

Application No: 20/00871/FUL

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Target decision date: 1 October 2020

Ward: Weetslade

Application type: full planning application

Location: Sterling Pharma Solutions Ltd, Dudley Lane, Dudley, NORTHUMBERLAND, NE23 7QG

Proposal: Construction of additional pre-treatment steps to be integrated with existing on-site biological effluent treatment plant. This will comprise additional enclosed storage tanks, biological treatment tanks and associated ancillary pipework. A greenhouse will be erected to the east of the existing biological effluent treatment plant.

Applicant: Sterling Pharma Solutions, C/o Agent Sterling Pharma Solutions
Sterling Place Dudley NE23 7QG

Agent: Mr Michalis Thaniotis, Synergie Environ Limited 1.1 Queens House
Glasgow G1 2DT United Kingdom

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that it is minded to approve the application, following expiry of the consultation, and subject to the conditions set out below and the addition or omission of any other considered necessary, and
- b) authorise 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.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues to consider in this case are:

- The principle of the development;
- The impact on amenity (noise and air quality);
- The impact on character and appearance;
- The impact on highway safety;
- Other issues.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 The application relates to the Sterling Pharma Solutions (SPS) Ltd site, Dudley. The wider site covers an approximate area of 11 hectares. It comprises a complex of industrial buildings of varying heights and design.

2.2 To the west of the site is a railway line, with open agricultural land beyond. The agricultural land is designated as Green Belt. To the north of the site are existing commercial units. Opposite the plant, to the east and across Dudley Lane, are residential dwellings. To the south is an existing industrial site. The main entrance to the site is from Dudley Lane.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of additional pre-treatment steps to be integrated with existing on-site biological effluent treatment plant. This will comprise additional enclosed storage tanks, biological treatment tanks and associated ancillary pipework. A greenhouse will be erected to the east of the existing biological effluent treatment plant.

3.2 The proposed development will be integrated with the existing Bio Plant and incorporate additional tanks and containerised equipment around the Bio Plant. These will comprise:

- One additional tanker off-loading point.
- Facility for off-loading of banded intermediate bulk containers (IBC).
- Four enclosed reception tanks (240 cubic metres each), 8 metres high. These will be manufactured of resistant glass reinforced plastic (GRP) and/or glass lined steel,
- Six LPG storage tanks (two tonne tanks). These will be manufactured in steel and finished in white.
- Three enclosed buffer/recirculation tanks (600 cubic metres each) 15 metres high. These will be manufactured in glass lined steel.
- Three enclosed anaerobic reactor tanks (1600 cubic metres each), 17.5 metres high. These will be manufactured in glass lined steel.
- An odour abatement system comprising of a filter sized sufficiently to capture maximum air flowrate from enclosed vessels.
- One Biodome – capable of holding 660m cubic metres biogas, 10 metres high, PVC-coated polyester fabric.
- One shrouded gas flare required as a contingency measure, 12 metres high, manufactured in steel.
- One Gas Scrubbing Unit, 10 metres high, manufactured in steel.
- A membrane upgrading unit, 3.6 metres high, in an enclosed steel/GRP container, with some ancillary steel pipework extending a maximum height of 9 metres.
- A grid entry unit, 4 metres high, in an enclosed steel/GRP container.
- A low voltage electrical distribution cabinet, 3 metres high in an enclosed, steel/GRP container.

-A greenhouse, up to 5 metres height at the apex, constructed from a steel frame with glass/polycarbonate panels.

-A buried gas pipeline from grid entry unit to the point of connection with the Northern Gas Network pipeline.

3.3 Background Information

3.4 The site has been operational as pharmaceutical manufacturing company since 1969 and currently employs over 460 full time staff which is expected to increase to over 500 within the next 12 months.

3.5 The applicant has advised that SPS is a major contributor to the regional economy, with an estimated contribution of £80 million, and the proposed Bio Plant enhancement project represents a continued commitment and investment at this site which will directly contribute to the future growth of the regional economy for many years to come. The applicant considers this to be especially important given the current COVID-19 pandemic where significant job cuts are being made across the UK.

3.6 The existing Bio Plant on site has been operating since 1992. This treats liquid effluents arising from the site, and subject to a previous planning permission and Environment Agency (EA) permit issued in 2002, also accepts selected liquid effluents for treatment from other sites. The existing Bio Plant discharges treated effluent into the commercial sewer network under the terms and conditions of a permit with Northumbrian Water.

3.7 The operation of the existing Bio Plant must follow procedures and meet limits that are defined within the existing permit from the EA. The permit defines how the Bio Plant must be managed and operated. The applicant has advised that the operation of the Bio Plant at SPS has consistently met with the requirements of the EA.

3.8 SPS are proposing upgrades to the existing Bio Plant which would include some additional pre-treatment steps. The applicant has advised that the advantages of the additional pre-treatment steps are:

- Enclosed tanks to minimise potential for odours arising from the Bio Plant,
- Reduced road traffic movements of effluents from the site,
- Generation of renewable energy which will offset greenhouse gas emissions to the North Tyneside area,
- Making a positive contribution to local, regional and national climate change targets,
- Aligns with BEIS goals of post-COVID 19 recovery having a green energy focus,
- Creation of new employment and safeguarding existing employment from this treatment process,
- Recovery of energy from the effluents instead of disposal and,
- Significant new investment helping to secure the future of this pharmaceutical facility.

3.9 The enhanced Bio Plant will continue to treat the same materials that are currently treated by the existing plant using naturally occurring biological processes. The new additional pre-treatment steps will not result in an increase of materials being treated onsite above the current permit levels.

3.10 The proposed changes in the biological treatment process include some additional enclosed tanks that will pre-treat the existing wastewater at the site before it flows into the existing Bio Plant for treatment using naturally occurring micro-organisms as happens today. The treated effluent from the Bio Plant flows into the Northumbrian Water sewer network for further treatment. The volume and composition of the final treated effluent from the existing Bio Plant must meet conditions set by Northumbrian Water. The additional steps proposed at SPS will not change the Northumbrian Water conditions.

3.11 The applicant has advised that the additional process steps would use technology which has been operating throughout the UK for over 100 years, to generate a biogas which is then purified to biomethane and fed into the local natural gas grid to provide energy. This biomethane substantially reduces carbon dioxide emissions when compared to natural gas and will make a significant contribution to reducing carbon dioxide emissions in the North Tyneside area. An additional benefit will be a net reduction of traffic from the site (which reduces transport carbon dioxide emissions and other transport related environmental impacts).

3.12 The proposed works include the construction a greenhouse on land adjacent to the existing Bio Plant. Heat and carbon dioxide will be supplied from the Bio Plant to the greenhouse, enhancing the growing environment. The greenhouse is proposed for use by SPS staff to grow fruit and vegetables for personal consumption. This will provide a valuable recreational facility space for staff.

3.13 The site chosen for the additional plant items has been selected based upon the following criteria:

- Proximity to existing Bio Plant infrastructure,
- Ability to integrate with and connect into existing Bio Plant infrastructure, drainage, treatment and control systems,
- Ability to re-use existing bunded impermeable concrete plinths for storage, mixing and process tanks,
- Proximity to connect into existing on-site utility networks (water and electricity),
- Ability to use existing on-site road and pedestrian access routes.

