

Application No: 2015/00031/OUT

TEAM: South

Grid: E 312610

N 167683

Sheet No: 162/3

Location: David Davies Road, Woodham Road,
Barry

Proposal: Outline application for a wood fired renewable energy plant

Applicant: Sunrise Renewables
(Barry) Ltd,
Gilbert Wakefield House,
Bewsey Street,
Warrington
WA2 7JQ

Agent: Sunrise Renewables
(Barry) Ltd,
Gilbert Wakefield House,
Bewsey Street,
Warrington
WA2 7JQ

Officer: Mr. Robert Lankshear

OD/Cttee Committee

Registered: 5 February 2015

Expiry Date: 2 April 2015

Conservation Area?

* NOT in Con Area if left blank

Listed Building?

* NOT affecting a LB if left blank

CAAG Report required? Yes / No

If yes, CAAG Date :

ADDITIONAL INFO (PLANNING HISTORY/ CONSTRAINTS ETC)

CA15 - Civil Aviation Authority - All Applications over 15m

SAT - South Area Team

ZB1 - Flood Risk Zone B1

ZC2 - Flood Risk Zone C2

SWM - Surface Water More

SWI - Surface Water Intermediate

SWL - Surface Water Less

PH1 - See File

15 00031 OUT

Administration Officer: Mrs. V. Rees

Registration Completed Date: 16 February 2015

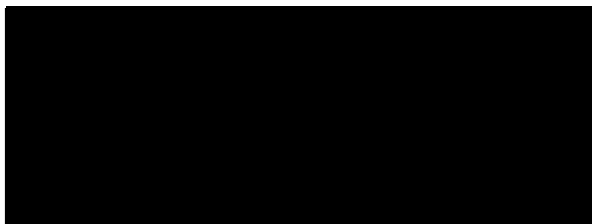
Quercus

• Storage of wood trap -

2009 / 0002 / 1 / m

Who will handle with
electron &

What will happen to
the toxic ash → when
its finished.



Power Consulting Midlands

Steve Liquorish
Site Manager

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Tim Darlington

Technical Advisor

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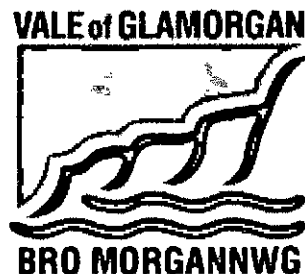
Email: tim@powerconsultingmidlands.com



109
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MEMORANDUM / COFNOD

The Vale of Glamorgan Council
Public Protection Services
Legal, Public Protection and Housing Services Directorate
Civic Offices, Holton Road
BARRY, CF63 4RU



To:	Mr Morgan Howell
Dept / Adran:	
Date/Dyddiad:	
Your Ref / Eich	Docks Office, Subway
Cyf:	Road, Barry, CF63 4RT

From /	Rebecca Athay
Oddi Wrth:	Pollution Section
My Ref/Cyf	REA/286856
Tel / Ffôn:	01446 709105
Fax /	01446 709449
Ffacs:	

Subject / Testyn: **Re: Planning Application No - 2015/00031/OUT
Sunrise Renewables Ltd, Street Record, David Davies Road, Barry, Vale Of Glamorgan.
Outline application for a wood fired renewable energy plant**

I refer to your memorandum received by this department on 19 February 2015, this department has Comments to make regarding the above application:

Air Quality

Based on the modelled data provided, there appears to be no evidence of the Renewable Energy Plant (REP) breaching the relevant ambient air quality objectives (Nitrogen Dioxide, Sulphur Dioxide, PM₁₀, Carbon Monoxide). Specific stack emissions have also been modelled and indicate that they would comply with imposed permit conditions as set by Natural Resources Wales.

However, reference has not been made to other approved sites (that may not yet be in operation) that could have a contributing/cumulative pollutant factor which may adversely affect the air quality.

Due to the topography of the local area, the height of the stack may be level with sensitive receptor locations, subject to planning approval that are yet to be constructed. The air quality assessment has not considered sensitive receptor locations yet to be constructed, including their relative elevations to the proposed stack.

Appendix F and Appendix G are missing from the Report.

The Local Planning Authority (LPA) should ensure that the air quality assessment is updated to reflect and consider the above. This is to verify that the REP will not lead to any Process Environmental Concentrations (PECs) breaching any relevant Environmental Assessment Levels or local air quality objectives.

Recommendation:

- That the source material (i.e. wood chip) be properly, quality controlled to ensure the absence of copper/chrome/arsenic (CCA) and creosote treated wood.

Reason: To ensure predicted emissions including Chromium VI can be achieved in-line with the submitted air quality assessment.

Noise

The noise impact assessment and predictions are based on background noise measurements and locations as identified in a previous application. We do not believe that background noise levels within the area have increased. However, reference has not been made to other approved sites that are yet to be constructed as they may impact on background levels.

The noise impact assessment and predictions indicate no adverse impact upon amenity from the REP. Nevertheless the process will need to demonstrate Best Available Technique for noise control during the permitting process. This will offer further opportunity to limit impacts and will be for discussion with Natural Resources Wales.

It is advised that the operators of mobile plant within and outside curtilage of the facility use reversing safeguards that have low off site impact. For example, bleeper alarms are omnidirectional and can be audible over a large distance – alternatives to be used, for example directional sound or white noise.

Construction Phase

Prior to this phase, a Construction Environment Management Plan (CEMP) should be submitted to and agreed with the LPA. This must detail the control of noise and dust etc. prior to works commencing.

Odour

There should be no odour from the REP as it works on negative pressure.

Lighting

Exterior lighting should be installed in accordance with the Institute of Lighting Engineers guidelines for the control of obtrusive light.

Reason: to avoid negative impact upon amenity by obtrusive light.

Ground Conditions

The submitted report includes a recommendation for further gas monitoring. This is recommended. A detailed ground investigation will be required to ensure that any contamination does not impact upon the end use.

Environmental Permitting Regulations

It is essential to note that the operation of this process cannot legally operate until it benefits from an Environmental Permit issued by Natural Resources Wales.

Rebecca Athay
Environmental Health Officer

Howell, Morgan P

From: Patricia Osborne (Cardiff and Vale UHB - Director of Public Health Office)
<Patricia.Osborne@wales.nhs.uk>
Sent: 11 June 2015 11:50
To: Howell, Morgan P
Cc: Daniel Rixon (Public Health Wales)
Subject: David Davies Road
Attachments: Letter to Morgan Howell 09.06.15.pdf

Please find attached a letter regarding David Davies Road. A hard copy will not follow.

Regards

Trisha

Patricia Osborne

Executive Assistant To the Director of Public Health / Cynorthwydd Gweithredol i'r Cyfarwyddwr Meddygol
Gweithredol
Cardiff and Vale University Health Board / Bwrdd Iechyd Prifysgol Caerdydd a'r Fro
Executive Headquarters / Pencadlys Gweithredol
University Hospital of Wales / Ysbyty Athrofaol Cymru
Heath Park / Parc Y Mynydd Bychan
Cardiff CF14 4XW / Caerdydd CF14 4XW

Phone / Ffôn: 029 20748886

Email / E-bost: Patricia.Osborne@wales.nhs.uk

Website / Gwefan: www.cardiffandvaleulhb.wales.nhs.uk

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Cofiwch ystyried yr amgylchedd - ydych chi wir angen argraffu'r e-bost hwn?

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Mae'r neges hon yn gyfrinachol. Os nad chi yw'r derbynnydd y bwriedid y neges ar ei gyfer, byddwch mor garedig â rhoi gwybod i'r anfonydd yn ddi-oed. Dylid ystyried unrhyw ddatganiadau neu sylwadau a wneir uchod yn rhai personol, ac nid o angenrhaid yn rhai o eiddo Bwrdd Iechyd Prifysgol Caerdydd a'r Fro, nac unrhyw ran gyfansoddol ohoni na chorff cysylltiedig. Mae cyfathrebu drwy e-bost yn amodol I fonitro; am fwy o wybodaeth. <http://www.wales.nhs.uk/sitesplus/864/cymraeg>

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Cofiwch fod yn ymwybodol ei bod yn bosibl y bydd disgwyl i Bwrdd Iechyd Prifysgol Caerdydd a'r Fro roi cyhoeddusrwydd i gynnwys unrhyw ebost neu ohebiaeth a dderbynnir, yn unol ag amodau'r Ddeddf Rhyddid

Howell, Morgan P

From: Howell, Morgan P
Sent: 11 June 2015 12:27
To: 'Douglas Wardle'
Cc: Athay, Rebecca
Subject: RE: 2015/00031/OUT - David Davies Road, Woodham Road,

Hi Douglas,

Yes, my plan is to get it to this upcoming planning committee. We have had responses from NRW, Public Health Wales and our Environmental Health officer who have made some comments but do not object to the application and I have had some further queries from Friends of Earth.

Here is a link to the website information regarding applying to speak at committee. However, I do not think this can be carried out until the week of committee

<http://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Guidance/Guide-Public-Speaking-Planning-Committee.pdf>

In addition, our Environmental health officer noted that both annex F and G were missing from the updated AQA. Can you provide these annexes to the document. Also, she said that it was not noted in the documents submitted but she wanted me to query whether you had taken into account the topography of the site and the fact that the new proposed stack height being level with Dock View road and the dispersion of the stack emissions?

Kind regards

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704743
e-mail / e-bost: MPHowell@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
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From: Douglas Wardle [REDACTED]
Sent: 10 June 2015 19:14
To: Howell, Morgan P
Subject: RE: 2015/00031/OUT - David Davies Road, Woodham Road,

Hi Morgan – just checking in to make sure everything is OK for submission of the paper for the 2nd July meeting?

We are planning on attending so could you let me know if we need to make any special application?

Kind regards

Douglas

Douglas Wardle



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From: Howell, Morgan P [<mailto:MPHowell@valeofglamorgan.gov.uk>]
Sent: 04 June 2015 13:22
To: Douglas Wardle
Subject: RE: Queries from Barry Friends of the the earth

Thanks Douglas, I will pass on the information.

Kind regards

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704743
e-mail / e-bost: MPHowell@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
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From: Douglas Wardle [REDACTED]
Sent: 04 June 2015 13:08
To: Howell, Morgan P
Subject: RE: Queries from Barry Friends of the the earth

Dear Morgan: just getting back to you, I attached the Responses to the questions raise by Friends of the Earth, both in Word and as a Pdf.

I expect to be able to send through something similar dealing with biofuelwatch's queries by the end of the day today.

Kind regards

Douglas

Douglas Wardle



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From: Howell, Morgan P [<mailto:MPHowell@valeofglamorgan.gov.uk>]
Sent: 01 June 2015 12:50
To: 'Douglas Wardle'
Subject: RE: Queries from Barry Firends of the the earth and biofuelwatch

Thanks Douglas, much appreciated.

Kind regards

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704743
e-mail / e-bost: MPHowell@valeofglamorgan.gov.uk

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From: Douglas Wardle [REDACTED]
Sent: 01 June 2015 12:48
To: Howell, Morgan P
Subject: RE: Queries from Barry Firends of the the earth and biofuelwatch

Thanks Morgan – we'll have a look at the letters and respond separately.

On the feedstock point, it's not especially complicated: as you will probably realise, waste wood, just like any wood, has a moisture content and this can vary from very low to quite high. When you process wetter wood, it means you are effectively 'boiling off' more water which does not contribute to generating electricity (in fact it detracts since you have to use energy to boil it off).

The technology we have selected is warranted to process waste wood with a moisture content in the range 5% up to 30%. Of course you never know how much moisture we will be receiving (and indeed it varies according to the time

My understanding from the two different submissions is that friends of the earth consider the proposal to be a waste disposal and therefore a Schedule 1 development, however, my understanding is that it is an energy recovery plant but if you could qualify this and provide comments on Mr. Wallis other queries sent on 27th May and 7th April it would be beneficial to hear your views on these matters.

In addition, Biofuelwatch outline that they have considered the proposals and also query the efficiency of the energy recovery to a point where the use would be considered a Waste disposal. In addition, there is also a queries regarding the 72,000 tonnes of dry waste wood, where the 2008 permission simply stated 72,000 tonnes of waste wood? In addition, they have outlined that a similar application by sunrise was submitted in Barrow in Furness outlining that a 10MWe 'gasifer' would require 86,000 tonnes of waste wood whereas the application in the vale is stating only 72,000 tonnes of waste is required?

Your comments on the above matters outlined in the attached representations would be appreciated as soon as possible so these matters can be addressed in the application report. If you have any queries please do hesitate to contact me on 01446 704743.

Kind regards

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
Tel / ffôn: 01446 704743
e-mail / e-bost: MPHowell@valeofglamorgan.gov.uk

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www.publichealthwales.org

02nd June 2015

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council

MPHowell@valeofglamorgan.gov.uk

Hello Morgan

**Re 2015/00031/OUT Wood fired renewable energy plant, David Davies
Road, Woodham Road, Barry – Air Quality
PHW references (ENQ 399 & A8BQ64)**

Thank you for the opportunity to comment on the updated Air Quality Assessment (AQA). Based upon the information provided by the applicant, there is limited potential for risk to public health from the proposed process itself.

However, we understand that similar processes in the vicinity of this proposal may already be subject to planning permission (i.e. a wood pellet plant at Dow Corning and a residual waste gasification plant at Atlantic Way). We also understand that multi-storey residential properties may have permission approximately west of the proposal. If the above is the case, then the AQA does not appear to acknowledge the additional emission sources and sensitive receptors.

We therefore refer to our previous recommendations (below) with regard to the assessment of cumulative impacts of emissions upon sensitive receptors.

"Operation Phase Air Quality

- That the LPA requires that the air quality assessment (AQA) considers the additional contributions of relevant pollutants from sources already approved (but may not as yet be operational). The AQA also considers any sensitive receptor locations subject to planning approval but yet to be constructed including their relative elevations to the proposed stack.*

Reason: to confirm that the additional process contributions (PC) will not lead to any process environmental concentrations (PECs) breaching any relevant Environmental Assessment Levels (EALs) or local air quality objectives."

Yours sincerely,

Kristian James
**Prif Arbenigwr Iechyd Cyhoeddus Amgylcheddol / Principal Environmental
Public Health Specialist**





**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: **SE/2015/118745/01**
Eich cyf/Your ref: **2015/00031/OUT**

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melinda.barratt@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 03000 065 3091

FAO: Morgan Howell

The Vale of Glamorgan Council
Development Control
Docks Office
Subway Road
Barry
CF63 4RT

18 May 2015

Dear Sir/Madam,

ADDITIONAL INFORMATION RECEIVED - WOOD FIRED RENEWABLE ENERGY PLANT AT DAVID DAVIES ROAD, WOODHAM ROAD, BARRY.

Thank you for providing us with additional information for the above application which we received on the 6 May 2015.

We have reviewed the following documents:

- Proposed Wood Gasification Facility Woodham Road, Barry – Air Quality Assessment prepared by 'Entran environmental and transportation' dated 5 May 2015.

As the proposed site lies within close proximity to the Severn Estuary (designated as a Special Area of Conservation (SAC), Special Protection Area (SPA) and a RAMSAR site) and is also within close proximity of Hayes Point to Bendrick Rock (a Site of Special Scientific Interest (SSSI)) and Barry Island SSSI, we advised that further assessment of aerial emissions should be undertaken. This was to ensure the principle of development at this location could be acceptable.

We confirm the air quality assessment has adequately assessed the potential impacts upon the above sensitive habitats. Our advice is that the proposed development is not likely to have significant effects on these sensitive habitats. We therefore remove our objection.

As you are aware the development will require an Environmental Permit from us under the Environmental Permitting Regulations 2010. We have not received an application yet. As part of the permit application process we will consider, in detail, a wide range of potential environmental impacts including air and water quality, human health, odour, noise, and impact on flora and fauna. We would only issue a permit if the proposal meets the necessary standards. It should be noted that planning permission does not prejudice our decision on if we grant a permit under the Environmental Permitting Regulations.

We also confirm that this latest information is sufficient for your Authority to complete a Habitat Regulations Assessment as required by the Conservation of Habitats and Species Regulations 2010.

If you have any further queries, please don't hesitate to contact us.

Yours faithfully

Melinda (Lindy) Barratt

Ymgynghorydd Cynllunio Datblygu / Development Planning Advisor
Cyfoeth Naturiol Cymru / Natural Resources Wales

Water Resources

We encourage water efficiency in all development. For residential, we recommend a minimum standard of Level 3 of the Code for Sustainable Homes. http://www.planningportal.gov.uk/uploads/code_for_sustainable_homes_techguide.pdf. For commercial, we recommend rainwater harvesting and grey water recycling. Development should endeavour to meet the 'very good' rating under the BREEAM Standard for non-residential development. www.breeam.org

Pollution Prevention

You should incorporate pollution prevention measures to protect ground and surface waters. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice, which include Pollution Prevention Guidance Notes (PPG's) targeted at the specific activities (as listed below). Pollution prevention guidance can be viewed on our website: www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Also, the NetRegs website has guidance, specific for the construction sector, on environmental regulations and good practice. Codes of Practice on preventing pollution from agricultural activities is available on Defra's website: <http://www.defra.gov.uk/foodfarm/landmanage/cogap/index.htm>

Environmental Permits (EPs) / Consent Requirements – separate to Planning Permission

The granting of planning permission does not permit activities that require consent, licence, or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained before work commences. Consenting procedures can take several months to complete, and early contact is therefore advised.

Further information can be found on our website:

www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Flood Defence Consents

Any works (including temporary works) in, under, over or adjacent to a 'main river' (including any culverting) may require us to give formal permission in the form of a Flood Defence Consent before you start any work. We operate a "no-culverting" policy and Consent for culverting will only normally be granted for site access purposes. Our Development and Flood Risk Team will be able to help with this. Please phone 0300 065 3000 - this is the general enquiries line for the Customer Services Centre and ask to be put through to the team that covers your area if you would like further advice or to apply for a Consent.

Please be aware that on 6 April 2012, when a further phase of the Flood and Water Management Act 2010 was implemented, responsibility for regulating activities (issuing consents; and undertaking enforcement action) on 'ordinary watercourses' in most areas of England and Wales transferred from the Environment Agency to lead local flood authorities, for example, Unitary Authorities, or Internal Drainage Districts (IDDs). Please refer to the relevant organisation for consent applications.

