

Lambert, Fiona

From: Robinson, Ian
Sent: 04 February 2020 14:31
To: Steve Butler
Cc: Richard Frearson; Freddy Murray; Goldsworthy, Marcus J; Docherty, James
Subject: RE: Barry Biomass

Dear Mr Butler,

Further to your email, the Council has not sought further advice from Counsel. If this is the route you wish to pursue, you should satisfy yourself that this is lawful and appropriate, and in doing so, I would recommend you take advice from a planning consultant or planning lawyer. If you subsequently do wish to pursue that route, please provide confirmation of that and the legal/planning law basis for doing so (for our planning lawyer to consider). Please note that as applicant it is essentially for you to propose a substantiated way forward for the Council to consider.

In response to your other question, if that is deemed to be an appropriate route, you could seek to discharge the conditions as they are. If you wanted to vary the terms of them, an NMA may be appropriate, depending on the nature/magnitude of the change. Please note that the 2015 permission was granted on the 31st July 2015.

On a related note, the Council's letter of 10th January suggested the 2017 proposal appeared to be Development of National Significance. You/the applicant have not contested that rationale- however, I would give you a final period of a week to consider this further prior to formally deeming it invalid. If you have any comments on this matter please let me know by next Monday so that these can be considered further.

Regards,

Ian Robinson
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Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

From: Steve Butler <steve.butler@sol-environment.co.uk>
Sent: 31 January 2020 10:30
To: Robinson, Ian <IRobinson@valeofglamorgan.gov.uk>
Subject: Barry Biomass - Noise Conditions

Hi Ian, I hope that you are well.

Further to our discussion yesterday and the suggestion that it may be appropriate to discharge the 2015 Barry Biomass conditions through the 'normal' condition discharge routes, please can you advise on the conclusion of your legal counsel on this.

On a related note, we discussed the fact that the noise conditions no longer remained relevant for the site and should be replaced such that they align with the Regulatory requirements of the NRW and the agreed noise mitigation plan.

On the assumption that a majority of the conditions will be able to be discharged via a normal 'discharge of conditions' route, would you therefore consider it appropriate to make either an NMA or a change of condition application specifically for the noise conditions so that they align with the 'more onerous' NRW permitted noise conditions.

I am available to discuss all day if required.

All the best,

Steve

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....Consulting Sustainability

Please note that our Bristol Office has now moved to:
No.7 Greenway Farm | Bath Road, Wick | Bristol | BS30 5RL

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