3.14 The proposed works will continue to treat the same materials that are currently being treated by the existing plant using naturally occurring biological processes. The new additional pre-treatment steps will not result in an increase of materials being treated onsite above the current permit levels.

3.15 The additional anaerobic processes will be integrated with the existing aerobic Bio Plant. Consequently, the revised plant will operate a single integrated plant in the same way as at present.

3.16 The revised Bio Plant will treat liquid effluents in continuously mixed tanks. Operation of the existing and revised Bio Plant is controlled automatically, and control of the proposed additional processes will be integrated with the existing Bio Plant. The existing and revised Bio Plant will continue to be manned continuously seven days per week by trained operators as it is currently.

3.17 There will be no changes to the number of deliveries of liquid waste to the Bio Plant or the hours when these deliveries are accepted at the SPS site. Consequently, there will be no additional vehicle movements associated with the delivery or collection of waste materials to or within the site.

3.18 The additional processes to be integrated with the existing Bio Plant will be controlled automatically by an overall system which monitor inputs from the main processes.

3.19 A shrouded flare is proposed to be ground mounted and located to the south of the existing Bio Plant. The shrouded flare would not normally operate and would only be activated in the event of maintenance or exceptionally low gas flow. If operational the flame would be obscured by the shroud and the flame would not be visible from ground level outside the site boundary. A predominantly light blue flame would however be visible by an observer looking down into the shroud from directly above. Note a haze or shimmer may be visible above the top of the shrouded flare due to a layer of heated air, however no smoke would be emitted by the shrouded flare.

3.20 Preparatory work associated with this project identified that the Northern Gas Network gas distribution pipeline has capacity and demand to accept all the projected biomethane proposed by these works. Therefore, this will minimise the possibility that the shrouded flare will be in use at any time.

3.21 The applicant has advised that all aspects of the current Bio Plant are covered under appropriate safety regulations, and the enhancements to the Bio Plant will be fully integrated within the existing SPS Health and Safety Management System.

4.0 Relevant Planning History

4.1 There is a wide variety of planning history relating to this site however the most relevant applications are as follows:

20/00459/FUL - Installation of a Combined Heat and Power Plant as well as the creation of flood storage compensation areas – Permitted 01.06.2020

18/00279/FUL - Development of a new three story building that will house pharmaceutical particle size reduction equipment, analytical laboratories, chemistry laboratories, warehousing, liquids storage and administrative offices and a liquid storage building – Permitted 15.05.2018

17/01814/FUL - Installation of new road within established industrial site – Permitted 12.02.2018

17/01125/FUL - New facility to produce gaseous nitrogen is to be erected on a concrete slab over an existing gravel hardstanding, to include an 18m high storage tank, a 16m vacuum distillation column, two 8m high vaporisers, and a 40 sq. metre compressor building. The facility will be contained in a fenced compound – Permitted 13.10.2017

14/01382/HAZSUB - Increase of Tetrahydrofuran storage on site to 34mT – Permitted 09.03.2015

11/00877/HAZSUB - Application for revision of hazardous substances consent for storage and use of various substances - Withdrawn 19.03.14

10/00773/HAZSUB - Application for revised limits of storage of various hazardous substances: Permitted 05.08.10

09/01139/HAZSUB - Variation of condition on 01/01483/HAZSUB to vary the location and storage type for propylene oxide: permitted 20.01.10

01/01483/HAZSUB - Storage and use of various hazardous substances (as amended on 16 February 2004): Permitted 24.09.2004

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

6.1 National Planning Policy Framework (NPPF) (February 2019)

6.2 National Planning Practice Guidance (NPPG) (As amended)

6.3 Planning (Hazardous Substances) Act 1990

6.4 Planning (Hazardous Substances) Regulations 1992 (as amended)

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

7.1 The main issues to consider in this case are:

- The principle of the development;
- The impact on amenity (noise and air quality);
- The impact on character and appearance;
- The impact on highway safety;
- Other issues.

7.2 Consultations responses 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 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 213 of the NPPF that: “However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

The council considers that, as the plan is very recent, the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.2 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.3 The NPPF paragraph 11 makes it clear that plans and decisions should apply a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF paragraph 12 states “Where a planning application conflicts with an up-to-date development plan permission should not normally be granted. Local Planning Authorities (LPA’s) may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

8.4 LP Policy S2.1 ‘Economic Growth Strategy’ seeks to encourage that proposals contribute towards sustainable economic growth, prosperity and employment.

8.5 LP Policy S2.2 ‘Provision of Land for Employment Development’ seeks to ensure an attractive and flexible supply of employment land is available to deliver the Council’s strategy for economic prosperity, job growth and investment over the plan period.

8.6 LP Policy DM2.3 Development Affecting Employment Land and Buildings states “The Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary.

Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- Result in the unacceptable loss of operating businesses and jobs; and,
- Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,
- Have an adverse impact upon the amenity and operation of neighbouring properties and businesses.”

8.7 The site lies within a designated employment area protected particularly for B1, B2 and B8 uses through Policy DM2.3 Development Affecting Employment Land and Buildings. The proposed development will be located within this wider employment site and given that it would improve an existing Bio Plant operation, is considered to be appropriate to its location.

8.8 National planning policy for waste (2014) sets out detailed waste planning policies and should be read in conjunction with the NPPF, The Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste or any successor documents. All local authorities should have regard to its policies when discharging the responsibilities to the extent that they are appropriate to waste management. In looking to suitable sites for waste management facilities, LPA's should amongst other factors:

- Consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together with the complimentary activities and,
- Give priority to the re-use of previously developed land, sites identified for employment uses and redundant agricultural and forestry buildings and their curtilages.

8.9 Paragraph 148 of the NPPF states that "The planning system should support the transition to a low carbon future in a changing climate", including supporting "renewable and low carbon energy and associated infrastructure".

8.10 LP Policy S7.7 'Waste Management' encourages and supports the minimisation of waste production, and the re-use and recovery of waste materials.

8.11 LP Policy DM7.6 'Renewable Energy and Low Carbon Technologies' encourages the local production of energy from renewable and low carbon sources to help to reduce carbon emissions. Such proposals will be encouraged except where the proposal would have unacceptable adverse effects that are not outweighed by the local and wider environmental, economic, social and other considerations.

8.12 The applicant has advised that the proposed works will reduce the environmental impact of the SPS site through the following:

- Enclosed tanks to minimise potential odours arising from the Bio Plant along with a new odour abatement unit to further minimise any odour potential from the new plant,
- Generation of renewable energy for heating which will offset greenhouse gas emissions to the North Tyneside area by an estimated 6310 tonnes carbon dioxide or the equivalent of approximately 2700 houses per year,
- Cutting road traffic movements of liquid effluent from the site,
- Making a positive contribution to local, regional and national climate change targets.

