

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

Development Plan - current status

The Core Strategy and Development Plan was adopted on the 30 January 2020, whilst the saved policies from the Unitary Development Plan were adopted on 7 September 1998. In the report on each application specific reference will be made to policies and proposals that are particularly relevant to the application site and proposal. The CSDP and UDP also include several city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for

inspection during normal office hours at the City Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre
Executive Director City Development

1.

South Sunderland

Reference No.: 22/01330/MW4 Minerals and Waste (Reg 4)

Proposal: **Construction and operation of a waste management facility to process waste plastics to produce synthetic hydrocarbons, together with associated ancillary buildings, plant and machinery, roadways and hardstanding (additional drainage info received).**

Location: East Shore Enterprise Zone Port Of Sunderland East Of Graving Dock South Dock Barrack Street Sunderland

Ward: Hendon

Applicant: Quantafuel Sunderland Limited

Date Valid: 18 June 2022

Target Date: 18 September 2022

PROPOSAL:

Full planning permission is sought for the construction and operation of a waste management facility to process waste plastics to produce synthetic hydrocarbons, together with associated ancillary buildings, plant and machinery, roadways and hardstanding at East Shore Enterprise Zone, Port of Sunderland, Barrack Street, Sunderland, SR1 2BU.

The proposed development affects land on the eastern side of the Port of Sunderland, a Council-owned operational Port covering approximately 106 hectares of land to the south of the mouth of the River Wear. The Port features two docks (Hudson Dock and Hendon Dock) which together provide berths available for unloading and loading of ships as well as storage and other facilities. Vehicular access into the Port is taken from Barrack Street at its north-west corner. The entire operational area of the Port is set below the adjacent land, which at the northern end of the Port is residential in nature, with dwellings facing the Port's land from the south-west side of Barrack Street.

The application site at the East Shore Enterprise Zone within the Port is roughly rectangular in shape and covers an area of approximately 5.2

hectares. It is bounded by the North Sea to the east and Hudson Dock to the west. To the south is land occupied by Northumbrian Roads for aggregates processing and the manufacture of coated roadstone products, whilst to the north are the northern reaches of the Port area, occupied by two large warehouse buildings, concrete hardstanding and a dry dock. The main Port access road runs along the western edge of the site bisects the western side of the site and separates the development area from Hudson Dock (on the road's west side).

The application site is mainly previously developed industrial land and approximately 3.6 hectares of it was recently subject to a planning permission for 'engineering works, to include re-profiling of land and the erection of an electricity substation' (application ref. 19/02155/LP3, approved at Planning and Highways (East) Committee meeting on 2nd March 2020). This development was undertaken in association with the site's status as an Enterprise Zone, a status which offers enhanced capital allowances for businesses investing in the Zone. The works were essentially designed to make the site ready and immediately available for any developer or investment interest. Most of the site is covered in artificial but unsealed surfaces.

To the north-west of the application site are the Grade II Listed buildings of the Dock Office, its walls and piers (dated 1850) and the Gladstone Swing Bridge, walls, abutments and lock (dated c. 1875), all situated at the north end of Hudson Dock. To the south is the Grade II Listed Swing Bridge and Machinery Pit on the east side of the Dock.

Planning permission is being sought to for the establishment of a waste management facility for the treatment of waste plastics to recover saleable products in the form of liquid hydrocarbons (synthetic fuels) for use in the production of new high-quality plastics. The Planning Statement submitted with the application advises that the proposed facility will comprise the following main elements:

- Buildings for the storage, processing and treatment of waste plastic;
- An administration building;
- Workshop/store buildings;
- Storage tanks within a bunded enclosure for the storage of liquids from the process;
- Storage tanks for chemicals and water used in the process;
- Distillation plant;
- Ancillary plant and equipment associated with the process;
- Roadways, vehicle manoeuvring/circulation areas and parking;

The northern part of the site provides the main entrance for the receipt of waste plastic, along with the reception, sorting and storage building. The central section contains the process (pyrolysis) buildings and associated plant and equipment. Between the two pyrolysis buildings is the plant required to clean the gas from pyrolysis plant and distil it into hydrocarbon fractions. To the south of this area is a bunded tank farm and associated pumps, together with two storage buildings. The southern part of the site contains the

administration and control building and the main workshop, along with car and lorry parking areas.

The various buildings are connected by above-ground conveyors to transfer the shredded plastic to the pyrolysis plant and pipework to transfer liquid products from the process. These are routed within a gantry. Between the buildings and various items of plant and storage tanks is a network of roads and manoeuvring areas.

During consideration of the application, the applicant elected to submit an amended plan which shows slight revisions to the original layout in order to incorporate improved access to coastal flood defence features and to locate the fire water storage tank and workshop stores away from these features. These changes were made in response to comments from the Council's Flood and Coastal team (Lead Local Flood Authority).

The main buildings, plant, machinery and equipment within the proposed development can be described as follows:

Plastic reception, process and storage building - located in the northern section of the application site, it comprises an enclosed 'L'-shaped steel portal-framed building with steel cladding walling. The reception and sorting/processing section of the building measures approximately 154m x 33m aligned on a north-south axis. To its eastern façade is a covered unloading area and at the southern end is the buffer storage area. The building is predominantly 20m high, with the unloading area being 15m in height. Windows will be installed to eastern and western facades, whilst solar PV panels will be fixed to the roof. This is the largest building within the development, and it is the area within which feedstock imported to the facility would be processed and stored prior to being treated.

Pyrolysis buildings - there are two pyrolysis buildings of identical scale and design, being square shaped and measuring 60m x 60m. As with the plastic reception, process and storage building, the pyrolysis buildings will have a shallow pitched roof of 20m in height. The buildings will be of a standard steel portal-framed design and also feature steel cladding walling. Elevations will feature roller shutters, personnel doors and ground level windows.

Administration building - this is located in the southern part of the site and measures 24m x 14m and is three-storeys high, measuring 12m to the top of the roof. This building will house site office and administration functions, along with a control room and laboratory. Large windows will be installed to all facades.

Main workshop building - located next to the administration building, measuring 41m x 13m and shallow pitch/'flat' roof of 8m in height. Roller shutter doors will be installed to the western façade and windows to the east and west facades.

Second workshop/store building - measuring 21m x 6.5m and 8m in height, this building is also flat roofed.

Process plant associated with separation, cooling/de-chlorination/catalyst and distillation, including two 30m-high flue stacks with associated abatement equipment (one for each of the pyrolysis buildings)

Tank farm - to the south of the pyrolysis buildings, situated within a bunded enclosure measuring around 900 sq. metres and surfaced with concrete or tarmac. This area features a completely contained drainage system to prevent potential escape of liquids stored within the tanks. Two tanks measuring 12m and 8m in diameter respectively will store heavy products and a further tank with 8m diameter will store light distillate. The largest tank is 13.2m high. Adjacent to the tank farm is two enclosed areas for pumps.

Hidden flame flare (12m high), storage building for chemicals and building containing nitrogen plant.

The main access for the delivery of waste plastics is at the northern end of the site and reached via the Port service road alongside the site's western boundary. The access point will be gated and other secondary and emergency access gates will be installed in the site boundary, including to allow access to the sea wall.

Car parking will be provided adjacent to the administration building and comprises 60 no. spaces, 6 no. of which will be suitable for blue badge holders and 10 no. with electric vehicle (EV) charging points.

External lighting at the site is primarily designed to ensure the safety of manoeuvring vehicles and pedestrians around the site and to enhance site security. No floodlighting or high-level lighting is proposed, and it will be informed by guidance provided by the Institution of Lighting Professionals to minimise glare and light pollution. The site will be securely fenced and gated, and this will be supplemented by a CCTV system and a 24/7 on-site security presence.

In addition to the above, other infrastructure will include access from the dock service road at the north of the site, roads and paths within the application site, 12 no. dedicated car parking spaces adjacent to the administration building (including 2 no. electric vehicle charging points) and additional overflow parking space and external lighting. Security measures will include 2.4 metres high palisade fencing with guard wire to the site perimeter, a CCTV camera system and a '24/7' presence on site, conducting patrols and monitoring the CCTV.

The submitted Planning Statement also provides details of the intended construction programme for the development. Site preparation and construction works are anticipated to take approximately 18 months and works are proposed to take place between 07:00 and 19:00 Monday to Friday and 07:00 and 18:00 Saturday and Sunday.

The plant is designed to process around 105,000 tonnes of plastic waste per year. It is anticipated that following initial screening, approximately 20 - 25%

of feedstock would not be suitable for processing (due, for example, to contamination) and will be exported to a suitable waste management facility for treatment. From the 80,000 tonnes of plastic processed per year, the facility would produce approximately 60,000 tonnes of hydrocarbons.

Waste plastic will be delivered by HGVs and unloading carried out in the enclosed reception hall to prevent the spread of loose plastic. Unwanted materials will be removed from the feedstock. Usable plastic will be dried and quality checked before being shredded into uniform size and stored in silos until needed for pyrolysis.

The pyrolysis, cleaning and upgrading process involves the following stages:

Pyrolysis - pre-treated waste is heated and melted in a gas-tight reactor, transforming the solid material into pyrolysis oils in the gas phase. This is a thermochemical process in which the plastic waste is heated and evaporated without oxygen (differing from incineration, which involves the burning of material). Only a limited chemical conversion of the plastic occurs as no other substances are added. The pyrolysis process splits the feedstock into two streams - ash and pyrolysis gas. The ash is diverted into sealed storage containers via a sealed system.

Cleaning and upgrading (catalysis) - the pyrolysis gas leaving the reactors is filtered for dust and upgraded through the catalysis reactors.

Cooling and condensation - from the catalysis reactor, the upgraded pyrolysis gas is treated through several steps to separate non-condensable gas, water and oil fractions. Water is treated to meet local requirements for disposal to the public wastewater system. The oil fraction is stored in holding tanks before blending and distillation. Non-condensable gas is cleaned in a gas 'scrubber' and stored in tanks for later use as a primary fuel to heat the pyrolysis reactors. Natural gas would be provided to the facility and available as secondary fuel if required.

Pyrolysis oil within the holding tanks is analysed frequently and blended before being directed to the distillation plant for distillation into product fractions. Final products are stored after distillation in outdoor above-ground tanks before transportation to customers. The dispatch of final products is handled at an outdoor refuelling site whereby the final products are pumped via buried pipework to the quayside for loading into ships.

In terms of operating arrangements, it is anticipated that the facility could generate up to 35 HGV trips per day (equating to a total of 70 HGV movements), based on operating at maximum capacity and allowing for movements over 275 days in the year. These trips would be generated by the delivery of feedstock, as all products from the site are intended to be exported by boat/ship from the Port. The waste plastic feedstock would be delivered in curtain-sided articulated HGVs. The exact sources of feedstock are, at this point, not known but all material would be delivered in bulk under contract and the facility will not be open to the public.

The plant would be in operation 24 hours a day, 7 days per week, with periods of programmed maintenance twice per year. HGV deliveries would, however, primarily take place between 07:00 and 19:00 during the week and 07:00 and 16:00 at weekends, with traffic spread out through the day. Deliveries of feedstock may take place outside of these hours in exceptional circumstances, whilst other non-feedstock deliveries/collections may also take place, however these will be infrequent. All HGV movements are anticipated to operate via the main Port entrance onto Barrack Street/High Street East and then onto the A1018 and the strategic road network.

During the operational phase, the facility would provide up to 120 no. full-time equivalent posts across the skills spectrum, with shift crews of up to 35 staff and 15 staff employed within the office/admin building/laboratory. Indirect employment would also be supported through drivers, engineering/maintenance, cleaning and catering, for example.

The application has been submitted by Quantafuel ASA, a Norwegian listed company founded in 2007. Quantafuel is a plastics recycling company which converts end-of-use plastics into new raw materials, including new plastics and low-carbon fuel. Their aim is to reduce the negative environmental impact associated with plastic waste.

The planning application has been accompanied by a detailed Planning Statement, which provides background information to the development, including a description of the application site, the development and processes involved in operations and consideration of local and national planning policies. The Statement then provides a series of environmental assessments, covering:

- Air quality;
- Ecology;
- Landscape and visual impact;
- Noise and vibration;
- Transport;
- Water environment;

These assessments have been informed by the following additional surveys and reports:

- Air Quality Assessment;
- Preliminary Contamination and Mining Risk Assessment;
- Unexploded Ordinance report;
- Noise Assessment;
- Flood Risk Assessment and Sustainable Drainage Strategy;
- Surface Water Drainage Statement (submitted during consideration of application);
- Archaeological Watching Brief report;
- Archaeology Report of Anti-tank defences (submitted during consideration of the application);
- Heritage Statement (submitted during consideration of application)

- Ecology Habitat Survey;
- Habitats Regulations Assessment (updated during consideration of application);

As well as planning permission, the operation of the facility would require the grant of an Environmental Permit from the Environment Agency. The permit would contain conditions to regulate the day-to-day management of the site with the aim of minimising effect on the local environment, as well as conditions relating to site management and monitoring.

