (AQ104751-2R3) by REC Ltd
Flood Risk Assessment by Prism Planning
Habitat Regulations Assessment Report (Version R2) by Naturally Wild
Noise Impact Assessment (AC104747-1R0) by REC Ltd

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

3. Samples of Materials

No development shall commence until details and samples of the materials to be used in the construction of the structures of the anaerobic digester plant hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details/samples.

Reason: To ensure an appropriate finishing appearance to the development in the interests of the amenities of the local area.

4. Mitigation Measures during Construction

The measures to reduce noise and vibration impacts that are detailed in Section 5.10 of the approved Habitats Regulations Assessment shall be implemented throughout the duration of the construction and operation of the approved development.

Reason: To ensure the necessary protection and preservation of the interest features for which Tees and Hartlepool Foreshore and Wetlands Site of Special Scientific Interest (SSSI) has been notified.

5. Site Investigation and Remediation

Before the commencement of any development works hereby approved, a full and competent site investigation, including a risk assessment, to identify any contamination present and to specify any remediation works which may be needed to be carried out to the site in order to bring it to a standard suitable for use, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, any remediation works required shall be carried out in accordance with the approved details prior to the commencement of the development. Prior to the commencement of development on site, validation of the remediated site shall be provided in the form of a detailed completion statement confirming that works set out and approved by the local planning authority were completed and that the site is suitable for its intended use.

Reason: To ensure the appropriate decontamination of the site in the interests of safety, local amenity, and the amenity of the future occupiers of the site.

6. Surface Water Drainage

The development hereby approved shall not be commenced on site until a detailed surface water design, strategy and management plan has been submitted to and approved in writing by the Local Planning Authority. The design and strategy shall follow the principles as outlined in the approved Flood Risk Assessment and the surface water discharge from the development shall be limited to Qbar. Any approved scheme shall then be implemented as part of the development hereby approved.

Reason: In the interests of highway safety, to minimise the risk of flooding and to secure a sustainable development in accordance with local policy CS4 and the general principles of the National Planning Policy Framework.

7. Disposal of Foul and Surface Water

Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. 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.

8. Site Access Details

The development hereby approved shall not be commenced on site until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety and a satisfactory form of development.

9. Gate Proximity to Highway

No barrier or gate to any vehicular access shall be erected within 15 metres of the rear of the highway abutting the site without the prior written approval of the Local Planning Authority, and shall at no time open towards the public highway.

Reason: To prevent obstruction to other highway users.

10. Perimeter Boundary Treatment

Prior to the occupation of the development, details of the boundary treatment for the perimeter of the application site (including the type, design, height and appearance) will be submitted to and approved in writing by the Local Planning Authority. Any approved boundary treatment shall then be implemented prior to the first occupation or operation of the site.

Reason: In the interests of a high quality finish to the anaerobic digester plant development.

11. Landscape Details

A detailed scheme showing the soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and any approved scheme shall be implemented as part of the approved development. The soft landscape works shall include planting plans, written specifications, schedules of trees and plants, noting species and sizes and proposed numbers, densities where appropriate and an implementation programme. The soft landscaping details shall be implemented in the first available planting season after the first occupation of the site.

Reason: To ensure the satisfactory implementation of an approved landscaping scheme in the interests of the visual amenities and landscape features of the area.

12. Landscape Management Plan

A landscape management plan, including management responsibilities and maintenance schedules for a minimum of five years, and including arrangements for its implementation, for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the development for its permitted use. Thereafter, the approved landscape management plan shall be carried out as approved.

Reason: To ensure the satisfactory implementation of an approved landscaping scheme in the interests of the visual amenities and landscape features of the area.

13. Replacement Planting
If within a period of five years from the date of the planting of any tree, that tree, or any tree planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted, shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of the amenities of the area.

14. Odour Management Strategy and Plan
Prior to the operation of the development hereby approved, a detailed Odour Management Strategy and Plan shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall provide full details of the measures and techniques that the development will implement in order to minimise any adverse odour impacts on the nearby residents and existing uses. Any approved Odour Management Strategy and Plan shall be implemented in perpetuity of the development.

Reason: To safeguard the amenities of the nearby residential occupiers and the general amenities of the area.

REASON FOR APPROVAL

The application for the proposed anaerobic digester facility with associated works is considered to be appropriate for both the application site itself and within the surrounding area in that the proposal is in accordance with national and local planning policies, statements and guidance.

In particular, the proposed development adheres to the core planning principles and guidance contained within the National Planning Policy Framework regarding the efficient use of land, supporting sustainable economic development, the use of renewable resources, and the transition to a low carbon future that would result in a development that would be considered appropriate for the local area.

Issues relating to the scale, design and layout of the proposed anaerobic digester facility, as well as the highways and transportation implications, and the potential impacts on neighbouring sites have all been considered against local and national planning policies. On balance, the development would be considered in keeping with the scale and character of the surrounding townscape, and is not considered to give rise to any inappropriate or undue affects or be detrimental to the local amenities of the area.

Accordingly, the local planning authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise. On this basis, the recommendation to approve conditionally is as set out for these reasons.

INFORMATIVES

Informatives: Highways Related Matters

(S184)

The applicant is advised that prior to the commencement of works on site they should contact the Highway Authority (01642 728156), with a view to preparing the necessary drawings and legal work required for the formation of the new site access. The necessary Agreement should be in place prior to the commencement of works on site.