8.13 In addition, to the main direct environmental benefit from generating renewable energy in the form of biomethane by the inclusion of additional anaerobic pre-treatment steps (i.e. reducing greenhouse gas emissions by 6310 tonnes carbon dioxide per year within the local area) the potential impact on off-site traffic movements was assessed. At present some of the liquid effluents are transported from SPS for treatment at approved sites. The current method of treatment is high temperature incineration. Diversion of these materials for treatment by naturally occurring microorganisms in the enhanced Bio Plant would:

- Reduce vehicle movements from the site by an estimated 90 HGV's per year,
- Reduce greenhouse gas emissions associated with these vehicle movements by an estimated 55 tonnes carbon dioxide per year,
- Reduce greenhouse gas emissions associated with the combustion of these materials by an estimated 391 tonnes carbon dioxide per year.

8.14 Incorporating the above carbon dioxide emission savings, the project would offset greenhouse gas emissions in North Tyneside by an estimated total of 6756 tonnes carbon dioxide each year.

8.15 The applicant has set out several environmental benefits linked to this development. It would also utilise an existing industrial site, it would re-use part of the existing Bio Plant site for the anaerobic digestion process and, co-locate the anaerobic pre-treatment step with the existing Bio Plant. On balance, it is officer advice, that the proposed development is acceptable on this site.

8.16 The proposed development would support employment opportunities and increase job security.

8.17 Members need to determine whether the principle of the proposed development is acceptable. It is the view of officers that the proposed development complies with both national and local planning policies.

9.0 Impact on amenity (noise and air quality)

9.1 Paragraph 180 of the NPPF states "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation".

9.2 LP Policy S1.4 "General Development Principles" states "Proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan." Amongst other matters this includes: be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses; and be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements".

9.3 LP Policy DM5.19 Pollution states "Development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not

to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment.

Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.....”

9.4 The objections received regarding the impact on residential amenity are noted.

9.5 The Manager for Environmental Health has been consulted. She has raised concerns regarding this proposed development giving rise to potential additional noise and potential odour issues. Members are advised that environmental health have historically received odour complaints from this site.

9.6 The Manager for Environmental Health has considered the submitted noise assessment. This assessment has included for a background noise survey and assessment in accordance with BS4142 to ensure that the rating level generated by the new noise sources does not exceed the existing background noise levels.

9.7 The NPPF, paragraph 54 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Paragraph 55 states “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.” The NPPF paragraph 180 aims to “avoid noise from giving rise to significant adverse impacts on health and quality of life”. It is clear from the environmental health comments that appropriate mitigation to reduce the impacts of noise from this proposed development can be secured by conditions.

9.8 Paragraph 181 of the NPPF seeks to ensure planning policies and decisions contribute towards air quality protection, not least by limiting pollution. The wider aims of the NPPF are reflected in Local Plan Policy DM5.19.

9.9 An air quality assessment has been submitted. The Manager for Environmental Health has confirmed that this assessment has considered worst case and pollutant impacts have been modelled using the maximum permitted emissions arising from the boilers and compared them in relation to the National Air Quality Standards. She has advised that the assessment has considered the national background maps for nitrogen dioxide and diffusion tube monitoring results for monitoring sites in Northumberland. This has determined that the operational results arising from the proposed development will not result in air quality impacts to amount to have a significant adverse impact on air quality as the process involves the use of enclosed tanks. She has advised that no modelling has been provided to verify any predicted impacts. Regarding air

quality, it is clear from her comments that she does not object to the proposed development.

9.10 She has advised that the process would require an environmental permit from the Environment Agency (EA). This permit would require periodic air quality monitoring and it will also consider odour management.

9.11 Members need to determine whether the proposed development is acceptable in terms of its impact on amenity in terms of air quality and noise. It is officer advice, subject to the imposition of the suggested conditions, that the proposed development accords with both national and local planning policies.

10.0 Impact on character and appearance

10.1 Paragraph 124 of the NPPF encourages good design stating that “this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF makes it clear that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

10.2 LP Policy DM6.1 ‘Design of Development’ makes it clear that applications will only be permitted where they demonstrate high and consistent design standards. Amongst other matters proposed developments are responsive to their location, including topography, wildlife habitats, site orientation and existing buildings; ensuring a positive relationship to neighbouring buildings and spaces; ensuring sufficient parking is well integrated into the layout; and a good standard of amenity for existing and future residents.

10.3 LDD11 ‘Design Quality’ SPD applies to all planning applications that involve building works.

10.4 The details of the proposed development have been set out in paragraph 3.2 of this report. Except for the buried pipeline, all of the proposed works will be contained within the southern part of the site adjacent to the existing Bio Plant. The nearest residential properties, to the southern part of the site, are Grieves Row (approximately 100m to the east). Views into the site from these properties are restricted by the existing vegetation that exists along this part of the eastern boundary.

10.5 The proposed pipeline will be buried. Residents will only afford views of the construction works associated with this part of the development.

10.6 Some of the proposed tanks will be higher than the existing Bio Plant. However, larger buildings, in terms of height, exist further north. Therefore, it is not considered that the proposed tanks would be significantly out of keeping with the scale and mass of the existing buildings and structures within the wider site.

10.7 Views of the proposed development may be afforded from the surrounding public domain, including the football pitch located to the south, the railway line

and agricultural land to the west and from Dudley Lane. However, when viewed from outside of the site, it would be seen in the context of the existing buildings/structures on the wider site and the existing commercial units located to the north and south of the site. The existing belt of mature landscaping along the eastern boundary of the site would soften the visual impact of the proposed development when viewed from Dudley Lane.

10.8 Immediately bordering the west of the wider site is an area of designated Green Belt. Views of the proposed development would be afforded from the Green Belt. However, when viewed from this direction it would be seen in the context of an existing and established commercial use. Therefore, it is not considered that the proposed development would harm the characteristics of the adjacent Green Belt.

10.9 Members need to determine whether the proposed development is acceptable in terms of its impact on both residential and visual amenity. It is officer advice that the proposed development accords with both national and local planning policies.

11.0 Impact on highway safety

11.1 The NPPF paragraph 109 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.2 The NPPF paragraph 110 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

11.3 LP Policy DM7.4 'New Development and Transport' makes it clear that the Council will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being.

11.4 The Council's maximum parking standards are set out in the Transport and Highways SPD (LDD12).

11.5 The objection received regarding increase in traffic movements during construction and after construction are noted.

11.6 The site has been established for several decades and all works are within existing boundaries.

11.7 The Highways Network Manager has been consulted. He has advised that the site access and internal circulation remains unchanged. Subject to the imposition of the suggested conditions, he has raised no objection to the proposed development.

11.8 Members need to determine whether the proposed development is acceptable in terms of its impact on the highway network and existing parking provision. It is officer advice that it is. The proposed development accords with both national and local planning policies.

12.0 Other Issues

12.1 Contaminated Land

12.2 NPPF paragraph 178 states “Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This include risks arising from natural hazards of former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from the remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments”

12.3 NPPF paragraph 179 states “Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”.

12.4 LP Policy DM5.18 “Contaminated and Unstable Land” states: “Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and

b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:

i. Removing the contamination;

ii. Treating the contamination;

iii. Protecting and/or separating the development from the effects of the contamination;

iv. Validation of mitigation measures; and

v. Addressing land stability issues.

Where measures are needed to allow the development to go ahead safely and without adverse affect, these will be required as a condition of any planning permission”

12.5 The Contaminated Land Officer has been consulted. She has raised no objection to the proposed development.

12.6 The Coal Authority has been consulted. They have raised no objection to the proposed development.

12.7 Members need to consider whether the proposed development is acceptable in terms of its impact on ground conditions. It is officer advice that it is.

