

DECISION-MAKER:	PLANNING & RIGHTS OF WAY PANEL
SUBJECT:	ARRANGEMENTS FOR PRE-APPLICATION CONSULTATION FOR THE BIOMASS PLANT AT SOUTHAMPTON PORT
DATE OF DECISION:	17 APRIL 2012
REPORT OF:	HEAD OF PLANNING AND SUSTAINABILITY
STATEMENT OF CONFIDENTIALITY	
N/A	

BRIEF SUMMARY

The following report is similar to that presented to the Panel in October 2010 and June 2011, when the Council's agreement was given for the type of public consultation that the applicant of the City's proposed Biomass Plant (Helius Energy) would undertake before making a formal application to the National Infrastructure Directorate (NID) (formerly the Infrastructure Planning Commission). A copy of the minutes from these meetings are attached at **Appendix 1 and 2**.

As the proposals have evolved the applicants have adapted how they wish to consult with affected residents in the City. The current proposals involve moving the development some 125 metres further from the nearest residential neighbour. Further consultation will commence in May 2012 on a revised scheme, as detailed in the attached draft Statement of Community Consultation (SoCC) and draft Community Consultation Strategy (CCS). A copy of these revised documents are attached at **Appendix 3 and 4**. They set out the Helius Energy's strategy and methodology for a programme of re-consultation in the Summer on alternative proposals to those already submitted.

The agreement of the City Council to the submitted approach to re-consultation is again required. A formal response to Helius Energy is needed by Thursday 19th April 2012.

RECOMMENDATIONS:

- (i) The proposed arrangements for pre-application consultation, as set out in the attached revised draft SoCC and CCS and updated by the Helius letter dated 29th March, are noted, agreed and reported to the NID and Helius Energy as acceptable - subject to those suggested changes made by the Planning & Rights of Way Panel on 21st June 2011, including the need for scaled models to be made available at each exhibition, and the comments of the Council's Planning Policy Officer (as set out below);

REASONS FOR REPORT RECOMMENDATIONS

1. To provide the Planning & Rights of Way Panel with further detail of how applications for Nationally Significant Infrastructure Projects (NSIPs), such as the proposed Biomass Plant on land within Southampton Docks, will be determined and to explain the Council's role in this process.

2. To gain the Panel's agreement for the attached revised draft SoCC and CCS as proposed by Heliuss Energy.

DETAIL (Including consultation carried out)

3. **Background to the Project**

Heliuss Energy plc ('Heliuss Energy') proposes to build and operate a 100MWe biomass fuelled electricity generating station in the Port of Southampton. The project is classified as a 'National Significant Infrastructure Project' under the Planning Act 2008.

4. The proposed scheme will be located within the Port of Southampton's Western Docks. The scheme will comprise a biomass fuelled electricity generating plant capable of generating approximately 100 Megawatts (Declared Net Capacity) of electricity and associated biomass processing and fuel store, boiler house, turbine building, cooling assembly ancillary buildings, structures, plant and equipment together with other engineering and building works.
5. The plant will generate renewable electricity that will be fed into the local electricity supply grid, equivalent to the consumption of approximately 200,000 homes. This is sufficient to provide the Southampton population (approximately 100,000 households) and local commercial development with renewable electricity. Potential opportunities to supply heat to existing and proposed development within the vicinity of the plant are also being investigated.
6. Construction of the project will take approximately 36 months. It is anticipated the plant will become operational in 2017. The plant will generate between 53-450 jobs (previously we were advised 40-250 jobs) during construction and approximately 40 permanent full time jobs during operation. In addition, the plant would also help safeguard existing jobs within the area and will result in indirect employment for off-site based logistics, engineering and services support and procurement.
7. **Process**
Heliuss Energy has prepared the attached revised draft SoCC and CCS pursuant to Section 47 (1) of the Planning Act 2008. They set out how the applicant proposes to consult the people 'living in the vicinity of the land' proposed for the development.
8. The initial round of public consultation faced criticism by residents that insufficient notice was given and that the events were poorly advertised. In addition, one venue was double booked resulting in the session ending early. Additional sessions were arranged, however, the applicants have now agreed to undertake a fresh round of public consultation based upon a revised proposal.
9. The City Council's agreement to the consultation process is needed again and this does not prejudice the Council's proper consideration of the planning merits of the proposal in due course. **This stage is only considering the consultation process itself, and the Council's comment on the scheme itself or biomass as a resource is not sought, nor required, at this stage.**

10. The submitted documents have been forwarded to relevant Council officers, Ward Councillors and the 'No Southampton Biomass Group (NSBG) have also been notified by email.

11. In summary, the NSBG have made the following points:

- They do not agree that the amendment to the location of the scheme can be undertaken under the current application;

Response – this will be determined by NID

- The revised SoCC has not included the changes requested by SCC in June 2011;
- The proposed 'inner zone' does not take in all of Shirley and Redbridge Wards, and only extends for 2km from the site. A 5km radius is suggested;
- A number of venues are recommended by NSBG

Response – Helius have agreed to look into their availability

- Events were to be staggered over more than a 4 week period. Helius now propose 5 events over 4 weeks. NSBG request that 2 events are held at each venue at least 3 full weeks apart;

Response – Helius have agreed to stagger the exhibitions so that they are 3 weeks apart within the 4 week exhibition period

- The events should operate from 2pm till 10pm (rather than closing at 8pm). An event starting at 7am is also requested.
- SCC previously requested that consultation leaflets are drafted in consultation with NSBG and SCC – this has not been offered.

