

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL
SUBJECT:	ARRANGEMENTS FOR PRE-APPLICATION CONSULTATION FOR THE BIOMASS PLANT AT SOUTHAMPTON PORT
DATE OF DECISION:	26 OCTOBER 2010
REPORT OF:	PLANNING & DEVELOPMENT MANAGER
STATEMENT OF CONFIDENTIALITY	
N/A	

BRIEF SUMMARY

In October 2009, the Government set up an independent body to decide any planning applications that were classified as Nationally Significant Infrastructure Projects (NSIP) and this body is called the Infrastructure Planning Commission (IPC, although the current Government has advised that its name and role may change). Any developer proposing a project that is a NSIP has a duty to consult with local communities prior to submitting their proposal to the IPC.

Therefore, the City Council no longer determines planning applications for NSIPs. Instead, the City Council is a statutory consultee and will shortly be asked by the IPC to provide formal planning comments on a proposed Biomass Plant on land at Southampton Port. This project will be the City Council's first NSIP.

The attached draft Statement of Community Consultation (SoCC) and draft Community Consultation Strategy (CCS) set out the promoter's strategy and methodology for consultation. In this instance the promoter of the project is Helius Energy. The Council now has the opportunity to comment on, and agree, the proposed draft SoCC and CCS to ensure that it provides the most robust form of public consultation.

Helius Energy have agreed an extension to the 28 day period for comment to enable a Planning Panel decision. A formal response to Helius Energy is needed by Friday 29th October 2010.

RECOMMENDATIONS:

- (i) The proposed arrangements for pre-application consultation, as set out in the attached proposed draft SoCC and CCS, are noted, agreed and reported to the IPC and Helius Energy as acceptable.

REASONS FOR REPORT RECOMMENDATIONS

1. To provide the Planning & Rights of Way Panel with further detail of how applications for NSIPs, such as the proposed Biomass Plant on land forming 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 draft SoCC and CCS as proposed by Helius 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 adjacent to Millbrook Railfreight Terminal and Millbrook (Hants) railway station. 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 2015. The plant will generate between 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 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. The City Council's agreement of these documents is now needed and this does not prejudice the Council's proper consideration of the planning merits of the proposal in due course.
8. The submitted documents have been forwarded to relevant Council officers and Ward Councillors for comment as part of this exercise. Any comments received will be reported verbally at the Panel meeting.
9. **Draft Statement of Community Consultation (SoCC)**
The submitted SoCC is attached to this report at Appendix 1 and is supported by the more detailed draft Community Consultation Strategy (CCS). The CCS is attached at Appendix 2.
10. These documents set out the proposed method for public consultation prior to the submission of a formal application to the IPC for consideration. It also includes a list of affected stakeholders and groups that Heliuss 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.

11. Once the draft SoCC and CCS have been agreed and finalised Heliuss Energy will implement it prior to submitting their planning application.
12. The pre-application consultation stage is divided into two phases:
 - Phase I (Informal) lasts for approximately 2 months and is followed by a 28 day period when written responses will be invited. The aim of Phase 1 is to introduce the project to stakeholders.
 - Phase II (Formal) involves a more formal consultation process and follows a more detailed environmental assessment by Heliuss Energy of their proposals. It is anticipated that Phase II will commence in December 2010 and will include two public exhibitions.
13. **Consultation Feedback**

The approved SoCC and CCS will be submitted to the IPC at the application stage along with a Consultation Report. This report details the findings and comments received during the consultation period. If the IPC consider that the consultation has been inadequate prior to the application submission it is unlikely that the IPC will accept to validate the application for development consent.

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.

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 IPC concerning the adequacy of the promoter's consultation, to which the IPC 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 IPC 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.	Draft Statement of Community Consultation (SoCC0
2.	Draft Community Consultation Strategy (CSS)
3.	Site Plan

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 Redbridge primarily
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