12.8 Drainage/Flooding

12.9 Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 156 states that strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities.

12.10 The Local Lead Flood Authority (LLFA) has been consulted. He has raised no objection to the proposed development, as the existing site drainage and treatment facility will be utilised.

12.11 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is officer advice that it is, and it would accord with both national and local planning policies.

12.12 Impact on ecology

12.13 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment.

12.14 Policy DM5.7 Wildlife Corridors states that development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

12.15 The Biodiversity Officer has been consulted. She has considered the submitted Preliminary Ecological Appraisal (PEA). This appraisal concludes that the ecological features present within the site do not preclude development of the site.

12.16 A wildlife corridor is located to the south west of the wider site and a section of its eastern boundary. Most of the prominent landscape features are sited around the perimeter of the site and within the more open aspects to the south. However, several potential ecological constraints require further consideration. Several measures to protect, maintain and enhance ecological features within the site are recommended to comply with current legislation and policy. It is clear from her comments that the recommendations set out within the PEA can be conditioned.

12.17 The Biodiversity Officer has advised that the submitted landscape plan will need to be amended to take into account the recommendations of the PEA including native hedgerow and wildlife flower planting within the site. She has advised that an area of dense continuous scrub would be lost next to the lagoons

to accommodate the proposed development as well as some small grassland areas. A condition is required to ensure that the landscape plan is updated to reflect these requirements and to mitigate for this loss.

12.18 The proposed buried gas pipeline would extend from the Bio Plant, along the eastern perimeter of the site to connect to the grid further north. The submitted Arboricultural Impact Assessment (AIA) advises that only two trees are required to be removed along the eastern perimeter to facilitate this part of the proposed development. The AIA advises that these trees (G6 and G8) would be replaced with six heavy standards planted along the verge of the eastern boundary. Pruning work would also be required to G23 (mixed broadleaves plantation).

12.19 The Landscape Architect has been consulted. She has advised that the works could impact on the retained trees more than indicated in the submitted AIA. The associated working area required for the installation of the gas pipeline may impact on the root protection areas (RPA's) and may require the protective fence to be moved to allow works to proceed. This detail has been requested and some information provided. However, it is considered that the final detail can be resolved via an appropriate arboricultural supervision condition. This will ensure that existing trees and tree groups not currently identified for removal or that will be impacted on, are adequately protected.

12.20 In line with the NPPF advice set out in paragraph 9.7 of this report, it is clear from both the Biodiversity Officer's comments and the Landscape Architects comments that appropriate mitigation to reduce the impacts on biodiversity and existing landscape features as a result of this development can be secured by conditions.

12.21 Members need to determine whether the proposed development is acceptable in terms of its impact on biodiversity and existing landscape features. Subject to the imposition of the suggested conditions, it is officer advice that it is, and it would accord with both national and local planning policies.

12.22 Airport

12.23 Newcastle International Airport Limited (NIAL) has been consulted. They have raised no objection to the proposed development, subject to a condition regarding the operation of any cranes during construction.

12.24 Health and Safety Executive (HSE)

12.25 The Health and Safety Executive (HSE) has been consulted. No objections have been raised.

12.26 Minerals

12.27 DM5.17 sets out guidance on minerals extraction. However, this development relates to an existing site that has been occupied and is already occupied by a number of commercial uses.

12.28 Network Rail

12.29 Network Rail has been consulted. They have raised no objection to the proposed development.

12.30 North West Villages Sub Area

12.31 The application site is located in an area identified as being within the North West Sub Area. The proposed development would not prevent the aims of Policy AS8.24 being met.

12.32 Representations

12.33 The representation received regarding alleged bribery by the applicant is not a material planning consideration.

12.34 The applicant's agent has advised that no works relating to this application have commenced on site.

12.35 The issue regarding local residents being disturbed by Sterling Pharma Solutions Ltd "air raid siren" is an existing situation and not as a result of this development.

12.36 The representation received regarding the location of the existing premises is noted. However, this site has been operational since 1969.

13.0 Local Financial Considerations

13.1 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. It is not considered that the proposal results in any local financial considerations.

14.0 Conclusion

Members need to determine whether the proposed development is acceptable in terms of its impact on amenity, its impact on the character and appearance of the area and all other issues including its impact on highways, ground conditions, flooding and the wildlife corridor. It is the view of officers that the proposed development is acceptable. As such officers consider that the proposed development accords with both national and local planning policy. Approval is recommended.

RECOMMENDATION: Minded to grant on expiry consultation

It is recommended that members indicate they are minded to approve the application, following expiry of the consultation, and subject to the conditions set out below and the addition or omission of any other considered necessary, 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.

Conditions/Reasons

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

- Location Plan Dwg No. 19709-DEV-001 Rev 1
- Site plan existing Dwg No. 19709-DEV-002 Rev 1
- Drainage plan existing Dwg No. 19709-DEV-003 Rev 1
- Site plan proposed Dwg No. 19709-DEV-004 Rev 1
- Drainage plan proposed Dwg No. 19709-DEV-005 Rev 1
- Site elevation Dwg 1 of 2 Dwg No. 19709-DEV-006-1 Rev 1
- Site elevation Dwg 2 of 2 Dwg No. 19709-DEV-006 - 2Rev 1

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

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development), and use of fires. The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. Cabins, storage of plant and materials, parking are not to be located within the Root Protection Area of the retained trees as defined by the Tree Protection Plan. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.9, DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

4. Prior to any part of the development hereby approved being brought into use/operational a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for the biological treatment plant

must not exceed the current background noise levels of in accordance to noise report no KD2801207NR2. The noise sensitive locations are outlined in the report as shown on Page 9 of noise report ref KD2801207NR2. The rating level from the operation of the biological effluent treatment plant must not exceed the existing background noise levels in accordance with BS4142:2014 for night-time as derived from noise report KD2801207NR2 and outlined below:

-Noise Sensitive Receptor: NSR P1 Grieves Row

-Night-time Rating Level dB LA90: 44 Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details which shall be permanently retained and maintained.

Reason: To protect neighbouring properties from undue noise and disturbance having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

5. Within one month of operation of the plant pursuant to condition 4 acoustic testing shall be undertaken to verify compliance with this condition. This verification shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall only be operated in accordance with the approved details.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

6. Prior to the operation of any part of the development hereby approved an odour management plan shall be submitted to and approved in writing by the Local Planning Authority. This management plan must identify and assess the potential odour sources from the biological effluent treatment plant and consider odour mitigation measures. The odour management plan must then be implemented prior to any part of the development hereby approved being brought into use and reviewed on an annual basis based upon odour monitoring about the boundary and on complaints.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

7. Prior to installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and

- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interest of visual amenity and/or highway safety having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

8. The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays. Any piling activities, if required, 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.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

9. Prior to any part of the development hereby approved being brought into use/operation, any material removed from site shall require proof to be submitted to the Local Planning Authority to demonstrate that Waste Acceptance Criteria and disposal to a suitably licensed facility has been carried out.

Reason: To ensure that any material removed from site has been disposed of correctly having regard to Policy DM5.18 of the North Tyneside Local Plan (2017).

