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Our ref: 40b – Planning Conformity/Final Responses/East Riding Bioethanol Facility Jan 08

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Philip Parker
Head of Planning and Development Control
East Riding of Yorkshire Council
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East Riding of Yorkshire
HU17 9BA

Dear Philip

Planning Application Number: DC/07/07450/STPLFE/STRAT/DC

Construction of bioethanol facility consisting of three separate areas, main process area, ethanol storage area and tanker loading area with associated works at BP Chemicals Site Saltend Lane Preston East Riding Of Yorkshire HU12 8EB.

The Assembly, as the Regional Planning Body, has been asked to comment on this development as its nature and location mean that it could have an effect on the implementation of the Regional Spatial Strategy (RSS). The current RSS for Yorkshire and Humber (based on the Selective Review of RPG12) was issued by the Secretary of State in December 2004. The RSS has the status of a Development Plan Document and forms part of the framework for decisions taken under section 38 of the Planning and Compulsory Purchase Act (2004), which means that decisions on all applications have to be taken in accordance with the Development Plan unless other material considerations indicate otherwise.

The Planning and Compulsory Purchase Act (2004) and Circular 08/2005 make it clear that a draft RSS submitted to the Secretary of State is a relevant regional policy against which strategic applications can be considered. This Assembly response therefore also highlights relevant issues that arise from the Yorkshire and Humber Plan (draft RSS) December 2005 – the RSS submitted to the Secretary of State.

Please note that the Secretary of State's Proposed Changes to Draft RSS have now been published (September 2007). Government guidance (paragraph 4.19 in PPS12) states: "Where the regional spatial strategy...has been through an Examination in Public, and the proposed changes have been published, considerable weight may be attached to that strategy because of the strong possibility that it will be published in that form by the Secretary of State".

Assembly responses to consultations on strategic applications will therefore have to make it clear how the Proposed Changes impact on the policies quoted and to point out to local authorities that 'considerable weight' will need to be attached to them by the decision-making body and by Inspectors at Examinations of DPDs and application Inquiries. At the same time, it should be noted that the Assembly itself has made comments on the Proposed Changes and that the final version of the new RSS is expected in spring 2008.

Both the existing and draft regional spatial strategies aim to achieve a more sustainable pattern and form of development, investment and activity across the region, putting a greater emphasis on matching needs across the region with opportunities and managing the environment as a key resource. Within the detailed policies of current and draft RSS, the value of more efficient resource use, addressing climate change and developing renewable energy resources is recognised in Policies S5, S6 and R12 of current RSS and Policies YH2 and ENV5 of emerging RSS. In terms of the economy, Policy E4 in both current and draft RSS support the growth of priority clusters in this part of the Region.

In seeking the implementation of these policies across the region, the Assembly therefore offers the following comments on the proposed bioethanol facility at Saltend Lane.

Regional Policy Context

Several policies in both current and draft RSS are relevant when considering this proposal, including environmental, economic and sub area policies.

Nature and Location

The proposal site is an unused brownfield site. Both current and draft RSS policy encourage the use of brownfield land for development. Policy YH8 B of draft RSS (2005) makes it clear that a sequential approach should be taken in determining applications to ensure the re-use of previously developed land and buildings.

Policy YH3 (iv) of draft RSS states the aim to "*optimise the opportunities provided by the Humber Ports as an international trade gateway for the region and country*". The location of the bioethanol plant will open opportunities for trade into and out of the Humber Ports.

Policy P1 of current RSS discusses the locational principles for strategic patterns of development. Section (g) of this policy highlights that the port area at Immingham, Hull, Grimsby and Goole (the Humber Trade Zone) is a regionally significant

location and port related activities together with targeted infrastructure investment, will be promoted in and around the Humber Trade Zone. Policy T7 of draft RSS also encourages the protection of land close to ports for port related development.

Climate Change & Renewable Energy

Policies S5 and S6 in current RSS and YH2 in draft RSS deal with the issue of climate change and resource use. In line with these policies, the proposed development will assist in reducing carbon dioxide emissions in the region.

Policy R12 of current RSS and ENV5 of draft RSS provide for improved energy efficiency and greater installed renewable energy capacity in the region. Outputs from the bioethanol plant will help to implement these policies.

The Humber Estuary sub-area has been identified in the current and draft RSS as having a major to play in terms of the Region's renewable energy generation requirement. Current RSS, Policy R12 states that development plans should include measures that help secure a target installed renewable energy generation capacity of 674 MW for the Yorkshire and Humber region. It also sets the Humber sub-region a target of 146 MW of energy by 2010, equating to 22% of the total regional target and the draft RSS sets the East Riding local authority a target of 40.7 MW by 2010.

Based recent information collected from the RSS Annual Monitoring Report (2006), Core Indicator 9 has highlighted that the renewable energy capacity for Bio-fuels in the East Riding has been 0 MW. Therefore the proposed Bioethanol facility would help to increase installed renewable energy capacity in East Riding and the Region.

Current RSS (Policy R12c) states that development plans should include locational and environmental criteria to be applied in securing the sub-regional targets, maximising the use of renewable energy resources. The draft RSS builds on this and states that it is a local authority's role to identify the preferred type, scale and locations for renewable energy and to also provide supplementary locational and environmental criteria to be used in assessing such development as needed. The Landscape Character Assessment in the East Riding has started this process ahead of the preparation of a Core Strategy and clearly the local authority will take this assessment into account in reaching their decision.

Economic Development

Policy E1 of draft RSS covers the methods of creating a successful and competitive regional economy. Section I of this policy seeks to "*promote opportunities for business relating to....renewable energy...and the 'low carbon economy'.*" The bioethanol plant will help fulfil this policy goal.