Fish Stocking

Our consent is needed before any fish can be introduced or removed from a watercourse or fishery. This applies to all waters, both public and private. The only exceptions are fish farms and domestic waters (e.g. garden ponds) which are less than one acre in area and which are not fished. Here you can find out about online methods of fish movement consenting www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Discharge (of Effluent) to ground or surface waters

You will need to apply for a Permit, or Exemption, if you wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. You may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. You must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Environmental Permits (EPs) (formerly Waste Management Licences + Pollution Prevention Control Permits)

Waste arising from development, must be handled in accordance with relevant environmental permitting legislation. Waste must be minimised and options for reuse or recycling should be investigated before it is sent for disposal. Importation of waste material onto site (e.g. hardcore for construction) will require a waste authorisation, which may be an EP; although in most cases will be the registration of an exemption from the need for an EP. If the purpose of development is to create a waste management facility (e.g. landfill, incinerator, transfer/recycling centre, scrapyards, contaminated land remediation, anaerobic digestion or composting plant), some form of waste management authorisation will be required, in the form of an EP (previously WMLs or PPC Permits). For further information contact us on Tel. 0300 065 3000 - this is the general enquiries line for the Customer Services Centre or visit our web site at www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Environmental Permitted Sites

Under the Environmental Permitting (England and Wales) Regulations 2010 permitted sites should not cause harm to human health or pollution of the environment and any emissions should meet regulatory requirements and technical standards. The operator is required to have appropriate measures in place at the site to prevent pollution to the environment, harm to human health the quality of the environment, detriment to the surrounding amenity, offence to a human sense or damage to material property.

Other EPs may also be required

For example, to abstract surface or groundwater, to impound water bodies, and for Industrial and Intensive Pig & Poultry (formerly Integrated & Pollution Prevention Control Permits). Contact us on Tel. 0300 065 3000 - this is the general enquiries line for the Customer Services Centre. To apply for an EP please view our website at: www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Further Information

Information on protecting and enhancing the environment, and the location of features such as Source Protection Zones, can be obtained from our website: www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Pollution Prevention Guidance Notes (PPG's) are available on the following topics:

- | | |
|---|---|
| <i>PPG01 General guide to the prevention of water pollution</i> | <i>PPG18 Control of spillages and fire fighting run-off</i> |
| <i>PPG02 Above ground oil storage tanks</i> | <i>PPG20 Dewatering underground ducts and chambers</i> |
| <i>PPG03 The use and design of oil separators</i> | <i>PPG21 Pollution incident response planning</i> |
| <i>PPG04 Disposal of sewage where no mains drainage available</i> | <i>PPG22 Dealing with spillages on highways</i> |
| <i>PPG05 Works in, near or liable to effect watercourses</i> | <i>PPG26 Storage and handling of drums & immediate bulk containers</i> |
| <i>PPG06 Working at construction and demolition sites</i> | <i>PPG27 Installation, decommissioning and removal of underground storage tanks</i> |
| <i>PPG07 Refuelling facilities</i> | <i>PPG28 Controlled Burn</i> |
| <i>PPG08 Storage and disposal of used oils</i> | |
| <i>PPG13 High pressure water and steam cleaners</i> | |

Natural Resources Wales / Cyfoeth Naturiol Cymru

Rivers House, St Mellons Business Park, Fortran Road, Cardiff, CF3 0EY

Customer Services Centre telephone line: 0300 065 3000

Email: planning@naturalresourceswales.gov.uk / cynllunio@cyfoethnaturiolcymru.gov.uk

Website: www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk



Vale of Glamorgan Highway Authority Observation Sheet

Planning Application Ref:	2015/00031/OUT
Observations By:	Paul D Harrison
Date:	1 May 2015
Location:	David Davies Road, Woodham Road, Barry
Proposal:	Outline application for a wood fired renewable energy plant
Case Officer:	Mr. Morgan P. Howell

The development is for the construction of a wood fired renewable energy plant within the boundary of the site. Under the proposals, vehicle and pedestrian access will be provided from David Davies Road via a new priority junction. Parking will be provided within the site for 12 No. cars (including 1 No. disabled) and 4 No. cycles, which will be allocated for the use of visitors and staff, alongside operational parking for 2 No. HGV's. There will be a total of 10 No. staff employed at the site at any one time.

When reviewing the proposals, it is noted that planning consent was granted at appeal for a similar development at the site (planning reference 2008/01203/FUL) in July 2010. While mindful of the previous planning application and subsequent appeal, it is noted that the main difference in highway terms to that of the extant consent, relates to the proposed delivery periods associated with the development. This will change from 7 to 5 days each week, excluding weekends.

As a result, daily HGV trips to and from the site would be increased from 22 (two way) to 30 (two way) trips per day, giving a net increase of 8 trips (two way) between 0700 and 1900 during the weekday, with no deliveries at weekends.

When considering the effect of additional trips along the highway network, it is considered that there would no material impact above that of the extant planning consent at the site. Furthermore, it is noted that there will be no increase in the overall number weekly trips associated with delivery vehicles.

Therefore, provided that the following details are made conditional to the planning consent, an objection in relation to the highway and transportation aspect of the proposals is not raised.

Conditions

1 In order to maintain adequate visibility splays from the existing junction of David Davies Road and Woodham Road, any boundary fences are required to be set back by a minimum of 4.0m from the adjacent carriageway edge.
Reason: In the interests of highway safety.

2 Visibility splays of 4.5m x 48m in both directions, measured from the centre line of the proposed access shall be provided along the adjacent carriageway. Within the visibility envelopes, no obstructions e.g. boundary walls, fencing etc. shall be greater than 900 mm in height above the carriageway channel edge and any planting will be located at the rear of the visibility envelop and shall not be greater than 600mm in height. **Reason:** In the interests of highway safety.

3 The proposed access into the site shall be constructed from a bound material for a minimum distance of 20.0m from the carriageway boundary.
Reason: To prevent loose material being brought on to the adjacent carriageway, in the interests of highway safety.

4 Before beneficial occupation, the proposed parking provision as shown on the submitted plans, shall be set out in accordance with the Council's parking standards and thereafter maintained and retained at all times for the use of the development. **Reason:** To ensure adequate car parking provision for the use of the development and to prevent overspill parking along the adjacent carriageway.

5 Gates, if provided shall not open outwards and shall be set back a minimum of 20.0m from the adjacent carriageway edge. **Reason:** To prevent vehicles queuing along the adjacent carriageway when accessing the site, in the interests of highway safety.

6 Before beneficial occupation, details of 5 No. cycle parking spaces, secured and undercover within the boundary of the site are required to be submitted to and approved in writing by the LPA. Thereafter, the cycle parking shall be provided and maintained at all time for the use of the development.
Reason: To ensure adequate car parking provision within the site, in accordance with the Councils parking standards.

Policy Observations

Case Officer: Mr Morgan Howell	
Pl. App. No: 2015/00031/OUT	Policy Ref: P/POL/NPS/UDP17ii
Location: David Davies Road, Woodham Road	
Proposal: Outline application for a wood fired renewable energy plant	
Relevant Plans / SPGs: <ul style="list-style-type: none">• The Vale of Glamorgan Adopted UDP 1996 to 2011• Planning Policy Wales Edition 7 July 2014 (PPW)• South Wales Parking Guidelines 1993 (as amended 2001)• Renewable Energy Assessment background paper (2013)	
Relevant UDP Policies: <p>Part 1 Policy 1 (The Environment) Policy 2 (The Environment) Policy 8 (Transportation) Policy 14 (Community and Utility Services)</p> <p>Part 2 Policy ENV 6 – East Vale Coast Policy ENV 27 – Design of New Developments Policy ENV 29 – Protection of Environmental Quality Policy TRAN 11 – Road Freight Policy COMM 8 – Other Renewable Energy Schemes</p>	
Comments: <p>The proposal is located outside the Barry settlement boundary to the south on the Atlantic Trading Estate within Barry Docks and lies within the developed coast identified in the Adopted UDP.</p> <p>Although the Vale of Glamorgan UDP is time expired its policies in relation to this proposal are not considered out of date and it remains the statutory development plan for the area. Therefore, this proposal should in the first instance be considered under policies outlined in the Adopted UDP.</p> <p>As you will be aware planning consent has previously been obtained on this site for a wood fuelled power plant (permission reference 2008/01203/FUL approved by appeal APP/Z6950/A/09/2114605 on 2nd July 2010). It is understood that the main changes within this new proposal are to the technology involved for the development which will increase the average annual power output to 10MWe from 9MWe; the layout has changed to accommodate the proposed technology as it requires a different configuration of buildings resulting in a footprint 7.5% less than the original permission; and there is a change in the elevations for the development with two buildings being lower and one building being higher than in the original permission. The average building height has increased to 16.3m from 14m as well as the height of the stack which has been increased to 43m.</p> <p>Policy ENV 6 identifies the extent of the developed coast and recognises the Barry Docks port estate and its continued use and as a commercial/industrial area. In this respect the policy requires that proposals should be designed with respect to its local context and be sensitive to its coastal setting. There are no other UDP designations which apply to the application site and given its industrial and port setting it could be argued that the proposal satisfies this requirement.</p> <p>Policy COMM 8 permits developments for other renewable energy schemes subject to a list of criteria and you should be satisfied the revised proposal meets these requirements. The revised proposal should follow criteria for design set out in Policy ENV 27 to achieve good design with minimal impact on the surrounding area.</p> <p>Policy ENV 29, Protection of Environmental Quality, will also be relevant in considering this proposal. The policy does not permit development proposals if it would be liable to have an unacceptable effect on either people's health and safety or the environment and lists a number of relevant considerations in relation to pollutants, smoke, fumes, gases, dust, smell, noise, vibration</p>	

or other emissions. Consultation with the Council's Environmental Health department and NRW should assist in considering these requirements.

Policy TRAN 11 sets out criteria to reduce the unacceptable environmental effects of heavy goods vehicles, with restricting developments which would have an unacceptable effect on the amenity and character of existing or neighbouring environments by virtue of noise, traffic congestion or parking problems. The development should endeavour to use the main distributor roads as these are best capable of accommodating HGV movements. The development must have sufficient operational parking within the curtilage of their site. It is noted that the applicant is considering increasing their weekday deliveries from 11 to 15 times a day and stopping deliveries on weekends. This could have a detrimental effect on traffic movements within the week.

Finally, it is important to note that within the Deposit LDP Proposal Map the development is within the safeguarded area for wharf facilities for the landing of marine dredged sand and gravel. Therefore, whilst this is not adopted policy consultation with ABP is recommended to ensure there would be no unacceptable impact on the landing of sand and gravel at Barry Docks.

Recommendation:

No policy objection would be raised providing that you are satisfied that the proposal accords with the criteria contained within the above UDP policies.

Signed: Nathan Slater
John Raine – Sent by Email

Date: 10/04/2015

Howell, Morgan P

From: Goldsworthy, Marcus J
Sent: 13 April 2015 10:05
To: Howell, Morgan P; Robinson, Ian
Subject: FW: planning application 2015/00031/OUT

For adding to the file

Thanks

Marcus Goldsworthy
Operational Manager Development Control
Director's Office - Development Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704661
mob / sym: 07976112326
e-mail / e-bost: [MJGoldsworthy@valeofglamorgan.gov.uk](mailto: MJGoldsworthy@valeofglamorgan.gov.uk)

Visit our Website at www.valeofglamorgan.gov.uk
Ewch i'n gwefan yn www.bromorgannwg.gov.uk

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From: Nathan Gill [REDACTED]
Sent: 12 April 2015 22:48
To: Goldsworthy, Marcus J
Subject: planning application 2015/00031/OUT

Marcus Goldsworthy

Vale of Glamorgan planning dept

11/4/ 2015

Dear Mr Goldsworthy

I would like to lodge my strong objection to the granting of planning application 2015/00031/OUT relating to the Sunrise Renewables application for the construction of a wood fired energy plant in David Davies Rd, Barry Dock.

I find it inconceivable that a local authority would consider allowing the construction of what is basically an incinerator with stack to be situated in what is the natural bowl of Barry dock given the close proximity of local housing situated immediately above the location most immediately at Dock View Rd and surrounding streets as well as the nearby areas of the Waterfront, Cadoxton, Bendricks and of course the elevated Barry Island housing areas.

At a time when at long last a partial much needed regeneration of Barry's waterfront and resort has finally started, the thought that a large wood burning incinerator could be located almost adjacent to the soon to be developed sites around what really should be one of the jewels in Barry's crown a vibrant and exciting waterfront area, almost defies belief.

Whilst using a brown field site for developments such as this energy plant would seem to be advisable, surely brown field sites situated well away from housing should be a prerequisite to the granting of applications such as this.

We hear only too often of that much repeated and overused word sustainability which seems to appear on virtually every document produced by local authorities including the Vale of Glamorgan yet I would ask how sustainable is yet another wood based incinerator that will require increasing amounts of wood products many of which might be contaminated from previous use to be transported into the site location.

You will no doubt be aware of the controversy over the recent conversion of the giant Drax power station in Northern England following its conversion to wood chip fuel shipped in from the USA in the scramble to take advantage of government subsidies.

I do acknowledge that the Vale's planning committee turned down the original application by Sunrise renewables only for the decision to be overturned by the Welsh Assembly on appeal, a decision which may now weigh heavily on the minds of officers and planning committee members when considering the current application.

I would however like to take this opportunity to remind all involved of the assurances given to Vale officers and councillors by the developers of the Project Green incinerator now based in Splott / Tremorfa that all toxic waste ash would be taken from site in sealed lorries and turned into building materials sealed during process into neutralised construction and pathway products.

We now witness through recent media reports these assurances sitting amongst the open air pile of waste ash from the plant blowing across the tip of the Lamby Way waste site in Cardiff, I hope that the Vales Planning committee will remember those "cast iron" guarantees when considering the representations and guarantees from the developers of this latest application.

Thanking you for the opportunity to express my views on this application

Nathan Gill

UKIP MEP Wales

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Thanks

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Director's Office - Development Services
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tel / ffôn: 01446 704661
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Fe all fod gwybodaeth freiniol a gyfrinachol yn cynnwys ddeunydd dan amodau hawlfraint y neges e-bost yma. Os nad y chi sydd i fod gael y neges, neu'r un sy'n gyfrifol am ei throsglwyddo, rhaid i chi beidio a'i chopio na'i throsglwyddo i neb un arall na'i defnyddio mewn unrhyw fodd o gwbl. Mae gwaharddiad ar i chi wneud hynny ac efallai y byddech chi'n torri'r gyfraith trwy wneud hynny. Dinistriwch y neges yma acanfonwch neges e-bost at y sawl a'i hanfonodd i roi gwybod iddo fe. Diolch yn Fawr.

Howell, Morgan P

From: Athay, Rebecca
Sent: 19 March 2015 10:40
To: Howell, Morgan P
Subject: RE: VoG David Davies Rd final version- 2015/00031/OUT

Hello Morgan

I have managed to glance over the application but at present have been struggling to go through it in detail which it needs.

Let me go through what PHW have commented on and get a response back to you – probably next week. If PHW have suggested alterations etc I will certainly be taking them into consideration for my response.

Many thanks

Rebecca Athay
Team Leader Pollution Control
Public Protection Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
Tel / ffôn: 01446 709537
e-mail / e-bost: RAthay@valeofglamorgan.gov.uk

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From: Howell, Morgan P
Sent: 19 March 2015 09:11
To: Athay, Rebecca
Subject: VoG David Davies Rd final version- 2015/00031/OUT

Hi Rebecca,

I have received these comments from Public Health Wales, regarding the proposed facility on the docks.

The agent thinks that we could deal with these issues via condition but I wanted to check with you whether we should be requesting more information to assess the matter before determining the application?

Kind regards

Morgan Howell

Howell, Morgan P

From: Howell, Morgan P
Sent: 19 March 2015 09:11
To: Athay, Rebecca
Subject: VoG David Davies Rd final version- 2015/00031/OUT
Attachments: VoG David Davies Rd final version.docx

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Kind regards

Morgan Howell

Howell, Morgan P

From: Lankshear, Robert F
Sent: 09 March 2015 12:55
To: Evans, Ruth
Cc: Howell, Morgan P
Subject: RE: 2015/00031/OUT - Renewable Energy Plant - David Davies Rd

Hi Ruth,

I cannot see any issue with this although this application has been reallocated to Morgan Howell, who I've copied into this email.

Kind regards

Rob

From: Evans, Ruth [<mailto:Ruth.Evans@cyfoethnaturiolcymru.gov.uk>]
Sent: 09 March 2015 12:21
To: Lankshear, Robert F
Subject: 2015/00031/OUT - Renewable Energy Plant - David Davies Rd

Hi Rob,

I know our response on the above application is due today, would it be okay to get you our comments by the end of the week?

Shall assume this is okay if I don't hear anything

Thanks

Ruth

Ruth Evans

ymgyngorydd Cynllunio Datblygu - Caerdydd a Bro Morgannwg / Development Planning Advisor – Cardiff and the Vale of Glamorgan

Cyfoeth Naturiol Cymru / Natural Resources Wales

Ffon / Tel: 03000 653188

Gwefan / Website: www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

O'Keefe, Kevin T

From: Janet Bailey <janet@ggat.org.uk>
Sent: 16 March 2015 16:06
To: Planning & Transportation (Customer Care)
Subject: GGAT response to pl ap no 2015/00031
Attachments: A50321 David Davies Road, Barry DD+.docx

Please find attached our response to this application.

Kind regards, Jan

Jan Bailey MA BSc (Hons)

Archaeological Planning Officer

Glamorgan-Gwent Archaeological Trust Ltd

Heathfield House

Heathfield

Swansea

SA1 6EL

Direct Dial 01792 634222

Tel 01792 655208

Fax 01792 474469

Email: janet@ggat.org.uk

Web: www.ggat.org.uk

Social Media: <https://goo.gl/qPSU0>

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17 MAR 2015

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Cwmni Cyfyngedig trwy Warant heb Gyfalaf Cyfrannau.

