

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL
SUBJECT:	ARRANGEMENTS FOR PRE-APPLICATION CONSULTATION FOR THE BIOMASS PLANT AT SOUTHAMPTON PORT
DATE OF DECISION:	21 JUNE 2011
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, when the Council's agreement was given for the type of public consultation that the applicant of the City's Biomass Plant (Helius Energy) would undertake between February and April of this year. A copy of the minutes from this meeting is attached at **Appendix 1**.

In light of the local interest shown in the project, and the criticism by some residents that the recent consultation exercise was poorly handled, the applicants have agreed to undertake further consultation 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 2 and 3**. They set out the promoter'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 Friday 24th June 2011.

RECOMMENDATIONS:

- (i) The proposed arrangements for pre-application consultation, as set out in the attached revised draft SoCC and CCS, are noted, agreed and reported to the IPC and Helius Energy as acceptable.
- (ii) That an appropriately scaled model of the existing site and the proposed scheme(s) is made available at each consultation event.

REASONS FOR REPORT RECOMMENDATIONS

1. To provide the Planning and Rights of Way Panel with further detail of how applications for 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 Helius Energy.

DETAIL (Including consultation carried out)

3. **Background to the Project**
Helius Energy plc ('Helius 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**
Helius 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. In light of this criticism, additional sessions were arranged, however, the applicants have now agreed to undertake a new 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 local MP for comment as part of this exercise. In addition, letters have been sent to local resident groups in the affected Wards and the 'NoSouthamptonBiomass' group have also been notified by email. Any comments received will be reported verbally at the Panel meeting.

11. **Draft Statement of Community Consultation (SoCC)**
The submitted revised SoCC is attached to this report at **Appendix 2** and is supported by the more detailed draft Community Consultation Strategy (CCS). The CCS is attached at **Appendix 3**.
12. 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.
13. Once the draft SoCC and CCS have been agreed, and finalised, Helius Energy will implement them prior to submitting their planning application.
14. 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. 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 mid-July 2011 and will last for 10 weeks (and will include 4 exhibitions, with 2 in Millbrook, staged over a 4 week period). The submission explains that at least 7 days notice will be given to residents (including those already on the database) of these additional exhibitions.
15. **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. 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

16. 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 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.

Property/Other

17. None

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

18. 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.
19. 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:

20. None

POLICY FRAMEWORK IMPLICATIONS

21. 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)).
22. 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).

AUTHOR:	Name:	Stephen Harrison	Tel:	023 8083 4330
	E-mail:	stephen.harrison@southampton.gov.uk		

SUPPORTING DOCUMENTATION

Appendices

1.	Panel Minutes (26.10.10)
2.	Revised Draft Statement of Community Consultation (SoCC)
3.	Revised Draft Community Consultation Strategy (CSS) & 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 Shirley primarily
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