Policy Appraisal

in support of an application for
Outline Planning

by

Sunrise Renewables (Barry) Limited

under

the Town and Country Planning Act 1990

Sunrise Renewables
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1. Introduction

1.1 The Applicant, Sunrise Renewables (Barry) Limited, is developing a renewable energy plant based on an advanced conversion technology (ACT) at Woodham Road, Barry, CF63 4JE within the Port of Barry (the "**Project**").

1.2 The principle of establishing a wood fuelled power plant at the Project site was established by planning permission reference 2008/01203/FUL, as approved by appeal reference APP/Z6950/A/09/2114605 on 2nd July 2010 (the "**2010 Permission**").

1.3 The Applicant has prepared the present report into changes to policy considerations since the 2010 Permission, drawing on published sources. In particular, credit is given to Dow Corning and their consultants whose 2014 policy appraisal for a similar project in the Barry dockland area has been especially helpful.

2. National Energy Policy

2.1 Climate Change Act (2008)

2.1.1 The Climate Change Act 2008 makes it the duty of the Secretary of State to ensure that the net UK carbon account for all six Kyoto greenhouse gases for the year 2050 is at least 80% lower than the 1990 baseline, toward avoiding dangerous climate change. 5.20 The Act aims to enable the United Kingdom to become a low-carbon economy and gives ministers powers to introduce the measures necessary to achieve a range of greenhouse gas reduction targets. An independent Committee on Climate Change has been created under the Act to provide advice to UK Government on these targets and related policies. In the act Secretary of State refers to the Secretary of State for Energy and Climate Change.

2.1.2 The proposed Project would be a secure low carbon energy development and would therefore make a direct contribution towards the Government's Climate Change objectives.

2.1.3 It is considered that the principle of the Project is in accordance with European policy as it is an established technology which will successfully direct waste wood away from landfill and generate a renewable source of energy and heat, without significant adverse effects on the environment and human health.

2.2 UK Bioenergy Strategy (April 2012)

2.2.1 It is widely recognised that bioenergy has an important role to play if the UK is to meet its low carbon objectives by 2050. The strategy sets out the Coalition Government's approach to securing the benefits of bioenergy.

2.2.2 The UK Government has a responsibility to ensure that its policies only support bioenergy use in the right circumstances. This strategy is based on a statement of four principles which will act as a framework for future government policy on bioenergy. The four principles state that:

- *Policies that support bioenergy should deliver genuine carbon reductions that help meet UK carbon emissions objectives to 2050 and beyond;*
- *Support for bioenergy should make a cost effective contribution to UK carbon emission objectives in the context of overall energy goals: and*
- *Support for bioenergy should aim to maximise the overall benefits and minimise costs (quantifiable and non-quantifiable) across the economy.*

2.3 2020 Renewables Target

The 2009 Renewable Energy Directive sets a target for the UK to achieve 15% of its energy consumption from renewable sources by 2020. This compares to 3.3% in 2010. The scale of the increase over the next 8 years represents a huge challenge and will require strong contributions from all sectors of electricity, heat and transport.

2.4 2050 Carbon Reduction Target

2.4.1 The Climate Change Act 2008 establishes a long-term framework to tackle climate change.

2.4.2 The Act aims to encourage the transition to a low-carbon economy in the UK through unilateral legally binding emissions reduction targets. This means a reduction of emissions of at least 34% by 2020 and a

domestic greenhouse gas emissions reduction of at least 80 percent by 2050. Both targets are against a 1990 baseline.

2.4.3 It is clear there is a need for renewable energy developments in relation to both demand and the achievement of the Government's climate change objectives. On this basis substantial weights should be given to the contributions made by renewable energy developments such as the proposed Project.

2.5 UK Biomass Strategy (2007)

2.5.1 This strategy, published with the Government's Energy White Paper, meets the commitment made in the Energy Review (2006) and in the Government's response to the 2005 Biomass Task Force Report and brings together current UK Government policies in biomass for energy, transport and industry.

2.5.2 The Biomass Strategy acknowledges the importance of fuels sourced from biomass in tackling climate change. Biomass will have a central role to play in meeting the EU target of 20% renewable energy by 2020. The Climate Change Bill, published in draft in March 2007, sets out a proposed UK target of at least 60% cuts in carbon dioxide emissions by 2050 and a strong new system of carbon budgeting. We need to explore every avenue for achieving these cuts in emissions in sustainable ways over the decades ahead.

2.5.3 Biomass is renewable and generally has low carbon characteristics. Where biomass is produced and processed with due regard to sustainability and carbon savings, it can be carbon-neutral (the CO2 released when it is used to create energy can be offset by the CO2 it consumes when growing).