10. Prior to the commencement of any development on site a fully detailed landscaping scheme and schedule of landscape maintenance for a minimum period of five years, including details of the arrangements for its implementation shall be submitted to and approved in writing by the Local Planning Authority. This scheme must include: the provision of native hedgerows/scrub planting and wildflower meadow planting as recommended in the Preliminary Ecological Appraisal Report (PEA) dated June 2020, details and proposed timing of all new planting and ground preparation noting the species and sizes for all new tree planting (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees, shrubs or grassland areas that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. The schedule of landscape maintenance shall be implemented in accordance with the approved details.

Thereafter, the development hereby approved shall be carried out and maintained in full accordance with these agreed details.

Reason: This information is required from the outset to ensure that existing landscape features are enhanced having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

11. Prior to any part of the development hereby approved commencing on site an Invasive Species Control Strategy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset to ensure that invasive species outlined in the Preliminary Ecological Appraisal, June 2020 are appropriately treated or controlled having regard to policies DM5.7 and DM5.19 of the North Tyneside Local Plan (2017).

12. Prior to any part of the development hereby approved commencing on site, a Reasonable Avoidance Measures Method Statement (RAMMS) for amphibians, reptiles, hedgehog, otter and birds shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset to ensure that the wildlife habitats and species are adequately protected having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

13. If development has not commenced within 12 months of the date of this decision notice, updated checking surveys for protected species and other invasive species will be required during the optimal period for habitat surveys (April to mid- October). These checking surveys shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with these agreed details.

Reason: To ensure that the wildlife habitats and species are adequately protected having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

14. Any vegetation clearance, demolition, should be conducted outside of the bird breeding season (March-August) in order to avoid potential harm to nesting birds. Where clearance is necessary during this period, a pre-clearance check should be made by an ecologist no more than 24 hours in advance. Where an active nest is identified, works will be postponed until the chicks have fledged.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

15. Prior to any part of the development hereby approved being brought into use/operation, details of five bird boxes (variety of), including bird box specification, location and timescale for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details which shall be permanently maintained and retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

16. Prior to any part of the development hereby approved being brought into use/operation, details of five bat boxes, including bat box specification, location and timescale for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details which shall be permanently maintained and retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

17. The two trees identified for removal with low suitability for roosting bats shall require works to be undertaken under a Method Statement. This Method Statement shall be submitted to and agreed in writing by the Local Planning Authority prior to any works commencing on these trees. The Method Statement shall set out the working methods that will need to be adhered to throughout the tree removal works to avoid impacts on any roosting bats that may be encountered. The method statement will include the need for trees to be soft felled under the supervision of a bat licenced ecologist. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.7 of the North Tyneside Local Plan (2017).

18. Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.7 of the North Tyneside Local Plan (2017).

19. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without submitting the relevant ecology surveys to the Local Planning Authority for consideration and approval in writing. The ecology surveys will inform an appropriate mitigation strategy/method statement. Any mitigation required shall be implemented in accordance with a timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that existing landscape features and wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

20. Prior to the commencement of any site clearance works a revised Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan must show the position of protective fencing to be erected around each tree or hedge within or adjacent to and overhang the site to be retained. As a minimum, the fence shall be continuous and include tree groups G4 and G5; G9 (northern edge); G10 and G 21 (part). Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts. The area surrounding each tree group /hedgerow within the approved protective fencing shall be installed prior to any works hereby approved commencing on site and it shall be retained for the full duration of the constructions works associated with this development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: This information is required from the outset to ensure that existing landscape features are protected in the interests of ecology and visual amenity,

having regard to the NPPF and Policy DM5.7 and DM6.1 of the North Tyneside Local Plan (2017).

21. Prior to the commencement of any part of the development hereby approved (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), an Arboricultural Method Statement including details for vehicular access, installation of the gas pipe and associated working areas, kerb edges, and other hard surfacing within the root protection area in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' shall be submitted to and approved in writing by the Local Planning Authority. The agreed AMS shall form part of the Contractors Method Statement (CMS) regarding the proposed construction works. Thereafter, the development shall only be carried out in full accordance with these agreed details.

Reason: This information is required from the outset to ensure that existing landscape features are protected in the interests of ecology and visual amenity, having regard to the NPPF and Policy DM5.7 and DM6.1 of the North Tyneside Local Plan (2017).

22. All works to be carried out in accordance with the submitted Arboricultural Impact Assessment, and Tree Protection Plan submitted by TEP and within the guidelines contained within BS5837:2012 and NJUG Volume 4.

Reason: To ensure that existing landscape features are protected in the interests of ecology and visual amenity, having regard to the NPPF and Policy DM5.7 and DM6.1 of the North Tyneside Local Plan (2017).

23. Prior to the commencement of any part of the development hereby approved, a detailed levels survey shall be submitted to and approved in writing by the Local Planning Authority. Thereafter no changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority. Any excavations within the root protection area (RPA) are not acceptable unless first approved in writing by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air spade. Thereafter, the development shall only be carried out in full accordance with these agreed details.

Reason: This information is required from the outset to ensure that existing landscape features are protected in the interests of ecology and visual amenity, having regard to the NPPF and Policy DM5.7 and DM6.1 of the North Tyneside Local Plan (2017).

24. An Arboricultural Consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. Prior to any works commencing on site details outlining the arrangements for the implementation, supervision and monitoring of works and include timing and phasing of the arboricultural works in relation to the approved development shall be submitted to and approved in writing by the Local Planning Authority. This condition may only be fully discharged on completion of the development subject to satisfactory written

evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: This information is required from the outset to ensure that existing landscape features are protected in the interests of ecology and visual amenity, having regard to the NPPF and Policy DM5.7 and DM6.1 of the North Tyneside Local Plan (2017).

25. Prior to the use of any crane on site, the appointed contractor/applicant and/or developer must contact Newcastle International Airport Limited (NIAL) Air Traffic Control. Thereafter, the development shall only be carried out in accordance with any advice from NIAL regarding crane operation.

Reason: In the interest of aerodrome safeguarding and in accordance with the 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 Paragraph 38 of the National Planning Policy Framework.

Informatives

If any soil is removed from the site it should be Waste Acceptance Criteria tested and subsequently disposed of by an appropriate waste carrier.