Elusen Gofrestredig, Rhif 505609

Mudiad Archaeolegol Cofrestredig, Sefydliad yr Archaeolegwyr (IFA), Rhif 15

Os nad chi oedd fod derbyn y neges hon, neu os ydych yn weithiwr cyflogedig neu'n asiant yn gyfrifol am anfon y neges, nid yw ei datgelu, ei chopio, ei dosbarthu na chymryd unrhyw gamau yn ddihynnol ar y neges yn cael eu hawdurdodi, a gall gwneud hyn fod yn anghyfreithlon.

Os byddwch yn derbyn y neges hon trwy gamgymeriad, cysylltwch â ni drwy anfon y neges yn ôl atom gan ddileu unrhyw negeseuon neu atodiadau.

Eiddo GGAT yw'r e-bost hwn ynghyd ag unrhyw atodiadau, ac fe'i diogelir dan y gyfraith. Mae'r wybodaeth sydd wedi'i chynnwys, a all fod yn breifat a chyfrinachol, wedi'i bwriadu at ddefnydd y sawl y'u cyfeiriwyd atynt yn unig.

/ Helpwch yr amgylchedd - peidiwch ag argraffu hon os nad oes gwir raid

Our ref: 50321/JB

ARCHAEOLOGICAL PLANNING

Planning Department
The Vale of Glamorgan Council
Dock Office
Barry Docks
BARRY
CF63 4RT

16th March 2015

Dear Sir,

**Re: Outline application for a wood fired renewable energy plant:
David Davies Road, Woodham Road, Barry.
Pl.App.No.: 2015/00031/OUT.**

We noted this application when reviewing your planning list recently; consequently we have consulted the detail on your website..

The proposed development area lies on the north west side of Barry No 2 Dock constructed from 1894 to 1898. Historic mapping shows that the area was previously marshland near the Cadoxton River. The 2nd edition Ordnance Survey map of 1900 shows that the length of the development site is overlain by railway lines leading to a coal hoist on the quayside. Therefore it is likely that the whole of this site is on made up ground dating from the period of the dock construction.

Within the wider dock area there are a number of stray find sites relating to all periods from prehistory to the medieval period. However, it remains unlikely that the current proposal will impact on any buried archaeological resource.

Therefore, as archaeological advisors to your members we have no objection to the positive determination of the current application. In the unlikely event that any unexpected archaeological remains be encountered we ask that this office is contacted for advice.

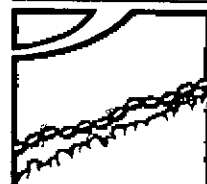
If you have any questions or require further advice on this matter please do not hesitate to contact us.

[Redacted signature]

[Redacted name] Bailey
Archaeological Planning Officer



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TRUST LTD



Curatorial
Division



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Glamorgan-Gwent
Archaeological Trust
Limited

Heathfield House
Heathfield
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Tel: (01792) 655208
Fax: (01792) 474469

www.ggat.org.uk
email: curatorial@ggat.org.uk

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Lankshear, Robert F

From: Harrison, Paul D (Agency)
Sent: 19 February 2015 12:04
To: Lankshear, Robert F
Subject: 2015/00031/OUT - David Davies Road, Woodham Road,

Rob

Further to our conversation, my initial comments as below.

- 1) The swept path shows on drawing No. E1627-2001 Rev A, are require to be provided at an appropriate scale. In addition, the swept paths are required to show vehicles entering and exiting the site at the same time, from the adjacent highway. Furthermore, vehicle details are required to be provided on the drawing.
- 2) 2 No. parking spaces are required to be provided within the site for the use of HGV's, which shall be shown on the proposed site plan.
- 3) The car parking provision in relation to staff and visitors at the site, as detailed within the Transport Statement and shown on drawing No's. E1627-2001 Rev A and E1627-2002 Rev B/C do not correspond. In addition, it is considered appropriate that 10 car parking spaces (including 1 disabled space) are provided within the site, which are required to be shown on the submitted plans.
- 4) Visibility splays of 4.5m x 43.0m are required to be provided from the access to the site along the adjacent carriageway and shown on a suitably scaled plan (I note that this represents a reduction in the previous requirement of 70m).
- 5) Clarification is required in relation to the tables provided in section 4 of the Transport Statement.

Regards
Paul

Paul Harrison
Agency Engineer
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704721
e-mail / e-bost: pdharrison@valeofglamorgan.gov.uk

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Lankshear, Robert F

From: Pamela Drake [REDACTED]
Sent: 18 February 2015 09:59
To: Lankshear, Robert F
Cc: Elmore, Christopher (Cllr) - Home
Subject: Re: 2015/00031/OUT Woodham Road

Thank you for this. Have noted your comment regarding the height of the stack which is lower than that approved for the Atlantic Way site, but the concern that has been raised that this site would be considerably closer to the residential properties on Dock View Road, this stack being approximately 140 feet in height (I still work in feet and inches as it bears more relevance to me!) and this is quite worrying.

I have concerns regarding this wood burning plant as to how this wood would be transported to the site as I would think it would have to be in considerable quantities to make the plant viable and if it is being transported by road it would be another burden on our already congested roads and possibly it might have to be a 24 hour operation which could impact on noise. Also the 'other elephant in the room' which concerns the residents is potential pollution.

Obviously as you say you are awaiting responses regarding these different elements, trust you can keep myself and Cllr Elmore updated.

Many thanks.

Pamela Drake

Sent from my iPad

On 18 Feb 2015, at 09:21, Lankshear, Robert F <rlankshear@valeofglamorgan.gov.uk> wrote:

Dear Councillor Drake,

I write in response to your email of 16 February and in the first instance would direct you to paragraph 1.4 of their submitted Planning Statement which states:

1.4 In summary, the changes, relative to the 2010 Permission, are as follows:

1.4.1 Technology: a change in the manufacturer of the advanced conversion technology (ACT) from gasification based on pyrolysis to one based on a fluidised-bed. The proposed technology is more fuel efficient and will improve the average annual power output to 10 MWe compared to 9.0 MWe in the 2010 Permission.

1.4.2 Layout: accommodation of the proposed technology at the Project site requires a different configuration of the buildings housing the various components – the 2010 Permission contemplated a single connected structure while the revised layout breaks this up into three separate but functionally interconnected buildings. The footprint of these buildings is 7.5% less than under the 2010 Permission.

1.4.3 Elevations: the revised layout comprises two buildings that are lower than the building height in the 2010 Permission and one that is higher. The average building height of the 2010 Permission is 14m while the average building height of the revised layout is 16.3m. In order to meet emissions requirements, the stack height will be increased to 43m. This is less than the stack height approved for the waste-energy plant already approved for construction at Atlantic Way on the opposite side of the dock.

There is quite a lot of supporting information submitted with the application split into 12 appendices. Noting that the principle of the plant has been established and an extant consent remains, clearly the fundamental considerations with this particular application would be the different impacts that the revised scheme would have in terms of noise, emissions, traffic etc and as such I await consultation responses from relevant consultees (including Natural Resources Wales, Environmental Health, Highways) in these regards.

If you have any further queries please do not hesitate to contact me.

Kind regards

Robert Lankshear
Senior Planner
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704659
e-mail / e-bost: rlankshear@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
Ewch i'n gwefan yn www.bromorgannwg.gov.uk

[Find us on Facebook / Cewch ddod o hyd i ni ar Facebook](#)
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Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

Lankshear, Robert F

From: Lankshear, Robert F
Sent: 18 February 2015 09:22
To: Drake, Pamela (Cllr)
Subject: 2015/00031/OUT Woodham Road

Dear Councillor Drake,

I write in response to your email of 16 February and in the first instance would direct you to paragraph 1.4 of their submitted Planning Statement which states:

1.4 In summary, the changes, relative to the 2010 Permission, are as follows:

1.4.1 Technology: a change in the manufacturer of the advanced conversion technology (ACT) from gasification based on pyrolysis to one based on a fluidised-bed. The proposed technology is more fuel efficient and will improve the average annual power output to 10 MWe compared to 9.0 MWe in the 2010 Permission.

1.4.2 Layout: accommodation of the proposed technology at the Project site requires a different configuration of the buildings housing the various components – the 2010 Permission contemplated a single connected structure while the revised layout breaks this up into three separate but functionally interconnected buildings. The footprint of these buildings is 7.5% less than under the 2010 Permission.

1.4.3 Elevations: the revised layout comprises two buildings that are lower than the building height in the 2010 Permission and one that is higher. The average building height of the 2010 Permission is 14m while the average building height of the revised layout is 16.3m. In order to meet emissions requirements, the stack height will be increased to 43m. This is less than the stack height approved for the waste-energy plant already approved for construction at Atlantic Way on the opposite side of the dock.

There is quite a lot of supporting information submitted with the application split into 12 appendices. Noting that the principle of the plant has been established and an extant consent remains, clearly the fundamental considerations with this particular application would be the different impacts that the revised scheme would have in terms of noise, emissions, traffic etc and as such I await consultation responses from relevant consultees (including Natural Resources Wales, Environmental Health, Highways) in these regards.

If you have any further queries please do not hesitate to contact me.

Kind regards

Robert Lankshear
Senior Planner
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704659
e-mail / e-bost: rflankshear@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
Ewch i'n gwefan yn www.bromorgannwg.gov.uk

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Duffield, Claire E

From: Pamela Drake [REDACTED]
Sent: 16 February 2015 19:27
To: Planning & Transportation (Customer Care)
Subject: Re: Planning Application Consultation2015/00031/OUTDavid Davies Road,
Woodham Road,Barry

Can you let me know what exactly are the changes from their last planning application. Can you give me more information ie size, what kind of extractors', size etc as this has caused a lot of consternation in the past from the residents if Dock View Road.

Pam Drake (Cllr)
Castleland Ward

Sent from my iPad

> On 16 Feb 2015, at 11:41, Vale of Glamorgan Council Development Services

> Developmentcontrol@valeofglamorgan.gov.uk wrote:

>

> Please find attached a consultation letter regarding a planning application which has recently been received by the Vale of Glamorgan Council. Please respond to this consultation through the link provided in the attached letter. Please note that your comments may be made available online for interested persons to view.

> <eCon_CastlelandWrd1.doc>

RECEIVED

17 FEB 2015

D.E.E.R
RECEIVED
ACTION BY: ER / RL
NO: 17
ACK:

CONSULTATIONS UNDERTAKEN

Application No. **2015/00031/OUT**

NEIGHBOURS

No's

52,53,54,55,56,57,58,59,60,61,62,63,64,65,66,67,68,69,70,71,72,73,74,75,76,77,78,
79,80,81,82,83,84,85,86,87,88,89,90,91,92,93,94,95,96,97,98,99,100,101,102,102a

Dock View Road,

No's 24 Lower Morel Street,

No's 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20 Woodham Road,

No's 53 Thompson Street,

No's 106, Bruno Fencing

Viaduct Road,, E C Wood & Co.

Viaduct Road,, S & K Haulage

David Davies Road,, Harris Pye Marine Ltd.

David Davies Road,, 14, 11 St. Mary's Avenue,

Neighbour Expire on: **9 March 2015**

Neighbour Re-consults Expiry Date:

CONSULTEES

1. Barry Town Council
2. Highway Development,
3. Highways and Engineering,
4. Environmental Health (Pollution)
5. Cardiff Airport (Safeguarding)
6. Policy Section (Planning),
7. CastlelandWrd1
8. CastlelandWrd2
9. Dwr Cymru Welsh Water,
10. Ecology Officer
11. Waste Management
12. Finance, ICT and Estates, Energy Manager
13. Highways and Engineering
14. Waste Management
15. Natural Resources Wales,

General Consultee Expire on: **9 March 2015**

General Re-consults Expiry Date:

CONSTRAINTS / PLANNING HISTORY

CA15 - Civil Aviation Authority - All Applications over 15m

SAT - South Area Team

ZB1 - Flood Risk Zone B1

ZC2 - Flood Risk Zone C2

SWM - Surface Water More

SWI - Surface Water Intermediate

SWL - Surface Water Less

PH1 - 2010/00240/FUL : Land off Woodham Road, Barry - Erection of new industr
building and installation of 9MW wood fuelled renewable energy plant - Withdraw
20/04/2010 (case officer - SJB)

2008/01203/FUL : Land at Woodham Road, Barry - Erection of new industrial buildii

and installation of 9MW fuelled renewable energy plant - Refused 31/07/2009 (case officer - SJB)

2008/00828/SC1 : Land at Woodham Road, Barry Docks - Proposed industrial building and installation of 9MW Biomass Gasification Plant to generate electricity from reclaimed timber - Environmental Impact Assessment (Screening) - Not Required 14/08/2008 (case officer - SJB)

1987/00821/FUL : Woodham Way, Barry Docks - Construction of plant store - A 17/11/1987 (case officer - DCD)

1985/00574/FUL : Woodham Road, North Side, No. 2 Dock, Barry - The land will be enclosed by a security fence and used for the storage of car trailers, such as tourist caravans, boats etc. - A -23/07/1985 (case officer - DCD)

1984/00348/FUL : Woodham Road, No. 2 Dock, Barry Docks, Barry - Proposed fence off compound for the purpose of storage and distribution of solid fuel - A -17/05/1984 (case officer - DCD)

1984/00214/FUL : Woodham Road, No. 2 Dock, Barry - Erection of a security fence around the plot of land which will be used for the storage of caravans - A -01/05/1984 (case officer - DCD)

<u>PLANS REQUESTED / SENT</u> (to be manually inserted)	<u>DATE SENT</u>	<u>EXPIRY DATE</u> (if appropriate)

CONSULTATIONS

See Schedule 4 of GDMPWO 2012 for full details of statutory requirements

NEIGHBOUR NOTIFICATIONS - IDENTIFIED ON ATTACHED OS PLAN			
Additional Neighbour Requests	DATE SENT	RE-NOTIFY?	DATE SENT
Same as 2008/01203/FUL ! Only extra shown on map	15-2-15		

SITE NOTICES / ADVERTS (tick each box as required)			
	SN	ADV	Notes
Neighbours			Always required if unable to identify owner/address of all adjoining land
Major Application	✓	✓	Admin automatically advertise in press (+SN for Officers)
Departure (TICK BOX IN MASTERGOV)			Case Officer to consider whether departure (throughout application) and advertise accordingly
Footpaths (affecting Public Right of Way)			ALL apps affecting a Public RoW are to be advertised
Environmental Assessment (TICK BOX IN MASTERGOV)			See information included in letter about availability and charging for copies of EIA
Listed Building / Con Area Consent			Admin automatically advertise in press (+SN for Officers)
Setting of Listed Building:- Building / Address: <u>1500031</u> (circle) Grade I Grade II Grade II*			Case Officer to identify "whether development likely to affect setting of a Listed Building" and, if so, identify the buildings and Grade to include in Notice/ Advert
Impact on Conservation Area (* specify if adjacent to but affecting Con Area)			Case Officer to identify "whether development likely to affect setting of Con Area" and to advertise accordingly - in consultation with PPO/ OM if in doubt.

INTERNAL CONSULTATIONS				
	✓	SENT	RENOTIFY	NOTES
Building Control: For information / Demolition / Structural (please circle) 135				
Ecology 136	✓	16-2-15		Usually sent at their request but consult when clear ecology issues/ surveys etc.
Economic Development / Leisure / Tourism (circle as appropriate) 50/53				
Estates 147				Especially where VGC own adjacent land
Environmental Health Pollution Control / Caravans / Housing (circle) 56/139 / 165	✓	16-2-15		
Heritage Coast / Countryside Operational Manager (Bob Guy) 43 / 54				
Highways 38	✓	16-2-15		
Public Footpaths 39				
Trees (TPO/TCA/ Other) 159				
Planning Policy / Conservation 63/80	✓	16-2-15		Officer to use separate consultation form
Section 106 (circle)				OFFICER TO SEND CONSULTATION SHEET Education; Housing; Public Transport; Parks; Learning & Development; Legal; Community Services; Social Services
Other Internal *: (Please Specify) 1. WASTE MANAGEMENT (152+172) 2. ENG + DESIGN (51+166) 3. DAVID POWELL (Energy manager) 8727 (164?)	✓	16-2-15		Education (40) / Public Sector Housing (55) / Social Services (52) / Legal Services (55) / Waste Management (152) / Engineering Design (drainage) (51 & 166) / Affordable Housing Enabler (204) / Creative Rural Comms (180)

CONSULTATIONS

See Schedule 4 of GDMPO 2012 for full details of statutory requirements

EXTERNAL CONSULTATIONS				
	✓	SENT	RE-NOTIFY	NOTES
Community Council(s): 1. <i>Bary T. Council</i> 2. <i>Castletand</i>				
Agricultural Consultant				Requires authorisation of Head of DC
Aircraft Safety Zone - MOD / Cardiff Airport / CAA / NATS / MODWind 33/57 34/192/ 206	/	16-2-15	15	CdfAirport – all safeguarding matters; CAA / NATS – only 'Wind Turbines' (NB: MOD for Wind Turbines >11m)
Badger Group	154			
Crime Prevention Design Advisor	198			All Major dvpts; new 'centres'; car parks
CADW (Ancient Monuments)	79			Consider also if Historic Gardens Society requires consultation
CADW (Historic Gardens)	170			
Fields in Trust Cymru	144			Impact on Playing Fields – MUST also consult Sports Council Wales
Gas Pipeline - British Gas	30			
Glamorgan Gwent Arch. Trust	74			Usually sent at their request
Health and Safety Executive (PADHI+) <i>05/05/15</i>		Not to be consulted by mail – USE PADHI+ ONLINE (i) residential accommodation; (ii) > 250sq.m. retail; (iii) > 500 sq.m. office; or (iv) > 750 sq.m. to be used for an industrial process; or material increase in the number of persons working /visiting the area		
Historic Gardens Society	134			Officer to notify CCW + Ecology at same time when surveys submitted/ received
Natural Resources Wales (formerly EAW, CCW, FC)	232	/	16-2-15	Schemes where there may be flooding or land contamination issues or where non- mains drainage is proposed
Network Rail	132			
SEWTA Travel Plan Coordinator	148			Consult on all MAJOR applications
Sports Council for Wales	47			Development which is likely to prejudice / lead to the loss of playing field; involves replacement of the grass surface of a playing pitch with an artificial, man-made or composite surface See Schedule 4 of GDMPO 2012 for full details
Other Local Authority: 1. 2.				
Other External *: (Please Specify) 1. <i>Public Health Wales</i> 2.	<i>05/05/15</i>			May include: Glamorgan Wildlife Trust (161); Harbour Authority (151); H.M. Inspector Mines and Quarries (143); WG Agricultural Department (138)
Overhead Lines – SWALEC	157			
Welsh Water	131	/	16-2-15	
6 Statutory Bodies – LBC Notify of all applications for consent to <u>demolish</u> (including partial demolition)	67-72			Ancient Monument / Council British Archaeology / Georgian Group / Protection of Ancient Buildings / Victorian Society / Ancient and Historical Monuments In Wales
The Welsh Ministers (160)				Development likely to affect the site of a Scheduled Monument
Environmental Impact Assessment (First Minister)				TWO copies of all documentation (one can be on disk) to be forwarded to First Minister (not a standard consultation letter)