The applicant has also applied to the Council for Hazardous Substances Consent (ref. 22/02696/HAZ) in respect of potentially hazardous materials present at the site. This is being considered alongside this application for planning permission.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Watermans - Land Contamination
Planning Implementation
Natural Heritage
Flood And Coastal Group Engineer
Environment Agency
Tyne And Wear Archaeology Officer
Network Management
Cllr Lynda Scanlan
Cllr Michael Mordey
Cllr Ciaran Morrissey
Environmental Health
Northumbria Police
Northumbrian Water
The Coal Authority
Planning Policy
Planning Implementation
Port Manager
Health & Safety Executive
Natural England
Marine Management Organisation
Tyne And Wear Archaeology Officer
Environment Agency
Chief Fire Officer
Northern Gas Networks
Wear Rivers Trust

32 Mariner Square Sunderland SR1 2DX
34 Mariner Square Sunderland SR1 2DX
54 Mariner Square Sunderland SR1 2DX
50 Mariner Square Sunderland SR1 2DX
46 Mariner Square Sunderland SR1 2DX
44 Mariner Square Sunderland SR1 2DX
36 Mariner Square Sunderland SR1 2DX
22 Mariner Square Sunderland SR1 2DX
12 Mariner Square Sunderland SR1 2DX
3 Maddison Court Sunderland SR1 2DZ
40 Mariner Square Sunderland SR1 2DX
20 Mariner Square Sunderland SR1 2DX
14 Mariner Square Sunderland SR1 2DX
9 Maddison Court Sunderland SR1 2DZ
5 Maddison Court Sunderland SR1 2DZ
8 Mariner Square Sunderland SR1 2DX
18 Mariner Square Sunderland SR1 2DX
4 Maddison Court Sunderland SR1 2DZ
6 Maddison Court Sunderland SR1 2DZ
48 Mariner Square Sunderland SR1 2DX
52 Mariner Square Sunderland SR1 2DX
42 Mariner Square Sunderland SR1 2DX
30 Mariner Square Sunderland SR1 2DX
28 Mariner Square Sunderland SR1 2DX
26 Mariner Square Sunderland SR1 2DX
24 Mariner Square Sunderland SR1 2DX
16 Warren Square Sunderland SR1 2DU
15 Warren Square Sunderland SR1 2DU
14 Warren Square Sunderland SR1 2DU
12 Warren Square Sunderland SR1 2DU
11 Warren Square Sunderland SR1 2DU
10 Warren Square Sunderland SR1 2DU
9 Warren Square Sunderland SR1 2DU
8 Warren Square Sunderland SR1 2DU
7 Warren Square Sunderland SR1 2DU
6 Warren Square Sunderland SR1 2DU
5 Warren Square Sunderland SR1 2DU
4 Warren Square Sunderland SR1 2DU
3 Warren Square Sunderland SR1 2DU
2 Warren Square Sunderland SR1 2DU
1 Warren Square Sunderland SR1 2DU
10 Mariner Square Sunderland SR1 2DX
16 Mariner Square Sunderland SR1 2DX
10 Maddison Court Sunderland SR1 2DZ
Flat The Welcome Tavern 22 Prospect Row Sunderland SR1 2DW
38 Mariner Square Sunderland SR1 2DX
The Licensee The Welcome Tavern 22 Prospect Row Sunderland SR1 2DW
8 Maddison Court Sunderland SR1 2DZ
7 Maddison Court Sunderland SR1 2DZ
6 Mariner Square Sunderland SR1 2DX

Final Date for Receipt of Representations: **02.02.2023**

REPRESENTATIONS:

Public consultation - letters sent to 50 no. addresses in area and application also advertised via press notice and site notices.

One representation was received, from the occupier of 18 Mariner Square, which states:

Hi, as a resident of Mariner Square, I am very concerned with the increased pollution and traffic this will generate for myself and my family. Even now there has been an increase in the traffic in our streets from large HGVs and there has been an increase in smells in the area.

I am concerned about the impact this will have on my child and my own health, as well as my neighbours.

This can only negatively impact on the price of my house should I try to sell my property in the future and I would want some form of compensation for this should the move go ahead.

Members should note that concerns relating to property value are private and not to be taken into account in the determination of a planning application. Considerations relating to traffic movements, smells/odours and public health will be covered in later sections of this report.

Northern Gas Networks - no objections to the development. Advice is provided to the applicant in respect of minimising risks to apparatus in the area during construction works.

Tyne and Wear Fire and Rescue Service - no objections.

Northumbria Police - no comments to offer in relation to crime prevention matters given nature and location of development.

Northumbrian Water - no comments to make. Noted that no connections to the public sewerage network are proposed and surface water is to be discharged directly to the North Sea. Advice is provided to the applicant in respect of potential effects on a public water main crossing the site.

Marine Management Organisation - no objections, advise that the applicant will have to make an application for a Marine Licence if any works fall below the Mean High Water Springs mark.

The Coal Authority - confirmed there was no requirement to consult the Coal Authority on this application. Standing advice relating to coal mining risks should be provided to the applicant if the application is approved.

Natural England - no objections to the development, subject to appropriate

mitigation being secured. Without such mitigation, the development would have an adverse effect on the integrity of the Durham Coast Special Area of Conservation (SAC), the Northumbria Coast (SPA) and Northumbria Coast Ramsar site and damage or destroy the interest features for which Durham Coast Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate potential adverse effects and make the development acceptable, the mitigation measures for construction, operational and decommissioning impacts as set out in the applicant's Report to Inform Habitats Regulations Assessment should be secured. This can be via planning conditions or a planning obligation.

Natural England's comments also advise the Council that as competent authority, it is the Council's responsibility to produce the Habitats Regulations Assessment for the development and be accountable for its conclusions. Further general advice is provided in relation to protected species and other natural environment issues.

Environment Agency - initial comments set out an objection to the development, on the basis that the applicant had not supplied sufficient information to demonstrate that risks of pollution posed to water quality can be safely managed. At the time of providing their initial comments, the Environment Agency (EA) considered that the applicant had not clearly indicated the means of disposal of foul water for the development. To address the EA's concerns, confirmation of connection to the mains foul sewer was required - if connection to the main system is not possible, the applicant was requested to complete and submit the EA's FDA 1 form.

The information required by the EA has been submitted by the applicant, who has confirmed that the nearest sewer lies 450m from the application site. As an alternative, and in line with advice provided by Northumbrian Water, it is advised that foul water will be handled by a package sewage treatment plant within the development.

The EA has considered the additional information provided by the applicant and advises that it is acceptable - it has therefore been confirmed that there is now no objection to the development proceeding.

Additional advice to the applicant and Local Planning Authority has been provided. This confirms that the applicant will require an Environmental Permit in respect of discharges from the development. An Environmental Permit will also be required in respect of the operation of a waste management facility to process waste plastics. A Permit or exemption may also be required in respect of the development given its proximity to sea defences.

The EA's comments also suggest that the site may fall under COMAH (Control of Major Accident Hazards) regulations due to the presence of flammable substances as part of the development and the nearby Tradebe facility, an 'upper tier' COMAH establishment. Advice should be sought from the relevant Competent Authority (the Health and Safety Executive). In

relation to this matter, as noted earlier, applicant has also applied for Hazardous Substances Consent (ref. 22/02696/HAZ) in respect of this development - this will be considered by the Council as Hazardous Substances Authority in consultation with the HSE, the EA and other relevant bodies as required.

Further advice is provided to the applicant in respect of the storage of materials, chemical and oil.

Health and Safety Executive (HSE) - proposals were assessed using the HSE's online Planning Advice Web App, which concluded that the HSE does not advise against the proposed development. Confirmation that this advice was appropriate was sought from the HSE and again, it was concluded that there was no reason for the HSE to raise concerns given that the development is not of a sensitive nature (i.e. it is not specifically designed for people with disabilities) and its relationship with the adjacent Tradebe COMAH facility (i.e. within the middle and outer consultation zones). The HSE therefore has no objection to the development from a control of major hazards perspective. The HSE will also review the application for Hazardous Substances Consent.

Tyne and Wear County Archaeology officer - initial comments note that the application site is made ground which was used during the construction of the South Dock. There is potential for post-1846 archaeology, including original seaward walls, railway infrastructure and ancillary dockland and/or defence structures. The site has been occupied by Bartram & Sons Shipyard, Sunderland Engine Works/George Clark and Co, the South Dock railway system and World War II tank traps, anti-tank cubes and a pill box.

A watching brief undertaken in 2020 uncovered remains of early sea defences, quay walls and the Engine Works. The anti-tank cubes were also uncovered, recorded, re-covered and left in situ.

The initial County Archaeologist comments recommend that future groundworks should be monitored via an archaeological watching brief. This requirement can be covered by two conditions - the first requiring the appointment of an archaeologist and the agreement and undertaking of a programme of observations agreed with the Council and the second requiring the submission and approval of a report of the results of the observations undertaken.

The comments also, however, requested that the applicant confirm whether the anti-tank cubes will remain in situ or would be affected by the development. Following the receipt of these comments and further discussions with the County Archaeology officer taking place, it was established that the anti-tank defences are located at the point of a proposed exit route for heavy vehicles and so would be affected by the development. Seeking to retain the cubes in situ would require a comprehensive re-design of the development layout. Given this, a condition survey and desk-based research report was requested by the County Archaeology officer; this was subsequently prepared and submitted to the Council and reviewed by the

County Archaeology officer.

In an additional set of comments, the County Archaeology advises that the submitted report is a well-researched assessment and condition survey. It notes that the defences are part of a much larger anti-invasion infrastructure developed during World War II from 1940 onwards. Such features are relatively common on a national level although they are the only WWII defence features surviving at the Port.

Whilst the County Archaeology officer considers the loss of the cubes regrettable, there would be no objection to the development proceeding. The submitted assessment suggests relocating the cubes to a location adjacent to the Port entrance and the County Archaeology officer considered this to be an initiative worth exploring on the basis that it could improve public awareness and understanding of the cubes and the wider WWII defences once present at the Port.

To this end, the County Archaeology officer requested that the applicant arrange for an engineering evaluation of the cubes in the presence of a qualified archaeologist (i.e. a 'watching brief'), to establish if the cubes are in a condition which would allow for their relocation. The requested evaluation has been undertaken and has established that the cubes are in a condition which means their relocation would be feasible. On this basis, the County Archaeology officer has requested a final series of conditions for:

- The submission of a method statement for the relocate and reinstate the cubes at a suitable location;
- The submission of details of a proposed interpretation panel at the reinstatement site;
- An archaeological watching brief to take place at the site of the anti-tank cubes (investigations at the site uncovered remains of an earlier sea wall);
- The submission of a report of the archaeological watching brief;
- The submission of an archaeological recording report.

Subject to such conditions, the County Archaeology officer has no objection to the development proceeding.

Council's Planning Policy team - the principle of the proposal appears acceptable as the policy SS5 of the Council's adopted Core Strategy and Development Plan (CSDP) supports industrial development at the Port. The development would also take advantage of exports by boat, meaning locating within the Port is an operational requirement, in line with policy SS5's objectives. Additionally, policy WWE7 directs waste-handling facilities to employment land, provided it is not a 'Primary' employment area - the CSDP designates the Port as a 'Key' employment area and so the proposal would be acceptable in this regard.

The Policy team's comments also note that CSDP policies relating to archaeology, ecology, flood risk and coastal management, amenity, design quality, sustainable design and construction and transport will also be

relevant.

In summary, there is no objection to the principle of the proposed development, but regard needs to be given to all other relevant policy considerations.

Council's Flood and Coastal team (Lead Local Flood Authority) - initial comments requested that the applicant provide further information in relation to maintenance arrangements for the proposed sustainable drainage infrastructure, arrangements for accessing coastal flood defence features, the detailed drainage layout and drainage calculations.

The applicant subsequently submitted a Surface Water Drainage Statement and an Addendum to Drainage Design document, together with an amended site layout showing improved access arrangements to the coastal flood defences and a drainage scheme including the provision of attenuation tanks for the LLFA's consideration and appraisal. The additional material has been considered by the LLFA and it is advised that there is no objection to the development, subject to conditions requiring the provision and approval of final finished floor levels and a topographical survey, the positioning of the access gate to the coastal defences and a verification report to confirm that the agreed sustainable drainage measures have been implemented.

Council's Land Contamination consultant - initial comments requested that the submitted Phase 1 Desk Study report be updated to reflect the submitted redline boundary for the planning application. The updated report should include reference to investigation works undertaken at the site in 2019 and refer to updated coal mining and unexploded ordinance risk assessment reports.

Following submission of updated reports, it has been confirmed that there is broad agreement with the findings and recommendations of the submitted Addendum Preliminary Land Quality Risk Assessment. This concludes that the development of the site could result in significant risk being posed to human, environmental and built receptors, but that these risks can be mitigated if appropriate remediation and control measures are implemented. It is agreed that further intrusive investigations should take place within certain areas of the site; the requirement for these investigations, the preparation of a remediation strategy, submission of a validation report and means of dealing with any unexpected contamination can be dealt with via conditions.

Council's Highways team - information submitted by the applicant in respect of potential impacts on the local highways network has been considered carefully. The consultation comments received note that predicted HGV movements are based on the facility operating at maximum capacity and that exports are to be made via boat/ship, reducing operational impact on the surrounding highways infrastructure. Predictions of additional traffic generation are considered robust and based on worst-case scenarios - for example, all trips have been assessed as routing north and south from the High Street East/A1018 roundabout, whereas in reality, trips will likely route in both directions.

Results show that daily traffic volumes on the A1018 would be increased by 0.5%; this is considered an acceptable uplift. HGV traffic would increase by 16.7% if all journeys routed southwards from the A1018 roundabout; it is accepted this is not an insignificant amount, however this figure is based on worst-case scenarios and is well within the 30% threshold at which significant environmental effects are likely (as per Institute of Environmental Management and Assessment (IEMA) guidelines). It is also acknowledged that the local highways infrastructure has previously supported greater levels of HGV traffic than are experienced at present, as shown by data from nearby Department for Transport traffic counting points presented in the applicant's assessment.

An assessment of available accident data suggests there are no significant road safety issues in the vicinity of the site.

Overall, it is considered that the additional vehicular traffic generated by the operation of the proposed development can be safely accommodated on the local highway network. Additionally, the submitted assessment demonstrates that the impact of construction traffic volumes on local roads would also be acceptable.

Comments also note that vehicles would utilise the existing Port access point, security arrangements and internal access road. All handling of waste can take place within the site and in an enclosed environment, which is acceptable. Levels of parking provided within the site for the use of staff and visitors (total of 60 no. spaces) is also acceptable, although clarification of cycle storage arrangements is recommended.