2.5.4 Biomass is also very versatile and can be used as fuel across the energy spectrum for electricity, heat and transport as well as the production of industrial material. At current usage levels biomass can be considered as an untapped resource.

2.5.5 The Government's strategy for biomass is intended to:

- *"realise a major expansion in the supply and use of biomass in the UK*
- *Facilitate the development of a competitive and sustainable market and supply chain*
- *Promote innovation and low-carbon technology development so biomass can deliver relatively higher energy yields contribute to overall environmental benefits and the health of ecosystems through the achievements of multiple benefits from land use*
- *Facilitate a shift towards to bio-economy through sustainable growth and development of biomass use of fuels and renewable materials*
- *Maximise the potential of biomass to contribute to the delivery of our climate change and energy policy goals: to reduce CO2 emissions, and achieve a secure, competitive and affordable supply of fuel"*

2.5.6 Paragraph 2.1 of the strategy states:

"Biomass is an important tool for tackling climate change, as well as offering new commercial opportunities. For the purposes of this strategy, we are taking biomass to mean any biological material, derived from plant and animal matter, which can be used for producing heat and/or power, fuels including transport fuels, or as a substitute for fossil fuel-based materials and products"

2.5.7 The proposed development will contribute to a more diverse and secure energy generation, and in turn contributes to the security of the UK's renewable energy supply at a time when energy demand is increasing and the impacts of climate change are gaining prominence in Government policy agendas.

2.5.8 National waste and energy policy contains a clear message: positive planning which facilitates renewable energy developments is essential if the government commitments to climate change and renewable energy are to be met. The role of Biomass is helping to meet these commitments is widely recognised and its use is encouraged.

2.6 The 2007 White Paper: Meeting the Energy Challenge

2.6.1 UK Energy policy is set out in the Energy White Paper of May 2007 and Low Carbon Transition Plan of July 2009.

2.6.2 The 2007 White Paper: "Meeting the Energy Challenge" sets out the Government's international and domestic energy strategy to address the long term energy challenges faced by the UK, and to deliver four key policy goals:

1. "To put the UK on a path to cut carbon dioxide emissions by some 60% by about 2050, with real progress by 2020;

2. To maintain reliable energy supplies;

3. To promote competitive markets in the UK and beyond, helping to raise the rate of sustainable economic growth and to improve productivity; and

4. To ensure that every home is adequately and affordably heated"

5. To ensure that every home is adequately and affordably heated"

2.6.3 The Government has set national targets for electricity generated from renewable sources and expects 10% of total electricity generation by 2010, 15% by 2013 and 20% by 2020.

2.6.4 The Government recognises the importance of recovering energy from biomass. Facilities should be sized and contracts designed in accordance with the local availability of fuel. The Government's targets on renewable energy generation, power generation processes such as energy from biomass must be considered.

2.6.5 There are a number of benefits of recovering energy from biomass, as follows:

- Improved energy security;
- Meeting UK energy demand in more sustainable way;
- Biomass heat generation can provide a cheap sustainable heat source;
- Biomass heat generation can replace coal for industrial sites, industrial processes and off grid locations; and
- Energy is recovered from material that may otherwise be landfilled or exported.

2.6.6 In particular, the White Paper confirms that applicants for energy development do not need to demonstrate either the overall need for renewable energy or its distribution, nor question the energy justification for why a proposal for such development must be sited in a particular location.

3. National Planning Policy

3.1 Wales Spatial Plan, update 2008

3.1.1 The Wales Spatial Plan sets out the national spatial planning framework for Wales, adopted by the Welsh Assembly. Key sections of the spatial plan provide significant encouragement of new developments as proposed in this application.

- Paragraph 11.6 of the spatial plan calls for a joint approach between local authorities and others to the delivery of regional energy and waste infrastructure to support the development of a sustainable economy
- Paragraph 12.3 calls for rethink of how energy and other resources are used in order to minimise future climate change.
- Paragraph 19.3 describes a low carbon city region that reduces its resource use, energy and travel footprints, and greenhouse gas emissions as an important measure of success for the South East Wales Capital City Region.
- Paragraph 19.22 calls for the economy of South East Wales to seize opportunities to create jobs in renewable energy, recycling and waste.
- Paragraph 19.28 says that the projected growth of housing and employment across the Capital Region (South East Wales) means that access to sustainable forms of energy generation will be crucial to the long term viability of the City Region. Local energy generation approaches will also have an increasingly important role to play.

3.1.2 The Wales Spatial Plan provides ample strategic policy support. The proposed Project will provide a source of local renewable energy to directly support the local economy, improve the sustainability of waste management in the South East Wales Region and reduce the contribution made to the emission of greenhouse gases from local economic growth. The proposals will directly create local jobs in construction and operation of the facility. Overall, the proposed Project will make a strong contribution to

long term viability of the Capital City Region through the provision of sustainable and local renewable energy generation.