Response – Helius have agreed to have regard to comments from NSBG

- Advertisements in the Echo should be spread across a week as readership changes from day to day;

Response – Helius have agreed to this change

- Consultation events should focus on public safety in the event of a fire
- A daylight and shadow assessment should be provided at the exhibitions

Response – Helius will update their studies and they include an assessment of overshadowing

- The request by SCC for Helius to undertake work with local schools should be dropped;

Response - This work has already taken place with pupils from St Marks CoE Primary School

- The literature should not refer to biomass as 'switching on the green light' as this is misleading

12. A further letter of clarification in relation to these points has been provided by Helius and this is attached to this report at **Appendix 5**.

13. The Council's **Planning Policy Officer** has made the following observations:
In relation to the CSS

Para 5.22

to note that Business Southampton is now Business Solent

Para 5.57

(i) documents will **not** be available at SCC Planning as we don't have a reception at Castle Way

(ii) change 1st 5.30am to 5.30 pm

Para 6.1

(lxvii) not sure if Strategic Health Authority still exists

(lxxii) not sure if PCT still exists

(lxxix) Sustainable Development Commission has been abolished

(lxxxiv) CABA now No. (vi) – (CABA Design Council)

In relation to the SoCC

Under Project Description the date for the plant becoming operational is 2016 but in the CSS it is given as 2017.

Under public exhibitions same comments as for para 5.57 above.

Any further comments received will be reported verbally at the meeting.

14. **Draft Statement of Community Consultation (SoCC)**

The submitted revised SoCC is attached to this report at **Appendix 3** and is supported by the more detailed draft Community Consultation Strategy (CCS). The CCS is attached at **Appendix 4**.

15. These documents set out the proposed method for public re-consultation prior to the submission of a formal application to the IPC for consideration. They also include a list of affected stakeholders and groups that Helius Energy have identified as 'living in the vicinity of the land'. The City Council is asked to consider this list and either amend or approve its content.

16. Once the draft SoCC and CCS have been agreed, and finalised, Helius Energy will implement them prior to submitting their planning application.

17. The pre-application consultation stage was initially divided into two phases:

- Phase I (Informal) took place between 8th November 2010 and 7th January 2011.
- Phase II (Formal) took place between 7th February and 21st April 2011

Given the level of interest shown to the Phase II consultation exercise Helius Energy proposes to undertake a further programme of consultation on the project based on an amended scheme design and location. The Phase III consultation will therefore provide additional preliminary environmental information for public comment focussed on:

- Proposed changes to the layout of buildings within the site;
- Presentation of 3 possible approaches to the external architectural treatment of the scheme; and
- Updated environmental studies to take account of the above changes. This will also include an updated Transport Assessment.

The consultation programme proposed for Phase III will commence in May 2012 with dates yet to be agreed (and will include 5 exhibitions, with 2 in

Millbrook, staged over a 4 week period). The submission explains that at least 14 days notice will be given to residents (including those already on the database) of these additional exhibitions.

18. Consultation Feedback

The approved SoCC and CCS will be submitted to the NID at the application stage along with a Consultation Report. This report details the findings and comments received during the consultation period. If the NID consider that the consultation has been inadequate prior to the application submission it is unlikely that they will accept to validate the application for development consent. The Council will be consulted for its comments in relation to the adequacy of the consultation undertaken as part of the project in due course.

RESOURCE IMPLICATIONS

Capital/Revenue

1. As part of the planning application process for this NSIP the Council will be asked to comment on the adequacy of the draft SoCC, prepare a Local Impact Report detailing the planning merits and considerations of the scheme, and monitor and enforce (where necessary) the implementation of the scheme and any associated planning conditions. No planning fee will be provided to the City Council as part of this process and this work will be undertaken within existing Council budgets. Officers are negotiating a Planning Performance Agreement (PPA) with the applicants, which can be used to recoup the financial cost of responding to the application and providing comment at each stage of the process. This PPA will not prejudice the Council's ability to respond freely on the project submission.

Property/Other

2. None

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

1. The Planning Act 2008, which received Royal Assent on 26 November 2008, provides for a faster and fairer development consent system for nationally significant transport, energy, water, waste-water and waste infrastructure projects.
2. The City Council is a statutory consultee for the proposals (see sections 42 and 43 of the Act). Under section 55 of the Act the City Council may make representations to the NID concerning the adequacy of the promoter's consultation, to which the NID must have regard when deciding whether or not to accept an application. Section 55(5) defines an adequacy of consultation representation as a representation about whether the applicant has complied with section 42, 47 and 48 of the Act. Any such representation must, therefore, be about how the promoter has carried out the consultation, and may not be about how the promoter has had regard to responses to consultation.

Other Legal Implications:

3. None

POLICY FRAMEWORK IMPLICATIONS

1. The proposed development will, in due course, be submitted to the NID for consideration and the City Council will be expected to comment on the planning merits of the development against the current adopted Development Plan (namely, the City's Local Development Framework Core Strategy (2010) as supported by the "saved" policies of the City of Southampton Local Plan Review (2006)).
2. The current submission relates only to the proposed Statement of Community Consultation and its associated Strategy for undertaken this exercise. This has been examined against the Council's own adopted Statement of Community Involvement (2006).

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SUPPORTING DOCUMENTATION

Appendices

1.	Panel Minutes (26.10.10)
2.	Panel Minutes (21.06.11)
3.	Revised Draft Statement of Community Consultation (SoCC)
4.	Revised Draft Community Consultation Strategy (CSS) & Site Plan
5.	Helius' Clarification Letter – 29 th March 2012

Documents In Members' Rooms

1.	None
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Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	No
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Other Background Documents

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	IPC website: http://infrastructure.independent.gov.uk/	
2.	Planning Act (2008) – DCLG – Guidance on pre-application consultation	
3.	SCC Statement of Community Involvement	

WARDS/COMMUNITIES AFFECTED:	Freemantle, Millbrook and Shirley primarily
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