DEVELOPMENT CONTROL SEARCH

2010/00240/FUL : Land off Woodham Road, Barry - Erection of new industrial building and installation of 9MW wood fuelled renewable energy plant - Withdrawn 20/04/2010 (case officer - SJB)

2008/01203/FUL : Land at Woodham Road, Barry - Erection of new industrial building and installation of 9MW fuelled renewable energy plant - Refused 31/07/2009 (case officer - SJB)

2008/00828/SC1 : Land at Woodham Road, Barry Docks - Proposed industrial building and installation of 9MW Biomass Gasification Plant to generate electricity from reclaimed timber - Environmental Impact Assessment (Screening) - Not Required 14/08/2008 (case officer - SJB)

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1984/00214/FUL : Woodham Road, No. 2 Dock, Barry - Erection of a security fence around the plot of land which will be used for the storage of caravans - A -01/05/1984 (case officer - DCD)

(History from GIS)

15 00 03 1 OUT

APPLICATION REGISTRATION FORM

SOUTH / ~~WEST~~
Officer *RL*
OD / Cttee

2015/00031/OUT

ADMIN USE: Sheet No. *162/3* Conservation Area? _____ Listed Building? _____

Development Type (see list): *3*

Is description accurate on forms? *Yes*/No
If no, state correct description 15 00 03 1 OUT
(Admin to advise agent / applicant of amended description)

Application Type correct? *Yes*/No

Forms: Signed and dated? Yes/ No / *Electronic Signature*

Certificate: circle
A
B
C
D Signed / dated: *Yes*/No
Certificate B etc. *Yes*/No
Full name and address of other owner(s) and date served:
Agricultural Holding Completed? *Yes*/No

Plans: Correct No. of Plans (3 sets except for larger schemes) *Yes*/No
Detail Plans (to scale/dimensioned in metric, north point, all elevations, site layout to include quality - check correct certificate) *Yes*/No / Not Applicable
Site Plan (Scale 1:1250 or 1:2500) *Yes*/No / Not Applicable
Outlined in red *Yes*/No
Blue land Yes / No / *Not Applicable*

— shown on transport movement plans

Environmental Impact Assessment (EIA): Received? Yes / *No*

- Is the app. for Schedule 1 development? Yes / *No* (If YES, EIA always required)
- Is the app. for Schedule 2 development? (Check EIA Regs) *Yes* / No
- If YES, ensure separate Screening Opinion is made to determine if EIA required and **attach to file and Part 1.** — *SEE ATTACHED FILE*

IS THIS RETROSPECTIVE? Yes / *No* If yes, check enforcement system and, if subject to an ENF case, Officer to inform enforcement ASAP so that they may ensure appropriate notification of complainants. Tick box to confirm done

<p>Fee Required? <i>Yes</i>/No (if no specify reason) _____</p> <p>Fee Required £ <i>2640</i> Amount received £ <i>1680</i></p> <p>Amount correct? Yes / <i>No</i> £ <i>990</i> outstanding</p>	<p>Fee Calculations</p> <p><i>Outline 0.8ha.</i></p> <p><i>£2640</i></p>
---	--

Statements Required?
The only assessments required to make a planning application 'valid' for the purpose of Article 22 of the DMPWO are:

Statement	Yes/No	Rec'd? Acceptable?	Notes
Design & Access Statement	<i>Yes</i> /No	<input checked="" type="checkbox"/> Rec'd? <input checked="" type="checkbox"/> Acceptable?	LBC & All plg apps <u>except</u> engineering/ mineral; hshidr; & COU Access Statement only for COU apps where access by employee or provision of services to public
Biodiversity Survey / Report	<i>Yes</i> /No	<input checked="" type="checkbox"/> Rec'd? <input checked="" type="checkbox"/> Acceptable?	See Form Q14 - 'Biodiversity & Geological Conservation'
Flood Consequences Ass'mt	Yes / No	<input type="checkbox"/> Rec'd? <input type="checkbox"/> Acceptable?	See Form Q13 - 'Assessment of Flood Risk'
Noise Assessment	<i>Yes</i> /No	<input checked="" type="checkbox"/> Rec'd? <input checked="" type="checkbox"/> Acceptable?	If potential disturbance to nearby buildings, or if dvpt is 'noise sensitive' and is close to existing sources of noise
Retail Impact Assessment	Yes / <i>No</i>	<input checked="" type="checkbox"/> Rec'd? <input checked="" type="checkbox"/> Acceptable?	If >2500sq.m. or 'large impact on small centre'
Rural Enterprise Dwelling Appraisal	Yes / <i>No</i>	<input checked="" type="checkbox"/> Rec'd? <input checked="" type="checkbox"/> Acceptable?	Required for all new rural enterprise dwellings (TAN6 refers)
Transport Assessment	<i>Yes</i> /No	<input checked="" type="checkbox"/> Rec'd? <input checked="" type="checkbox"/> Acceptable?	See thresholds in TAN18 (e.g. >100 dwellings; >1000m ² retail/leisure; >2500m ² business; >5000m ² industry)
Tree Survey	Yes / <i>No</i>	<input type="checkbox"/> Rec'd? <input type="checkbox"/> Acceptable?	See Form Q16 - Trees and Hedges (if 'yes')

VALID / INVALID / VALID but further info needed (please circle)

Missing Items/ Further Information required in addition to that above is:
 (NOTE: Please use Missing Items codes whenever possible for invalid apps and requests for additional information)

~~D21~~ ~~DAS~~ inadequate

~~A02~~ site plan fee

Misleading/confusing info

11/02/15 All matter being included - not outline

⇒ Outstanding issues resolved

⇒ please include fee from 2014/01065/nnk

Initials of Checking Officer: RL Date: 14/02/15

- Most Used Codes:**
- A02 Site Plan
 - A03 No red line
 - A05 Complete certificate
 - A06 Signature / date
 - A07 Agricultural holding incorrect
 - A09 Part 2 Forms
 - A11 Further copies of... (specify)
 - A13 New Reserved Matters
 - B01 Better quality plans
 - B02 Elevations
 - B03 Proposed floor plans
 - B04 Block Plan / Site Layout
 - B05 Existing Plans
 - B06 Cross-sections
 - B07 Roof plan
 - B08 Details of materials
 - B09 Photographs/ photomontage
 - B10 Streetscene elevations
 - C01 Tree Survey Statement
 - C02 Structural Survey
 - D01 Supporting Statement
 - D02 Sustainability Appraisal
 - D03 Access Statement only
 - D04 Design & Access Statement
 - D21 DAS Inadequate
 - D22 DAS - CSH-BREEM commitment req'd
- * Use NS as code for unique request

FOLLOW - UP ACTION

Notes of any follow up action (include any telephone calls made in an attempt to progress registration).

Date: _____ Action: _____

83.00 transferred from 14/01065/MAAA. (091114)

OKeefe, Kevin T

2015/00031/OUT

From: Lankshear, Robert F
Sent: 04 February 2015 11:43
To: Planning & Transportation (Customer Care)
Subject: FW: 2015/00031/OUT - Land off Woodham Road
Attachments: Barry Outline Application Form@03.02.15.pdf

Please log and print the attached

Robert Lankshear
Senior Planner
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704659
e-mail / e-bost: rflankshear@valeofglamorgan.gov.uk

15 00 03 1 OUT

Visit our Website at www.valeofglamorgan.gov.uk
Ewch i'n gwefan yn www.bromorgannwg.gov.uk

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From: Douglas Wardle [REDACTED]
Sent: 03 February 2015 18:14
To: Lankshear, Robert F
Cc: [REDACTED]
Subject: RE: 2015/00031/OUT - Land off Woodham Road

Robert, just to let you know that Howard Davies has been able to update the documents via the Portal so you should be able to see them all there apart from the Application itself (see attached).

Maybe we can have a quick word tomorrow just to finish things off on this?

Kind regards

Douglas

Douglas Wardle
[REDACTED]
[REDACTED]
[REDACTED]

D.E.E.R
RECEIVED
ACTION BY: JM
NO:
ACK:

RECEIVED

05 FEB 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION



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From: Douglas Wardle [REDACTED]
Sent: 03 February 2015 14:33
To: 'Lankshear, Robert F'
Subject: RE: 2015/00031/OUT - Land off Woodham Road

Robert:

I've just received the revised Elevations and Layout from the engineers – as you can see, these provide much improved detailing and scale. Note that the Layout has the overview and a zoomed in version on the layout itself.

For reference, I'm also attaching the Building Elevation drawings which were accepted and validated for the original 2010 permission. I think what we are now proposing provides better detailing compared to that so I am hoping this will be sufficient.

In terms of building materials etc we are, of course, expecting these to be made the subject of Planning Conditions, as they were for the original application.

Your views would be appreciated. In respect of the other Appendices, shall I email them to you?

Kind regards

Douglas

Douglas Wardle
[REDACTED]
[REDACTED]
[REDACTED]



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From: Douglas Wardle [REDACTED]
Sent: 03 February 2015 12:54
To: 'Lankshear, Robert F'
Subject: RE: 2015/00031/OUT - Land off Woodham Road

Robert, thanks for this. Is it OK if I run the Appendices past you? If so, what's the best way to get them to you?

Kind regards

Douglas

Douglas Wardle
[REDACTED]
[REDACTED]
[REDACTED]

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From: Lankshear, Robert F [<mailto:rflankshear@valeofglamorgan.gov.uk>]
Sent: 02 February 2015 14:23
To: 'Douglas Wardle'
Cc: Robinson, Ian; 'Howard Davies'
Subject: RE: 2015/00031/OUT - Land off Woodham Road

Dear Douglas,

Apologies for the slight delay in coming back to you. With regard to the fee, the outstanding balance would equate to £907 as noted within your email.

Having had a chance to assess the submitted statement, the revised structure of the statement and the structuring of the appendices seems to be more clear and appropriate for the revised submission, although as you say I haven't had a chance to look at the appendices to date.

If you need to discuss anything further please do not hesitate to contact me.

Kind regards

Robert Lankshear
Senior Planner
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704659
e-mail / e-bost: rflankshear@valeofglamorgan.gov.uk

RECEIVED

05 FEB 2015

ENVIRONMENTAL
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Visit our Website at www.valeofglamorgan.gov.uk
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[Find us on Facebook / Cewch ddod o hyd i ni ar Facebook](#)
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From: Douglas Wardle [REDACTED]

Just following up my email below, I'm attaching the draft Planning Statement which I hope addresses your suggestions. You will see that it confirms throughout where nothing has changed from the original Application.

We have also adjusted the various Appendices so that these will be easier for those reviewing it to follow – basically just one report for each subject area. In the case where there has been an update to the original report, we will be

attaching the original to the update and dealing with it that way which I think is easier to follow. We are just sorting out revisions to the Appendices and the Elevations today.

I'd be grateful if you could let me know whether this addresses your concerns satisfactorily (subject of course to seeing the Appendices and the Elevations). Also, your feedback on the email below would be appreciated.

Kind regards

Douglas

Douglas Wardle

[REDACTED]
[REDACTED]
[REDACTED]



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From: Douglas Wardle [REDACTED]
Sent: 29 January 2015 13:00
To: 'Lankshear, Robert F'
Cc: 'Robinson, Ian'; 'Howard Davies'
Subject: RE: 2015/00031/OUT - Land off Woodham Road

Thanks Robert.

We'll switch back in that case to the making the Outline area contiguous with the full site (see attached). We are also arranging the larger scale elevations.

On the Application I am in two minds about whether or not to reserve Access – if you advise we need the transport study included in any case and we have the vehicle movement plan already, I wonder if there's much else required.

Looking at the Application for the original 2009 Application, I see the area was 0.77 Ha. I believe this means the balancing fee is as follows (perhaps you could confirm):

Fee for 0.77Ha:	£2640
less	
Fee paid to date:	-£1650
less	
Refund of s96A fee:	-£83
Balance:	£907

We are aiming to get the modified version to you for the start of next week but any observations in the meantime would be welcome.

Kind regards

Douglas

Douglas Wardle
[REDACTED]
[REDACTED]
[REDACTED]



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From: Lankshear, Robert F [<mailto:rflankshear@valeofglamorgan.gov.uk>]
Sent: 28 January 2015 14:52
To: 'Douglas Wardle'; 'Howard Davies'
Cc: Robinson, Ian
Subject: RE: 2015/00031/OUT - Land off Woodham Road

Dear Douglas,

The land within the blue line is in your ownership and clearly will be utilised for access to the scheme, for manoeuvring of vehicles (like the artics shown on the submitted site layout) and for other forms of circulation around the buildings shown within the red line. Unless you are proposing to enclose the land edged red, you are clearly omitting the circulation space around the buildings from within the red line and apparently subdividing the application site. Clearly the revised layout of the buildings (and subsequent submissions for access and landscaping) would require use of the land edged blue. As such I reiterate that the application clearly does relate to land outside of the red line and must be included within the red line for both outline and reserved matters applications.

Kind regards

Robert Lankshear
Senior Planner
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704659
e-mail / e-bost: rflankshear@valeofglamorgan.gov.uk

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From: Douglas Wardle [REDACTED]
Sent: 28 January 2015 14:08
To: Lankshear, Robert F; 'Howard Davies'

Cc: Robinson, Ian
Subject: RE: 2015/00031/OUT - Land off Woodham Road

Thanks for the quick feedback.

On point 2, just to clarify, it's only the landscaping and access within the red outline that we are expecting to be reserved since the application does not relate to anything outside the redline. We don't want to extend it to any area outside the red outline.

On point 3, we'll check back with the engineers and see what they can produce.

Kind regards

Douglas

Douglas Wardle

[Redacted]
[Redacted]
[Redacted]



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From: Lankshear, Robert F [<mailto:rflankshear@valeofglamorgan.gov.uk>]
Sent: 28 January 2015 13:58
To: Douglas Wardle; 'Howard Davies'
Cc: Robinson, Ian
Subject: RE: 2015/00031/OUT - Land off Woodham Road

Dear Douglas,

Many thanks for your response, which I reply to in turn below:

1. Many thanks for the amended application forms.
2. As stated in my previous email, the red line of any outline application would need to include all land that would be subject to any subsequent reserved matters submission. It is acceptable to not include access and landscaping for consideration, but the land that accommodates the access and landscaping (at reserved matters stage) has to be included within the outline red line because the reserved matters red line site area has to match with the outline site area. Therefore the current site area would exclude both access and landscaping that could not be determined under subsequent reserved matters applications and as such I still cannot see the merits of this approach. Whilst I note that you indicate that other LPA's have determined these matters differently, I am not aware of the full circumstances of these applications and have to appraise the acceptability of the details submitted with this particular application.
3. Noting that you have applied for appearance on the Outline forms, as noted any elevations would need to be adequately detailed to allow a full assessment to be made and as such I do not feel that any such drawings should be indicative. Please note it is not just the stack that approval is sought for, the application seeks approval for the scale and appearance of the whole development.

4. I note your comments and look forward to the receipt of the amended details. As stated in previous correspondence each of the individual documents should be adequate in their own regard and should further information be required this may result in the delay in the determination of the application. With regard to the Transport Assessment, I do not believe this can be omitted given that it would not only relate to the suitability of the access but also the wider highways implications of the amended scheme.

Kind regards

Robert Lankshear
Senior Planner
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704659
e-mail / e-bost: rflankshear@valeofglamorgan.gov.uk

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From: Douglas Wardle [REDACTED]
Sent: 26 January 2015 18:09
To: Lankshear, Robert F; 'Howard Davies'
Cc: Robinson, Ian
Subject: RE: 2015/00031/OUT - Land off Woodham Road

Dear Robert:

Thanks for your email and just responding on your points:

1. My fault – I must have 'Outline Blindness' – attached is the corrected version (and see 2 below).
2. On the Access Point, our only objective with this application is to establish that the change in plant elevations, and chimney stack and layout within the (0.49 Ha) red line are acceptable - all other aspects can be left for now and/or made the subject of Planning Conditions. With this in mind, the Application would not include either landscaping or access at this stage since it sounds like these could be a distraction and also incur unnecessary expense (I'm conscious that our applications at Barrow and Hull for the exact same thing only cost £195 and the planners did not require us to produce more than an updated air emissions report).
3. Assuming the Outline Application can proceed on the basis of the plans as submitted, even if they are categorised as indicative, I would have thought that is fine. As mentioned, we only want to establish the principle of the chimney stack and change in building heights (compared to the existing permission). Your advice on this is welcome.
4. On the cross referencing of the reports, I take your point. Given the limited objectives described above, I would have thought we might try and cut down the number of reports to those strictly relating to the objectives above so we don't end up confusing people. With this in mind, I think we could probably limit it to the following plus an updated version of the Planning Statement cross referencing them (if you think we can drop any more for now then by all means let me know):
 1. Location Plan (new)
 2. Air Emissions Analysis (new)
 3. Layout & Elevations for the Project (new)

4. Policy Review (new)
5. Visual Impact Analysis (new)
6. Ecology Report (new) to which the previous report will be appended since it is mentioned
7. Noise Assessment to which the previous noise report will be appended since it is mentioned
8. Geology and stability report (old – this is unchanged)
9. Environmental data report (old – this is unchanged)
10. Flood risk assessment (old – this is unchanged)

I assume we can for now drop the Transport Assessment and Vehicle Movement plans since we are not including Access. Happy to include the Wood Report again if it's essential at this stage although it's referenced in the planning statement.