Advice from the Environment Agency: Environmental Permit: The site is regulated through environmental permit EPR/AP3234LG. The development will require variation of a bespoke permit under Schedule(s) 4 and 5 of the Environmental Permitting Regulations (England and Wales) 2016. Based on the information submitted with the planning application, we have not identified any major permitting concerns. Further guidance can be found at <https://www.gov.uk/collections/risk-assessments-for-specificactivities-environmental-permits> Noise and Odour: There are some local amenity sensitivities with respect to noise and odour. We will consider the detail of these in the future when we receive an application to vary the current permit. We consider it unlikely that our permitting process will create a need for post permission amendments to the planning application. It is worth noting that in some cases, there will be a limit on the measures an existing permitted facility and proposed development can put in place to adequately reduce the risks. This could result in the existing activities being regarded as 'bad neighbours' to the new development. Parallel tracking: The developer may wish to consider whether parallel tracking offers the best option for identifying and, where possible, resolving issues at the earliest possible stages. Please note, where an operator decides not to parallel track then their planning and environmental permit applications, we will not offer detailed advice or comments about how permitting issues affect planning. Environmental Permit - Flooding: The

Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place: -on or within 8 metres of a main river (16 metres if tidal); -on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal); -on or within 16 metres of a sea defence; -involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert; -in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk

Building Regulations Required (I03)

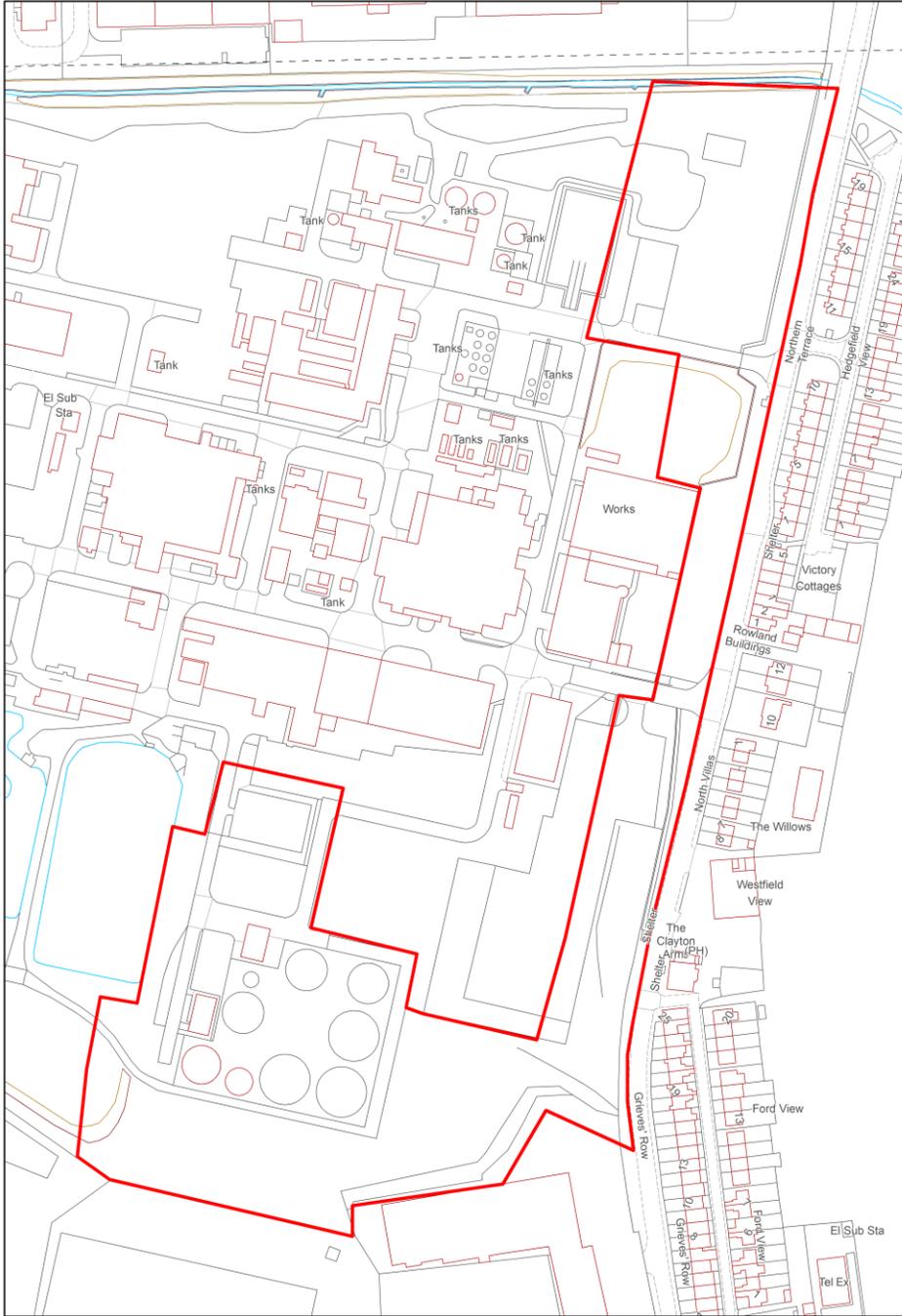
Consent to Display Advertisement Reqd (I04)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)

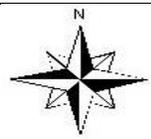
Highway Inspection before dvlpt (I46)



Application reference: 20/00871/FUL
Location: Sterling Pharma Solutions Ltd, Dudley Lane, Dudley
Proposal: Construction of additional pre-treatment steps to be integrated with existing on-site biological effluent treatment plant. This will comprise additional enclosed storage tanks, biological treatment tanks and associated ancillary pipework. A greenhouse will be erected to the east of the existing biological effluent treatment plant.

Not to scale
 Date: 19.08.2020

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Appendix 1 – 20/00871/FUL

Item 4

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 The site has been established for several decades and all works are within existing boundaries. Access and internal circulation remain unchanged and conditional approval is recommended.

1.3 Recommendation - Condition approval

1.4 Condition:

Notwithstanding the details submitted, the proposed Construction Management Plan shall be carried out in accordance with the agreed document and retained for the duration of construction.

Reason: In the interests of highway safety

1.5 Informatives:

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlp

1.6 Environmental Health

1.7 I have concerns with regard to this proposed development giving rise to potential additional noise and potential odour issues arising from the biogas plant, as environmental health have historically received odour complaints from this site.

1.8 I have viewed the noise assessment of the proposed plant and equipment that has included for a background noise survey and assessment in accordance with BS4142 to ensure that the rating level generated by the new noise sources does not exceed the existing background noise levels. The lowest background noise level for the night period of 44 dB LAeq90 15 minutes has been used to ensure a noise target emission level for the new plant is met. This ensures that the external plant when operational does not exceed the existing background noise level and resulting in an increase in the noise climate. A verification condition will be required if planning consent is to be given to ensure the new plant and equipment achieves the noise levels as set out within the noise report.

1.9 The air quality assessment has considered worst case and pollutant impacts have been modelled using the maximum permitted emissions arising from the boilers and compared them in relation to the National Air Quality Standards.

1.10 The assessment has considered the national background maps for NO₂ and diffusion tube monitoring results for monitoring sites in Northumberland and determined that the operational results arising from the new biogas plant will not result in air quality impacts to amount to have a significant adverse impact on air quality as the process involves the use of enclosed tanks. Although no modelling has been provided to verify any predicted impacts.

1.11 However, the process will be required to obtain an environmental permit from the Environment Agency under the Medium Combustion Directive for new generators and the site is a Part A permitted site under the Environmental Permitting Regulations, regulated by the Environment Agency. Odour emissions will also be considered within the environmental permit and the applicant will be required to have an odour management plan in place. A condition is recommended to require an odour management plan to be submitted. Periodic air quality monitoring will also 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.

1.12 Construction dusts arising from the development have also been considered and determined to be low risk. A condition will be required to address construction dusts.