In conclusion, there are no objections to the development in terms of impacts on the local highways network, highway and pedestrian safety or access and parking. Conditions requiring the submission and approval of a Construction Environmental Management Plan (CEMP), Travel Plan and Freight/HGV Management Plan are recommended.

Council's Built Heritage officer - no objections to the proposed development. Notes that the application site is in proximity to several Grade II Listed building and structures associated with the 19th century origins and history of the Port, with the proposed development within the setting of the former Dock Office and Gladstone Swing Bridge to the north and, to a lesser extent, the Swing Bridge and Machinery Pit to the south. Other designated heritage assets, such as the Listed North Tidal Dock Wall and Pier and Wave Basin Battery at the Port entrance and the Old Sunderland Conservation Area are unlikely to be affected by the development.

The Heritage Statement submitted with the application concludes that no harm would be caused to the significance of the assets mentioned above. The Council's Built Heritage officer accepts this view, noting that the proposed development is reasonably typical of the large buildings and structures that have served the Port over the years and in the context of which the Listed buildings and structures at the Port have historically been

experienced. It is also noted that the Listed buildings and structures in the Port are largely hidden from public view given its secure nature and topography.

It is therefore concluded that the proposed development is not incongruous within the established functional setting of the Listed buildings/structures within the Port and the wider historic setting of the Old Sunderland Conservation Area. The significance of these assets would therefore be conserved in accordance with national and local policy objectives.

Council's Environmental Health team - advises that the proposed development is acceptable subject to the imposition of a condition requiring the submission and approval of a Construction Environmental Management Plan (CEMP).

Comments note that the processing at the site will be regulated by the Environment Agency. Permit conditions will address a wide range of potential environmental impacts, including waste-related operations, management and reporting, and emissions to air and water, and odour, noise, and vibration.

In terms of noise, the submitted assessment has been carried out to an accepted methodology, following British Standard (BS8233) requirements. Background noise levels were measured daytime and night-time and predicted noise levels associated with a range of processing equipment calculated and mapped. Analysis of resulting noise levels concludes that noise rated for its character at the nearest residential receptors will not exceed existing measured typical background values. The Environmental Health team accept that internal noise levels to dwellings will continue to meet criteria set out in BS8233 and World Health Organisation community noise guidelines.

In terms of air quality, baseline conditions have been assessed using the Council's air quality data and DEFRA background concentrations and emissions modelled using a dispersion model. The assessment has concluded that the potential impact of the operation of the facility upon local air quality would not be significant. Emissions from discharge points will also be subject to further assessment as part of the EA permitting application. The assessment also considers air quality impacts arising from construction activity; impacts are anticipated as being low given distances to sensitive receptors. Proposed mitigation measures should be incorporated into the CEMP.

Council's Ecology team - has considered the Ecological Impact Assessment, Report to Inform a Habitats Regulations Assessment (HRA) and various technical appendices submitted with the application. Overall, the reports and appendices are considered to provide a good level of detail in respect of identifying potential impacts on nearby designated sites and species and recommending mitigation measures to minimise the identified impacts. The reports therefore enable the Council to effectively consider Habitats Regulations Assessment requirements and no significant concerns are raised.

The reports do, however, contain some sections where further clarification is required before the Council as competent authority can complete the HRA for the project. Furthermore, it is suggested that some additional mitigation could be considered in relation to minimising construction stage noise levels.

Following receipt of the Ecology team's comments, the applicant has updated the submitted reports in line with their recommendations.

This has been reviewed and the Council's Ecologist and it has been confirmed that in light of the applicant's revised Report to Inform an HRA and there being no objections from Natural England, the Council as competent authority adopts in full the Report to Inform an HRA submitted in support of the application. It will be necessary to secure in full the mitigation measures set out in section 7.15 of the applicant's report and the most appropriate way of achieving this is via conditions requiring compliance with the mitigation measures, including through the submission, approval and adoption of a Construction Environmental Management Plan which incorporates the measures.

Subject to the imposition of such conditions, there is no objection to the development on ecology grounds.

COMMENTS:

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

In establishing the weight to be given to a development plan in the decision-making process, regard must also be given to the National Planning Policy Framework (NPPF), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act.

The NPPF provides the Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. At paragraph 7, the NPPF sets out that the purpose of the planning system is to contribute positively to the achievement of 'sustainable development' which is defined as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. Meanwhile, paragraph 8 states that in order to achieve sustainable development, the planning system has three overarching objectives - an economic objective, a social objective and an environmental objective - and these are to be delivered through the preparation and implementation of plans and the applications of the policies within the NPPF.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development and states that in respect of decision-making, this means authorities should:

- c) Approve applications that accord with an up to date development plan without delay; or
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF goes on to advise that the presumption in favour of sustainable development set out by paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

The Council's Core Strategy and Development Plan (CSDP) was adopted in January 2020 and is considered to represent an up-to-date development for the purposes of the NPPF. Members should note that the CSDP is therefore the 'starting point' for the consideration of the current planning application.

The CSDP sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary Development Plan (1998). Some UDP policies have been saved pending the future adoption of an Allocations and Designations (A&D) Plan (a draft A&D Plan was subject to a public consultation exercise in early 2021). All CSDP, UDP and draft A&D Plan policies referred to within this report are considered consistent with the NPPF, although limited weight can be given to any A&D Plan policies given that this document is in draft form and at an early stage in the adoption process.

A wide range of CSDP policies are relevant to the consideration of the proposed development, in particular policies SP5, SS5, HS1, HS2, HS3, HS4, BH1, BH8, BH9, NE2, NE9, NE11, WWE2, WWE3, WWE4, WWE5, WWE6, WWE7, ST2 and ST3.

In terms of the more detailed planning policies of the NPPF, of importance in considering the current application are those which seek to:

- Build a strong, competitive economy (section 6);
- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15);

- and
- Conserve and enhance the historic environment (section 16).

In addition to the above, regard must also be given to the National Planning Policy for Waste (NPPW), which sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management through detailed waste planning policies. It is read in conjunction with the NPPF, the Waste Management Plan for England and the National Policy Statements for Waste Water and Hazardous Waste (as applicable).

With reference to the above national and local planning policy background and taking into account the characteristics of the proposed development and the application site, it is considered that the main issues to examine in the determination of this application are as follows:

1. Land use considerations, including compatibility with policies relating to waste;
2. The implications of the development in respect of residential amenity;
3. The implications of the development in respect of design and visual amenity and landscape;
4. The impact of the development in respect of highway and pedestrian safety;
5. The impact of the development in respect of ecology and biodiversity;
6. The impact of the development in respect of built heritage and archaeology;
7. The impact of the development in respect of flooding, drainage and water quality;
8. The impact of the development in respect of ground conditions;
9. Implications of the development relative to hazardous installations;

1.Land use considerations

The Proposals Map of the CSDP identifies the Port as a key transport hub for the movement of bulky goods. Policy SS5 states that the Port will be reinvigorated through:

1. the provision of road and rail links suitable for heavy freight to link the Port to national networks;
2. preventing waterside developments that would negatively impact on operations;
3. supporting the use of the River Wear as a freight corridor and serving waterfront businesses;
4. enabling development of Port-related uses within use classes B1, B2 and B8, including offshore renewables and automotive supply chains;
5. requiring development which is located within Flood Zones 2 and 3 to meet the sequential test and exceptions test, where necessary;

Members should note at this point that following a recent amendment to the Town and Country Planning (Use Classes) Order (as amended) 1987, use

class B1 (offices and light industry) of the Order was subsumed into new use class E (commercial, business and service). Use classes B2 (general industry) and B8 (storage and distribution) were unaffected by the amendment to the Order.

Policy SS5 of the CSDP builds on the broader objectives of policy SP5, which states that South Sunderland will continue to grow and become a spatial priority for housing and economic development by, amongst other measures, focusing economic growth in identified employment areas and at the Port of Sunderland.

On a national level, section 6 of the NPPF requires the planning system to support the building of a strong, competitive economy, with paragraph 81 advising that in making planning decisions, significant weight should be placed on the need to support economic growth and productivity, and paragraph 83 stating that planning decisions should recognise and address the specific locational requirements of different sectors. Section 11, meanwhile, requires the planning system to make effective use of land, including placing an emphasis on the use of brownfield (i.e. previously-developed) land and ensuring that policies and decisions recognise and reflect changes in the demand for land.

The proposed waste management facility for the treatment of waste plastic is considered to represent an industrial process which would be akin to a use falling within use class B2 of the Use Classes Order. This use class is listed as being acceptable at the Port by policy SS5 of the CSDP. The policy does seek to ensure that development at the Port is 'Port-related' and to this end, as set out earlier in this report, the developer is intending to utilise sea transport as a means of exporting finished products. Clearly, a Port location is required to achieve and support this objective.

Given the above, it is considered that the development is appropriate at the Port, will relate satisfactorily to the other uses and development in existence at the Port and will not conflict with the adopted policies guiding the future development of the Port or the Council's objectives for the Port. The development will also see the re-use of a brownfield site. On this basis, and in light of there being no land-use objections to the proposed development from the Council's Planning Policy team, it is considered to be acceptable in principle, and to align with the objectives of the NPPF and policies SP5 and SS5 of the CSDP.

Policy SS5 of the CSDP does, however, require consideration to be given to matters relating to flood risk and this is addressed later in this report.

In considering the principle of the proposed development, regard must also be given to local and national planning policies relating to the management of waste. To this end, policy WWE6 of the CSDP states that development that encourages and supports the minimisation of waste production and the re-use and recovery of waste materials will normally be supported. Proposals for waste management facilities to deal with waste arisings will be encouraged based upon the following principles:

1. managing waste through the waste hierarchy;
2. promoting opportunities for on-site management of waste;
3. ensuring that sufficient capacity is located within the City to accommodate forecast waste arisings of all types;
4. supporting delivery of the South Tyne and Wear Joint Municipal Waste Management Strategy;
5. facilitating the development of recycling facilities across the City;
6. facilitating the development of a network of small-scale local waste management facilities in accessible locations;
7. ensuring new waste developments are located and designed to avoid unacceptable adverse impacts on landscape, wildlife, heritage assets and amenity;
8. working collaboratively with neighbouring local authorities on waste management;
9. addressing to an acceptable standard the potential cumulative impacts of any waste development and the way it relates to existing developments;

Policy WWE7, meanwhile, advises that development for new build waste facilities should be focused on previously developed employment land (excluding Primary Employment Sites) and will be required to meet the following criteria:

1. demonstrate the need for the facility, if there is a clear conflict with Plan policies;
2. all waste processes and operations must be contained, processed and managed within buildings, unless operational reasons dictate otherwise;
3. proposals must accord with policies relating to environmental protection and amenity etc;
4. consideration will be given to the potential impacts of waste management proposals from:
 - i) harmful materials entering the public highways;
 - ii) generation of odours, litter, light, dust, flies, rodents, birds and other infestation;
 - iii) noise, excessive traffic and vibration;
 - iv) risk of serious fires;
 - v) harm to water quality and flood risk management;
 - vi) land instability;
 - vii) land use conflict; and
- viii) where necessary, mitigation measures should be identified to ameliorate any negative impacts to an acceptable level

As noted earlier, the Port is not a Primary Employment Area and so the proposed development of the site would not conflict with policy WWE7 in this regard.

On a national level, the NPPW emphasises the role planning can play in providing a more sustainable and efficient approach to resource use and management. The NPPW states that Waste Planning Authorities (WPAs) should prepare Local Plans and policies which identify sufficient opportunities to meet the identified needs of their area for the management of waste

streams, taking into account the 'proximity principle' of waste being managed as close to its source as possible. WPAs should also, through Local Plans, seek to drive waste management up the waste hierarchy.

When determining planning applications, the NPPW advises that waste planning authorities should:

- Only expect applicants to demonstrate a need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan;
- Recognise that proposals for waste management facilities such as incinerators can conflict with Local Plan visions and aspirations, causing justifiable local frustration, and should require applicants to demonstrate that the Local Plan's objectives will not be undermined;
- Consider likely impacts on the local environment and on amenity against set criteria. WPAs should avoid carrying out their own epidemiological and other health studies;
- Ensure facilities are well-designed so they contribute positively to the character and quality of the area;
- Concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. WPAs should work on the assumption that the relevant pollution control regime will be properly applied and enforced;
- Ensure that land raising or landfill sites can be restored as soon as possible;

The environmental criteria referenced by the NPPW are set out in Appendix B of the document and are as follows:

- a. protection of water quality and resources and flood risk management;
- b. land instability;
- c. landscape and visual impacts;
- d. nature conservation;
- e. conserving the historic environment;
- f. traffic and access;
- g. air emissions, including dust;
- h. odours;
- i. vermin and birds;
- j. noise, light and vibration;
- k. litter;
- l. potential land use conflict.

The Waste Management Plan for England, meanwhile, is an analysis of the current waste management situation in England. The Plan does not introduce new policies or change how waste is managed in England, rather its aim is to bring current waste management policies together under one national plan. Of particular interest in respect of the current planning application is the Waste Management Plan's intention to review and consult on measures such as extended producer responsibility for particular waste streams, including waste vehicle tyres, to determine where improvements to waste management of such products could be improved.

Both local and national planning policies make reference to managing waste through the 'waste hierarchy' and for information, the hierarchy is as follows (from least to most effective solution):

1. Disposal of waste;
2. Other recovery - by replacing other materials that would otherwise have been used (e.g. deriving energy from waste);
3. Recycling - reprocessing waste into products, materials or substances;
4. Preparing for re-use - cleaning, checking and repairing so waste products can be re-used;
5. Prevention - reduce the generation of waste, including the re-use of products;

As noted earlier, the proposed development does not conflict with the policy relevant to the Port as set out within the CSDP (i.e. policy SS5) and consequently, in line with policy WWE7 a and the NPPW, there is no need for the applicant to demonstrate a requirement for the facility. Nevertheless, the application submission highlights that the proposed facility is aimed at treating a specific waste stream (i.e. end-of-life plastics) and should not be confused with facilities targeting municipal (household) or general commercial and industrial wastes. Rather, the facility would provide an outlet for other waste management facilities which collect and bulk-up waste plastics that are collected through kerbside collections (be it from households or industrial/commercial sources).