Thanks in advance.

Kind regards

Douglas

Douglas Wardle



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From: Lankshear, Robert F [<mailto:rflankshear@valeofglamorgan.gov.uk>]
Sent: 26 January 2015 16:12
To: 'Howard Davies'
Cc: Robinson, Ian; Douglas Wardle
Subject: RE: 2015/00031/OUT - Land off Woodham Road

Dear Howard,

Further to previous emails I write to advise the following:

1. I am in receipt of the amended application forms, although you have unticked layout and not landscaping as indicated in your email. I assume this is in error? Please amend the application forms accordingly
2. The red line shown is not the same as that shown on the previous consent (2008/01203/FUL). The access is not included within the red line and given that this is a matter for which permission is being sought this would have to be included within the red line. Furthermore if landscaping is being reserved, any reserved matters application would also have to have the same red line and include areas for landscaping to be agreed at reserved matters which appears from your submitted layout to be outside of the red line. As such I remain of the opinion that the red line would need to include the entirety of the site and the fee would need to be amended appropriately.
3. Can you confirm if the plans submitted are indicative or in full? If the plans are submitted in full they should be provided to a more appropriate scale such as 1:200 and would need to be completely accurate in all regards.

It is noted that the previous submission related to the erection of a single building on the site with a flue, whilst the current proposal relates to a number of buildings of a greater scale and a stack of twice the height. Given the ensemble of buildings that are now proposed, I still have concerns that the submitted sectional drawings are sufficiently clear to allow a full assessment of the amended design to be made.

4. Having discussed the nature of the submissions with Ian, we remain of the opinion that the manner in which the reports submitted still has scope to cause confusion noting that old and new reports have been submitted as stand-alone documents. It is not reasonable to expect the LPA or consultees to cross-reference the information within the two documents to ascertain that which is relevant within the old submissions and what has been superseded by the new reports and this should be made completely clear through the revised submissions. The email sent to you by Ian clearly indicates that the 2010 documents would need to be amended to reflect the changes and this should be completely clear within the submitted documents. As indicated previously, it is considered that the most appropriate way to achieve this would be if information is relevant within the old documents then this should be transposed specifically into the new documents and superseded information should be omitted for the avoidance of doubt. Such an approach would avoid delays in the determination of the application.

Kind regards

Robert Lankshear
Senior Planner
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704659
e-mail / e-bost: rflankshear@valeofglamorgan.gov.uk

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From: Howard Davies [REDACTED]
Sent: 22 January 2015 12:24
To: Lankshear, Robert F
Cc: Robinson, Ian; Douglas Wardle; Richard Frearson
Subject: Re: 2015/00031/OUT - Land off Woodham Road

Mr Lankshear

Further to my email below, many apologies I forgot to attach the documents.

Regards

Howard Davies
Partner
UKPDP
+44 (0) 7747787385
howard.davies@ukpdp.co.uk



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From: Howard Davies [REDACTED]
Date: Thursday, 22 January 2015 11:34
To: "Lankshear, Robert F" <rflankshear@valeofglamorgan.gov.uk>
Cc: "Robinson, Ian" <IRobinson@valeofglamorgan.gov.uk>, Douglas Wardle [REDACTED]
Richard Frearson <[REDACTED]>
Subject: RE: 2015/00031/OUT - Land off Woodham Road

Dear Mr Lankshear

Referring to my previous e-mail, I have a few follow up items:

1. For ease, attached is a corrected version of the Application Form with the Landscaping Box now un-ticked – would you be able to substitute this since we are unable to accomplish this via the Portal
2. We noticed that although the extracted layout in the Planning Statement is correct, the full layout in Appendix 1.4 (Plan Number 1627-2002) was an earlier version. The attached Appendix is now corrected to match the version in the Planning Statement.
3. We have also followed your advice and attached is a revised version of the Site Location plan. As you will see, we have followed the Outline Planning requirements and the outline area is in red. This has an area of 0.49 Ha as per the application
4. In respect of the Supporting Reports, we followed the procedure discussed by my colleague, Douglas Wardle, with Ian Robinson in November (see attached email). In particular, we contacted Erica Dixon in the Ecology Department and followed her advice in respect of the Ecology Report. The Noise Report was similar ie an update from the same location as previously (although since the Atlantic Way power plant is no longer happening the position will be improved).

Can I suggest we have a word on the phone to finalise these matters – perhaps you could let me know when would be convenient?

Kind regards
Regards

Howard Davies
Partner
UKPDP
[REDACTED]
[REDACTED]



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Town and Country Planning (Development Management Procedure) (England) Order 2010 NOTICE UNDER ARTICLE 11 OF APPLICATION FOR PLANNING PERMISSION

RECEIVED
12 JAN 2015

(Notice 1: This notice is to be printed and served on individuals if Certificate B or C is completed)

Proposed development at:

Name or flat number

Property number or name

Street

Locality

Town

County

Postal town

Postcode

1500031 OUT

Take notice that application is being made by:

Organisation name

Applicant name Title Forename

Surname

For planning permission to:

Description of proposed development

Application for Outline Planning Permission relating to amended project layouts, elevations and technology for a wood-fired renewable power plant at David Davies Road, Barry

Local Planning Authority to whom the application is being submitted:

Local Planning Authority address:

Any owner of the land or tenant who wishes to make representations about this application, should write to the council within 21 days of the date of this notice.

Signatory:

Signatory Title Forename

Surname

Signature

Date (dd-mm-yyyy)

Statement of owners' rights: The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or lease.

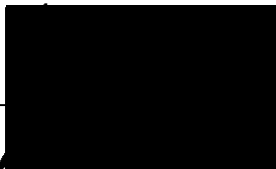
Statement of agricultural tenants' rights: The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

'Owner' means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years.

'Tenant' means a tenant of an agricultural holding any part of which is comprised in the land.

Once completed this form needs to be served on the owner(s) or tenant(s)

Print Form

DRAFT PLANNING COMMITTEE REPORT	
Planning Application No.: 2015/00031/OUT	
Committee Date: 30 July 2015	Officer: MPH
ENTERED HOUSING NUMBERS IN DEF? Only enter if the final number is agreed i.e. full or reserved matters	Forward planning tab
ENTERED GREENFIELD/BROWNFIELD SPLIT? Note any previously developed land must be recorded	Forward planning tab
ENTERED MW IF RENEWABLE ENERGY? Must be above 1 MW	Ecology tab
ENTERED 106 VALUE?	Rec and dec tab
TICKED TAN 15 FLOODING? Only tick if site is within C1 or C2 area and complies with the tests in TAN15	Constraints tab
RECORDED ANY OPEN SPACE GAINED/LOST Only record in relation to full or reserved matters	Forward planning tab
Appendices to be Included (please list e.g. A/B):	
Approved by / Signed:	Date:
Officer:	
Team Leader / S106 Officer / Appeals Officer (Refusals):	
O.M./Director	

2015/00031/OUT Received on 5 February 2015

<http://vogonline.planning-register.co.uk/plarecord.aspx?AppNo=2015/00031/OUT>

Sunrise Renewables (Barry) Ltd, Gilbert Wakefield House,, Bewsey Street,, Warrington, WA2 7JQ

Sunrise Renewables (Barry) Ltd, Gilbert Wakefield House,, Bewsey Street,, Warrington, WA2 7JQ

David Davies Road, Woodham Road, Barry

Outline application for a wood fired renewable energy plant

INTRODUCTION

Members will recall that this application was deferred at the 2nd July 2015 Committee following request from members for site visit.

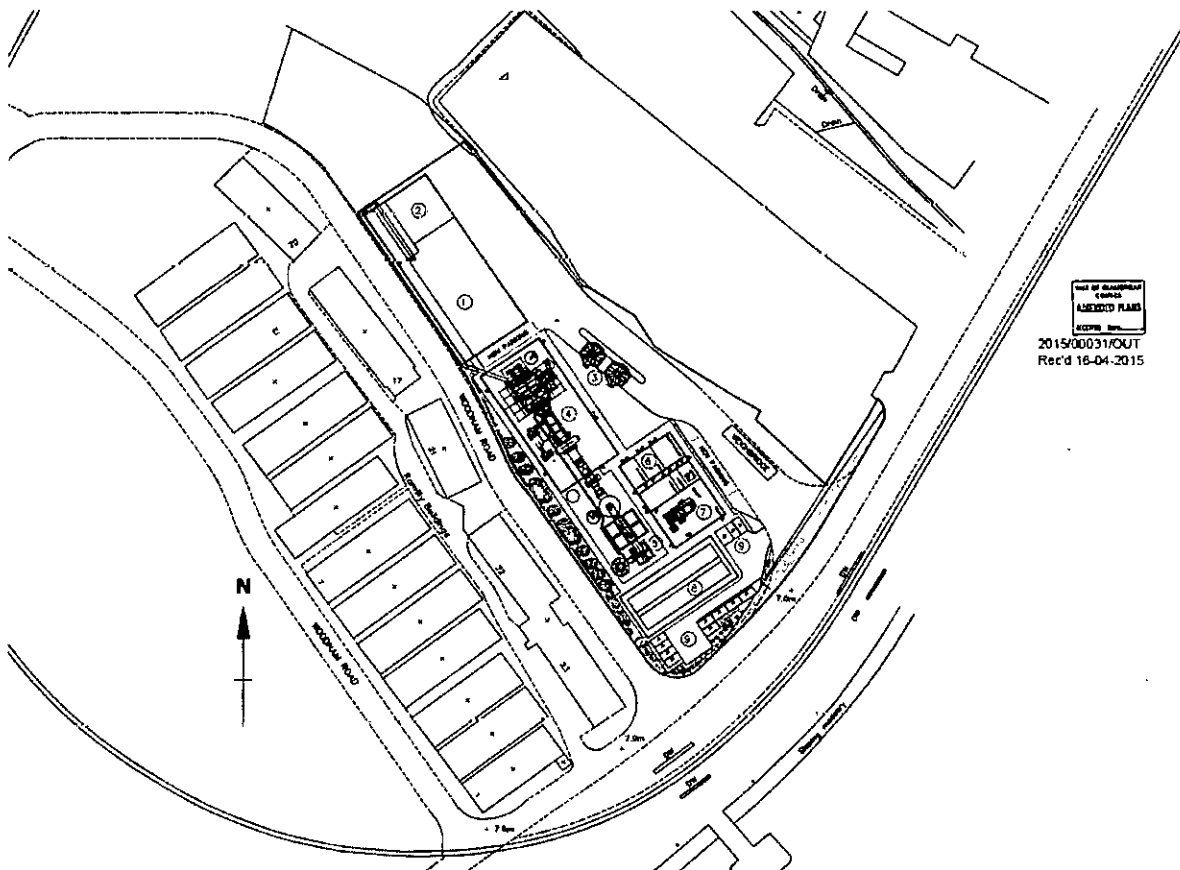
The following report is that presented to the 18 June Committee (other than where updated to relate to additional representations received and some comments regarding these representations in the issues section).

SITE AND CONTEXT

The appeal site forms part of the wider developed coastal area of Barry Docks, being located to the immediate north-east of the existing industrial units occupying the old Nissen huts on Woodham Road, and to the north of Dock No.

Access to the site is via Woodham Road, off the Ffordd-y-Milleniwm roundabout adjacent to the Council's Dock Offices. The site is currently vacant, having been occupied until recently by a container storage and refurbishment operation.

The nearest residential development is located on Dock View Road to the north and northeast of the site. The properties on Dock View Road closest to the appeal site are some 250 metres to the northeast. The first phase of the Barry Waterfront development is to the west of the site with the nearest dwellings being some 400 metres from the site.



DESCRIPTION OF DEVELOPMENT

This is a full planning application made by Sunrise Renewables Limited for a Wood Fuelled Renewable Energy Plant / Biomass Plant of up to 72,000 tonnes of waste wood.

Having full regard to the previous proposals on the site the application was reconsidered as a new application and an updated screening of the proposal was assessed on the basis of the changes to be made to the application. As such, the Council consider the application to be a Schedule 2 development as described under Part 11 (b) of the EIA regulations. On the basis of its location and the changes proposed over the previously considered proposals it was not considered to have a significant environmental effect and no EIA was required. The application has been accompanied by a appropriate level of information, with the following key elements taken from the submitted supporting statement. This includes the following documents

- Design & Access Planning Statement
- Transport Statement
- Noise Statement and updated Noise Survey
- Stack height assessment
- Air Quality Assessment
- Updated Air Quality Assessment
- Ecology Appraisal
- Groundsure Environmental Data Report
- Groundsure Geology & Ground Stability Report
- Flood risk assessment
- Waste Planning Assessment (as required by TAN21)

The Building/ Equipment

The previous consent granted permission for a single building with a footprint of approx. 2700sqm. At a height of 14m. Under the new proposals the applicant proposes that the proposed buildings footprint will be reduced to 2,497sqm, however, this will be separated into separate structures, most notably two large buildings and an increased stack structure. The application outlines that the details of the structure proposed are as follows: -

Wood storage and feed building: The wood storage and feed building (52.4 x 21.6 x 13.7m High) remains similar in height to the previously approved 14m high building

Turbine, Welfare and Ancillary buildings: This building 29.1 x 17.9 x 11m high) This building incorporates the switchgear, the main control room and turbine room (removing the formerly proposed piston engines)

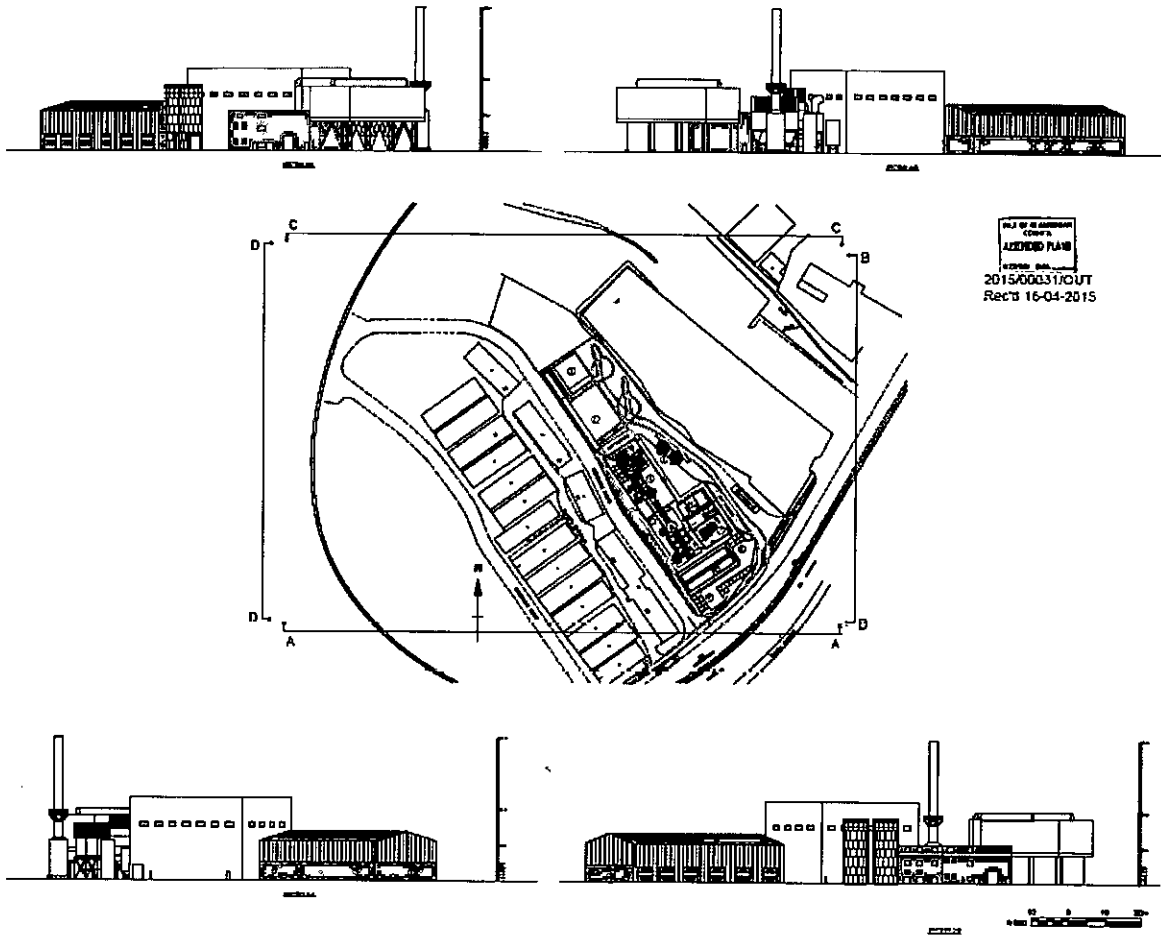
Main process building: This is the largest building and will comprise of the gasification equipment (41.4m x 20.4m x 23m high). This will significantly improve containment of the process as a whole.

ACC Unit: An external air cooled condenser (32m x 14.5m and 20m High) mounted on steel stilts adjacent to the turbine, welfare and ancillaries building

External Equipment: Ash silos- two cylinder shaped structures (18.4m high x 6.7m diameter). Flue gas treatment, exhausting to the chimney stack will also be external

Chimney Stack: 40m high stack; (previously 20m high) located to the south of the site and is this height to meet emissions. The diameter will also increase from the previous consent from 1m to 2.75m.

Parking provision will be 12 cars (including one disabled) and four cycle bays for employees and visitors



The Process / Proposal

The design of the previous plant was undertaken by Prestige Thermal equipment (which produced a 9 MW average net output) but this is replaced in this proposal by the globally established manufacturer Outotec. The Outotec technology is more efficient and will result in an average of 10MW rather than the approved 9MW for the same fuel amount (i.e 72,000 tonnes). This equates to approximately 216 tonnes per day. The wood fuel accepted will be manufactured from clean wood, pallets, construction timber and other woods which have been removed from the construction and demolition waste stream locally. In short, the plant will process dry, non-hazardous batches of timber and wood.

The plant will be capable of producing syngas through a fluidized bed process while the previous produced syngas through pyrolysing. Both technologies are gasification. The general process is as follows

- Wood-waste feedstock is chipped off-site and delivered to the plant prior to being gasified. At the time of delivery, feedstock has a variable moisture

content, the water having a function as a reformation agent in the gasification process.

