

CABINET	AGENDA ITEM No. 6.1
2nd February 2009	PUBLIC REPORT

Cabinet Member(s) responsible:	Environment Portfolio Member Cllr W. Fitzgerald	
Contact Officer(s):	Head of Service/Director(s) Paul Phillipson, Barry Fagg Susan Marsh (Principal Minerals and Waste Planning Officer)	Susan Marsh: 01733 863851

CONSULTATION FROM THE SECRETARY OF STATE FOR ENERGY ON AN APPLICATION UNDER THE ELECTRICITY ACT 1989, PROPOSED ENERGY PARK, LAND OFF STOREYS BAR ROAD, PETERBOROUGH

RECOMMENDATIONS	
FROM : Council	Deadline date : Response to be received by DECC by 9th February 2009
<p>Cabinet is asked to endorse the motion carried at the Council meeting on 13th January 2009 that the Secretary of State for Energy and Climate Change be informed that the City Council:</p> <ol style="list-style-type: none"> 1. Agrees to the principal of the proposal providing all matters set out in Appendix D of the report to Council (annex 1) are satisfactorily addressed by the applicant. 2. In the event that the matters set out in Appendix D (annex 1) are resolved to the satisfaction of the Secretary of State and he is minded to grant permission for the proposal, it is requested that this is subject to: <ol style="list-style-type: none"> (a) the imposition of appropriate conditions including those set out in Appendix E (annex 1) and Annex 5 (b) a planning obligation with Peterborough City Council on the basis of the matters set out in Appendix F (annex 1) and Annex 5 such conditions and planning obligation being reasonable and necessary in order to assure and protect the amenity and interests of local communities and to align with the City's planned Environment Capital status. 3. That the Council will work with the applicant to make every effort to resolve the issues at Appendix D, and that if these are not able to do so by 31 August 2009 the matter will be referred back to Council. Planning Officers ask Cabinet members to note that the referral back to Council will be to update members and allow further debate if necessary, and that at this stage the Council will not be able to influence the Secretary of State in it's consideration of the application. 	

1. ORIGIN OF REPORT

- 1.1 Peterborough City Council has been consulted by the Department for Energy and Climate Change (DECC), in relation to an application by Peterborough Renewable Energy Limited (PREL).
- 1.2 The Council is not the determining authority for this application, but is a consultee. An application such as this under the Electricity Act 1989 is an executive function.
- 1.3 This report is submitted to Cabinet for it's decision following formal consultation on the proposal with councillors, the applicant and members of the public at an extraordinary meeting of the Council on 13th January 2009.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to decide the response of the City Council as Local Planning Authority to a consultation under Section 36 of the Electricity Act 1989 concerning a proposed Energy Park, on land at Storeys Bar Road, Peterborough.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	2 nd February 2009
Date for relevant Council meeting	13 th January 2009	Date for submission to Department for Energy and Climate Change	No later than 9 th February 2009

4. CONSIDERATION OF THE ENERGY PARK DEVELOPMENT

- 4.1 The full record of documents culminating in this report to Cabinet is set out below:

Annex 1.

At its meeting on 13th January 2009 Members considered a report, together with Appendices A-G (Planning History (A), Consultation responses (B), Representations (C), Information to be provided prior to determination of the application (D), Conditions (E) and Matters to be addressed in planning obligation (F)), ERM Consultants report (G) which is attached as Annex 1.

Annex 2

This sets out the revised recommendation tabled at the Council meeting

Annex 3

Resolution passed at Council

Annex 4

This sets out changes to be made to the conditions and planning obligation

5. CONSULTATION

- 5.1 Over 5,000 local business and local residents within 2km of the site were notified by letter. There were also site notices and press releases. Over 40 statutory consultees, as well as internal officers and Departments, have been consulted, and their advice sought in relation to the application. The results of consultation are set out at Appendix B and a summary of public responses is set out in Appendix C of the attached report (Annex 1). In all there were approximately 70 consultation responses, the majority of which support the proposal. At the Council meeting on 13 January 2009, the Applicant spoke in support; seven individuals spoke in support and two in opposition. Two ward members and nine other members which included two cabinet members seeking information and Cllr Goldspink who, although a member of the cabinet, will not be voting at that meeting. Their comments are summarised in paragraph 5.2.

5.2 Summary of points raised by objectors and supporters

Objectors raised the following concerns:

- The potential for health problems due to the burning of domestic and commercial waste products in large quantities, 24 hours a day – leading inevitably to the discharge of significant quantities of materials of unknown toxicity;

- Increased levels of traffic and the affect of diesel vehicles on residents' health and wellbeing;
- Risks relating to untested and unproven technology,
- Risk to the environment, e.g. land and water pollution and impact on climate change;
- Concerns regarding the true potential and benefit of selling energy produced

Supporters raised the following points:

- Opportunity to help meet waste emissions and carbon targets, helping to promote Peterborough as a centre of environmental expertise;
- Potential to establish environmental leadership and to assist the Council in meeting its emissions and carbon targets;
- Proposal offers a host location for practical engineering, technology developments and information exchange needed to promote Peterborough as a centre of environmental expertise;
- Requires little or no financial input from local or central government;
- Potential to 'pull through' other green initiatives in wind and bio-energy which would benefit the local economy;
- Proposed location is in the correct quarter of the city to create a truly green industrial environment;
- Scheme would generate hydrogen as a by-product of the process – this would enable a significant step towards PP20 of the draft LDF DPDs: the realisation of a local Hydrogen Economy and support for distributed energy installations;
- Proposed scheme would reduce levels of waste going into landfill;
- Proposal would create employment opportunities and result in improvements to the local cycleway infrastructure;
- Proposal is unique in that it includes many innovative technologies to address environmental concerns. It will extract plastics for recycling which will reduce dioxin emissions and will include plasma enhanced melters which would atomise the waste normally produced by incinerators, turning it into useful material which can be reused.
- Production of power which would be from a genuine renewable source.

6. ANTICIPATED OUTCOMES

The outcome of the decision sought by this report is the resolution to be communicated to the Secretary of State for Energy and Climate Change, in relation to the proposed Energy Park.

7. REASONS FOR RECOMMENDATIONS

As Local Planning Authority, the recommendations are made in line with national, emerging regional, and adopted local planning policy. They also take into account the views expressed by the public at Council on 13 January 2009.

8 ALTERNATIVE OPTIONS CONSIDERED

8.1 Alternative options would be to

- Object to the application on the basis of lack of information and policy conflicts (as outlined in Appendix D of the report to Council), or
- Recommend unconditional approval

Neither alternative course can be recommended having assessed the application under planning law and policy. A conditional recommendation is proposed due to the nature and extent of the planning issues that remain outstanding, as set out in Appendix D (Annex 1) to this report.

9. IMPLICATIONS

The three main statutory consultees are Peterborough City Council, Nature England and the Environment Agency. Any significant issues flagged up by any of the consultees are likely to trigger a public inquiry.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

Application file 08/01081/ELE

Planning Policy Statements – as set out in Council report

East of England Plan 2009

Cambridgeshire and Peterborough Waste Local Plan 2003 – policies referred to in Council report

Peterborough Local Plan (First Replacement) 2005 – policies referred to in Council report