3.2 Planning Policy Wales (March 2002)

3.2.1 Planning Policy Wales (**PPW**) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (**TANs**). Procedural advice is given in circulars and policy clarification letters. It translates the commitment to sustainable development into the planning system so that it can play an appropriate role in moving towards sustainability.

3.2.2 Paragraph 4.9.1 states:

> *"Previously developed (or brownfield) land should, wherever possible, be used in preference to Greenfield sites, particularly those of high agricultural or ecological value. If the Welsh Governments objectives for the more sustainable use of land and buildings and the re-use of previously developed sites are to be achieved, local authorities and other stakeholders will need to be more proactive".*

The proposed Project will be constructed on brownfield land and is entirely contained within the Project site. It is therefore considered that the proposed development is consistent with the intent of Planning Policy Wales.

3.2.3 Paragraph 12.8.8 states:

> *"The Welsh Government is committed to using the planning system to:*
>
> - *Optimise renewable energy generation;*
> - *Optimise low carbon energy generation;*
> - *Facilitate combined heat and power systems (combined cooling, heat and power) where feasible; and*
> - *Recognise that the benefits of renewable energy are part of the overall commitment to tackle climate change by reducing greenhouse gas emissions as well as increasing energy security"….local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help tackle the causes of climate change"*

The proposed Project will accommodate technologies which will successfully direct waste wood away from landfill to generate a renewable source of energy with all heat being used within the plant to maximise efficency. The proposed location is on previously developed land, consistent with the locational policies and criteria set out in local plans.

3.2.4 Paragraph 12.10.1 states:

"In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- *the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;*
- *The wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;*
- *The impact on the natural heritage (see 5.5), the Coast (see 5.6) and the Historic Environment (see 6.5);*
- *The need to minimise impacts on local communities to safeguard quality of life for existing and future generations;*
- *Ways to avoid, mitigate or compensate identified adverse impacts;*
- *The impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts (see 4.5);*
- *Grid connection issues where renewable (electricity) energy developments are proposed; and the capacity of and effects on the transportation network relating to the construction and operation of the proposal"*

The proposed development comprises a sustainable development in this context, by increasing the use and supply of renewable and low carbon energy and providing the potential for the supply of energy to local users.

3.3 Technical Advice Notes

National planning policy and advice in respect of spatial and land-use planning is contained in a range of policy documents, statements, circulars and TANs.

3.3.1 **Technical Advice Note 8: Planning for Renewable Energy (2005):** This TAN relates to the land use planning considerations of renewable energy, however UK and national energy policy provide its context. Energy policy is a reserved function that is not devolved to the Assembly Government. Nevertheless, all decisions relating to renewable energy in Wales must take account of the Assembly Government's policy. A summary statement on Assembly Government energy policy is contained in Annex A to this TAN. A number of other annexes to this TAN also provide background to the development of planning policy for renewable energy in Wales.

3.3.2 Paragraph 2.15 states:

> *"Developers, in consultation with local planning authorities, should take an active role in engaging with the local community on renewable energy proposals. This should include pre-application discussion and provision of background information on the renewable energy technology that is proposed"*

The proposal for a renewable energy project using advanced conversion technology processing waste wood was consulted extensively with interested stakeholders in connection with the 2010 Permission. In connection with the present application, the Applicant has discussed the proposed changes with Associated British Ports as owner of the Port of Barry site within which the Project will be located and has obtained their support (refer to letter attached to this Policy Appraisal).

3.3.3 Paragraph 14.1 states:

> *"The Renewables Obligation 2002 states that only electricity derived from "biomass" will be eligible for Renewable Obligation Certificates (ROCs). "Biomass" is defined here as a fuel of which at least 98% of the energy content is derived from plant or animal matter or substances derived directly or indirectly therefrom (whether or not such matter or substances are waste) and includes agricultural, forestry or wood wastes or residues, sewage and energy crops"*

The proposed Project will utilise biomass for 100% of fuel input and should be eligible for ROCs.

3.3.4 **Technical Advice Note 21: Waste (2001):** This guidance note provides advice about how the land use planning system should contribute to sustainable waste resource management. It is intended to facilitate the introduction of a comprehensive, integrated and sustainable land use planning framework for waste management in Wales.