In terms of the waste hierarchy, the proposed facility would enable the recovery of value from waste plastics, in the form of synthetic hydrocarbons for use in the manufacturing of new products. At present, non-recyclable plastics go to landfill or are incinerated in energy-from-waste plants, creating carbon emissions. The proposed plant would instead take low-value plastic waste and recycle it to create materials that can be used again in the production of high-grade plastics. The proposed development is therefore considered to be compatible with the objectives of moving waste management further up the waste hierarchy insofar as it provides an alternative to the simple disposal of waste plastics to, for example, a landfill site or an energy-from-waste facility.

In relation to the 'proximity principle', as noted above the proposed facility is designed to handle a specific waste stream rather than, for example, mixed municipal waste, which occurs more widely. With the volume of feedstock available and to realise economies of scale, facilities for processing waste plastics are likely to be regional to have a wider market area. In this case, the desire to use water-borne transport for exporting products means that the proposed Port location is preferable and can help to minimise HGV movements and the double-handling of materials.

Policy WWE7 of the CSDP requires waste processes and operations to be contained within buildings and as set out earlier in this report, this is the case with the proposed development, with all aspects of the processes within the facility taking place within purpose-built buildings and structures.

With regard to the above comments, the proposed development of the facility at the Port is not considered to give rise to any conflicts with the relevant policies of the CSDP in relation to appropriate land uses at the Port or in relation to waste management and nor is the development considered to have any significant conflict with the broad objectives of the National Planning Policy for Waste in terms of Local Plan compliance and managing waste through the waste hierarchy.

All local and national policies relative to waste management do, however, require consideration to be given to the potential environmental and amenity impacts of new facilities (in the context of the NPPW's advice that WPAs should not concern themselves with the control of processes which are subject of the controls and regimes of other regulatory authorities, such as the permitting regime of the Environment Agency). Further consideration of these matters is undertaken in the following sections of this report.

2. Residential amenity implications

Policy BH1 of the Council's adopted CSDP seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties.

Paragraph 130 of the NPPF, meanwhile, states that planning decisions should ensure that developments create places which, amongst other objectives, delivers a high standard of amenity for existing and future users.

Also relevant is policy HS1 of the CSDP, which states that new development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from sources including air quality, noise, dust, vibration, odours, emissions, land contamination and instability, illumination, run-off to protected waters and traffic. Potential cumulative impacts should be considered to ensure there will be no unacceptably adverse impacts on the local community.

Policy HS2, meanwhile, states that development which is sensitive to noise or which would result in noise impacts (including vibration) will be controlled by directing noise-sensitive development to the most appropriate locations, by requiring proposals for noise-sensitive development to be accompanied by an appropriate survey and by requiring proposals for development which may give rise to noise impacts to be accompanied by a noise assessment and, if necessary, proposed mitigation measures to ensure the amenity of sensitive receptors is not unacceptably affected.

The advice of policies HS1 and HS2 broadly replicates that provided by paragraph 185 of the NPPF, with paragraph 188 also repeating the advice of the NPPW that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these

regimes will operate effectively.

Aforementioned policies WWE6 and WWE7 of the CSDP and the NPPW also require new waste management facilities to respect local amenity and the local environment.

As noted previously, the development site is located within the established confines of the Port and is relatively remote from residential properties. The nearest residential properties to the development site are to the north-west, these being the flat above the Welcome Tavern public house on Barrack Street (approximately 310m from the application site) and the dwellings of Mariner Square beyond (350m away). To the south-west, the nearest residences are at the former orphanage at The Quadrant, approximately 610m away. Residences at Sunderland Marina are over 700m to the north, across the mouth of the River Wear. All of these residential properties and areas are located on land which stands substantially above the application site and wider Port demise. It is considered that the significant distances between the application site and nearby residential properties, the presence of intervening land uses and the differences in topography will ensure that the built development associated with the proposals will not result in harm to amenity by virtue of loss of outlook, overshadowing or loss of privacy.

Consideration must also be given to whether the proposed development will give rise to any significant issues in terms of other potential amenity and pollution impacts. To this end, the submission has provided detailed information and survey work in relation to noise, air quality and emissions and this information has been reviewed by both the Environment Agency and the Council's Environmental Health officers.

In relation to noise, the submitted report firstly notes that the site is within an established urban area, with the prevailing noise climate already subject to significant contributions from road traffic, noise from commercial and industrial uses and other local activity. Noise generated by the operation of the proposed facility would stem from various plant sources and HGV movements.

The assessment results indicate that the cumulative noise level from the proposed facility would be no greater than current typical background noise levels outside the nearest sensitive receptors, both during the day and at night, when background levels are lowest. Noise levels inside houses and outside in gardens will be below the values given in British Standard BS8233 and World Health Organisation guidance. As such, the noise impact on residents from plant operations is expected to be Low, particularly given the context of the area, which has existing industrial noise sources associated with the Port. In terms of vehicle movements, results indicate that development-related HGV traffic would lead to a 1dB(A) increase in hourly average noise levels, based on the predicted increase in HGV movements of 8 to 10 trips per hour. This would give a 'Negligible' impact in both the short and long term, or No Observed Adverse Effect. The report concludes that potential noise effects resulting from the proposed development will not be significant and no mitigation measures are considered necessary.

In respect of air quality and emissions, the submission has considered potential impacts on air quality arising from construction works and the operation of the facility. In relation to dust and fine particulate matter emissions, the assessment concludes that there is a 'low to negligible risk' of dust soiling effects if there is no mitigation during construction works; the submission does, however, propose that mitigation measures, informed by Institute of Air Quality Management (IAQM) guidance, be embedded in the Construction Environmental Management Plan (CEMP) for the development and this can be secured by planning condition as appropriate.

In terms of emissions from the flue gas exhaust stacks during the operation of the facility, the assessment has used atmospheric dispersion modelling and has adopted a precautionary (worst case) approach to considering effects on air quality. Emissions of nitrogen dioxide, carbon monoxide and oxides of nitrogen and depositions of nutrient nitrogen and nitrogen-derived acids have all been predicted at a number of human health and ecological receptor locations in the vicinity of the site, representing locations of maximum impact. Predicted concentrations are below the relevant objectives at all the existing receptor locations at the operational stage and all of the impacts are negligible. There is no likelihood of breaching any of the human health or ecological assessment levels. The assessment has also considered air quality impacts from vehicles and concludes that increases in emissions from traffic serving the facility will not be significant.

In addition to the above, the proposed operation of the facility is not anticipated to give rise to any odorous emissions.

As set out in the 'Representations' section of this report, there are no objections to the proposals from the Environment Agency or the Council's Environmental Health team. The Environment Agency have provided a range of advice and information to the applicant and the LPA and confirm that the proposed development will require Environmental Permits, both in relation to the discharge of effluent and the operation of a waste management facility. The permit for the operation of the waste management facility will regulate the management of the facility, operations at the site and the monitoring and reporting of emissions and is likely to contain conditions to ensure the effects of the operation on the local environment are minimised. As made clear by the NPPF and NPPW, the Council should consider the proposals on the basis that the EA's permitting regime and other environmental regulations will be effectively administered and enforced to ensure that the potential environmental effects of the development will be properly regulated and managed.

The Council's Environmental Health team, meanwhile, are satisfied with the information provided by the applicant in relation to noise, air quality and emissions. A condition requiring the submission and approval of a Construction Environmental Management Plan, which must include the air quality mitigation measures set out in the applicant's assessment, has been recommended. The submitted comments note that conclusions relating to noise are based on the plant and equipment anticipated to be installed and

which has been assessed through the submitted assessment. In order to ensure the report's conclusion remains valid, it is considered prudent to recommend a condition which stipulates that no plant or equipment other than that considered by the assessment can be installed without noise output information firstly being provided and agreed. Again, the Environmental Health team stress that the operation of the facility would be subject to the stringent controls imposed by the Environment Agency's permitting regime and other environmental regulations. The facility would not be able to operate without a valid permit.

To summarise, the application has been accompanied by detailed supporting information which enables a comprehensive review of matters relating to noise, emissions and air quality. Taking into account the consultation responses from the Environment Agency and the Council's Environmental Health team, it is considered that the location of the site, particularly its remoteness from sensitive receptors, coupled with the nature of the proposed activities at the facility, which are not particularly noisy and will not give rise to significant levels of emissions, will mean that the operation of the establishment will not result in unacceptable harm being caused to the local environment or amenity. The proposed facility will also be subject to the Environment Agency's permitting regime, which is designed to ensure that the effects of the operation of the facility on the local environment are minimised and that the establishment is monitored and managed to ensure proper regulation.

Given the above and subject to the conditions recommended by the Environment Agency and the Council's Environmental Health team, it is considered that the construction and operation of the proposed facility will not result in any unacceptable harm being caused to local amenity or the local environment, in accordance with the requirements of policies BH1, HS1, HS2, WWE6 and WWE7 of the Council's adopted CSDP and the objectives of the NPPF and the NPPW.

3. Design and visual amenity/landscape considerations

Aforementioned policy BH1 of the CSDP and paragraph 130 of the NPPF all require new development to deliver high standards of design and visual amenity, with paragraph 130 stating that planning decisions should be visually attractive; be sympathetic to local character and history, including the surrounding built environment; and function well and add to the overall quality of the area. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, protecting and enhancing valued landscapes.

This objective is reiterated by policy NE9 of the CSDP, which states that development causing significant adverse impacts to distinctive landscapes will be resisted unless the impacts are outweighed by the benefits of the development. Policy NE11 seeks to create and protect key views in the City, although it should be noted that the viewpoints identified Proposals Map of the draft A&D Plan do not appear to be affected by the development

proposals. CSDP policies WWE6 and WWE7 and the NPPW also require proposals for new waste management facilities to respect visual amenity and the local landscape and visual environment.

Clearly, the design and appearance of the proposed buildings, structures and other apparatus associated with the development is governed by their particular function and to this end, it is recognised that all new built development will have a rather industrial, utilitarian appearance, as is the case with many of the existing buildings and structures present at the Port. Some of the buildings and structures proposed within the development are substantial in scale, with the plastic reception, process and storage building measuring 154m x 33m and the two pyrolysis buildings measuring 60m x 60m. Two 30m high stacks are also being proposed.

The application has been accompanied by a detailed Landscape and Visual Appraisal (LVA), which identifies the landscape character of the application site and its context, including the nature of views towards and from the application site, and assesses the potential operational landscape and visual effects which would likely occur if the proposed development took place.

The appraisal report firstly notes that the proposed development site is located within the context of the existing operational Port with existing and consented industrial buildings to the north, south and west of the application site. The land rises by c. 16m to the north-west, west and south-west to the nearest residential areas. The development site currently comprises reclaimed land surfaced with crushed aggregate, together with some neutral grassland, rough ground and aggregate storage. The site is not within or near to a national landscape designation and nor is it within or close to any Local Authority landscape designation. The England Coastal Path is roughly 1km to the west of the site, otherwise there are no other designated footpaths or cycle routes in proximity.

In terms of landscape character areas, the site is within Natural England's National Character Area (NCA) 15: Durham Magnesian Limestone Plateau, which is characterised by open agricultural land, limestone escarpments and coastal cliffs, with widespread urban and industrial development in the north and major transport corridors throughout. At a local level, the City of Sunderland Landscape Character Assessment places the application site in Landscape Character Type 11: Limestone Coast and Landscape Character Area (LCA) 11b: Sunderland Harbour and Docks, which is characterised by a man-made seascape developed around the river mouth and comprising extensive railway sidings, industrial areas and derelict land. The South Sunderland Coast LCA is to the south, whilst the residential LCAs of the East End and Hendon and Southwick, Fulwell and Monkwearmouth are to the west/south-west and north respectively. The River Wear Gorge LCA abuts the northern edge of the Port.

The local Landscape Character Areas affected by the development are all considered to be of low or community value and to have low susceptibility to the proposed development (other than the application site itself) and low or low to medium sensitivity (River Wear Gorge and South Sunderland Coast

LCAs) to the proposed development. Potential magnitudes of landscape change in relation to the identified LCAs are considered negligible or negligible/slight given the context of the application site, the nature of existing development at the Port, limited intervisibility and the low sensitivity of the character areas.

The LVA concludes that considering the low sensitivity of the application site and the negligible magnitude of change anticipated, the landscape features of the immediate site area would experience a negligible adverse effect. There would be negligible adverse effect upon LCA 11b due to the existing characteristic of the Port and negligible to minor adverse effects upon the urban character areas to the north, west and south-west. A negligible to minor adverse effect upon the River Wear Gorge and South Sunderland Coast LCAs would be experienced.

In terms of a visual appraisal, a number of potential receptors have been identified by the LVA, with a series of viewpoints then selected as being representative of each receptor in order to undertake the appraisal. The following receptors have been identified:

- users of the coastline to the south and the England Coast Path;
- residents in areas to the north (Sunderland Marina), west (East End) and south-west;
- users of National Cycle Network Route 1 and the England Coast Path passing along the Wear valley to the north and north-west;
- visitors to Roker seafront, including views from the pier towards the Port;
- visitors to the Port itself (mainly workers);

Residential receptors, walkers and cyclists are most likely to be susceptible to change, as they are more likely to be focused on views of the landscape, with vehicle users and Port workers less susceptible to visual change.