1.13 If planning consent is to be given, I would recommend the following conditions:

A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for the bio-treatment plant must not exceed the current background noise levels of in accordance to noise report no KD2801207NR2. The noise sensitive locations are outlined in the report as shown on Page 9 of noise report ref KD2801207NR2. The rating level from the operation of the biological effluent treatment plant must not exceed the existing background noise levels in accordance with BS4142:2014 for night-time as derived from noise report KD2801207NR2 and outlined in table 1 below.

Table 1:

Noise Sensitive Receptor	Night-time Rating Level dB LA90
NSR P1 Grieves Row	44

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.

Prior to operation an odour management plan must be submitted to the Local Planning Authority in writing for approval, which identifies and assesses the potential odour sources from the biological effluent treatment plant and considers odour mitigation measures. The odour management plan must then be implemented and reviewed on an annual basis based upon odour monitoring about the boundary and on complaints.

LIG01 for any changes to external lighting.

HOU04

HOU04 for any piling activities, if required, 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.

SIT03

1.14 Contaminated Land Officer

1.15 I have read the Phase 1 report and notes it states:

1.16 If any soil is removed from the site it should be Waste Acceptance Criteria tested and subsequently disposed of by an appropriate waste carrier.

1.17 If any material is removed from site, then proof that WAC testing and disposal to a suitably licensed facility must be submitted.

1.18 The nature of the development does not require a gas condition.

1.19 Local Lead Flood Authority (LLFA)

1.20 I have carried out a review of planning application 20/00871/FUL, I can confirm that I have no objections to the surface water drainage proposals as the applicant's intentions are to utilise the existing site drainage and treatment facility.

1.21 Biodiversity Officer

1.22 The above application is located at the Sterling Pharma Solutions Plant to the west of Dudley Lane (B1319) in Dudley. The proposal is within the applicants existing operational area with Sandys Letch watercourse approximately 50m to the north, the east coast railway to the west and the B1319 (Dudley lane) to the east. The site is surrounded by arable land with further industrial land to the north. The south west part of the wider plant site lies within a designated wildlife corridor.

1.23 The application is for the construction of storage tanks, biological treatment tanks, greenhouse and associated gas pipeline.

1.24 Arboricultural Impact Assessment

1.25 A new gas pipeline is shown on the plans, running along the eastern perimeter of the site to connect to the grid further north. As a result, 2no. trees are required to be removed (G6 and G8) which will be replaced with 6 heavy standards planted along the verge of the eastern boundary (alder, birch and rowan). Pruning work will also be required to G23 (mixed broadleaved plantation)

1.26 The gas pipeline is shown running along the eastern perimeter to connect to the grid in the northern part of the site. The AIA states that only 2 trees will need to be removed along the eastern perimeter to facilitate the works, however, Drawing No: D8197.007 submitted within the AIA shows a number of areas along the pipeline route where tree groups and their RPAs are within close proximity to the pipeline and require 'special mitigation' as a result. Specifically, these are tree groups G6, G2 and G1. The pipeline is also close to other trees and tree groups including G9, G12 and T18.

1.27 Appropriate arboricultural conditions will need to be attached to the application, including arboricultural supervision to ensure that existing trees and tree groups not currently identified for removal are adequately protected. Any subsequent trees that may need to be removed, would need the approval of the LPA/Landscape Architect with appropriate mitigation provided for any loss of trees. The Councils Landscape Architect will need to provide further advice on this and, if appropriate, apply the relevant conditions to the application.

1.28 Preliminary Ecological Assessment (PEA)

1.29 A preliminary ecological appraisal has been undertaken and the report concludes that the ecological features present within the site do not preclude development of the site. However, a number of potential ecological constraints require further consideration to ensure that development does not result in either an offence being committed in respect of protected species or a net loss of biodiversity interest. A number of measures to protect, maintain and enhance ecological features within the site are recommended to comply with current legislation and policy. Recommendations set out within the PEA report will therefore need to be conditioned as part of the application.

1.30 Planting Plan

1.31 A detailed planting plan has been submitted for the application Dwg. No:D8197.02.001. The plan shows 6 new heavy standard trees to mitigate for the loss of 2 mature trees on site and also shows a small woodland edge mix along the eastern boundary consisting of a very small scrub mix containing hazel, hawthorn, holly and blackthorn. The Preliminary Ecological Appraisal (PEA) recommends that native hedgerow and wildflower planting is undertaken within the site, however, the landscape plan does not include these and has proposed only amenity grass to be planted along the pipeline area. An area of dense continuous scrub will be lost next to the lagoons to accommodate the scheme as well as some small grassland areas. The planting plan should therefore include some wildflower grassland in appropriate areas (amenity grass areas) along with some additional native scrub.

1.32 The details of planting requirements will need to be conditioned as part of the application to ensure that adequate mitigation is delivered as part of the scheme, in line with the recommendations of the Preliminary Ecological Appraisal (PEA) Report.

1.33 I have no objection to the application subject to the Councils Landscape Architect being satisfied with the level of arboricultural information that has been submitted in relation to the gas pipeline and appropriate arboricultural conditions being attached to the application.

1.34 Conditions

-No development shall commence on site until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. This will include the provision of native hedgerows/scrub planting and wildflower meadow planting as recommended in the Preliminary Ecological Appraisal Report (PEA) dated June 2020. The landscape scheme shall include details and proposed timing of all new planting and ground preparation noting the species and sizes for all new tree planting

(trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees, shrubs or grassland areas that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule

-An Invasive Species Control Strategy will be submitted to the LPA for approval prior to development commencing on site to ensure that invasive species outlined in the Preliminary Ecological Appraisal, are appropriately treated or controlled.

-A Reasonable Avoidance Measures Method Statement (RAMMS) for amphibians, reptiles, hedgehog, otter and birds will be submitted to the LPA for approval prior to development commencing on site.

-A Reasonable Avoidance Measures Method Statement (RAMMS) for pollution control will be submitted to the LPA for approval prior to works commencing on site to ensure there is no impact on nearby waterbodies as a result of construction activities associated with the scheme.

-Updated checking surveys for protected species and other invasive species will be required during the optimal period for habitat surveys (April to mid- October) if the development does not commence within 12 months.

-Any vegetation clearance, including demolition, should be conducted outside of the bird breeding season (March-August) in order to avoid potential harm to nesting birds. Where clearance is necessary during this period, a pre-clearance check should be made by an ecologist no more than 24 hours in advance. Where an active nest is identified, works will be postponed until the chicks have fledged.

-Any trees identified as having at least moderate suitability for roosting bats that will be unavoidably lost to the proposals will require two bat roost surveys to be undertaken May-August. The results will inform an appropriate mitigation strategy/method statement.

-The two trees identified for removal with low suitability for roosting bats will require works to be undertaken under a Method Statement. The Method Statement will set out the working methods that will need to be adhered to throughout the tree removal works to avoid impacts on any roosting bats that may be encountered. The method statement will include the need for trees to be soft felled under the supervision of a bat licenced ecologist. Details will be submitted to the LPA for approval prior to works commencing on the trees.

-5no. bird boxes (variety of) will be provided in suitable locations within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans

-5no. bat boxes will be provided in suitable locations within the development site. Details of bat box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans

-Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

1.35 Landscape Architect

1.36 The application is for the upgrading of the existing Bio Plant and will incorporate additional tanks, containerised equipment and a buried gas pipeline from the grid entry unit to connect with the Northern Gas Network pipeline. It is approximately 120m long and to be located along the eastern perimeter. Other works include changes to internal vehicle access routes and storage. A horticultural greenhouse is also proposed.

