

## Planning Policy Context

The Department of Energy and Climate Change (DECC) are responsible for publishing the National Policy Statements (NPSs) relating to Nationally Significant Infrastructure Projects (NSIPs) under the Planning Act 2008. The City Council is responsible for preparing the local development plan.

### i) NATIONAL PLANNING POLICY & GUIDANCE

#### Overarching National Policy Statement for Energy (EN1)

Public consultation on the draft Overarching National Policy Statement for Energy (EN1) was undertaken by DECC between November 2009 and February 2010. A second phase of consultation commenced in October 2010 until January 2011. EN1 was formerly adopted in July 2011 and is a significant material consideration in the determination of the application.

It sets out the Government's energy policy for the delivery of major energy infrastructure; explores the need for new energy infrastructure and instructs NID on how to assess the environmental impacts of energy infrastructure development in general. Paragraph 4.12 of EN1 indicates that given the level and urgency of need for infrastructure of the types covered by the energy NPSs the NID should start with the presumption in favour of granting consent unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.

#### National Policy Statement for Renewable Energy Infrastructure (EN3)

The National Policy Statement for Renewable Energy Infrastructure (EN3) is the technology-specific NPS for onshore and offshore wind energy, energy from waste and biomass, and is to be read in conjunction with EN1.

EN3 was formerly adopted in July 2011 and is a significant material consideration in the determination of the application. EN3 sets out the expected components of a biomass or waste scheme and considers the factors which may influence site selection for such schemes, including grid connection, transport infrastructure, Combined Heat and Power (CHP) and Carbon Capture Readiness (CCR). The flexibility of project details is also considered and paragraph 2.5.30 states:

*'The IPC should accept that biomass/waste combustion plant operators may not know the precise details of all elements of the proposed development until some time after any consent has been granted. Where some details have not been included in the application to the IPC, the applicant should explain which elements of the scheme have yet to be finalised and give the reasons. Therefore, some flexibility may be required in the consent. Where this is sought and the precise details are not known, then the applicant should assess the effects the project could have... to ensure that the project as it may be constructed has been properly assessed. In this way the maximum-adverse case scenario will be assessed and the IPC should allow for this uncertainty in its consideration of the application and consent.'*

Heliuss Energy plc has amended its approach to the scheme's design and seeks to offer the local community greater certainty over the layout and external appearance of the scheme earlier in the development process. The submission will, however, allow for deviation following approval and the images should be treated as indicative at this stage.

EN3 confirms at paragraph 2.5.17 that 'Commercial issues are not likely to be an important matter for IPC decision-making'.

### **The National Planning Policy Framework (NPPF) (March 2012)**

The NPPF was published in March 2012. It sets out the Government's planning policies in respect of new development. It replaces Planning Policy Statement: Planning and Climate Change (2007) and Planning Policy Statement 22: Renewable Energy (2004) and explains that 'all local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources' and have a 'positive strategy to promote energy from renewable and low carbon sources' (paragraph 97 refers).

## **ii) LOCAL PLANNING POLICY**

### **The Development Plan**

The current Development Plan for the area comprises South East Plan (2006), the saved policies from the adopted City of Southampton Local Plan Review (2006) and the adopted Local Development Framework Core Strategy (2010).

### **South East Plan**

The current Regional Spatial Strategy (RSS) for the South East of England is The South East Plan, adopted in May 2009.

On the 27th May 2010, the Secretary of State advised all local planning authorities that Regional Spatial Strategies are to be abolished and decision making powers on housing and planning returned to local councils. The abolition of Regional Strategies will require legislation in the "Localism Bill" which is being progressed through Parliament, however LPAs were directed to have regard to the letter as a material planning consideration in any decisions they undertake.

Policy T10 considers ports and short sea shipping. The policy seeks to maintain and enhance the role of several ports including the Gateway Port of Southampton. Policy CC2 requires proposals to help reduce the region's carbon dioxide emissions by at least 20% below 1990 levels by 2010, at least 25% by 2015 and at least 80% by 2050. Mitigation for climate change will be primarily addressed through greater resource efficiency including encouraging the development and use of renewable energy.

The SE Plan also sets down regional & sub-regional targets for renewable energy (NRM14 refers) and Policy NRM15 encourages the development of renewable energy in order to achieve the regional & sub-regional targets. The text to this policy and policy NRM16 indicate that the transportation of fuel to biomass plants,

the scale and design of the buildings, the feasibility of combined heat and power plus the impacts on landscape, wildlife, heritage assets and amenity are matters that should be taken into consideration when assessing such proposals.

The SE Plan is due to be revoked and with it will go regional and sub-regional targets for renewable energy.

### **Adopted City of Southampton Local Plan Review (2006)**

The Proposals Map indicates the site is located within operational port land and falls within a high flood risk zone.

Policy SDP1 considers the quality of development and states that planning permission will only be granted to development which does not unacceptably affect the health, safety and amenity of the city and its citizens.

Policy SDP7 considers the context of the development and precludes development which would cause material harm to the character and/or appearance of an area. Proposals are required to be compatible with existing land forms and natural features; respect the scale, density and proportion of existing buildings and integrate into the local community.

Policy SDP9 considers the scale, massing and appearance of new development and requires building design to be of a high quality.