- The wood fuel is fed into the gasifier system where it is converted into a raw natural gas ('syngas') which is reformed and used as the primary fuel in the gasification boiler to generate steam to power the steam turbine. The Outotec gasifier will process up to 72,000 dry tonnes of wood waste per year to produce an average net output of up to 10 MW (compared to 9 MW with the Prestige system) and is more flexible with respect to moisture content.
- The steam turbine uses the steam to produce electricity and the plant transfers electricity to the grid via an alternator, transformer and on-site substation. The turbine is enclosed in an acoustically attenuated extension to the electricity switchroom, to reduce noise to a minimum. The process is regulated from a computerised control room. The buildings will be lit internally using electricity generated from the process.
- The Outotec equipment utilises a single turbine-alternator which replaces the previously proposed system of multiple reciprocating piston engines.
- Burning of the refined syngas in the gasifier to produce energy combined with various plant and equipment used to reduce emissions results in cleaned exhaust emissions from the facility.

The change in technology remains one based on gasification. In addition, as the plant is proposed to be more efficient, i.e. 9MW rather than 10MW, the efficiency levels means there is no surplus heat generated. As such, the new proposal will not be a combined heat and Power Plan (CHP) Plant.

The plant would have a design life of approximately 25 years and will be operated during the following hours for the receipt of fuel and all other external operations:

- Monday to Friday 07:00 - 19:00
- Saturday 07:00 - 19:00
- Sunday /Bank/Public holidays 08:00 - 16:00

However, the applicant has outlined an intention to only operate deliveries over a 5 day period, excluding the weekends. Otherwise the plant itself will operate and generate electricity as a 24 hour process within the building:

The plant will operate and provide electricity to the grid 24 hours per day, with allowances for maintenance and breakdowns. The entrance gates will be closed upon the cessation of daily operations to ensure that there is no unauthorised access.

The applicants statements outline that the benefits from the Project remain essentially the same as for the 2010 Permission, namely:

"12.1.1 Renewable electricity: Utilising established biomass energy technology in order to contribute to national targets for renewable energy provision. The facility will supply electricity via the electricity grid which is equivalent to the annual

energy usage of approximately 23,600 households (increased from the previous level of 22,000) based on an average UK household consumption of 3,300kWh.

12.1.2 Climate change: Contributing to creating “A resilient and sustainable economy for Wales that is able to develop whilst reducing its use of natural resources and reducing its contribution to climate change.” (Planning Policy Wales Edition 7, Para 4.1.5).

12.1.3 Reduced landfilling: Reducing the need to dispose of wood to landfill, thereby conserving finite landfill capacity and facilitating a more sustainable end use for waste wood as a renewable energy resource in accordance with the waste hierarchy (Planning Policy Statement 10). There remains an over-supply of waste wood in the UK and consequently, large volumes of wood continue to be directed to landfill or other less sustainable uses.

12.1.4 Assisting wood recycling: Providing an additional outlet for recycled wood to enhance the commercial viability of wood recycling, both locally and nationally.

12.1.5 Traffic: Achieving a reduction in the number of vehicle movements carrying waste wood to local and national landfill sites.

12.1.6 Economy/employment: Utilising a vacant industrial plot in order to provide skilled employment opportunities and investment in local goods and services. Up to 12 full-time equivalent jobs based at the site plus 2 office staff will be provided.”

PLANNING HISTORY

2010/00240/FUL : Land off Woodham Road, Barry - Erection of new industrial building and installation of 9MW wood fuelled renewable energy plant - Withdrawn 20 April 2010.

2008/01203/FUL : Land at Woodham Road, Barry - Erection of new industrial building and installation of 9MW fuelled renewable energy plant - Refused 31 July 2009.

2008/00828/SC1 : Land at Woodham Road, Barry Docks - Proposed industrial building and installation of 9MW Biomass Gasification Plant to generate electricity from reclaimed timber - Environmental Impact Assessment (Screening) - Not Required 14 August 2008.

1987/00821/FUL : Woodham Way, Barry Docks - Construction of plant store - A 17 November 1987.

1985/00574/FUL : Woodham Road, North Side, No. 2 Dock, Barry - The land will be enclosed by a security fence and used for the storage of car trailers, such as touring caravans, boats etc. – Approved 23 July 1985.

1984/00348/FUL : Woodham Road, No. 2 Dock, Barry Docks, Barry - Proposed fenced off compound for the purpose of storage and distribution of solid fuel - Approved 17 May 1984.

1984/00214/FUL : Woodham Road, No. 2 Dock, Barry - Erection of a security fence around the plot of land which will be used for the storage of caravans. Approved 1 May 1984.

Other Relevant History

2014/00610/FUL : Dow Corning Ltd, Cardiff Road, Barry - Planning Application to develop a Biomass Energy Facility (BEF) including associated works. The BEF facility will be capable of generating 24.2MW of thermal energy (steam) via the gasification of up to 60,000 tonnes per annum (tpa) of recycled wood chip fuel on land within the Dow Corning Barry site. - Withdrawn 18 July 2014.

2009/00021/FUL : Land accessed off of Atlantic Way within Barry Docks, Barry - Change of use from B2 - General Industrial Use to Sui Generis - Waste Use which would include operational development in the form of the construction of a gasification waste to energy plant for non-hazardous waste - Approved 23 December 2009.

CONSULTATIONS

Barry Town Council was consulted on 16 February 2015. Strong objection to the proposals on the basis that the increased height of the stack, proximity to the residential properties and transport impacts congested the existing roads to the site.

Environmental Health (Pollution) was consulted on 16 February 2015. Environmental health has no objection to the proposed development but made the following comments: -

Air Quality

Based on the modelled data provided, there appears to be no evidence of the Renewable Energy Plant (REP) breaching the relevant ambient air quality objectives (Nitrogen Dioxide, Sulphur Dioxide, PM₁₀, Carbon Monoxide). Specific stack emissions have also been modelled and indicate that they would comply with imposed permit conditions as set by Natural Resources Wales.

However, reference has not been made to other approved sites (that may not yet be in operation) that could have a contributing/cumulative pollutant factor which may adversely affect the air quality.

Due to the topography of the local area, the height of the stack may be level with sensitive receptor locations, subject to planning approval that are yet to be constructed. The air quality assessment has not considered sensitive receptor locations yet to be constructed, including their relative elevations to the proposed stack.

It is recommended a condition is attached requiring quality control on the source material

Noise

The noise impact assessment and predictions are based on background noise measurements and locations as identified in a previous application. We do not believe that background noise levels within the area have increased. However, reference has not been made to other approved sites that are yet to be constructed as they may impact on background levels.

The noise impact assessment and predictions indicate no adverse impact upon amenity from the REP. Nevertheless the process will need to demonstrate Best Available Technique for noise control during the permitting process. This will offer further opportunity to limit impacts and will be for discussion with Natural Resources Wales.

It is advised that the operators of mobile plant within and outside curtilage of the facility use reversing safeguards that have low off site impact. For example, bleeper alarms are omni-directional and can be audible over a large distance – alternatives to be used, for example directional sound or white noise.

Construction Phase

Prior to this phase, a Construction Environment Management Plan (CEMP) should be submitted to and agreed with the LPA. This must detail the control of noise and dust etc. prior to works commencing.

Odour

There should be no odour from the REP as it works on negative pressure.

Lighting

A condition should be attached regarding exterior lighting should be installed in accordance with the Institute of Lighting Engineers guidelines for the control of obtrusive light. Reason: to avoid negative impact upon amenity by obtrusive light.

Ground Conditions

The submitted report includes a recommendation for further gas monitoring. This is recommended. A detailed ground investigation will be required to ensure that any contamination does not impact upon the end use.

Environmental Permitting Regulations

It is essential to note that the operation of this process cannot legally operate until it benefits from an Environmental Permit issued by Natural Resources Wales.

Cardiff Airport (Safeguarding) was consulted on 16 February 2015. No objection to the proposed development.

Glamorgan Gwent Archaeological Trust was consulted on 16 February 2015. No objection to the proposals.

Policy Section (Planning) was consulted on 16 February 2015. No principle objection to the proposed development, subject to the proposal being considered acceptable under Policies ENV6, ENV27, ENV29, TRAN11, COMM8 and WAST 1 & 2

Local ward members were consulted on 16 February 2015. No formal comments submitted

Dwr Cymru Welsh Water was consulted on 16 February 2015. No comments.

The Council's Ecology Officer was consulted on 16 February 2015. No objections have been received with respect to the proposal.

Waste Management was consulted on 16 February 2015. No comments

Finance, ICT and Estates, Energy Manager was consulted on 16 February 2015. No comments have been provided.

Highways and Engineering was consulted on 16 February 2015. No objection to the proposed development subject to conditions on visibility splays, parking provision and cycle provision within the site.

Natural Resources Wales was consulted on 16 February 2015 and 6th May 2015

Following the submission of the Air Quality Assessment (AQA) no objection to the proposals

NRW initially objected to the proposed development outlining that insufficient information had been submitted for the matter to be properly considered and that an updated AQA would be required.

NRW outlined that the proposed development lies within close proximity to the Severn Estuary (designated as a Special Area of Conservation (SAC) Special Protection Area (SPA) and RAMSAR site and is also within proximity of Hayes Point to Bendrick Rock (SSSI) and Barry Island (SSSI) and as such advised that a further assessment of aerial emissions should be undertaken. This was to ensure the principle of development at this location could be acceptable.

We confirm that the AQA has adequately assessed the potential impacts upon the above sensitive habitats. Our advice is that the proposed development is not likely to have significant effects on these sensitive habitats. We therefore remove our objection.

Public Health Wales was consulted on 16 February 2015 and 6 May 2015

In their second comments on the updated air quality assessment Public Health Wales outline that based on the information provided by the applicant, there is limited potential for risk to public health from the proposed process itself. However, they have raised concerns that previous permissions for similar uses have been approved in the vicinity (i.e. wood pellet plant Dow Corning and residual waste gasification plant approved in Atlantic way) and multi storey residential properties may have permission approximately west of the site. As such, if this is the case then the AQA has not taken into account additional emission sources or receptors. As such, public health Wales do not object but suggest a condition requiring an additional AQA taking these matters into account.

Members note:

The consent for the gasification plant at Atlantic Way (2009/00021/FUL) expired on 23 December 2014 and would now require a new planning permission to be implemented. The proposals for a wood chip gasification plan in Dow Corning (2014/00610/FUL) were withdrawn on 18 July 2014.

Health and Safety Executive was consulted on 16 February 2015. No comments have been received in regard to this matter

Associated British Ports was consulted on 16 February 2015. ABP outlined that there are in support of the application for the wood fired renewable energy plant and specifically outlined

REPRESENTATIONS

The neighbouring properties were consulted on 16 February 2015.

A site notice was also displayed on 13th March 2015

The application was also advertised in the press on 13th March 2015

Over 104 letters and emails have been submitted in response to this application. The main issues raised are as follows: -

- Emissions and Health issues
- Traffic impacts. i.e. heavy lorries and intensity
- Noise
- Visual impact of the proposed Stack
- Proximity to residential properties
- Lack of information
- Types of wood being used
- Health grounds / Quality of Life (including asthmatic sufferers).
- Objection on the grounds that it is a waste disposal plant not the energy generation plant stated in the application; proximity to houses; lack of guaranteed reuse of waste heat.
- Impact of exhaust gases and particulates; and more appropriate sites for the facility.
- Siting in a highly populated residential area, and impact on road access; pollution; effect on community; impact in future; alternative sites more appropriate.

- potential use for other fuels in addition to wood; air quality; lack of jobs for local people;
- Emissions (smells, dioxins) noise from plant and lorries; traffic. Considers the plant to be a good idea but in the wrong location.
- Tourism- Impacts upon the Barry waterfront development regeneration and Barry Island regeneration.
- Property prices within the locality will decrease.
- Ecological impacts of the proposal.
- Wood waste is far more hazardous to health.
- Environmental impact assessment is required.
- Gasification- bad science.
- More public consultation is required.
- Docks area should be used as retail and leisure.
- Fire hazard or ash waste and wood chip stockpiles.
- Effects on Business

Five letters which are generally indicative of the objections received are attached as Appendix A.

Letters from local AM, MP and MEP have also been received and are attached at Appendix B

A letter of support has been provided by ABP

REPORT

Planning Policies and Guidance

Unitary Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18th April 2005, and within which the following policies are of relevance:

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 4 – ADDITIONAL EMPLOYMENT LAND

POLICY 13 – WASTE MANAGEMENT

POLICY 14 COMMUNITY AND UTILITY FACILITIES

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005.

Under the chapter on Waste, the following objectives are put forward for the purposes of guiding future decisions relating to waste disposal:

- To ensure that waste disposal is carried out with adequate environmental protection, so that there is no harm to human health, no pollution of the environment and no detriment to the amenities of the locality.
- To ensure that the waste disposal requirements of the County are adequately catered for within the context of other objectives.
- To ensure that waste disposal and other types of waste management facilities are considered within a hierarchy of priorities including:

Reduce (the production of waste)

Re-use

Recover (recycling, composting and energy recovery)

Disposal (with minimum environmental impact)

The UDP as a whole includes the following policies which are of relevance to these proposals:

STRATEGIC POLICY 13 – favours development proposals which encourage sustainable principles for waste disposal based on a hierarchical approach of (i) waste minimisation / avoidance; (ii) re-use of waste; (iii) waste re-cycling or recovery (including waste conversion to energy); and (iv) waste disposal land fill with minimal environmental impact.

WAST 1 PROVISION OF WASTE MANAGEMENT FACILITIES

Proposals for the provision of waste management facilities including the handling, treatment and transfer of waste will be permitted where they are located on:

- i. Existing waste sites;
- ii. Existing and allocated B2 and B8 employment sites;
- iii. Within operational mineral working sites; or
- iv. The case of green waste composting and management, on land within or adjacent to farm building complexes.

Proposals will be considered having regard to the criteria listed in Policy WAST 2.

WAST 2 CRITERIA FOR ASSESSING WASTE MANAGEMENT FACILITIES

Subject to the provision of Policy WAST 1 proposals for waste management facilities will be permitted if the proposal:

- i. Conforms with the principle of the waste hierarchy (reduction, re-use, recovery and safe disposal); the "proximity principle"; the principle of regional self sufficiency; the objective of waste avoidance, reduction and disposal; the setting of targets for reduction and modes of disposal;
- ii. Does not unacceptably affect residential amenity or pose a threat to public health;
- iii. Does not unacceptably affect the quality or quantity of water resources (both surface and groundwater);
- iv. has regard to the adequacy of the highway network and the need to minimise the demand on the transport network;
- v. does not unacceptably conflict with the interests of agriculture, nature conservation, areas of ecological, wildlife or archaeological importance or features of geological or geomorphological importance or landscape protection policies;
- vi. has a high standard of layout, landscaping and design;
- vii. Provides arrangements for the after treatment and future use of the site which are to the satisfaction of the local planning authority; and
- viii. Is not at an unacceptable risk of flooding, including tidal inundation, or does not increase the risk of flooding elsewhere

Para. 10.6.7. of the justification advises that the disposal or treatment of waste in any form is often a controversial issue, no matter how well managed. It is important therefore that any proposals for this type of activity can be thoroughly assessed against the above criteria and that any permission is conditioned to mitigate and / or abate environmental detriment and nuisance.

COMM 8 OTHER RENEWABLE ENERGY SCHEMES

Proposals 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.

Para. 11.4.45. of the justification states that "...the Council recognises that policies for developing renewable energy must be weighed carefully with its

continuing commitment to policies which seek to protect the local environment. The Council acknowledges the advice in TAN 8 that proposals to harness renewable energy can display a variety of factors peculiar to the technology involved. ... The Council will assess applications for renewable energy developments in the light of the guidance put forward by the Welsh Assembly Government in TAN 8.

ENV6 EAST VALE COAST

States that development within the undeveloped coastal zone will be permitted if a coastal location is necessary for the development; and the proposal would not cause unacceptable environmental effects. In areas of existing or allocated development within the coastal zone, any new proposal should be designed with respect to its local context and sensitive to its coastal setting.

The justification notes that, "though outside of the defined settlement boundary for Barry, the Port estate is clearly a developed area and its continued use and development as a commercial/ industrial estate and for the expansion of operational port facilities by ABP is endorsed". (3.4.22 of UDP).

- ENV7 - WATER RESOURCES
- ENV16 - PROTECTED SPECIES
- ENV18 - ARCHAEOLOGICAL FIELD EVALUATION
- ENV26 - CONTAMINATED LAND AND UNSTABLE LAND
- ENV27 - DESIGN OF NEW DEVELOPMENTS
- ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

States that development will not be permitted if it would be liable to have an unacceptable effect on 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.

EMP2 NEW BUSINESS AND INDUSTRIAL DEVELOPMENT

States, inter alia, that proposals for new business and industrial development will be permitted if nine specified criterion are met, including that the size and relationship of any new building and / or alteration or extension is not disproportionate to its size and setting; the proposal does not have an unacceptable effect on residential amenity; does not present additional risk to the health or safety of users of the site and does not unacceptably pollute air, water, or land; and does not unacceptably affect the use of the adjoining land by virtue of the risk and impact of potential pollution.

EMP3 GENERAL INDUSTRY

States, inter alia, that development will be permitted for B2 use (general industry) where the proposal is compatible with existing business / industrial / warehousing uses; will not cause detriment to the amenities of nearby residential areas; the nature and scale of the proposed development does not unacceptably affect surrounding uses; it does not present additional risk to the health or safety of users of the site and does not unacceptably pollute air, water or land; and it does not unacceptably affect the use of the adjoining land by virtue of the risk and impact of potential pollution.

TRAN10 - PARKING

TRAN11 - ROAD FREIGHT

States, inter alia, that, in order to reduce the unacceptable environmental effects of heavy goods vehicles...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.

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 7, 2014) provides the following advice on the weight that should be given to policies contained with the adopted development plan:

*'2.7.1 Where development plan **policies** are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development (see 1.1.4 and section 4.2).*

2.7.2 It is for the decision-maker, in the first instance, to determine through review of the development plan (see 2.1.6) whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development (see section 4.2).'