It should be noted that the Secretary of State's Proposed to draft RSS (2007) does not alter the policy context of Policy E1.

Policy E4 in both the current and draft RSS support the sustainable growth of particular regional priority clusters, which include environmental technologies, chemical and bioscience industries. The Humber has been identified as an important location for the development of these clusters in current RSS and this proposal will assist in their continued development.

It should be noted that the Secretary of State's Proposed Changes to draft RSS (2007) recommends changes to Policy E4 of draft RSS (2005) to provide for plans, strategies, investment decisions and programmes to support key sectors including Financial and Business Services; Tourism; Logistics; and Construction, and regional priority clusters including Advanced Engineering and Metals; Chemicals; Bio-Science; Digital; Food and Drink; Healthcare Technologies; and Environmental Technologies.

The proposed development will also support the implementation of Policy HE1 in draft RSS, which emphasises the importance of developing the sub area's economy and fostering value-added port-related activities around the ports. In addition, the proposal will assist in developing the Humber Estuary's renewable energy potential, in line with part C of the policy.

Transport

Access to the site will be achieved by vehicles leaving the A1033 and travelling to the site via Saltend Lane. A Transport Impact Assessment has been undertaken by the applicant. This concluded that there are no traffic or highway reasons why this proposal should not be approved. The HGV movements will be spread out throughout the day, between 0500 and 2300 hours and therefore, the maximum number arriving at or leaving the site in any one hour will be 15. Therefore the impact is likely to be negligible on any section of the local highway network.

The site is located in close proximity to the Port of Hull, which may be used to import special loads to the site during construction. Policy YH8C encourages the maximisation of the use of rail and water for uses generating large freight movements. Policy T4 current RSS (2004) and draft RSS (2005) seeks to locate development which generate high levels of freight and commercial traffic closest to intermodal freight facilities, rail freight facilities, ports and wharves or roads designed and managed as traffic distributors. It also seeks to maximise the use of rail or water for freight movements from new developments and significant changes of use and recognise the contribution that these modes can make to the transportation of bulk materials including waste.

It should be noted that the Secretary of State's Proposed Changes to draft RSS (2007) does not alter the policy context of Policy T4.

Policy T1 of draft RSS encourages the use of lower-emission vehicles in the Region. The production of bioethanol could have a positive impact on the implementation of this policy, albeit indirectly.

Flooding

The planning application states that the site of the proposed development lies within Flood Zone 3. A Flood Risk Assessment for the site has been undertaken. The assessment identified that the proposed site is at risk from two main sources of flooding: tidal/coastal, and pluvial, or rainfall events.

Notwithstanding the findings of this report, Policies R2 of current RSS and ENV1 of draft RSS state that development in high flood risk areas should be avoided. These policies also recognise the important role of strategic flood risk assessments in managing flood risk.

The Secretary of State's Proposed Changes to draft RSS (2007) Policy ENV1 provides for the Region to manage flood risk pro-actively by reducing the causes of flooding to existing and future development, especially in tidal areas, and to avoid development in high flood risk areas where possible. Flood management will be required to facilitate development in Hull, provided the sequential test has shown that there are no suitable lower risk sites available. It also provides for flood storage, habitat creation and managed realignment in areas around the Humber, and other river corridors as required.

Humber SPA & RAMSAR Site

The site is in close proximity to the Humber Estuary RAMSAR site. In addition, the Regional Appropriate Assessment identifies this site as being a Special Protection Area. Policy N1 of current RSS seeks to protect internationally important sites from direct or indirect damage and Policy ENV8 of draft RSS states that the Region will safeguard and enhance biodiversity and geological heritage, ensuring that the natural environment functions as an integrated network of habitats. It should be noted that the Secretary of State's Proposed Changes to draft RSS (2007) does not alter the policy context of Policy ENV8.

An Appropriate Assessment of draft RSS was carried out and this emphasised the need for the RSS to ensure economic development and renewable development maintained the integrity of internationally important biodiversity resources along the Humber. It is therefore essential that the local authority carries out an Appropriate Assessment to determine that the development can be accommodated without affecting the integrity of the Humber SPA.

At present it is not clear whether or not the applicant has provided sufficient information to determine whether an Appropriate Assessment is necessary, and if so, for such an Appropriate Assessment to be carried out. The Assembly can therefore only offer its support in principle on the understanding that the local authority ensure that this information is made available and that the subsequent Appropriate Assessment shows that the development will not adversely affect the integrity of the Humber SPA/Csac/Ramsar.

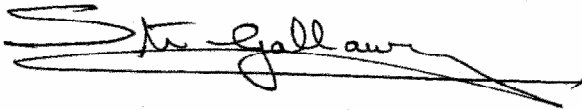
Conclusion

Given the issues set out above, the Assembly offers the following comments that:

- The Assembly SUPPORTs the application on the basis that it will assist in the implementation of both current and draft RSS, in terms of environmental and economic considerations.
- This development is supported in principle by the Assembly as helping to implement the RSS by providing renewable energy generation.
- The Transport Impact Assessment will have to be taken into account by the local authority in reaching its decision.
- There should be an emphasis on ensuring multi-modal freight access to the site.
- Local landscape and flood risk assessments will have to be taken into account by the local authority in reaching its decision.
- The local authority should clarify if an Appropriate Assessment is required to protect the SPA.

If you have any queries about these points, please do not hesitate to contact Andy Haigh on 01924 331601.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Galloway', with a long horizontal flourish extending to the right.

Stephen Galloway
Chair, Regional Planning Board
Yorkshire and Humber Assembly