<u>Sustainable Waste Management</u>

Achieving sustainable development is an integral part of the Assembly's policies. The movement towards sustainable development in relation to planning for waste should be guided by principles on which any framework for waste management should be founded. The land use planning system has an important role to play in facilitating sustainable waste management and should:

- *"Provide a planning framework which enables adequate provision to be made for waste resource management facilities to meet the needs of society for the re-use, recovery and disposal of waste;*
- *Help meet the needs of businesses and encourage competitiveness;*
- *Encourage sensitive waste management, enhance the overall quality of the environment and avoid risks to human health;*
- *Have regard to the need to protect areas of designated landscape and nature conservation value from inappropriate development;*
- *Have regard to the need to protect the amenity of the community and of land uses and users affected by existing or proposed waste management facilities;*

- *Minimise adverse environmental impacts resulting from the handling, processing, transport and disposal of waste;*
- *Consider what new facilities may be needed, in the light of waste forecasts; and, ensure that opportunities for incorporating re-use/recycling facilities in new developments are properly considered"*

Paragraph 6.1 of the TAN states that;

> *"When considering development proposals for waste management facilities, local planning authorities should take into account their potential contributions to the objectives and principles set out in the Waste Strategy, the Regional Waste Plan, the UDP and the network of waste management facilities (when these are available).*

A number of technical assessments have been produced to support the Project, both for the purposes of the 2010 Permission and for the present application, and confirms that the proposed Project will have no unacceptable environmental or social impacts in the local or wider area that cannot be satisfactorily mitigated through the incorporated measures put forward in the development proposals.

Location of waste management facilities

Annex C: Specific Planning Considerations (C35) states:

> *"Locations should be considered within the context of the aims of the Wales Waste Strategy, the regional area of search process, and the provisions of the development plan for the area. In general, the most appropriate locations will be those with the least adverse impacts on the local population and the environment, and with the best potential contribution to a facilities framework.*

C36 states:

> *"There are numerous factors that may influence the type of location of new waste management facilities. New sites might for instance, be located, if appropriate, within or adjacent to:*
>
> - *industrial areas, especially those containing other heavy or specialised industrial uses;*
> - *Active or worked out quarries - landfill is commonly used in quarry restoration but there may be opportunities for other types of waste management facilities at some quarried sites. It should be noted that quarry depth and the nature of the local water table will affect the feasibility of using such sites;*
> - *degraded, contaminated or derelict land - well-located, planned, designed and operated waste management facilities may provide good opportunities for remediating and enhancing sites which are damaged or otherwise of poor quality, or bringing derelict or degraded land back into productive use;*
> - *existing or redundant sites or buildings - which could be used, or adapted, to house materials recycling facilities, or composting operations;*
> - *sites previously or currently occupied by other types of waste management facilities"*

The site is located on vacant brownfield land within the existing Project site owned by Associated British Ports. It is therefore considered that the proposed Project is located within a suitable location and is compliant with the above statement.

3.4 The Environment Strategy for Wales (2006)

3.4.1 The Environment Strategy for Wales (2006) outlines the Welsh Government's long-term strategy for the environment of Wales, setting out the strategic direction for the next 20 years. The purpose of the strategy is to provide a framework within which to achieve an environment that is clean, healthy, biologically diverse and valued to people of Wales.

3.4.2 The results of the technical assessments undertaken to the support the planning application for the show that the proposed Project will not undermine the overarching objectives of the Environment Strategy for Wales and is considered to be entirely consistent with its relevant purposes.

3.5 Regional Planning Policy

3.5.1 Regional Waste Plan 1st Review (2008)

The Regional Waste Plan (**RWP**) provides a long-term strategic waste management strategy and land-use planning framework for the sustainable management of waste and recovery of resources in South East Wales. The aims of the RWP 1st Review are:

- *To minimise adverse impacts on the environment and human health;*
- *To minimise adverse social and economic impacts and maximise social and economic opportunities;*
- *To meet the needs of communities and businesses; and*
- *To accord with the legislative requirements, targets, principles and policies set by the European and National legislation and policy framework.*
- 5.69 *The RWP 1st Review comprises two main elements:*
- *The RWP Technology Strategy which provides strategic information on the types of waste management/resource recovery facilities required In the South East Wales; and*
- *The RWP Spatial Strategy, which provides strategic information on the types of locations likely to be acceptable.*

The proposed development comprises a sustainable development in this context, by increasing the use and supply of renewable and low carbon energy and providing the potential for the supply of energy to local users.

3.5.2 Regional Transport Plan (2010): The South East Wales Transport Alliance (**SEWTA**) is an alliance of 10 South-East Wales local authorities working with others to deliver better transport in the South East Wales region. It is constituted as a joint local government committee.