(Delap)

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused. Under the terms of the 1980 Highways Act Middlesbrough Council will seek to recover any expenses incurred in repairing or making good such damage. The applicants are therefore strongly advised to carry out a joint dilapidation survey with the authority prior to and upon completion of works on site. (01642 728156)

(Stats)

The applicant is advised that the proposed scheme is likely to affect statutory undertakers equipment in the vicinity of the site and that such equipment may require alterations. The applicant should therefore contact all the utilities to ascertain the location of the equipment and any requirements they may have prior to works commencing

Informative from Natural England

The submitted Habitats Regulations Assessment suggests a number of mitigation measures to ensure there are no residual impacts on any passing birds associated with the SPA, including alternative techniques to pile driving and screening along the western edge closest to the river to minimise the potential for visual and noise disturbance. These measures should all be implemented as detailed in the HRA.

Informative from Northumbrian Water

To satisfy the condition requested by Northumbrian Water relating to the disposal of foul and surface water from the development, the developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre-development enquiry directly to Northumbrian Water. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

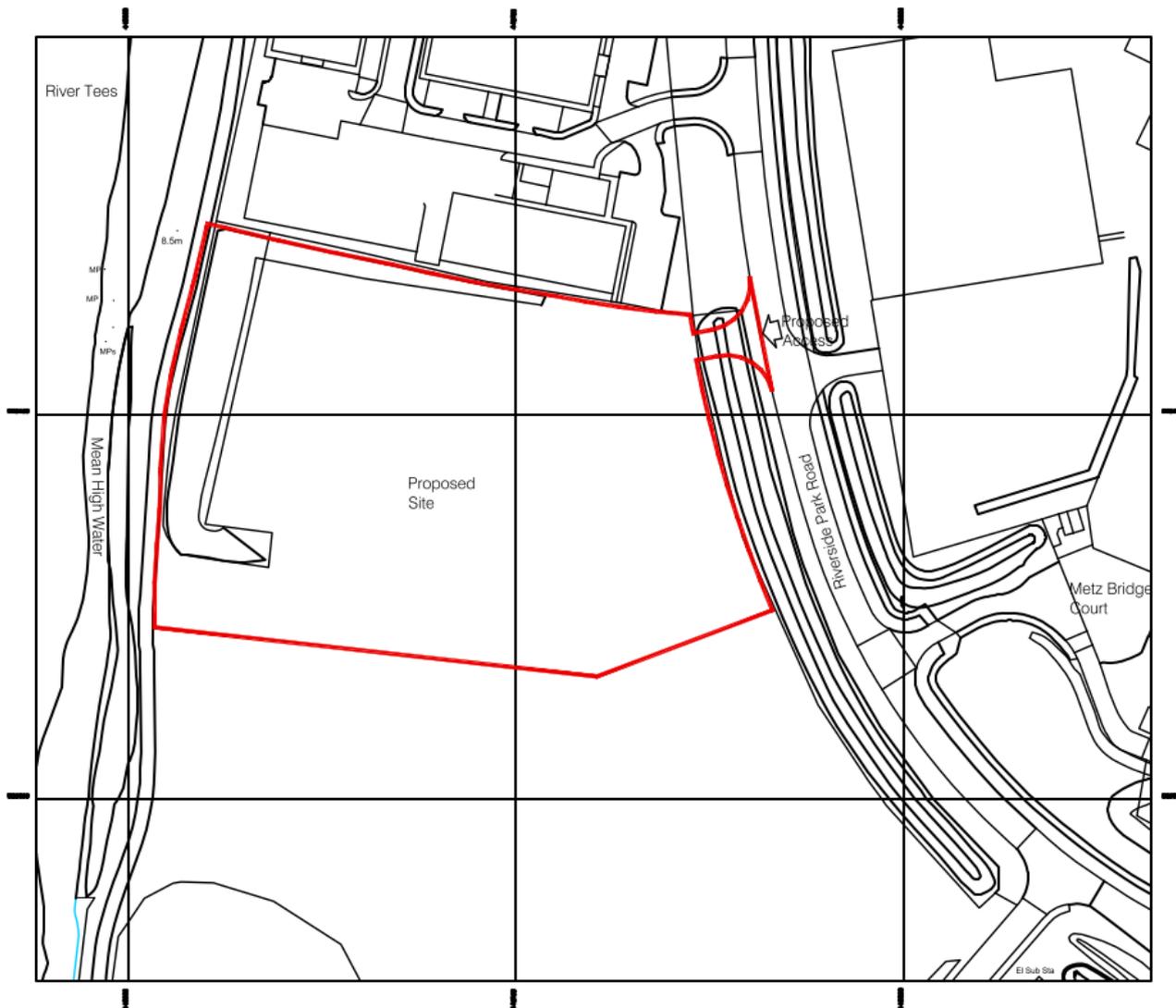
Please note the planning permission is not considered implementable until the condition has been discharged. An application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

Informative from Environment Agency

The proposed activity involves the treatment of waste materials. As such, it will require an Environmental Permit from the Environment Agency. The site operator should contact the Environment Agency at the following email address to discuss the proposed activity further: NE-Waste@environment-agency.gov.uk

Case Officer: Peter Wilson

Committee Date: 4th May 2018



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