1.37 Comments have been made previously and additional information has since been provided (10th August 2020):

-Image 1: initial proposal received from NGN to install the biomethane pipeline.

-Image 2: Typical cross section of pipeline trench.

-Image 3: biomethane pipe route layout

1.38 It is likely that the proposed works could impact on the retained trees more than indicated in the AIA as the associated working area required for the installation of the gas pipe may impact on the RPA's and may require the protective fence to be moved to allow works to proceed. This detail has been requested and some information provided. However, it is considered that the final detail can be resolved via an appropriate arboricultural supervision condition. This will ensure that existing trees and tree groups not currently identified for removal or that will be impacted on, are adequately protected.

1.39 With regard to mitigation and the landscape plan, it is also considered that the final detail can be conditioned as part of the application to ensure that adequate mitigation is delivered as part of the scheme, in line with the recommendations of the Preliminary Ecological Appraisal (PEA) Report.

1.40 I have no objection to the application and the Biodiversity Officer has proposed a number of conditions including the provision of a landscape scheme. Therefore, the following conditions are to be added;

1.41 Proposed conditions:

No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation

Prior to the commencement of any site clearance works there shall be submitted to the Local Planning Authority for their approval a revised Tree Protection plan showing the position of protective fencing to be erected around each tree or hedge within or adjacent to and overhang the site to be retained. As a minimum, the fence should be continuous and include tree groups G4 and G5; G9 (northern edge); G10 and G 21 (part). Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of

scaffolding, well braced to resist impacts. No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree group /hedgerow within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Prior to any ground being broken on site and in connection with the development hereby approved (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), an Arboricultural Method Statement including details for vehicular access, installation of the gas pipe and associated working areas, kerb edges, and other hard surfacing within the root protection area in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' is to be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved tree protection scheme and Arboricultural Method Statement. The AMS is to form part of the contractors method statement regarding the proposed construction works.

All works to be carried out in accordance with the submitted Arboricultural Impact Assessment, and Tree Protection Plan submitted by TEP and within the guidelines contained within BS5837:2012 and NJUG Volume 4.

No development or other operations shall commence on site until a detailed levels survey has been submitted to and approved in writing by the Local Planning Authority. Thereafter no changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority. Any excavations within the RPA are not acceptable unless approved by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air spade.

The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works.

An Arboricultural Consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. Details are to be submitted for approval outlining the arrangements for the implementation, supervision and monitoring of works and include timing and phasing of the arboricultural works in relation to the approved development. This condition may only be fully discharged on completion of the development subject to satisfactory written

evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

2.0 Representations

2.1 Two letters of objection have been received. These objections are set out below.

-Sterling Pharma will tell you that they are good neighbours, they care for the local community and that they "provide hundreds of jobs" and produce vital medicines.

-When they made this most recent planning application, they distributed "Food Parcels" to elderly residents in the bungalows on Dudley Lane. In my opinion this was just to make them look good. It is only at times like this that they remember they are located in a residential area.

-They are most certainly not good neighbours. We have lived here over 4 years and have lost count of how many times we have been woken to the sound of Sterling Pharmas WWII air raid siren. I believe most of these are in fact false alarms, but they are so common that, should the alarm sound for real, then most residents will assume that it is yet another false alarm,

-I have made many complaints to both North Tyneside Council and to the Environment Agency concerning Sterling Pharma. The number of alarms, false or otherwise suggests to me Health and safety issues on the site. Logic says that any extension of the factory will result in an increase in these "Incidents".

-This will cause further distress and disruption to people living nearby and an increase in vehicular traffic on Dudley lane, both during and after construction.

-I also believe that such a factory should not be located in a residential area.

-Can you confirm why the correspondence notifying residents of this application is marked as "IMPORTANT – THIS MAY AFFECT YOUR PROPERTY"?

-Having downloaded the sixteen sections of the application comprising of 254 pages I find going from one section to the next difficult to understand, we should have the right to see or have a copy in hand for easy guidance to read. Instead of every one using Covid-19 as an excuse not to hold a face to face meeting with the company and the community to put views and concerns across properly time must be giving for all concerned and an extension in time for the planning proposals to be pushed back until the end of the year.

-Having viewed the land a little from what I can make out in the plans there is a mention that in the east of the land a greenhouse is planned, has this greenhouse started to be built as a large construction has started to be erected please correct me if I have this wrong but if it is part of the greenhouse why has work started to build the proposed building.

-Also with the added noise pollution that has also been mentioned in the application can I take it that the neighbours in the street named in the application for planning have had a face from the company (Sterling) to discuss this matter further or are they just hoping no one comes forward with concerns as it is all a bit online only and not everyone has or can use technology.

-Having just moved to this location i can understand any concerns people have about the added noise level as I can hear the droning sound though the night as things are at now.

3.0 External Consultees

3.1 Network Rail

3.2 No observations to make.

3.3 The Coal Authority

3.4 I have reviewed the proposals and confirm that part of the application site falls within the defined Development High Risk Area.

3.5 The Coal Authority records indicate that within that part of the application site and surrounding area there maybe coal mining features and hazards which should be considered as part of development proposals. As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

3.6 However, when considering this particular proposal; on the basis that the area where the built development would be falls outside the defined Development High Risk Area, we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

3.7 Newcastle International Airport Limited (NIAL)

3.8 We have no objection to this planning application other than we request that ATC is notified of any crane operations.

3.9 Environment Agency

3.10 We have no objection to the application as submitted, however we have the following advice related to permitting for the LPA and the applicant.

3.11 Advice – Environmental Permit

3.12 The site is regulated through environmental permit EPR/AP3234LG.

3.13 The development will require variation of a bespoke permit under Schedule(s) 4 and 5 of the Environmental Permitting Regulations (England and Wales) 2016. Based on the information submitted with the planning application, we have not identified any major permitting concerns. Further guidance can be found at <https://www.gov.uk/collections/risk-assessments-for-specificactivities-environmental-permits>

3.14 Advice – Noise and Odour

3.15 There are some local amenity sensitivities with respect to noise and odour. We will consider the detail of these in the future when we receive an application to vary the current permit. We consider it unlikely that our permitting process will create a need for post permission amendments to the planning application.

3.16 It is worth noting that in some cases, there will be a limit on the measures an existing permitted facility and proposed development can put in place to adequately reduce the risks. This could result in the existing activities being regarded as 'bad neighbours' to the new development.

3.17 Advice – Parallel tracking

3.18 The developer may wish to consider whether parallel tracking offers the best option for identifying and, where possible, resolving issues at the earliest possible stages. Please note, where an operator decides not to parallel track then their

planning and environmental permit applications, we will not offer detailed advice or comments about how permitting issues affect planning.

3.19 Advice for the Applicant – Environmental Permit: Flooding

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal);
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal);
- on or within 16 metres of a sea defence;
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert;
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

3.20 For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk

3.21 The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

3.22 Northumberland County Council

3.23 No objection.

3.24 Health and Safety Executive

3.25 No objection.