SEWTA's vision for the Regional Transport Plan (**RTP**) is to provide a modern, integrated and sustainable transport system for South East Wales that increases opportunity, promotes prosperity and protects the environment, where public transport, walking, cycling and sustainable freight provide real travel alternatives. The priorities of the RTP are to:

- *"Improve access to services, facilities and employment, particularly by public transport, walking and cycling;*
- *Provide a transport system that increases the use of sustainable modes of travel;*
- *Reduce the demand for travel;*
- *Develop an efficient and reliable transport system with reduced levels of congestion and improved transport links within the Sewta region and to the rest of Wales, the UK and Europe;*
- *Provide a transport system that encourages healthy and active life styles, is safer and supports local communities;*
- *Reduce significantly the emission of greenhouse gases and air pollution from transportation;*
- *Ensure that land use development is south east Wales is supported by sustainable transport measures; and*
- *Make better use of the transport system"*

3.5.3 The Transport Statement for the Application confirms that the traffic impacts of the proposal are acceptable. In terms of sustainable transport, there are a number of bus services on Ffordd Y Mileniwm (which staff can use) in close proximity to the site's main entrance on David Davies Road and that the nearest railway station (Barry Docks) is located less than 0.5 km away.

4. Local Planning Policy

4.1 The Vale of Glamorgan Adopted Unitary Development Plan 1996-2011

As a result of the provisions in the Local Government (Wales) Act 1994 each Local Planning Authority in Wales is now required to prepare a Unitary Development Plan (**UDP**) for its administrative area. This UDP provides the strategic and detailed policy framework within which provision will be made for development and conservation needs. It guides development for 15 years.

4.1.1 Policy ENV 16: Protected Species

"Permission will only be given for development that would cause harm to or threaten the continued viability of a protected species if it can be clearly demonstrated that:

i) There are exceptional circumstances that justify the proposals;

ii) There is no satisfactory alternative; and

iii) Effective mitigation measures are provided by the developer"

There are no known protected species within the site boundary of the proposed development (refer to the Ecology Report update (November 2014). It is therefore considered that the proposed development is consistent with policy ENV16.

4.1.2 Policy ENV 18: Archaeological Field Evaluation

"Where development is likely to affect a known or suspected site of archaeological significance, an archaeological evaluation should be carried out at the earliest opportunity and may be required before the proposal is determined. Detailed plans would need to reflect the conclusions of the evaluation"

There are no known archaeological features within the site boundary. It is therefore considered that the proposed development is consistent with the principles set out in Policy ENV 18.

4.1.3 Policy ENV 26: Contaminated Land and Unstable Land

"Proposals for the redevelopment of contaminated land and unstable land will be permitted where the contamination and/or instability will be removed or reduced to a level where there is no unacceptable risk to the health and safety of those living or working on the site or nearby, to flora and fauna on the site or nearby, and to the quality of air and water on these sites or nearby"

The site is located within Barry Port owned by Associated British Ports. The Environmental Report (see Appendix 12) produced for the Project to assess the implications of any potential environmental risks associated with constructing and operating a renewable energy plant on the site concluded

- the site is partially vacant and occupied by a container storage and refurbishment operation;
- the site is within an area affected by flooding and is within the indicative Zone 3 floodplain;
- the site is not located over a groundwater Source Protection Zone (SPZ). In any event the site will not impact upon groundwater as any potentially polluting outputs will be discharged to foul sewer in accordance with the requirements of a trade effluent consent or removed from the site by vehicle;
- an ecological survey is not required [although one was carried out] as the site is previously developed and consists only of a compacted hard standing surface which is not vegetated. There are no sites with sensitive flora or fauna having a statutory or local nature conservation designation within 500 metres of the site. The nearest designated site is the SSSI named "Hayes Point to Bendrick Rock" at a distance of 616 metres from the site (SSSI 510 administered by the Countryside Council for Wales) and covering an area of 29 hectares;
- the site has no clearly defined planning history but historical maps indicate that the following uses have occurred on the site:

  1879: Undeveloped estuarine land and river bed of Cadoxton River

  1898 to 1900: Land reclaimed to rail head, coal tip/loading dock

  1920 to 1973: Railway engineering works/rail head

  1989: Builder's yard

It is therefore considered that there is a low risk from potential contamination.

4.1.4 Policy ENV 27: Design of New Developments

"Proposals for new development must have full regard to the context of the local natural and built environment and its special features. New development will be permitted where it:

i) Complements or enhances the enhances the local character of buildings and open spaces;

ii) Meets the councils approved standards of amenity and open space, access, car parking and servicing;

iii) Ensures adequacy or availability of utility services and adequate provision for waste management;

iv) Minimises any detrimental impact on adjacent areas;

v) Ensures existing soft and hard landscaping features are protected and complemented by new planting, surface or boundary features;

vi) Ensures clear distinction between public and private spaces;

vii) Provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility;

viii) Has regard to energy efficiency in design, layout, materials and technology; and

ix) Has regard to measures to reduce the risk and fear of crime"

A Design and Access Statement (DAS) has been produced in support of this Project. The DAS demonstrates that an appropriate design approach has been adopted and will be followed throughout the process, to result in a development that can integrate successfully with the surrounding environment. The proposed Project is industrial in nature and the main components of the development will be industrial in appearance.