In terms of magnitudes of change and potential visual effects from the identified receptors and viewpoints, the following conclusions are made:

- Residents in East End - slight/medium magnitude of change and minor to moderate adverse visual effect, with the overall context of views of the site and visual amenity not substantively altering due to existing development at the Port, differences in topography and screening from vegetation and other features;
- Residents in Hendon - negligible magnitude of change and minor adverse visual effect, with the development largely screened by existing industrial buildings;
- Residents on edge of Roker - slight magnitude of change and minor to moderate adverse visual effect. Some views are available through existing vegetation along the Wear valley, but development will be seen in the context of existing infrastructure at the Port;
- Residents at Sunderland Marina and users of England Coast Path, National Cycle Network Route 1 and visitors to Roker Pier - slight/medium magnitude of change and minor to moderate adverse

- visual effects where views are available southwards across the river and beyond the existing warehouses at the Port;
- Vehicle users and visitors to Port - slight magnitude of change and negligible to minor adverse visual effects.

With regard to the above, the LVA concludes that the proposed development would result in limited landscape and visual effects and that the scheme will not be detrimental to the overall character, qualities and appearance (in views) of the application site and the surrounding environment.

It is considered that the submitted LVA has satisfactorily demonstrated that the visual effects of the development are limited and that it will cause, at most, slight/medium visual changes and have minor/moderate adverse effects when the site is viewed from some residential receptors. Essentially, although the development involves large buildings and structures, the site is relatively remote from residential receptors and public vantage points, is set at a significantly lower level than much of the neighbouring land and will involve the development of a site within an extensive Port environment which is already heavily built up and home to a range of large industrial buildings and structures which give visual context to the development and, in many views, will provide substantive screening of the new buildings.

Given the above, it is considered that the proposed development will not give rise to any substantial harm to the prevailing landscape, views towards the site or the visual amenity of the locality and will satisfactorily co-exist with the prevailing built environment. The proposals are therefore considered to be compliant with the requirements of policies BH1, NE9, NE11, WWE6 and WWE7 of the CSDP and the relevant policies of the NPPF as identified above.

4. Impact of the development on highway and pedestrian safety

Policy ST2 of the Council's CSDP states that to ensure development has no unacceptable adverse impact on the Local Road Network, proposals must ensure that:

- new vehicular access points are kept to a minimum and designed in accordance with adopted standards;
- they deliver safe and adequate means of access, egress and internal circulation;
- where an existing access is to be used, it is improved as necessary;
- they are assessed and determined against current standards for the category of road;
- they have safe and convenient access for sustainable transport modes;
- they will not create a severe impact on the safe operation of the highway network.

Additionally, policy ST3 requires new development to provide safe and convenient access for all road users, in a way which would not compromise

the free flow of traffic or exacerbate traffic congestion. It also requires applications to be accompanied by an appropriate Transport Assessment/Transport Statement and Travel Plan to demonstrate that appropriate mitigation measures can be delivered to ensure that there is no detrimental impact to the existing highway.

Paragraph 110 of the NPPF states that in considering applications, local planning authorities should ensure that:

- appropriate opportunities to promote sustainable transport modes can be taken up;
- that safe and suitable access to the site can be achieved for all users; and
- that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree;

Also relevant is paragraph 111, which states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

Paragraph 113 goes on to advise that all developments that will generate significant amounts of movement should be required to provide a travel plan and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

The Planning Statement submitted with the planning application includes a 'Transport' section which considers the effects of traffic on the local highway network in terms of safety, capacity and loss of amenity arising from the transportation of materials associated with the proposed development via the existing Port access. A detailed audit of the local highway infrastructure has been undertaken, including an on-site assessment and a review of road collision statistics and traffic data. It is concluded that the local highway network has no operational or safety issues in proximity to the Port and the application site is well placed with good links to the strategic road network via the B1293 High Street East to the A1018 beyond. It is contended that there is a limited presence of sensitive receptors.

As noted previously, the proposed facility is anticipated to generate up to 35 HGV trips per day (or 70 'movements', i.e. 1 trip in and 1 trip out), with additional light vehicle traffic generated by staff and other visitors. The facility would operate internally on a continuous 24-hour basis, however loading, sorting and handling operations would only occur between 07:00 and 16:00 on weekdays and 07:00 and 16:00 on Saturdays and Sundays, although the vast majority of feedstock is anticipated to be delivered during weekdays. HGV movements would occur between the hours of 07:00 and 18:00 on weekdays and 08:00 and 13:00 on Saturdays. Based on an assessment of 100% of traffic routeing north or south from the roundabout junction between the B1293 and A1018, the development would increase total daily traffic volumes on the A1018 by less than 1% and HGV movements by an additional

16.7%, although an analysis of traffic data indicates that the local highway network has historically accommodated far greater volumes of HGV traffic than it does at present.

In terms of the Port access and the road immediately outside of the Port demise, the proposed additional traffic generated by development would, as a maximum, result in an additional 3-4 HGV arrivals and 3-4 HGV departures per hour across a 10-hour day.

Consideration has also been given to levels of construction traffic; HGV movements associated with construction works will be temporary (anticipated duration of 24 months) and vary throughout the construction period, but they are anticipated to be within the proposed operational HGV levels. Traffic from construction staff will also be generated; this is likely to arrive early in the morning and leave the site in the afternoon. Mitigation is proposed in terms of limiting the hours in which the delivery and despatch of materials can be undertaken, with no HGV traffic permitted outside of the hours of 07:00 and 19:00 on weekdays, 07:00 and 13:00 on Saturdays and at no time on Sundays and Bank Holidays.

In terms of access for staff and visitors, it is noted that the Port is relatively well connected to public transport options, with a bus route running along High Street East and the Port entrance within walking distance of the City Centre and the additional public transport facilities it offers.

The submitted Statement concludes that the levels of HGV and light vehicle traffic generated by the proposed development can be comfortably accommodated at the Port access and on other junctions and roads on the local highway network. It is suggested that the residual highway impacts of the operation of the proposed development would be negligible and would not result in an unacceptable impact on road junction or capacity, driver delay, road safety or amenity. By virtue of this, it is contended that the application proposal is acceptable in traffic and highways terms.

As set out in the 'Representations' section of this report, the Council's Highways team have carefully considered the information submitted by the applicant in respect of potential impacts on the local highways network. Predictions of additional traffic generation are considered robust and based on worst-case scenarios - for example, all trips have been assessed as routing north and south from the High Street East/A1018 roundabout, whereas in reality, trips will likely route in both directions.

It is noted that results show that daily traffic volumes on the A1018 would be increased by 0.5%; this is considered an acceptable uplift. HGV traffic would increase by 16.7% if all journeys routed southwards from the A1018 roundabout; it is accepted this is not an insignificant amount, however this figure is based on worst-case scenarios and is well within the 30% threshold at which significant environmental effects are likely (as per Institute of Environmental Management and Assessment (IEMA) guidelines). It is also acknowledged that the local highways infrastructure has previously supported greater levels of HGV traffic than are experienced at present, as shown by

data from nearby Department for Transport traffic counting points presented in the applicant's assessment.

An assessment of available accident data suggests there are no significant road safety issues in the vicinity of the site.

Overall, the Highways team consider that the additional vehicular traffic generated by the operation of the proposed development can be safely accommodated on the local highway network, alongside that already generated by activity at the Port and any further traffic generated by development coming forward at the Port. Additionally, the submitted assessment demonstrates that the impact of construction traffic volumes on local roads would also be acceptable.

Comments also note that vehicles would utilise the existing Port access point, security arrangements and internal access road. All handling of waste can take place within the site and in an enclosed environment, which is acceptable. Levels of parking provided within the site for the use of staff and visitors (total of 60 no. spaces) is also acceptable, although clarification of cycle storage arrangements is recommended.

In conclusion, there are no objections to the development in terms of impacts on the local highways network, highway and pedestrian safety or access and parking. Conditions requiring the submission and approval of a Construction Environmental Management Plan (CEMP), Travel Plan and Freight/HGV Management Plan are recommended.

Given the above, it is considered that the proposed development is sustainable in terms of transport and highways matters and that it will not have an unacceptable impact on operational capacity or highway safety. As such, the proposals are considered to satisfy the objectives of paragraphs 110, 111 and 113 of the NPPF, whilst the proposals also comply with the aims and objectives of policies ST2 and ST3 of the CSDP.

5. Implications of development in respect of ecology and biodiversity

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 180 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraph 182 makes it clear that the NPPF's presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

On a local level, policy NE2 of the CSDP sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity, whilst proposals which would adversely affect European

designated sites will only be permitted where the Council is satisfied that any necessary mitigation is included such that there will be no significant effects on the integrity of the sites and, with regard to SSSIs, will have to demonstrate that the reasons for the development clearly outweigh the nature conservation value of the site.

Also relevant with regard to ecology in the United Kingdom are the terms of the EU Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the EU Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation Regulations, which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SACs) designated under the Habitats Directive, and Special Protection Areas (SPAs) designated under the Birds Directive. Collectively, these are termed 'European' sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated.

A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives. Firstly, a screening exercise is undertaken to determine if the proposed development is likely to adversely affect the designated sites. Where adverse effects are identified, an Appropriate Assessment is undertaken to consider alternative solutions and mitigation and the modification of the proposed plan or project to avoid any adverse effects if necessary. The Local Planning Authority, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

The planning application has been accompanied by a Habitats Regulations Assessment (HRA) Report, which is designed to inform an Appropriate Assessment to be undertaken by the Council. The Report was updated during consideration of the planning application to address comments made by the Council's Ecologist. The updated Report assesses the direct effects of the proposed development on the Northumbria Coast Special Protection Area (SPA) and Northumbria Coast Ramsar Site and the Durham Coast Special Area of Conservation (SAC), which are within 2km to the north and south of the application site. The Northumbria Coast SPA and Ramsar site support important numbers of purple sandpiper, turnstone and little tern, whilst the Durham Coast SPA is unique in the UK for its vegetated sea cliffs on magnesian limestone exposures.

Initial screening of the development contained within the submitted HRA Report notes that there will be no direct loss of habitat nor any direct impacts within the identified network of designated sites. Potential indirect impacts arising from the proposed development are, however, identified as follows:

- Air quality impacts during construction works (e.g. dust emissions);
- Noise, visual disturbance and water quality impacts during construction

works;

- Air quality impacts during operational phase of the development (e.g. flue emissions);
- Noise, visual disturbance and water quality impacts during operational phase of the development;

The conclusions relative to potential impacts also account for other development taking place at the Port or which has recently gained planning permission.

Given the nature of the identified impacts, the submitted Report provides a Shadow Appropriate Assessment, which considers whether proposed mitigation and control measures can remove the likelihood of significant effects on the SAC, SPA and Ramsar sites.

The Shadow AA contends that the HRA report and other supporting documents and reports submitted with the application set out mitigation measures and controls which will be effective and deliverable and will minimise any effects on the integrity of the nearby designated sites.

In respect of construction, these measures can be embedded within a Construction Environmental Management Plan (CEMP) and would include measures to minimise risks to groundwater and surface water, whilst in relation to the operation of the facility, measures would involve the construction and maintenance of chemical and oil storage areas in accordance with best practice guidance, routing run-off from vehicle movement areas through an oil interceptor prior to discharge to ensure there is no risk of the release of any oils to the wider environment and the provision of an outdoor break area away from the coastline or a screened hide-like shelter to reduce visual disturbance that could impact bird species.

In conclusion, the Report contends that significant effects on the designated sites are unlikely when mitigation as set out above is in place. All measures set out are considered deliverable, effective and to prevent any effects on the integrity of the Durham Coast SAC, Northumbria Coast SPA and Ramsar. No other likely significant effects have been identified as a result of the proposals, either alone or in-combination with other plans and projects, including those within the Port demise.

As set out in the 'Representations' section of this report, the Council's Ecologist has considered the updated HRA report and agrees with its conclusions that the development will not result in adverse effects on the integrity of the designated sites. As such, the development is considered acceptable in relation to HRA requirements, and the Council is able to grant planning permission. Natural England have also confirmed that the proposed HRA is acceptable and there are no objections to the development proceeding, subject to the Council endorsing and securing the mitigation measures proposed by the applicant.

In addition, the Council's Ecologist is satisfied that there are no other concerns relating to ecology and biodiversity. In relation to conditions, it is recommended that a condition be imposed requiring the submission and

approval of an Ecological Construction Environmental Management Plan (E-CEMP), which should incorporate the relevant ecological and environmental mitigation measures set out within the applicant's HRA report as appropriate. A condition requiring compliance with all other mitigation and control measures documented within the submitted Ecology Habitat Survey and HRA Report is also recommended.

Given the responses of Natural England and the Council's Ecologist, there do not appear to be any objections to the development in respect of its potential impacts on the European-designated sites in proximity to the application site or in respect of other ecology and biodiversity considerations, subject to the recommended conditions. Consequently, it is considered that the proposals are compliant with the relevant policies of the Council's adopted Core Strategy and Development Plan and NPPF as identified above.

6. Implications of development relative to archaeology and built heritage

Paragraph 189 of the NPPF states that heritage assets (such as Listed buildings) are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraphs 195 and 197 require Local Planning Authorities to consider the significance of any heritage asset affected by a development proposal, with paragraph 206 then stating that Local Planning Authorities should look for new development within the setting of heritage assets to enhance or better reveal their significance; proposals that preserve those elements of the setting which make a positive contribution to the asset should be treated favourably.

Paragraphs 201 and 202 set out that where harm to designated heritage assets (including to their settings) will occur, the scale of the harm needs to be weighed against the public benefits of the development proposal. Where harm is not outweighed by public benefits, planning permission should be refused. In relation to non-designated heritage assets, paragraph 203 states that when weighing applications that directly or indirectly affect such assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

With specific regard to archaeology, paragraph 205 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

In the Council's adopted CSDP, policy BH8 states that development affecting the setting of heritage assets should recognise and respond to their significance and demonstrate how they conserve and enhance their significance and character of the asset(s), including any contribution made by its setting where appropriate. Policy BH9 states that the Council will support the preservation, protection and, where possible, the enhancement of the

City's archaeological heritage by requiring applications affecting archaeological remains to properly assess and evaluate impacts and, where appropriate, secure the excavation, recording and analysis of remains and the production of a publicly-accessible archive report.