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. The following policy, guidance and documentation support the relevant UDP policies.

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 7, July 2014) (PPW) is of relevance to the determination of this application.

Section 12 of PPW can be considered

12.5.1 The Welsh Government's general policy for waste management is contained in its overarching waste strategy document *Towards Zero Waste* and associated sector plans. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy as far as possible.

12.5.2 The Collections, Infrastructure and Markets (CIM) Sector Plan describes the waste management framework considered to provide the best solutions to meet environmental, social and economic needs to 2050⁷. It indicates a move towards a position where disposal and recovery options are reduced in favour of high volume source segregated collection followed by reprocessing (as well as preparation for re-use and prevention). The reality as we move from where we are now towards these aspirations is the need for planning authorities to facilitate the provision and suitable location of a wide ranging and diverse waste infrastructure which includes facilities for the recovery of mixed municipal waste and may include disposal facilities for any residual waste which cannot be dealt with higher up the waste hierarchy.

12.5.3 The land use planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time:-

- minimising adverse environmental impacts and avoiding risks to human health;
- protecting areas of designated landscape and nature conservation from inappropriate development; and
- protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 8 – Renewable Energy (2005)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 21 – Waste (2014)
- Technical Advice Note 23 – Economic Development (2014)

Supplementary Planning Guidance:

In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Sustainable Development
- Amenity Standards

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council is in the process of considering all representations received and is timetabled to submit the Local Development Plan to the Welsh Government for Examination in April / May 2015.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales (edition 7 July, 2014) is noted. It states as follows:

'2.6.2 In development management decisions the weight to be attached to an emerging draft LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2).'

The guidance provided in Paragraph 4.2 of PPW is noted above. In addition to this, the background evidence to the Deposit Local Development Plan that is relevant to the consideration of this application is as follows:

- Waste Planning Background Paper (2013)
- Sustainable Transport Assessment (2013)

Specific Policies that would relevant to this application

Policy SP8- Sustainable Waste Management

Other relevant evidence or policy guidance:

Land Fill Directive 1999

Waste Framework Directive 2008

South East Wales Regional Waste Policy (1ST Review 2008)

Project Gwyrdd 2008

Towards Zero Waste 2010

The Collections, Infrastructure and Markets (CIM) Sector Plan July 2012

* Update from Previous committee report

max Hi to be end of the representation section. P.17

Since the report was drafted for the committee on 2 July, the Council have received another 4 letters of representation regarding the proposal. ^{Two} of the objections received were from residents in Barry that outlined their concerns with respect to the proposals to site the wood fired renewable energy plant at Woodham/David Davies Road. It is considered that the concerns outlined in these three letters have been addressed in the report and there is no new issues raised with respect to these representations.

A further email was received by the campaign group Friends of Earth objecting to the proposed development.

With respect to their comments on the Waste Planning Assessment, this was requested by the officer directly as it is ^(WPA) suggested ^{is} required by TAN21 Waste. The WPA was not requested by NRW and they had already outlined that they raised no objection to the proposed development. Accordingly, whilst the document does ~~simply~~ set out some of the planning policy requirements of such a development, the information contained within the document had already been produced by the existing submissions by the applicant. As such, it was not considered necessary to consult NRW on this basis.

With respect to ~~the~~ Officers' understanding of the plant being a combined heat and power facility, ~~Firstly~~, the statement quoted in FoE representation is taken from the description of development section of the report and not the analysis of the information submitted. The description of the development will outline the developer's proposal as set out in the application. The matter was raised with the developer who did address that the surplus heat produced by the plant would not be sufficient for it to be considered a Combined Heat and Power Plant, as this proposal would produce 10% more electricity than the previous consent but have less surplus heat.

It is considered that all other matters that have been raised by FoE have been addressed either in the report or by responses by the developer that have been provided as part of the application information.

Nevertheless, FoE recent representations have been considered by the applicant and two documents have been provided by Sunrise Renewables to address the matters raised. These have been attached as additional Appendix E to the report, titled 'Responses to comments from FoE dated 6th July 2015' and 'Waste Disposal Status of the Project'.

~~Evidently~~ The first document addresses those recent matters raised by Friends of the Earth while the other documents outlines Sunrise renewables position on its status as an Energy Recovery Plant. The second document categorically states that the plant is not a waste incineration installation and would not be regulated by the Waste Framework Directive and therefore the requirement to meet the energy efficiency standards set out in the R1 formula are not required. However, having run hypothetical calculations the applicant maintains that the plant would still meet those energy efficiency calculations as set out in the R1 formula.

Background to the Proposal

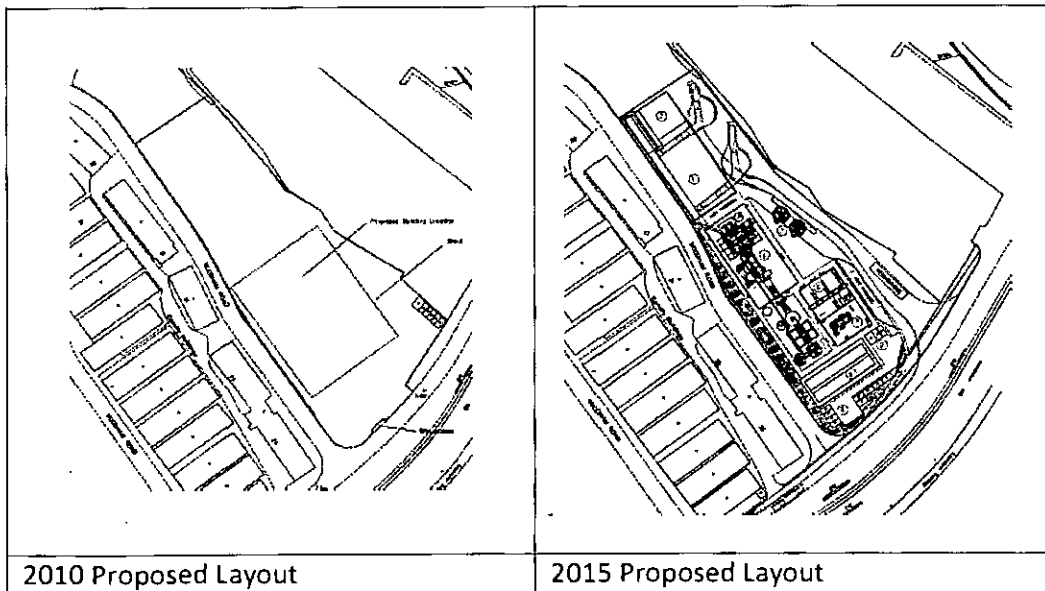
Members will note that this application is a resubmission of the approved application 2008/01203/FUL, which was refused by Members at planning committee but allowed by the Planning Inspectorate following a public enquiry into the application in 2010. The appeal decision is attached as Appendix C. The main difference between this application and the previously approved is the following:

Technology: a change in the manufacturer of the advanced conversion technology (ACT) from gasification based on pyrolysis to one based on a fluidised-bed. The proposed technology is more fuel efficient and will improve the average annual power output to 10 MWe compared to 9.0 MWe in the 2010 Permission. It also means that there is no waste heat generated during the process.

Layout: accommodation of the proposed technology at the Project site requires a different configuration of the buildings housing the various components – the 2010 Permission contemplated a single connected structure while the revised layout breaks this up into three separate but functionally interconnected buildings. The footprint of these buildings is 7.5% less than under the 2010 Permission.

Elevations: the revised layout comprises two buildings that are lower than the building height in the 2010 Permission and one that is higher. The average building height of the 2010 Permission is 14m while the average building height of the revised layout is 16.3m. In order to meet emissions requirements, the stack height will be increased to 43m. This is less than the stack height approved for the waste-energy plant already approved for construction at Atlantic Way on the opposite side of the dock, although Members should note that this consent has now technically lapsed.

X 40



As there are no other changes made to the application it is considered that the plant will be fuelled by reclaimed wood arising (for example) from local recycling operations.

Issues

While members understand the material weight that should be given to the previous 2010 consent, the application must be considered in its entirety against National, regional and Local Policy objectives.

As such, this next section addresses some of the policy changes since the previous 2010 approval.

National Policy (Planning Policy Wales 7th Edition), TAN21- Waste

Waste Policy in Wales is influenced by two major European Directives, the Waste Framework Directive and the Land Fill Directives, which came into effect in 2008 and 1999 respectively. These directives effectively set out a move away Landfill and the member states to take account of the best available technology to develop a network of disposal installations, taking into account the Waste Hierarchy as well as the 'Proximity principle and self-sufficiency.

While not significantly different to the National and Regional Policies that were considered in 2010 approval, Planning Policy Wales as well other documents on the Waste Strategy in Wales have been updated.

The Welsh Government's general policy for waste management is contained in its overarching waste strategy *Towards Zero Waste* (para 12.5.1 PPW). Planning authorities should, in principle, be supportive of facilities which fit with these documents– i.e. zero waste and associated plans – and in doing so reflect the priority order of the waste hierarchy as far as possible.

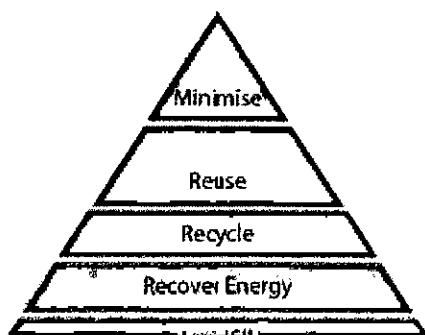
PPW also sets out the general criteria that proposals should meet (para 12.5.3), i.e.:

- Minimising adverse environmental impacts and avoiding risks to human health.
- Protecting areas of designated landscape and nature conservation
- Protecting residential amenity and other land users and uses

The proposal fits with the Governments waste policy since the processing of the wood waste at the plant results in Energy Recovery by Gasification. According to the Councils Waste Planning Background Paper for the LDP (Page 8 Para 4.2.1) the residual wood waste that would be used at the plant would be otherwise sent to be landfill at Trecati Landfill Site rather than energy recovery. As such, the proposed use does comply with the overarching policy of PPW zero waste and reflects a progression in the waste hierarchy.

TAN 21 Technical Advice Note for Waste (February 2014) TAN 21 reinforces the PPW approach towards 'zero waste' and includes the Waste Hierarchy (below). At chapter two TAN 21 promotes the EU Directive waste hierarchy as follows:

Waste Hierarchy diagram



TAN 21 sets the framework for facilitating the delivery of sustainable waste management infrastructure through the planning process. Paragraph 1.10 of TAN21 explains:

Sustainable development is a key functioning principle of the Welsh Government and its policies. The movement towards sustainability in relation to planning for waste should be guided first by the wider principles of sustainability contained in Planning Policy Wales, however, with specific reference to waste management land use planning should help to:

- Drive the management of waste up the waste hierarchy and facilitate the provision of an adequate network of appropriate facilities;
- Minimise the impact of waste management on the environment (natural and man-made) and human health through the appropriate location and type of facilities;
- Recognise and support the economic and social benefits that can be realised from the management of waste as a resource within Wales.

TAN21 also indicates at paragraph 3.2 that: In the short to medium term there will be a continued need to develop more waste treatment and recovery facilities in order to reduce reliance on landfill.

Paragraph 3.26 advises: 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 broad infrastructure framework. Particular care should be taken to avoid locations where new or extended waste facilities may be incompatible with existing land-uses' amongst potential sites for facilities paragraph 3.27 includes:

- industrial areas, especially those containing heavy or specialised industrial uses
- 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

The proposal will clearly raise the treatment of the wood waste from the bottom of the hierarchy (landfill) to the second level (recovery). The proposed site is within an industrial area, in accordance with para 3.26 of TAN 21 above, and on a site already approved as an energy recovery use in 2010.

It should be noted that some representations have been received that outline that the efficiency levels of the plant are below the requirements outlined in TAN21,

rendering the development a Waste Disposal unit rather than an Energy Recovery. In particular para 4.33 states that *The recovery of energy from waste should be carried out at a high level of energy efficiency. In the case of energy from waste facilities using mixed municipal wastes and residual waste as a feedstock, in order to be classed as a 'recovery operation' these need to meet (as a minimum) the energy recovery efficiencies as defined under the 'R1 formula' (detailed in Annex 1 to the Waste Framework Directive). The Collections, Infrastructure and Markets Sector Plan provide details on the way in which the efficiency of energy from waste facilities is calculated using the R1 formula (see Collections, Infrastructure and Markets Sector Plan at p.217). Energy from waste facilities are categorised as recovery installations when their efficiency, as expressed using the R1 formula, is equal to or greater than:*

Where facilities using municipal waste, or mixed municipal and industrial wastes as a feedstock operate at an R1 efficiency level of <0.6, the operation is classed as a disposal operation for the purpose of the waste hierarchy.

In this instance, the developer has provided additional information, attached to this report as Appendix D that identifies that the energy recovery at the proposed plant would be efficient enough to meet the efficiency levels set out under the R1 formula. Accordingly, the proposal complies with the efficiency set out in TAN21 to be considered a recovery plant rather than a Waste Disposal.

Regional Waste Policy

Regional waste policy covering Barry is set out in the '*South East Wales Regional Plan March 2004*' which was endorsed by all of the local authorities within the area covered.

The Regional Waste Strategy is as follows:

- *Aim to achieve the 2020 Landfill Directive targets by 2013 (diversion of biodegradable waste from landfill)*
- *Achieve this principally through maximising recycling and composting deal with residual waste by Mechanical Biological Treatment*
- *Choose between either sending the residual waste from Mechanical Biological Treatment to landfill or using it as Refuse Derived Fuel; and*
- *Limit the amount of waste going to landfill to that which cannot be dealt with acceptably in any other way.*

A Review of the South East Regional Waste Plan was published in September 2008. The review had two elements, a Technology Strategy and a Spatial Strategy. The purpose of these strategies is to guide and support the unitary authorities in their plan making.

The Technology Strategy does not identify a single preferred technology but offers seven possible approaches all incorporating high source segregated recycling and composting levels with all remaining residual wastes, where possible, being managed by combinations of pyrolysis, incineration with energy

recovery, MBT, gasification and autoclave. All are aimed, amongst other things, at minimising waste to landfill.

In relation to the development of a spatial strategy the Review:

- a) Provides map based very general areas of search which it stresses should not be used for development management decision making, and
- b) Concludes that the potentially available land area on existing B2 (and similar) or major industry sites and B2 sites that have already been allocated in development plans has shown that in each Unitary Authority area for which data is available there was, at 2008, a clear surplus of developable land with a B2 (and similar) planning permission or proposed use to accommodate the highest estimate of the total land area required for new in-building waste management facilities. In South East Wales there was a total of 729 developable hectares of land with a B2 (and similar) planning permission or proposed use.

The Regional Waste Policy identifies a need for additional energy recovery by gasification or other advanced technologies, Paragraph 7 of the Waste Background Paper to the deposit LDP also estimated that 6.6 (indicative number of facilities) are required to deal with 252,836 tonnes of waste and on an estimated land area of 8.6ha.

The LDP goes onto identify suitable locations for Waste Management Facilities based on the RWP identification for suitable locations for waste facilities and the guidance set out in TAN21. TAN 21 promotes the Local Development Plan (LDP) concept at paragraph 3.18. It explains that the locational requirements of waste facilities should be considered when preparing local development plans: *so as to ensure that the provision of a wide range of waste management infrastructure can be facilitated.* And at paragraph 3.21 it advises that LDPs should: *indicate where suitable and appropriate sites exist for the provision of all types of waste management facilities in order to provide some certainty for waste operators interested in fulfilling demand in an area.*

The background paper has drawn upon guidance as well as the findings of a study commissioned by Prosiect Gwyrdd to identify potential sites for developing a regional waste management facility. The background paper study assessed 59 sites, of which 14 were located within the Vale of Glamorgan and of the 14, 4 were identified as being the most suitable locations for residual waste treatment facilities. Specially Atlantic Trading Estate, the Operational Port of Barry Docks (application site), Llandow Trading estate, and land adjacent to Bosch at Junction 34. (Emphasis added)

As such, at a National and Regional level of policy of waste, the proposal for an Energy recovery unit at the applications site has been supported by the updates to Planning Policy Wales, TAN21 and the Councils background paper for the LDP on Waste Planning. While it is not zero waste, it is an acceptable short to mid range solution away from the land fill and is located within a sustainable location in an existing allocated employment land use.

This compliance with National and Regional policy is validated by the Councils deposit LDP and background papers. While the LDP is not adopted to date, the

background paper is clear evidence that the application site is considered to be an appropriate location for potential waste facilities, subject to the proposal complying with the criteria outlined in the relevant local policies in the existing development plan (UDP 1996-2011) and general planning considerations

Local Planning Policy

Policy EMP1 of the Unitary development Plan (UDP) lists the sites allocated for Employment Uses. Site 3 is the Barry Docks and Chemical Complex within which 16.6Ha of land is shown as available for development. The site lies within this designated area, which is specifically shown for development falling within Use Classes B1, B2 and B8 – ie business, general industrial and storage and distribution.

Policy WAST1 seeks to make provision for waste management facilities more generally:

Proposals for the provision of waste management facilities including the handling, treatment and transfer of waste will be permitted where they are located on:

- i) Existing waste sites*
- ii) Existing and allocated B2 and B8 employment sites*
- iii) Within operational mineral sites*
- iv) Composting at Farms*

Accordingly, the proposal is acceptable in principle as it is located on an existing dockland employment site, complying with criteria (ii) of the above mentioned policy.

Policy WAST2 provides criteria for assessing waste management facilities. This includes: Compliance with the waste hierarchy, residential amenity and public health, surface and groundwater quality, adequacy of the highway network, nature conservation, archaeology, geology and landscape; good layout and design, and flood risk.

These matters will be considered in turn below: -

Compliance with Waste Hierarchy

Members should note that this matter has already been considered in this report in the sections relating to National and Regional Policy. The proposal is considered to comply with the Waste Hierarchy by producing energy through waste and being considered betterment to the existing land fill that is currently being used by the Vale of Glamorgan Council.

Impact on Local / Residential Amenity.

The application site is located no greater than 250 metres from the existing residential properties on Dock View Road which overlook the site from an elevated height, with such proximity having raised many concerns from the public concerned about the impact of the proposed use on their amenities.