4.1.5 Policy ENV27 sets out criteria of the design, siting and external appearance of proposals. These have been taken into account in the design of the Project. This is further explained in the D&AS accompanying this planning application.

The design and layout of the proposals have been designed to make best use of the land available and to fit into the local context and topography.

The proposed development is considered to be entirely appropriate to the proposed location. The development is located within an existing industrial site and is therefore consistent with the policy ENV27.

4.1.6 Policy ENV 29: Protection of Environmental Quality

"Development will not be permitted if it would be liable to have an unacceptable effect in either people's health and safety or the environment:

i) By releasing pollutants into water, soil or air, either on or off site; or

ii) From smoke, fumes, gases, dust, smell, noise, vibration, light or other polluting emissions"

Technical assessments which support this application confirm the proposal will not have an unacceptable impact on the environment and is therefore consistent with Policy ENV 29.

4.1.7 Policy EMP 2: New Businesses and Industrial Development

"Proposals for new businesses and industrial development including agricultural service industries and the extension, conversion and replacement of existing premises for such purposes, will be permitted if all of the following criteria are met:

i) The proposal does not lie within the countryside except for those proposals acceptable under the terms of ENV 8 (Rural Buildings) or COMM 2 (Redundant Hospitals);

ii) The proposal minimises the loss of good quality agricultural land (grades 1, 2 and 3a) and does not have an unacceptable impact on areas of attractive landscape and high quality townscape or on areas of historical, archaeological or ecological importance;

iii) The size and relationship of any new building and/or alteration or extension is not disproportionate to its size and setting;

iv) Access and parking arrangements are in accordance with the councils approved standards;

v) Adequate landscaping is provided;

vi) The proposal does not have an unacceptable effect on residential amenity by virtue of traffic congestion, noise, smell, safety, health impacts and emissions;

vii) Adequate utility and infrastructure services exist or are reasonably accessible or capable of being readily and economically provided;

viii) Does not present additional risk to the health or safety of users of the site and does not unacceptable pollute air, water, or land; and

ix) Does not unacceptably affect the use of the adjoining land by virtue of the risk and impact of potential pollution"

The criteria of policy EMP2 covers a wide range of environmental and amenity issues that have been identified and it is considered that the proposed development will not pose any detrimental impacts to the environment.

4.1.8 Policy EMP 4: Protection of land for Employment Uses

"On existing employment sites and sites identified in policy EMP 1 Development of uses that are not contained in classes B1, B2 and B8 of the Town and Country Planning (Use Classes) order 1987 (as amended) will not be permitted". *B1 Businesses, B2 General Industry and B8 Storage or Distribution use as defined by Town and Country Planning (Use Classes) Order 1987 (as amended).*

The proposed Project will be an employment generating use which will continue to provide employment opportunities within the Barry Port zone.

4.1.9 Policy TRAN 1: Strategic Highways

"Land will be protected and provision made for the development of the strategic highway network, including:

iv) The airport access road, and

v) The Barry Waterfront to Cardiff Link"

The access arrangements for proposed Project will utilise existing access into the proposed site from David Davies Road within the Port of Barry complex. A Transport Statement has been prepared and is submitted in support of this application, which assesses the traffic impacts of the proposed Project. The Transport Statement concludes that traffic impacts arising will be insignificant. It is therefore considered that the proposed development is consistent with policy TRAN 1.

4.1.10 Policy TRAN 6: Rail Freight

"Development which would attract a significant amount of freight movement will be favoured where existing or potential rail facilities are available"

At this present time Sunrise Renewables Ltd is not proposing to consider the utilise rail-freight. The additional road trips generated by the Project in terms of the existing traffic movements of the Sunrise Renewables site are considered to have a negligible impact of the local highway network. Feedstock may also be imported to the site via the port itself.

4.1.11 Policy TRAN 10: Parking

"The provision of parking facilities will be in accordance with the approved parking guidelines, and will be related to the type of land use, its density and location: accessibility to existing and potential public transport facilities: and the capacity of the highway network"

Internal parking provision under the 2010 Permission comprises 5 spaces plus 1 disabled space and 4 cycle parking spaces. It is considered that the proposed level of parking provision remains appropriate for the number of staff and visitors likely to be using the facility. This is given that staff can share vehicles in accordance with the requirements of the current planning permission.