The application has been accompanied by a Heritage Statement, which considers the significance and setting of the Listed buildings closest to the application site in detail, with the Wave Basin Battery to the Old South Pier, the former Dock Office, the Gladstone Swing Bridge and the Swing Bridge and Machinery Pit along the east side of Hudson Dock all considered. The Statement also considers the significance and setting of the Old Sunderland Conservation Area. It goes on to consider whether the proposed development would give rise to any harm to these assets, both in terms of physical impacts and in respect of their settings.

The Statement concludes that the development would not result in any harm to the identified heritage assets, for the following key reasons:

- Their significance derives from their physical remains, forms and functions and particularly their architectural and historic interests as part of Sunderland's industrial development. The assets would not be physically affected by the proposals and would therefore be preserved;
- The appreciation of the assets within their immediate settings and ability to appreciate relationships between heritage assets across the Port would be unaffected;
- The site itself is not a key contributor to the settings of any of the assets as it is currently empty with no existing historical infrastructure which adds to the intelligibility of the assets or provide them with context;
- The site would continue to be industrial in character, therefore the character of the wider setting of the assets would remain intact;
- Some physical changes in the built skyline would occur, however views from the assets will remain dominated by industrial infrastructure as is the historical arrangement;
- The remainder of the surrounding industrial settings of the assets would also remain unchanged;

As set out in the 'Representations' section of this report, the Council's Built Heritage officer confirms general agreement with the Statement's conclusion that no harm will be caused to the significance of the Listed buildings and structures at the Port and the setting of the Old Sunderland Conservation Area. Whilst the development is substantial in scale and will inevitably have some impact on the settings of, at least, the former Dock Office and Gladstone Swing Bridge, it is reasonably typical of the types of large structures that have served the Port and established its industrial character since the 19th century. It is therefore not unusual for the heritage assets at the Port to be experienced with such large industrial structures in their immediate surroundings, whilst it is also noted that the Listed buildings are largely not open to public views due to its secure nature. Similarly, the Old Sunderland Conservation Area has experienced within its wider historic setting in various forms an operational port of industrial character.

The Council's Built Heritage officer therefore concludes that the proposed development would not be incongruous within the established functional setting of the Listed buildings/structures at the Port and the wider historic setting of the Conservation Area. The significance of these assets would therefore be acceptably conserved, in accordance with the objectives of the NPPF and CSDP policies BH7 and BH8.

In relation to archaeology, as noted by the Tyne and Wear County Archaeology officer, the application site is made ground which was used during the construction of the South Dock. There is potential for post-1846 archaeology, including original seaward walls, railway infrastructure and ancillary dockland and/or defence structures. The site has been occupied by Bartram & Sons Shipyard, Sunderland Engine Works/George Clark and Co, the South Dock railway system and World War II tank traps, anti-tank cubes and a pill box. A watching brief undertaken in 2020 uncovered remains of early sea defences, quay walls and the Engine Works. The anti-tank cubes were also uncovered, recorded, re-covered and left in situ.

The initial County Archaeology officer comments recommend that future groundworks should be monitored via an archaeological watching brief. This requirement can be covered by two conditions - the first requiring the appointment of an archaeologist and the agreement and undertaking of a programme of observations agreed with the Council and the second requiring the submission and approval of a report of the results of the observations undertaken.

The comments also, however, requested that the applicant confirm whether the WWII anti-tank cubes would remain in situ or would be affected by the development and as noted previously, the applicant confirmed that the cubes were to be removed due to conflict with the development layout. Given this, a condition survey and desk-based research report was requested by the County Archaeology officer; this was subsequently prepared and submitted to the Council and reviewed by the County Archaeology officer.

The County Archaeology considers the submitted report to be a well-researched assessment and condition survey. It notes that the defences are part of a much larger anti-invasion infrastructure developed during World War II from 1940 onwards. Such features are relatively common on a national level although they are the only WWII defence features surviving at the Port.

As set out in the 'Representations' section of this report, whilst the County Archaeology officer considers the loss of the cubes regrettable, there would be no objection to the development proceeding. The submitted assessment suggests relocating the cubes to a location on grassed open space adjacent to the Port entrance off Barrack Street and the County Archaeology officer considers this to be an initiative worth exploring on the basis that it could improve public awareness and understanding of the cubes and the wider WWII defences once present at the Port.

To this end, the County Archaeology officer requested that the applicant arrange for an engineering evaluation of the cubes in the presence of a

qualified archaeologist (i.e. a 'watching brief'), to establish if the cubes are in a condition which would allow for their relocation. Reports from the engineer and archaeologist on the condition of the cubes and the feasibility of their relocation would then be required.

The engineering evaluation and watching brief has been undertaken and a 3D recording of the blocks has been produced. The additional evaluation work has concluded that the cubes are in a condition which means their relocation is feasible - the County Archaeologist is therefore satisfied that the development can proceed subject to conditions which secure the relocation of the cubes and the display of an interpretative panel, together with conditions requiring a further archaeological watching brief and final reports of the watching brief and the recording of the cubes.

In conclusion, it is acknowledged that the loss of the WWII anti-tank cubes from the site is unfortunate, however the County Archaeology officer does not object to their removal from the site, particularly as it has been established that the relocation of the cubes is feasible. Ultimately, and with regard to paragraph 203 of the NPPF, it is recognised that the tank cubes are not subject to any formal designation (i.e. not Listed, not a Scheduled Ancient Monument and not in a Conservation Area) and they are not accessible to be public. It is considered that the harm caused to these non-designated assets by virtue of their relocation from the site would be outweighed by the substantial benefits of the development, in terms of significant employment creation, the provision of a sustainable waste management facility (in line with the 'circular' economy) and the re-use of a substantial area of brownfield land at a key employment site in the City.

In line with the guidance provided by paragraph 205 of the NPPF, the relocation of the cubes has been explored and it has been established that this is feasible. This is considered to represent a positive outcome as it would serve to make the cubes publicly accessible and advance understanding of their significance through interpretative material provided at the relocation site. The County Archaeology officer has requested conditions for the submission of a relocation scheme and details of an interpretative display, together with conditions requiring the completion of residual evaluation, recording and reporting work.

Subject to such conditions, it is considered that the proposed development will satisfy the objectives of the CSDP and NPPF policies identified above in relation to archaeological considerations. Furthermore, as set out earlier in this section of the report, there are no concerns relative to the setting of designated built heritage assets in and around the Port and the development therefore also addresses the objectives of the NPPF and CSDP in this regard. The proposals are therefore considered to be acceptable in relation to archaeology and built heritage considerations.

7. Implications of development in respect of flooding/drainage and water quality

In relation to flooding, paragraph 15 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, but where development is necessary, making it safe without increasing flood risk elsewhere.

To this end, paragraphs 162 to 165 of the NPPF set out that in areas at risk of flooding, a sequential test should be applied to development proposals, the aim of which is to steer new development to areas with the lowest risk of flooding (paragraph 162). Development should not be permitted if there are reasonably available sites appropriate for proposed development in areas at a lower risk of flooding. If it is not possible for development to be located in zones with a lower risk of flooding, the exception test may have to be applied (paragraph 163). For the exception test to be passed, paragraph 164 states that it should be demonstrated that the development would:

- (a) provide wider sustainability benefits to the community that outweigh the flood risk and;
- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

Both elements of the exception test should be satisfied for development to be permitted (paragraph 165). Paragraph 166 of the NPPF makes it clear, however, that a sequential test does not need to be applied again for individual developments on sites which have been allocated in development plans following the undertaking of a sequential test.

Also relevant is paragraph 167, which advises that when determining planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- (b) the development is appropriately flood resistant and resilient;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed;
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 169, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the Lead Local Flood Authority (LLFA);
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable

- standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.

Policy WWE2 of the Council's CSDP sets out measures to reduce flood risk and ensure appropriate coastal management, whilst policy WWE3 states that development must consider the effect on flood risk, on-site and off-site, commensurate with its scale and impact. Policy WWE4 also requires regard to be given to potential impacts of development on water quality, in line with the objectives of paragraph 174 of the NPPF.

The application has been accompanied by a 'Water Environment' section in the Planning Statement, a Flood Risk Assessment (FRA) and Sustainable Drainage Strategy and a Surface Water Drainage Statement, which have been updated/appended during the consideration of the application in response to comments from the Lead Local Flood Authority (LLFA). The FRA observes that the majority of application site lies within Flood Zone 3a (high probability of flooding), although it is suggested that this classification does not account for the flood defences present at the Port, which serve to lower the risk of flooding.

Development for waste treatment is classed as a 'less vulnerable' development type by Planning Practice Guidance and is compatible with a location within Flood Zone 3a. The applicant has, however, undertaken a sequential assessment which concludes that a more sequentially preferable location (in terms of flood risk) for the proposed development is not available given the need for the facility to be located at the Port to utilise sea transport, the lack of other sites capable of accommodating this regional facility and the existing infrastructure available at the Port. This argument is considered reasonable, and the proposals are considered to pass the Sequential Test (noting there are no objections in this regard from the Environment Agency or the LLFA).

The FRA also notes that the development layout has been designed to minimise risks from wave overtopping and vulnerable areas are located away from these areas. Risks will be further managed by preparing an emergency flood response plan, both prior to construction and for operational use.

In terms of managing and mitigating flood risk and run-off generated by the development, the amended drainage proposals show that surface water run off on site can be collected, managed and discharged without increasing flood risk, with run-off from the site discharged into the sea. Two attenuation tanks are being provided within the development on the basis that the existing pipe outlet through the sea flood defences is not of a sufficient diameter to manage discharge. Additional modelling data has also been provided. Previous issues regarding access to the coastal defences have been resolved by leaving a zone available for emergency access and clarifying that maintenance vehicles will be able to traverse the weighbridge within the site.

The LLFA considers the updated proposals to be acceptable, subject to conditions requiring confirmation of final finished floor levels, the positioning of an access gate to the coastal defences and the submission and approval

of a verification report to confirm that the agreed flood risk management and sustainable drainage measures have been implemented. In addition, there are no objections to the proposals from the Environment Agency and Northumbrian Water in relation to flood risk and drainage considerations.

The Environment Agency has also accepted proposed arrangements for the disposal of foul water; as noted, the site is remote from connections to public sewers and so a package treatment plan is to be provided within the facility to manage foul water. This option was put forward on the advice of Northumbrian Water. The Environment Agency's consultation comments advise that an Environmental Permit in respect of managing effluent in this manner.

Given the above, it is considered that the implications of the proposed development relative to flood risk and sustainable drainage are acceptable, subject to Members imposing the conditions recommended by the LLFA, and it is considered that the proposals satisfy the national and local planning policies detailed above which seek to ensure new development is not at unacceptable risk of flooding and will not increase the risk of flooding elsewhere.

8. Implications of development in respect of land and contamination

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 183 of the NPPF then states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution.

Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

As set out in the 'Representations' section of this report, initial comments from the Council's Land Contamination consultant requested that the submitted Phase 1 Desk Study report be updated to reflect the submitted redline boundary for the planning application. The updated report should include reference to investigation works undertaken at the site in 2019 and refer to updated coal mining and unexploded ordinance risk assessment reports.

Following submission of updated reports, it has been confirmed that there is broad agreement with the findings and recommendations of the submitted Addendum Preliminary Land Quality Risk Assessment. This concludes that the development of the site could result in significant risk being posed to human, environmental and built receptors, but that these risks can be mitigated if appropriate remediation and control measures are implemented. It is agreed that further intrusive investigations should take place within certain areas of the site; the requirement for these investigations, the preparation of a remediation strategy, submission of a validation report and means of dealing within any unexpected contamination can be dealt with via conditions.

Given the above comments, it is considered that although there is historic contamination at the site which may pose a risk to construction workers, groundwater and surface water, these risks can be appropriately understood and managed via additional ground investigations and the submission and approval of a remediation strategy for the site. These can be secured via planning conditions, subject to which it is considered that the proposals would address the requirements of policy HS3 of the CSDP and the NPPF.

9. Implications of development relative to hazardous installations

Policy HS4 of the CSDP states that development within the specified distances from sites identified as 'notifiable installations' must take account of any risks involved and the need for appropriate separation between hazardous installations and incompatible uses.

Nationally, paragraph 45 of the NPPF states that Local Planning Authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them.

As noted previously, the applicant has also submitted an application for Hazardous Substances Consent to the Council in its capacity as Hazardous Substances Authority. This is a separate consent regime overseen by the Health and Safety Executive and Environment Agency and is designed to ensure that the storage of hazardous substances at any given site is done so in a manner which minimises risks to public safety and the local environment. This application is currently pending consideration, subject to the outcome of consultation with the HSE, the EA and other interested parties.

As set out in the 'Representations' section of this report, consultation has also been undertaken with the Health and Safety Executive in respect of this planning application. The HSE's online screening resource returned guidance indicating the HSE 'did not advise against' the proposed development and this advice was subsequently verified by an HSE officer.

On the basis that there are no objections to the current planning application from the HSE and as further consideration of the storage of hazardous substances within the facility will be undertaken through the Hazardous Substances Consent regime, it is considered that the proposals address the

objectives of policy HS4 of the CSDP and paragraph 45 of the NPPF.

CONCLUSION

For the reasons set out above, it is considered that the proposed development is acceptable in land use terms given the proposal's compatibility with the aims and objectives of policy SS5 of the CSDP, which guides the development of the Port. Furthermore, it is considered that the proposed development is acceptable in relation to local and national planning policies relating to waste management, in that it will see the management of waste plastics moved up the waste hierarchy (reducing disposal to landfill or incineration) and involves the provision of a waste management facility at a location which does not conflict with the Local Plan. The proposed waste management operations would also be fully contained within purpose-built buildings and structures.