Although only partially located within the areas shown on the proposals map, there are a number of international-level designated nature conservation sites within the vicinity of the proposals, to which Policy NE1 applies. There are also several Sites of Special Scientific Interest (SSSIs) within the vicinity of the site, to which Policy NE2 applies, as well as several Sites of Importance for Nature Conservation (SINCs) located to the northeast and northwest, whereby Policy NE3 applies.

### **Adopted Local Development Framework Core Strategy (2010).**

Policy CS 9 seeks to promote the Port of Southampton and facilitate growth of the International Gateway Port, within the boundaries of existing port land.

The Policy states that such growth will be facilitated by refusing planning permission for non-port related development within the port.

Transport issues are considered within Policy CS18, which seeks to support the regional economy, enhance air quality and achieve a modal shift to more environmentally sustainable transport through a 'reduce-manage-invest' approach. The Council will promote Southampton's role as an international gateway and regional transport hub by supporting freight movements to and from the Port, favouring rail freight and transshipment; ensuring development will not prejudice the Port along the key road corridors; maintaining appropriate access to the strategic road network incorporating the A33, M271, M27, M3 and A34; ensuring good

sustainable transport linkages with the wider South Hampshire sub-region

Policy CS10 considers the health of the city and states that Health Impact Assessments may be required for major developments in order to assess how the development will impact on the health of residents.

Policy CS13 requires development to follow a robust design process to ensure integration with the local surroundings; high quality design and positive effects on the health, safety and amenity of the city and its citizens.

Policy CS20 sets out the Council's approach to tackling and adapting to Climate Change. The Council intends to continue implementing the measures identified within the Climate Change and Air Quality Statement (2004). All non-residential buildings with a floor space of over 500 m<sup>2</sup> will be required to meet BREEAM 'Excellent' standard and all development must be low carbon or carbon neutral where appropriate. Policy CS20 also requires consideration of the conservation of water resources, surface run-off management, measures to reduce/avoid water contamination and safeguard groundwater supply.

Policy CS23 states that PPS25 will be taken into account when considering flood risk in determining planning applications. Development must achieve an appropriate degree of safety, taking account of standard defences and sea level rise over the life of the development. Individual developments are instructed to prepare a scheme specific Flood Risk Assessment.

Policy CS25 requires necessary infrastructure, services, facilities and amenities to meet the needs of the development to be available or provided at the appropriate time.

### **Hampshire Minerals and Waste Plan (Submission Version) (2012)**

The Hampshire Minerals and Waste Plan (submission version) is currently being examined by an Inspector. It includes Policy 27 (Energy Recovery Development), which refers to CHP schemes. The supporting text in paragraph 5.136 indicates that energy generation from waste or other low carbon fuels is an important component of Hampshire's strategy for generating low carbon and renewable energy. Policy 28 deals with the locations for waste management development and says that development that needs to be carried out in predominantly enclosed industrial premises should be located on industrial or previously developed land, subject to meeting the other plan policies.

The Plan does not allocate specific sites for waste management use (except for 2 landfill sites). However, it sets out the types of location where waste management uses will generally be supported. This includes suitable industrial areas or similar previously developed land. The indicative spatial diagrams indicate the Southampton area as being suitable for waste management, including waste transfer, recycling and recovery. The Background document 'Assessment of Sites and Areas for Waste Management Facilities in Hampshire' identifies the area

which is the subject of this proposal as a nominated site for accommodating waste management uses; site SCC018 (Port of Southampton site near Millbrook) refers.

Following representations made by the City Council at the formal consultation stage of the Plan the suitable uses for the site were amended to exclude development categories 4 (activities requiring enclosed industrial premises on a large scale) and 6 (activities requiring enclosed building with stack on a large scale). In addition the document was amended to require any proposals to be fully justified and appropriate. (Report to Cabinet 24<sup>th</sup> October 2011 refers). It is suggested that Category 4 and 6 developments would have plants with a throughput of approx. 200,000 tonnes per annum and require sites of between 2 and 5 hectares.

The Background document states that 'in principle an appropriate renewable energy plant of a suitable scale can be supported which uses suitable fuel and technology for the urban and environmental context within the Port ..., subject to the consideration of a number of issues. Such uses (which could incorporate recovery from appropriate waste streams such as biomass) would be supported only where the plant would not prejudice the wider operation of the Port (and would be supplied predominately by ship); would be capable of supplying heat to the local area; and the design, transport, air quality, environmental and other effects are acceptable, including in respect of nearby residential areas'.

In principle the location of a biomass energy plant in the docks could be acceptable provided that it could be classed as port related i.e. the fuel needed predominantly comes in by ship. The scale of the proposal in excess of the Category 4 and 6 definitions, however, needs further consideration before it can be supported.

### **The Port of Southampton Master Plan**

ABP Southampton recently published the Port of Southampton Master Plan 2009-2030 in line with the Government recommendations within the Interim Report on the ports policy review in 2007. The Master Plan sets out the Port's strategic plans for the period and form a material planning consideration. The application site is allocated for 'Port Related Uses (Excluding containers)' within the Master Plan, from the current period through to the end of the plan period in 2030. The Master Plan recognises the growth of the biomass sector is likely to have a positive impact on the volumes of dry bulk being handled and stored within the Port over the plan period and acknowledges the port's ability to provide suitable locations for small-scale renewable-fuel energy plants within the port estate.