4.1.12 Policy TRAN 11: Road Freight

"In order to reduce the unacceptable environmental effects of heavy goods vehicles:

i) Developments which generate HGV movements which would unacceptably affect the amenity and character of the existing or neighbouring environments by virtue of noise, traffic congestion, or parking problems will not be permitted;

ii) Sufficient operational parking within the curtilage of HGV operating centres will be required; and

iii) Traffic management measures will be used where appropriate"

The proposed Project will generate only 30 additional HGV movements (in and out) per normal week-day, within normal working hours. The proposed development is located in close proximity to the highway network and therefore reduces the impact of HGVs on the local road network. In addition, HGV traffic will utilise existing junction access points which work well. Therefore the proposed development is consistent with policy TRAN 11.

4.1.13 Policy COMM 8: Other Renewable Energy Schemes

"Proposal for other renewable energy schemes will be permitted if all of the following criteria are met:

i) The proposal has no unacceptable effect on the immediate and surrounding countryside;

ii) The proposal has no unacceptable effect upon the sites of conservation, archaeological, historical, ecological and wildlife importance;

iii) Adequate measures are taken, both during and after construction, to minimise the impact of the development on local land use and residential amenity"

The site is located within an existing industrial estate and the technical assessments which accompany this application demonstrate that the proposed development would not adversely impact any sites of conservation, archaeological, historical, ecological and wildlife importance.

4.2 The Vale of Glamorgan Deposit Local Development Plan 2011-2026

4.2.1 The Local Development Plan (**LDP**), once adopted, will provide a framework for sustainable development within the Vale of Glamorgan up to 2026. It is an extremely important policy document that will guide the growth of the Vale of Glamorgan over a fifteen year period and also identify the infrastructure needs of our communities in terms of employment, facilities and services needed to support that development.

Wherever possible the plan's emphasis is on re-using previously developed land and minimising the need to develop on green fields.

The Local Development Plan objectives are as follows:

"Objective 2: To ensure that development within the Vale of Glamorgan makes a positive contribution towards reducing the impact of and mitigating the adverse effects of climate change"

"Objective 4: To protect and enhance the Vale of Glamorgan's historic, built and natural environment"

Objective 10: To ensure that development within the Vale of Glamorgan uses land effectively and efficiently and to promote the sustainable use and management of natural resources".

4.2.2 **Policy SP8-Sustainable Waste Management**

The capacity requirements of 291,600 tonnes identified in the Regional Waste Plan will be met through a combination of in building waste management solutions.

The following locations are considered suitable for the development of in-building waste management solutions:

- *Atlantic trading estate;*
- **The operational port of Barry Docks***;*
- *Llandow Industrial Estate; and*
- *On suitable existing and allocated class B2 Employment sites*

The provision of open air facilities such as civic amenity sites, composting and recycling of commercial and demolition waste will also be permitted in existing class B2 employment sites, operational mineral

working sites or within or adjoining existing farm complexes where they do not conflict with existing or proposed neighbouring uses.

The site is located within the operational port of Barry Docks. It is therefore considered that the proposed development is compliant with policy SP8.

4.2.3 Policy SP 10- Built and Natural Environment

"Development proposals must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan including:

1. The architectural and/ or historic qualities of individual buildings or conservation areas;

2. Historic Landscapes, parks and gardens;

3. Special Landscape Areas;

4. The Glamorgan Heritage Coast;

5. Sites designated for their local, national and European nature conservation importance; and

6. Important Archaeological and Geological features"

The site is located within the operational port of Barry Docks and does not have any known sites of architectural or historic value in close proximity to the proposed development site. It is therefore considered that the proposed development is consistent with policy SP10.

4.2.4 **Policy MD1- Location of New Development**

"To ensure that new development on unallocated sites assists in delivering the strategy, development will be favoured where it:

1. Has no unacceptable impact on the countryside ;

2. Reinforces the role and function of the key settlement of Barry, the service centres settlements, primary settlements and minor rural settlements as key providers of commercial, community and healthcare facilities;

3. Promotes new enterprises, tourism, leisure and community facilities in the rural Vale of Glamorgan;

4. In the case of residential development, supports the delivery of affordable housing in areas of identified need;

5. Has access to or will promote the use of sustainable modes of transport;

6. Will benefit from existing infrastructure provision or where new infrastructure can be provided without any unacceptable effect on the natural or built environment;

7. Promotes sustainable construction and makes beneficial use of previously developed land and buildings;

8. Provides a positive context for the management of the water environment by minimising or avoiding areas of flood risk and safeguards resources; and

9. Does not have an unacceptable impact on green wedges, sites of importance for nature conservation, special landscape areas and/ or the Glamorgan Heritage Coast"