In addition to the above, it is evident that following review of the proposals by the relevant internal and external consultees, the proposals raise no significant concerns relative to visual amenity, the setting of the Listed buildings and other heritage assets close to the application site, ecology and biodiversity (including the nearby European-protected sites), highway and pedestrian safety and flood risk and drainage. This conclusion can be reached subject to the imposition of the recommended conditions referenced throughout this report.

Impacts relating to archaeology are also considered acceptable for the reasons set out in the relevant section of this report and subject to the conditions recommended by the County Archaeology officer to secure a relocation scheme for the anti-tank cubes.

It is also considered that the proposed development will not harm the amenity of nearby properties in terms of their outlook or in respect of privacy and overshadowing. Careful consideration has also been given to the implications of the development relative to noise, odours, air quality and emissions, however based on the submitted information and the comments received from the relevant consultees, including the Environment Agency and the Council's Environmental Health team, it is considered that the proposals are acceptable in respect of these matters, subject to the imposition of the recommended conditions. It is also recognised that the operation, management and monitoring of the facility will be subject to the stringent environmental requirements embedded within the Environment Agency's Permitting regime and other regulatory controls.

The proposals have also been subject to discussions with the Health and Safety Executive who, for the reasons set out above, do not 'advise against' the development proceeding.

It can therefore be concluded that the proposed development does not give rise to any significant concerns in respect of the relevant planning considerations outlined above and does not significantly conflict with the

Council's adopted Core Strategy and Development Plan, the National Planning Policy Framework or the National Planning Policy for Waste. In assessing the merits of the proposed development, weight should also be given to the benefits to be derived from the scheme, including the employment opportunities the facility would create (up to 120 full time equivalent posts and more jobs created through supporting roles), the development's use of a brownfield site at an established urban and industrial/commercial location and the sustainability benefits of the proposed facility in terms of it enabling the extraction of usable products from a waste material, thus reducing the amount of waste plastic being sent to landfill or incinerated.

For the reasons set out above the proposed development is considered to comply with the objectives of the relevant local and national policies of the Council's adopted CSDP, the NPPF and the NPPW as referenced throughout this report. The proposals are consequently considered to be acceptable, and it is accordingly recommended that Members Grant Consent for the development under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to the draft conditions below and an update pending the outcome of final consultation with the Tyne and Wear County Archaeology officer.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics: -

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to:

- (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves:

- (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:

- (a) Tackle prejudice, and
- (b) Promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION: GRANT CONSENT under Regulation 4 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to draft conditions below:

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- site location plan (drawing no. QF 2/1)
- existing site plan (drawing no. QF 2/2)
- amended proposed site layout plan (drawing no. QF 3/1)
- proposed site layout (aerial) (drawing no. QF 3/3, rev 01 D)
- proposed plan view and elevations (drawing no. QF 3/7, rev 04 D)
- proposed elevations (drawing no. QF 3/2, rev 01 D)

In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

3 The external materials to be used in the development hereby approved shall be those detailed by the submitted planning application form and within section 3 of the submitted Planning Statement, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

4 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall, for the avoidance of doubt, include the following:

- Executive Summary;
- Project Background
- Outline of Project
- Framework of this CEMP
- Legal Compliance
- Summary of the Requirements of this condition
- Site Information and Consented Development
- Site and Surrounding Area
- Scheme Description
- Sensitive Receptors
- Control of the Construction Process
- Roles and Responsibilities
- Training and Raising Awareness
- Reporting
- Monitoring, Continual Improvement and Review
- Environmental Complaints and Incidents
- Public Relations and Community Relations
- Construction Management
- Description of Construction Works
- Phasing of Construction Works
- Construction Equipment
- Hours of Working (Hours of Site Operation)
- Construction Traffic Management Plan
- Storage of Plant and Materials
- Handling of Plant and Materials
- Health and Safety Management

- Security On-Site
- Considerate Constructors
- Phase-specific Construction Method Statements (CMS)
- Environmental Control Measures
- Public Access and Traffic Management
- Waste and Materials Management and Storage
- Noise and Vibration
- Dust & Air Quality
- Contaminated Land Procedures
- Hydrology & Water Quality
- Visual Impacts
- Artificial Lighting
- Emergency Procedures
- Conclusions

Appendices

Appendix A - Sensitive Receptor Locations

Appendix B - Landscape Resource Information (including hedgerow and tree group numbers)

Appendix C - Potential for Archaeological Mitigation Requirement Plan

Appendix D - Site Access Locations

Appendix E - Proposed Temporary Construction Access

The development shall then be implemented in accordance with the approved CEMP for that Phase.

Reason: In order to protect the amenity of adjacent occupiers and the adjacent highway network and to comply with policies BH1 and ST3 of the CSDP.

5 No development shall take place (including any demolition works, groundworks and vegetation clearance) until a Ecological Construction Environmental Management Plan (E-CEMP) has been submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, the E-CEMP shall include the following:

- risk assessment of potentially damaging construction activities;
- identification of 'biodiversity protection zones';
- practical measures (both physical features and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- the location and timing of sensitive works to avoid harm to biodiversity features;
- the times during construction when specialist ecologists need to be present on site to oversee works;
- responsible persons and lines of communication;
- the roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- use of protective fences, exclusion barriers and warning signs;

The formulation of the E-CEMP must be informed by the mitigation measures recommended in section 7.0 of the submitted 'Report to Inform Habitat Regulations Assessment', SLR Consulting, revised November 2022 and table 6-4 within the 'Ecology' section of the submitted Planning Statement.

The approved E-CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

Reason: in order to ensure construction works are undertaken in a manner which respects ecology and biodiversity interests in the area, including nearby European protected sites and species, and to comply with the objectives of policy NE2 of the CSDP and the NPPF.

6 All development at the site shall be undertaken in full compliance with the mitigation measures recommended in section 7.0 of the submitted 'Habitats Regulations Assessment', SLR Consulting, November 2022 and section 6 (Ecology) of the submitted Planning Statement.

Reason: in order to ensure the development undertaken in a manner which respects ecology and biodiversity interests in the area, including nearby European protected sites and species, and to comply with the objectives of policy NE2 of the CSDP and the NPPF.

7 Prior to the commencement of development on site, a proposed topographical survey for the development and full details of proposed finished floor levels for all buildings and structures within the development shall be provided for the approval of the Council as Local Planning Authority, in consultation with the LLFA.

Reason: to ensure that the development does not result in any unacceptable flooding and to comply with policies WWE2 and WWE3 of the CSDP.

8 Prior to the development commencing on site, details of the positioning of the access gate to the coastal defences must be agreed with the Council as Local Planning Authority. The gate must then be installed in accordance with the agreed details and maintained as such thereafter for the lifetime of the development.

Reason: to ensure suitable access to the coastal defences is provided and to accord with the objectives of policy WWE2 of the CSDP.

9 Prior to any development commencing on site, specific details of the proposed timing of the submission of drainage verification report(s) and the extent of the SuDS features to be covered in the report(s), must be submitted to and approved by the Local Planning Authority.

Reason: to ensure that report(s) to verify the implementation of agreed sustainable drainage infrastructure will be submitted at appropriate times and to comply with policies WWE2 and WWE3 of the CSDP.

10 Drainage verification report(s) must be submitted in accordance with the timings and details approved pursuant to the discharge of condition 9 of this decision notice. The report(s), which must be produced by a suitably qualified person, shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme and must include, in totality:

- As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
- Construction details (component drawings, materials, vegetation).
- Health and Safety file.
- Details of ownership organisation, adoption & maintenance.

Reason: to ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2 and WWE3 of the CSDP.

11 Development shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments; and
 - where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The report should also address comments provided in the Council's Land Contamination consultant's consultation response dated 6th October 2022 as appropriate.

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and policy HS3 of the CSDP.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment

12 Development shall not commence until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency document Land contamination: risk management and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and policy HS3 of the CSDP.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

13 The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase.

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any dwelling in that phase, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National

Planning Policy Framework and CSDP policy HS3.

14 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and policy HS3 of the CSDP.

15 Prior to the operation of the facility hereby approved, a Travel Plan for the facility shall be prepared by the applicant and submitted to and agreed in writing by the Local Planning Authority. The purpose of the Travel Plan is to set out measures to encourage the use of sustainable modes of travel to the facility and reduce travel to the site by private vehicle. The measures within the approved Travel Plan shall then be adopted by the site operator for the lifetime of the development.

Reason: in order to encourage sustainable modes of travel and comply with the objectives of the NPPF and policy ST3 of the CSDP.

16 Prior to the facility hereby approved being brought into operational use, a HGV/freight management plan for the facility shall be prepared by the applicant and submitted to and agreed in writing by the Local Planning Authority. The HGV/freight management plan shall include measures to ensure predicted HGV movements are not substantively exceeded and ensure the most efficient, safe and reliable movement of HGVs upon the local transport network, particularly during peak hours. The measures within the approved HGV/freight management plan shall then be adopted by the site operator for the lifetime of the development.

Reason: in order to ensure the acceptable management of HGV/freight movements and to comply with the objectives of the NPPF and policy ST3 of the CSDP.

17 No deliveries of waste materials to the facility shall take place outside the hours of:

07:00 - 19:00 Monday to Friday

07:00 - 16:00 Saturdays, Sundays and Bank Holidays

Reason: to protect the amenity of the locality and comply with the objectives of policy HS1 of the CSDP.

18 No plant or machinery other than that summarised on pages 21-22 of the submitted Noise Impact Assessment (dated 07/04/2022) shall be installed as part of the approved development unless a noise assessment of any additional plant or machinery is firstly provided for the consideration of the Local Planning Authority. The assessment shall rate noise levels arising from the plant/machinery in accordance with BS4142:2014 at the nearest noise sensitive receptor. Where the rated noise for the plant/machinery exceeds existing daytime or night-time background levels, proposed noise mitigation measures shall be provided to the LPA. Any additional plant or machinery must then be installed in accordance with the submitted details and any mitigation measures required implemented prior to its operation and maintained as such thereafter for the lifetime of the development.

Reason: to ensure noise from plant/machinery at the facility does not unacceptably affect local amenity and ecology, in accordance with the objectives of policies HS1 and NE2 of the CSDP and the NPPF.

19 No groundworks should commence at the site of the anti-tank traps until a method statement, outlining the methods used to re-locate and re-instate the anti-tank traps in a suitable location, and a conservation management plan, have been submitted and approved in writing by the Local Planning Authority. The re-location and re-installation of the anti-tank blocks shall be carried out in accordance with the method statement and the condition of the blocks maintained in accordance with the conservation management plan.

Reason: The proposed works will impact the site of features of archaeological interest. The method statement and conservation plan are required to ensure that the archaeological features are re-located and re-instated in a suitable location and subsequently maintained. The works are required to be submitted and approved in advance of works commencing onsite to ensure the protection and successful re-location of the archaeological features, in order to accord with the objectives of paragraph 205 of the NPPF and policy BH9 of the CSDP.

20 Within six months of the completion of the relocation of the anti-tank traps undertaken in pursuance of condition 19, the details of an interpretation panel of the military defences shall be submitted to and agreed in writing by

the Local Planning Authority. The approved interpretation panel shall be installed on site to an agreed timetable.

Reason: The site is of archaeological interest and the interpretation panel will enhance understanding of and will allow public access to the archaeological work undertaken in accordance with paragraph 205 of the NPPF and policy BH9 of the CSDP.

21 No groundworks or development shall commence at the site of the anti-tank blocks until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF and CSDP policy BH9.

22 The building(s) shall not be brought into use until the final report/s of the results of observations of the watching brief and engineering evaluation have been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF and CSDP policy BH9.

23 No development shall take place until the report of the results of the 3D building recording of the anti-tank blocks has been submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 205 of the NPPF and CSDP policy BH9.

Reference No.: 22/02402/LP3 Local Authority (Reg 3)

Proposal: **Installation of artwork attached to existing perimeter fence**

Location: Arnay Court Sunderland SR5 5BE

Ward: Southwick

Applicant: Sunderland City Council

Date Valid: 23 December 2022

Target Date: 17 February 2023

PROPOSAL:

INTRODUCTION / BACKGROUND

Planning permission is sought to erect a sculpture artwork panel named 'Suddick Flypast' on a fence facing towards the centre of a new housing development on land off Old Mill Road in Sunderland (see planning history below).

The sculpture artwork panel has been created by a local artist and sculptor who builds upon a heritage of industrial and fine art techniques to create his contemporary expressionistic works.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site is part of a housing development that is now largely complete, positioned off Old Mill Road, Southwick, Sunderland. It is positioned within a predominantly residential area.

THE PROPOSED DEVELOPMENT

The proposed sculpture artwork panel would depict a 3D landscape forged from mild steel featuring an Oak tree branch, leaves and acorns as a main frame incorporating a windmill, stile and poppies. It would be manufactured from forged and welded mild steel, which would be hot dipped zinc galvanized for weather protection. The bronze centre piece would be modelled by the artist in wax and cast using traditional lost-wax casting method. The bronze finish would initially have a bright 'gold' appearance, however the bronze would patinate to a blue green verdigris coloration over time reflecting the natural colours of the Mallard Ducks. Application details state that the aesthetic of the proposed sculpture artwork panel would capture the natural heritage of the area, the Old Mill and nearby River Wear with the waterfowl.

The proposed sculpture artwork panel would be 1.6 metre tall, 2.2 metres wide and approximately 100mm deep. It would be securely attached to the wooden perimeter fence at the base; a fence which is shared with the rear gardens of 9 Oaklands Crescent and 11 Oaklands Crescent to the north.