The proposed Project is located within an existing industrial site on previously developed land. The Flood Risk Assessment prepared in support of the Project (Appendix 13) concluded that:

- the proposed development is located within Zone B but outside Zone C2, as identified by Technical Advice Note 15: Development & Flood Risk (July 2004) (TAN15). Zone B can be defined as "*areas known to have been flooded in the past evidenced by sedimentary deposits*" and Zone C2 as "*areas of floodplain without significant flood defence infrastructure*". Any development within Zone C would require a full Flood Consequences Assessment (FCA);

- the proposed development is also located outside the Environment Agency Wales (EAW) extreme (0.1%) Flood Map, which would normally underlay Zone B;

A topographic survey of the site (prepared on a precautionary basis, in line with EAW recommendations) produced three cross sections from north of the site through to the direction of the dock to confirm that the development is above the adjacent extreme flood outline and corresponding Zone C2;

Following submission of this information to the EAW, the Development Control Officer of the EAW confirmed that the site was not at risk of flooding and the cross sections were acceptable.

Policy changes within the EAW at the time meant that applications in Zone B were taken on a risk-based approach and since the zone is outside the Q1000 Flood Map, there is no perceived risk to the development.

4.2.5 **Policy MD2-Place Making**

"Development will be favoured where it contributes to creating high quality, healthy, sustainable and locally distinct places, in particular proposals should:

1. Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment;

2. Respond appropriately to the local context and character of neighbouring buildings in terms of type, form, scale, mix, and density;

3. Identify opportunities to provide new or enhanced areas of public realm particularly in key locations such as town centres, major routes and junctions;

4. In the case of retail centres, provide active street frontages to create attractive and safe urban environments;

5. Provide a safe and accessible environment, giving priority to pedestrians, cyclists and public transport users;

6. Where appropriate, conserve and enhance the quality of, and access to, existing open sources and community facilities;

7. Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking security, noise and disturbance;

8. Incorporate sensitive landscaping including the retention and enhancement of existing features and biodiversity interest; and

9. Make a positive contribution towards tackling the causes of and adapting to the impacts of climate change by promoting renewable and low carbon energy use"

As already detailed, the site is contained within the operational port of Barry Docks and has been designed with regard to the context and character of the site. The proposed Project will provide an effective and sustainable means by which to reduce waste sent to landfill within Barry, and will make a direct contribution towards the Welsh Assembly's and the UK Government's Climate Change objectives.

4.2.6 **Policy MD 3: Design of New Development**

"Development proposals will be permitted where:

1. They are of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment;

2. They respond appropriately to the local context and character of neighbouring buildings in terms of type, form, scale, mix and density;

3. Existing features of townscape or biodiversity interest are preserved or enhanced;

4. There would be no unacceptable impact on the amenities of neighbouring occupiers;

5. The development would be compatible with other uses in the locality;

6. They promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour;

7. They provide a safe and accessible"

The proposed development is located in an existing industrial site. As detailed in the landscape and visual impact assessment, the proposed design of the facility is considered to be functional in nature and therefore suitable for the application site.

4.3 Compliance with the Development Plan

This planning statement demonstrates that the development proposal is consistent with the Development Plan and represents sustainable development. It is therefore considered that the development as proposed is afforded a high level of support by the Wales Spatial Plan and Planning Policy Wales.

The proposed development will make a direct contribution to achieving renewable energy generation and renewable heat targets thereby implementing Government policy at the European and UK levels which encourages more electricity generation from renewable sources.

The proposed development is relation to the relevant policies concludes that the proposed development is in accordance with the objectives of renewable energy policy at the EU, UK and Local Government levels. There is a strong policy drive at a European and UK level to continue to develop renewable energy. These latest European and UK Government policies establish a strategic need for renewable energy provision in the UK to assist in tackling Climate Change.

5. Policy Conclusions

Policies set out in the national, regional and local level all place emphasis on a reduction in the quantities of waste being directed towards landfill, and an increase in recycling levels. The general theme within the planning policy statements is the encouragement of renewable sources of energy, the use of brownfield land and sustainable development. The proposed development is supported by the aims and objectives set out in the planning policy guidance documents described above. It is considered that there are no overriding planning constraints specific to the site, and the proposed development would not conflict with development plan policies set out in local and national policy documents.

There have been no material changes to the policy context of the application site since the 2010 Permission was granted for the facility. National guidance remains supportive of well-conceived renewable energy schemes. Regional and local policy also remains supportive of industrial / employment development in the docklands area, provided there are no unacceptably adverse environmental impacts. The information submitted in support of the application demonstrates that the proposed amendments are primarily focused on implementing the previously approved scheme in an efficient and economic fashion and would not result in any such impacts. Consequently, the proposals remain compliant with relevant policies and guidance.