PLANNING HISTORY

Planning permission Ref: 20/00705/FUL granted on 28th February 2022 for the demolition of a former club building and associated structures on land off Old Mill Road, Southwick, Sunderland, and for the erection of 5 no. 3 bed homes and 11 no. 2 bed bungalows, and alterations to the access road onto Old Mill Road.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Cllr Kelly Chequers
Cllr Michael Butler
Cllr Alex Samuels

31 Old Mill Road Sunderland SR5 5TP
33 Old Mill Road Sunderland SR5 5TP
11 Oaklands Crescent Sunderland SR5 5AP
5 Oaklands Crescent Sunderland SR5 5AP
3 Oaklands Crescent Sunderland SR5 5AP
21 Oaklands Crescent Sunderland SR5 5AP
17 Oaklands Crescent Sunderland SR5 5AP
23 Oaklands Crescent Sunderland SR5 5AP
19 Oaklands Crescent Sunderland SR5 5AP
13 Oaklands Crescent Sunderland SR5 5AP
15 Oaklands Crescent Sunderland SR5 5AP
9 Oaklands Crescent Sunderland SR5 5AP
1 Oaklands Crescent Sunderland SR5 5AP
7 Oaklands Crescent Sunderland SR5 5AP

Final Date for Receipt of Representations: **01.02.2023**

REPRESENTATIONS:

Publicity

The occupiers of 13 properties along Oaklands Crescent to the north of the application site were sent neighbour notification letters. Site notices were also posted in the vicinity of the application site.

Site notice expiry date: 01/02/2023
Neighbour notifications expiry date: 26/01/2023
Consultation expiry dates: 26/01/2023

Should any representations be received following the publicity period expiring (latest date 01/02/2023), these will be reported to Planning Committee verbally.

Consultees

Ward Councillors

No responses received

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The current development plan comprises the Core Strategy and Development Plan (2015-2033) adopted in January 2020, the 'saved' policies within the City of Sunderland Unitary Development Plan (UDP) adopted in 1998 and the UDP Alteration No. 2 (Central Sunderland) adopted in 2007, and the International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP) 2017-2032.

The National Planning Policy Framework (NPPF) (20th July 2021) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

ASSESSMENT OF PROPOSAL

The main issues relevant to the assessment of this planning application are as follows:

- Principle of the proposed development;
- Design and impact on visual amenity;
- Impact on residential amenity; and
- Impact on highway safety

1. Principle of the proposed development

Policy SP1 'Development strategy' of the adopted Core Strategy and Development Plan (CSDP) seeks to support sustainable economic growth and meet people's needs. It states that the spatial strategy seeks to deliver this growth and sustainable patterns of development by delivering the majority of development in the Existing Urban Area.

Policy SP4 'North Sunderland' of the adopted CSDP states that North Sunderland will continue to be the focus for regeneration and renewal whilst ensuring its future sustainability.

Saves Policy EN10 of the adopted Unitary Development Plan (UDP) dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

The proposed development would be located within a sustainable location. It is therefore considered that it would accord with strategic Policy SP1 and strategic Policy SP4 of the adopted CSDP.

The application site is not allocated for any specific purposes within the adopted development plan. It is therefore subject to saved Policy EN10 of the adopted UDP. In this regard, the surrounding land use is predominantly residential. The proposed development (a form of public art) would complement the existing built form.

Given the above, it is considered that the proposed development would be acceptable in relation to the existing pattern of land use, and so it would be acceptable in principle.

2.Design and impact on visual amenity

Policy BH1 'Design quality' of the adopted CSDP states that to achieve high quality design and positive improvement, development should be of a scale, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

Policy BH3 'Public realm' of the adopted CSDP states that existing and proposed areas of public realm will, where appropriate, incorporate public art in development.

The proposed development would be small in scale, and it would be set well back from Old Mill Road. It would only be visible from within the new housing development. It would be of a scale that would be appropriate to the area within which it would form a part, and it would provide visual interest / enhancement within the new housing development. It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in the details as specified in the application.

Subject to the compliance with the recommended condition, it is considered that the proposed development would accord with Policy BH1 and Policy BH3 of the adopted CSDP in relation to its design and impact on visual amenity.

3.Impact on residential amenity

Policy HS1 'Quality of life and amenity' of the adopted CSDP states that development must demonstrate that it would not result in any unacceptable

adverse impacts which cannot be addressed through appropriate mitigation.

Policy BH1 'Design quality' of the adopted CSDP seeks to ensure that development retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

Given the nature of the proposed development, it is considered that construction works would not be significant, and that it would have no unacceptable impacts on the amenities of the occupiers of neighbouring properties including in relation to noise during its installation. It is considered that the proposed development would accord with Policy HS1 and Policy BH1 of the adopted CSDP in relation to impact on residential amenity.

4.Impact on highway safety

Policy ST2 'Local road network' of the CSDP states that development should have no adverse impacts on the local road network.

Given the nature of the proposed development it is considered that it would cause no unacceptable impacts in relation to highway safety. It would therefore accord with Policy ST2 of the adopted CSDP.

Conclusion

It is considered that the proposed development would be acceptable in principle at this location, and that it would be acceptable in relation to its design and impact on visual amenity subject to the compliance with the recommended condition. It would have no unacceptable impacts on residential amenity or highway safety. It is therefore considered that the proposed development would accord with the relevant policies within the adopted CSDP and the saved policies within adopted UDP, as well as guidance within the National Planning Policy Framework (NPPF).

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics: -

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to:

- (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves:

- (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:

- (a) Tackle prejudice, and
- (b) Promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION: GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to draft conditions below:

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted,

as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Drawing No. S3982-BDN-XX-XX-DR-A-0001 Rev P1 (Location Plan) received 23/12/2022
- Drawing No. S3982-BDN-XX-XX-DR-A-0002 Rev P1 (Proposed Site Plan) received 23/12/2022
- Drawing No. OMR01 (Proposed Elevations) received 15/12/2022

In order to ensure that the completed development accords with the scheme approved and to comply with Policy BH1 and Policy BH3 of the adopted Core Strategy and Development Plan.

3 The development hereby permitted shall be constructed and installed in accordance with the materials as specified on Drawing No. OMR01 (Proposed Elevations) received 15/12/2022 and within the artist specification titled 'Old Mill Road Artwork Commission - Proposal' (dated 30th September 2022) received 01/11/2022. Unless otherwise agreed in writing by the Local Planning Authority.

To ensure a satisfactory standard of development, in the interests of visual amenity, and comply with Policy BH1 and Policy BH3 of the adopted Core Strategy and Development Plan.

Reference No.: 22/02628/LP3 Local Authority (Reg 3)

Proposal: **Installation of solar panels to existing roof and associated battery storage.**

Location: Saint Marys Car Park Saint Marys Boulevard
Sunderland SR1 3AH

Ward: Millfield

Applicant: Sunderland City Council

Date Valid: 5 January 2023

Target Date: 2 March 2023

PROPOSAL:

The application relates to the installation of solar panels to existing roof and associated battery storage at Saint Marys Car Park, Saint Marys Boulevard, Sunderland, SR1 3AH. The site is within the ownership of Sunderland City Council.

The application property is a multi-storey car park set over 4-open plan tiers. It constructed from a series of in-situ concrete frames and columns with a curved roof set into two wings linked by a central, glazed core. All elevations are clad in facing brick, with stone dressings around the double height openings and parts of the roof parapet. Metal grills are present on the openings of the lower two storeys for security purposes. The car park is accessed via Cumberland Street/Matlock Street and a glazed footbridge, suspended from a single roadside pylon at 5.7m above the dual carriageway, links the car park with the first floor of the neighbouring shopping arcade to provide convenient and secure pedestrian access.

To the north and west of the site is the Vaux site which is a 5.8ha development site and the focus for a new sustainable urban neighbourhood and a new gateway into the Urban Core[to the south is the A183 – St. Mary's Way beyond with is the shopping arcade and to the west is the pedestrian walkway and the A1018 Wearmouth Bridge.

The application proposes the installation of Solar Photo Voltaic (SPV) panels and associated battery storage container. The SPV installation would consist of 456 PV modules which would cover approximately 1,013.2m² providing a PV generator output of 205.2kWp. The maximum dimensions of the battery storage container would not exceed 14m in length x 2.5m in depth x 3m in height, the battery container is to be located within ground floor the existing car park.

The following information has been submitted in support of the application;

Supporting cover letter

Enviro All-in-One report, reference 51003322014002

Environmental Statement, reference SCC SPV Saint Marys Car Park
Solar design report, reference St Mary's Multi-Storey Car Park
Location plan, reference St Marys Car Park

The application site is located within the ward of Millfield and within a coal mining legacy are identified as low risk.

TYPE OF PUBLICITY:

Site Notice Posted – 12.01.2023
Neighbour Notifications

CONSULTEES:

Cllr Andrew Wood
Cllr Niall Hodson
Cllr Julia Potts
Network Management
Environmental Health

Saint Marys Roman Catholic Church Bridge Street Sunderland SR1 1TQ

Final Date for Receipt of Representations: **03.02.2023**

REPRESENTATIONS:

No Public Representations received.

Transportation Development

SKIP / SCAFFOLD PERMIT – For any temporary works on the highway such as skip, or scaffold permits the applicant should contact Network Operations Permits@sunderland.gov.uk to arrange consents.

Environmental Health

The proposal is considered to be acceptable in relation to matters within our remit. Submitted documentation includes an environmental statement and technical data relating to the proposed works. An estimation of the noise generated by four inverters during the daytime only (no power during night hours of course) suggests a noise level in the worst case of 31- 34 dB LAeq. This is below the measured background and ambient noise levels noted as part of the assessment of the riverside development masterplan. Transport is the dominant noise source influencing the local noise climate. Noise is therefore not anticipated to be an issue at this location. It is not proposed to require a CEMP condition for this development, given the character of the immediate area and the nature of the project.

The applicant is however advised to ensure that all works, plant and equipment comply with the guidance set out in BS5228:2009 +A1:2014 – control of noise and vibration on construction and open sites.

1.Principle of development

The NPPF has an emphasis on sustainable development and sets out three overarching objectives to achieve this (a) economic, (b) social and (c) environmental. The NPPF advocates 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 at Section 14 - Planning for climate change, paragraph 152 states that 'the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure

CSDP Policies s SP1 and SP2 set out the principles for development with a focus on sustainable economic growth and the regeneration of the Urban Core.

CSDP Policy WWE1 sets out the criteria for decentralised, renewable and low carbon energy and advocates that decentralised, renewable and low carbon energy should be located and designed to avoid unacceptable significant adverse impacts on landscape, wildlife, heritage assets and amenity. This policy is in close alignment with the saved UDP policies EN2 and EN3.

Sunderland City Council's Low Carbon Action Plan (LCAP) sets out the city councils carbon reduction target of becoming carbon neutral by 2030.

The Solar Panel Design Report submitted in support of the application forecasts that the development would deliver 90.3% own power consumption and a level of self-sufficiency of 44.2% and as a result of the development 82,950kg/year of CO2 Emissions would be avoided.

Renewable and low carbon energy sources are low or zero emission alternatives to fossil fuels as a source of energy. Renewable and low carbon decentralised energy is an important component of meeting carbon reduction targets. The proposed development would be located on the roof of an existing building with the battery storage located on-site within the confines of the existing car park building; the proposal would provide renewable and low carbon energy and assist in the Council's vision of becoming carbon neutral by 2030 and as such is considered acceptable in principle and in accordance with local and

national planning policies in this respect.

2.Design and impact on the street scene

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities and states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

CSDP Policy BH1 seeks to ensure that developments achieve high quality design and positive improvement through accordance with a clear set of criteria as set out in the policy. It states that development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality; avoids disruption to established views of important buildings, structures and landscape features; as well as encouraging durability and adaptability throughout the lifetime of a development.

The development has been assessed in line with local and national planning policies. The proposed design and materials are considered acceptable, and the proposal would not have a negative impact on locality or street scene, the proposal is considered acceptable in this respect.

3.Amenity Impact

The proposal has been assessed in line with local and national planning policies.

CSDP Policy HS1 relates to the quality of life and amenity and sets out the criteria to ensure that development not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from the following sources:

- i. air quality;
- ii. noise;
- iii. dust;
- iv. vibration;
- v. odour;
- vi. emissions;
- vii. land contamination and instability;
- viii. illumination;
- ix. run-off to protected waters; or
- x. traffic

The development which is the subject of this application would be located on the roof of an existing building with the battery storage container being located on the ground floor of the existing car park; the proposal would provide renewable energy assist the Local Authority in its vision to becoming carbon neutral by 2030. An Environmental Statement and technical data relating to the proposed works has been submitted in support of this

application. The Environmental Health (EH) team has been consulted and has raised no objection. Data obtained from by the EH quotes the inverters noise levels of less than 65dB(A), at 1m, equating to a sound power of level of 76dB Lw which is considered acceptable and whilst they have stated that a CEMP condition for this development is not required they have advised that the applicant be advised to ensure that all works, plant and equipment comply with the guidance set out in BS5228:2009 +A1:2014 – control of noise and vibration on construction and open sites; it is considered that this can be added as an informative to any consent granted. The proposal is considered acceptable in this respect.

4.Highway and pedestrian safety

The proposed development has been assessed in line with local and national planning policies. The development in respect of the battery storage container which is to be located on the ground floor of the car park, would not result in loss of any car parking provision within the site. The Transportation Development (TD) has been consulted as part of this application process and have raised no objection; however, the TD has stated that a permit would be required for any temporary works on the highway,; this information is to be added as an informative to any consent granted.

Conclusion

The proposed development is considered acceptable in principle. The design and materials are considered acceptable and would not have a negative impact on the locality or on neighbouring amenity. There would be nor highway and pedestrian safety implications as a result of the development. The development is considered in accordance with local and national planning policies and as such is recommended for approval.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics: -

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to:

- (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves:

- (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:

- (a) Tackle prejudice, and
- (b) Promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION: GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to draft conditions below:

CONDITIONS

1. The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning

Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

2. The development hereby granted permission shall be carried out in full accordance with the following approved plans:

Location Plan

Site Plan as proposed illustrating PV Panel Layout to roof: Drawing No. ARCH/110 Revision P1

Reason: In order to ensure that the completed development accords with the scheme approved and to comply with Policy BH1 of the Core Strategy and Development Plan.