Such matters are addressed below, with specific consideration given to the following:

- Proximity to local residential properties
- Noise
- Air Quality
- Dust
- Odour
- Traffic Impact
- Visual Impact

Proximity to Local Residential Properties

As discussed above, the choice of location is considered acceptable in land use terms, albeit there is a clear policy requirement (primarily Policies WAST2, COMM8 and ENV27) to ensure that any such development would not (amongst many other things) unacceptably affect residential amenity or pose a threat to public health.

As expanded upon below, it is considered that the proximity of the site, coupled with the appropriate controls and mitigation measures, ensure that there would be no demonstrable harm to local residential amenity, such that a refusal would be warranted.

Noise Issues

The applicant advises that the plant has been designed to meet the BAT (Best Available Technology) requirements of the Environmental Permitting regime, which include noise emissions controls. The steam turbines produce the most noise, hence their enclosure within an acoustically attenuated compound within the building. The applicant goes on to say that plant as a whole is designed to be fully compliant with the applicable dBA requirements. In addition, the applicant has commissioned a contractor to ensure that the design and construction of the building ensures that the plant is compliant with all of the relevant noise guidance in Wales.

The application was submitted with an updated noise statement, the original noise survey and upon request the detailed survey that led to the updated noise statements conclusions. The additional background noise survey was submitted to Council on 13th March 2015.

The noise statement outlined that Power Consulting had been employed to consider whether background noise levels have changed in a way that would invalidate the conclusions in the 2009 reports and does the new plant expect to operate within the noise constraints that were envisaged for the original design approved under the 2010 permission.

During the survey on 21st November 2014 the background levels at all three locations (Dock view road, Cory way and Cei dafydd) were re-checked and found to be still valid. This was supported by the updated noise survey submitted on 13th March 2015, which set out the contracted company's methodology and results from the three locations.

Ultimately, it was concluded that measurements used in the previous application remain valid and, therefore, if the specified internal level of 90 dBA is achieved then the external level of the proposed plant at the various locations will be equal

to or less than the measured background level. In addition, it is also reasonable to conclude that the background measures proposed by AB acoustics for the original application remain valid.

and
have advised that
they

The Environmental Health (Pollution Control) section has considered the submitted noise assessment and notes that the noise impact assessment and predictions are based on background noise measurements and locations as identified in a previous application, We do not believe that background noise levels within the area have increased.

The noise impact assessment and predictions indicate no adverse impact upon amenity from the REP. Nevertheless the process will need to demonstrate Best Available Technique for noise control during the permitting process. This will offer further opportunity to limit impacts and will be for discussion with Natural Resources Wales.

In addition, while not requested it is considered important to reapply the noise related conditions to ensure that the buildings doorways / openings in frequent use do not face sensitive locations, that such openings remain closed except when receiving deliveries, and that operators of mobile plant within and outside the facility use reversing safeguards that have low off site impact (e.g. bleeper alarms are omni-directional and can be audible over some great distance and thus avoided).

In addition, given the relative proximity of the site to residential properties, and the undoubted concerns expressed by many of the residents, it is considered prudent to require submission of a Construction Environmental Management Plan (CEMP) via condition to cover noise, including matters such as hours and delivery times, during the construction phase.

Environmental health and Public Health Wales have also commented on the information not taking into account the cumulative impacts of the proposed use with other applications that have been considered, approved but not implemented to date. In particular, the concerns relate to other pending and determined applications for similar developments within the locality and their cumulative impact when considered with this proposal. Specifically application 2014/00610/FUL and 2009/00021/FUL for energy recovery plants at the docks.

Notwithstanding the fact that these matters have been considered previously and were not found to have a detrimental impact upon the surrounding residential amenity, it is important to note that the application at Dow Corning was withdrawn before determination and the approved application at Atlantic way was approved but has since expired in the last year. As such, there cannot be any implementation of the two other applications and no cumulative impact at this stage if this is the only approved plant on the dock.

Air Quality

The application was accompanied by the original Air Quality Assessment, the stack height assessment and on request from NRW an updated air quality assessment was provided.

The applicants advise that the proposal will not impact upon local air quality because its emissions must meet the limits set in the Environmental Permit. In this respect, they add that gaining a planning consent does not authorise the operation, it must still have a permit and agreed abatement technology before it can operate. Not only does the plant have to meet strict emission criteria it must also be the Best Available Technology (BAT) for the use.

As part of the permit application process National Resource Wales will assess the emissions modelling carried out and set emission limits for the process.

The stack height assessment outlines that the stack height assessment was conducted for a range of stack heights between 30 m and 55 m using ADMS, an industry standard dispersion modelling tool. Worst case emission limits for Nitrogen Oxide (NO), as defined in the Industrial Emissions Directive (IED), were assumed and five years of meteorological data were used to take account of inter-annual variability in local weather conditions. It was assumed that for long term impacts, all NO emissions have been converted to NO₂, whereas for short term emissions, a worst case assumption was made whereby 50% of NO emissions have been converted to Nitrogen Dioxide (NO₂).

The impact of Sunrise Renewables' proposed ERF was assessed across a 2 km x 2 km modelling domain from which the highest modelled ground level pollutant concentrations have been extracted and used to calculate a stack height for which the impact of emissions can be described as 'NEGLIGIBLE'. It was the conclusion of the assessment that a stack height of 43 m will be sufficient for adequate dilution and dispersion of residual emissions from the plant and it is shown that there would only be very minor appreciable benefits gained by increasing the stack height further.

The previous application submissions emphasised that the proposed biomass plant is not a mass burn process which results in large volumes of emissions at the stack which require abatement, rather that by the time the gas reaches the engines it has to be clean to ensure that the engines operate efficiently. In other words, the stack (exhaust) will have no visible air emissions as particulates will be controlled using the abatement equipment agreed with the National Resource Wales. In essence, the technology used is modern and is not a traditional 'incineration', but rather a gasification process which breaks down the fuel into a gas which drives an engine to create electricity, with the 43m stack acting as an 'exhaust' rather than a traditional flue. 40m?

The EHO has also considered the submitted assessment in detail and has concluded that, while any process of this kind will generate emissions to atmosphere, the key issue is to assess whether these emissions significantly impact upon health or the environment both in the immediate vicinity and further afield.

It has been confirmed that based on the modelled data provided, there appears to be no evidence of the Renewable Energy Plant (REP) breaching the relevant ambient air quality objectives (Nitrogen Dioxide, Sulphur Dioxide, PM₁₀, Carbon Monoxide). Specific stack emissions have also been modelled and indicate that they would comply with imposed permit conditions as set by Natural Resources Wales.

Nevertheless it is required by the EHO that the Local Planning Authority (LPA) should ensure that the REP will not lead to any Process Environmental Concentrations (PECs) breaching any relevant Environmental Assessment Levels or local air quality objectives to be addressed. It is noted that the environmental permit amended by NWR also requires for these issues, and as such a condition is proposed (No.29) to deal with this. However, a condition proposal is considered necessary to require the developer to submit a further investigation once the plant is operational.

In addition, National Resource Wales initially objected to the proposal as it was outlined that the information submitted was insufficient to assess the impact the proposal would have on nearby sensitive receptors, i.e. SPAR and SSSI. However, on the submission of an Air Quality Assessment that took into account the impacts the emissions could have on the nearest sensitive sites, National Resource Wales removed their objection to the proposal.

Accordingly, there are not considered to be any sustainable objections in respect of the impact on local air quality which would justify refusal of this application on such grounds.

Dust

As for any industrial process, there is an opportunity for dust to create a nuisance in the local area unless adequately controlled. In this respect, the applicants have advised that site operations will be carried out to minimise the creation of dust, with a permanent constant mains water supply available and all external water pipes are to be lagged to prevent frost damage.

They advise that water sprays and/or bowsers will be used to reduce dust levels on all external site surfaces where necessary; that vehicles carrying potentially dusty loads off site will be securely sheeted or sprayed with water to reduce dust emissions; and that site staff will continuously monitor dust emissions whilst the plant is in operation and take appropriate action when required.

Subject to conditions covering such dust control measures, there are not considered to be any adverse impacts on local area by reason of dust generation.

Odour

The submissions advice that no material will be accepted which is likely to cause an odour nuisance, and that any loads which are malodorous will be rejected and the appropriate authorities informed. They also state that the Biomass plant itself does not produce odorous emissions.

No objections have been raised by the EHO or NRW in respect of prospective odour nuisance.

Traffic Impact

The amount of traffic generated by this process, in comparison with the existing local and industrial traffic on the network (particularly Fford-y-Milleniwm) is not considered to be great, and in this respect there are not considered to be any substantive reasons to object to the proposal on the grounds that there would be

an unacceptable increase in noise or activities from lorry movements, not least because the site is located in an industrial area (notwithstanding proximity to dwellings) where such activities are not uncommon.

The Highways Officer has made observations on the application and has no objection subject to site specific requirements the vision splays being provided and these requirements being attached as condition.

Visual Impact

The application site is located to the immediate east of the industrial/ commercial units within the old Nissen huts on Woodham Road, The site is visible from Fford y Milleniwm and higher ground (Dock View Road etc) to the north, and (up close and at a distance) from Barry Island and the Waterfront in general to the west, as well as generally from the Docks. Nevertheless, in terms of its wider context, it clearly relates primarily to the wider industrialised area of Barry Docks.

A visual analysis document was submitted with the application, which outlined that on the basis of the previous approval at appeal as well as the approved development at Atlantic Way, there was no real reason for the Council to refuse this application on visual amenity grounds, despite the buildings and stack being taller. In particular, the agent highlighted the Planning Inspector's comments in his appeal decision: -

8. Local Residents may wish otherwise but the site lies in an industrial area. The Council conceded at the inquiry that it had no objection to the appearance of the proposed building. Looking down from Dock View Road the new building would be seen in the context of the development within the docks, and, in my view, would sit comfortably in its industrial surroundings.

In considering the physical impact of the development the applicants have copied drawings submitted for the Atlantic way application (2009/00021/FUL) which displayed cross-sections demonstrating the height of the buildings and stack compared to approved Atlantic way application and the docks office building. In this respect it is notable that the ridge height to the proposed Welfare & Ancillaries building is 23m, compared to 29.2m to the ridge of the Council's Dock Office, as well as being lower than the approved buildings along Atlantic way. This is considered to demonstrate that the building will undoubtedly become a visible structure within the immediate vicinity as it would exceed all but the Dock Office in the immediate area, while its 40m stack would clearly exceed all but the stacks on the chemical works to the east. This in itself, however, does not make the development unacceptable.

It is considered that, while some 23 metres tall, the buildings would still nevertheless relate to the character of nearby use and buildings, and are not considered to have a detrimental impact upon the surrounding area. The height of the new buildings and the proposed stack will of course have a marked impact upon the immediate landscape and would be visible from prominent locations around the site, but they will appear as modern designed industrial buildings relating to the existing use and character than surrounds them.

While it is appreciated that the Docks are overlooked by houses from an elevated height in and around Dock View Road – with the visual impact of the proposal on

residential amenity having been raised in local representations, including matters relating to the impact on or loss of view, value of properties, regeneration of the docks for retail - the area is indisputably industrialised in character and the addition of a new industrial building would, within this context, not appear out of place. It could also be considered that the retail sector of the waterfront, in particular, the Asda waterfront store, as well as the those adjoining Morrisons, have taken account of its historical siting within the docks and has been designed in a very similar and utilitarian manner, resulting in a simple grey cubed building. As such, while it could be said to be at odds with the appearance of some of the near by residential buildings, the utilitarian box design is not too dissimilar to the existing industrial buildings and the newly constructed retail developments.

Indeed, the main element of the proposal which distinguishes it from any other large industrial building is the proposed 40m high stack. While the stack height does appear large, this height is to mitigate environmental impacts of the process and it must also be considered that the stack is not a building and will only measure 2m in diameter. Furthermore, within the industrial backdrop of the docks and Dow Corning Chemical works there are several large tower and stacks that can be viewed in this landscape, some taller, some shorter than proposal in this instance. Within its industrial context, therefore, this would similarly have no adverse impact.

Furthermore, views of the building will be softened by the proposed landscaping and the proposed finishes to the buildings and stack. Conditions would be required on matters including materials, landscaping, no open storage, and external lighting (of site and building).

For those reasons discussed in greater detail above, it is thus considered that the physical impact of the use and building would neither appear out of character or unacceptably overbearing to the extent that it would cause demonstrable harm to the amenities of those residential properties living near the area. Accordingly, it is concluded that the proposal would not have any unacceptable visual impact, and would accord with the objectives of the policies listed in the policy section above, including WAST2, ENV27, COMM8, EMP2 and EMP3.

Conclusions on Impact on Residential amenity

While it is acknowledged that there is a considerable degree of unrest over the nature of these proposals and the impact on the local community, for the reasons given above it is concluded that there are no overriding objections to the development which could be substantiated on grounds relating to local residential amenity.

In addition, the location of the site, and the heavy support for such sustainable proposals from national, regional and local policy, is such that the planning balance is considered to be in favour of approving such facilities where no such harm is identified.

Highways and Access

A traffic statement was submitted with the application that highlighted that there are no significant changes to the assessment since the 2010 approval. As such, the proposal will continue to operate continuously in order to generate electricity with the exception of routine maintenance check. However, time limits will remain to receive fuel and general access, i.e.

The site will only receive deliveries of fuel and visits from third parties and the public during the following hours: (planning statement refers)

- Monday to Friday 07:00 - 19:00
- Saturday 07:00 - 19:00
- Sunday / Bank / Public Holidays 07:00 - 16:00

Output calculations/projection are based on

- Delivery of waste wood at a frequency to enable to plant to operate with a processing capacity of 72, 0000 dry tonnes of wood biomass.
- 52 weeks operation at a 24 hour process.
- Feedstock is expected to be delivered to site by road and or sea according to source.

In addition, it should be noted that the developers scheme proposes off site pre processing of wood waste by the feedstock supplier for delivery in a chipped state ready for processing. As such, there is no need for the storage or removal of processed ferrous, non ferrous and other materials. There will be the need to deliver any output waste material (bottom ash and Fly ash) to either landfill or recycling operations (bottom ash only)

From inspecting the documents it is evident that vehicle and pedestrian access will be provided from David Davies Road into the site. Parking will be provided within the site for 12 cars (including one disabled) and four cycle bays for employees and visitors. There will be a total of 10 staff at the site at any one time. While the above proposals do closely remain the same as the previous 2010 consent, the statement does make reference to the applicants considering the delivery periods associated with the development (excluding weekends). I.e. same number of trips but over a five day week rather than a seven day week.

In considering this proposed change, the Highways Authority determined that the HGV trips to and from the site would be increased from 22(two way) to 30(two way) trips per day, giving a net increase of 8 trips (two way) between the operating times outlined from Monday to Friday. When considering the additional trips, the Highways Officer was satisfied that there would be no material impact over and above the existing planning consent. As such, no objection is held by the Councils Highways Officer subject to conditions on visibility splays, the material used for access to the site, parking layout plan, access gates and details of the cycle spaces.

Furthermore, a green travel plan was submitted with the previous application approved at appeal and a condition was attached to the permission required the developer to incorporate the measures set out within the Green Travel Plan submitted.

The overall target of the GTP was "to promote, encourage and facilitate alternative travel where possible", with the GTP "designed to reflect the company's awareness of its need to promote sustainable travel, and its responsibility in reducing the impact on the local and wider environment. The GTP included measures aimed at encouraging use of public transport, cycling, walking, and car sharing, including provision of information through induction packs, provision of free equipment, an assigned GTP co-ordinator; and regular monitoring and review;

The applicant outlines that they are satisfied that these conditions can be reapplied to the revised development, however, the travel plan was not submitted with this application. As such, a condition will have to be applied that requires the resubmission of an updated Travel Plan and to implement its measures once agreed by the Local Planning Authority.

Ecology

An updated Ecology assessment was prepared by Power Consulting Midlands Ltd to review the ecological considerations pertaining to the site. As such, the statement outlines that two fundamental issues were addressed: -

- 1) Have conditions at the site changed materially in a way that would alter the ecology and consequently invalidate the conclusions in the 2009 report?
- 2) Is there currently any evidence of the presence of *Althaea Hirsuta* (rough Marsh Mallow) at the site?

The updated survey undertaken shows that no *Althaea* or superficially similar species of the Malvaceae were recorded in this survey, and concludes that there is no significant change to the topography of the site or the species found at this location since the previous appeal consent.

NRW have considered this report, and advised that the presence of the plant nearby and that Rough Marsh Mallow is a locally important plant in the Vale of Glamorgan. NRW therefore recommend this is considered by the Authorities Ecologist. However, no objections have been received from the Councils Ecologist and from a consideration of the previous appeal decision and consent conditions it is considered that there is no justified reason to introduce a condition for the marsh if none was found on site.

Accordingly there are no ecological objections to the proposals, which satisfy Policy ENV16 of the adopted UDP.

Other Matters

Handling of Waste Outputs

As a result of the process, the main waste emission (requiring disposal/ handling) would be ash ('bottom ash' and 'fly ash').

Bottom Ash

Stored in sealed silo and then the proposal will consider the use of sealed powder trucks

The applications advise that Bottom ash is one of the bi products of gasification process and it can be used for building products such as block manufacture. It will be removed from the site in separate contained loads by the feedstock supplier for recycling. As such, it will be removed from the site in 22-tonne vehicles, and it is intended that it will be either landfilled or used for block making). There is a significant reduction from the waste tonnage to the ash bi product, as such, the total amount of ash from the site per annum will not exceed 2208 tonnes.

A condition will be attached to require the applicants to submit details of the how the bottom ash can be disposed of sustainably (recycled) A condition requiring submission of such matters is recommended below.

Fly Ash

The submissions advise that the European Waste Catalogue Fly Ash is termed an absolute hazardous waste. The submissions assume that 1500 tonnes per annum of fly ash will be generated by the proposal. However, it does qualify that the exact tonnage will depend on the abatement technology, which will be determined by NRW, but it is unlikely to exceeded that calculated amount

In order to control the disposal of such waste from the site, a methodology statement condition is recommended which would cover any required storage and subsequent disposal, and also cover matters (if deemed necessary) such as the use of sealed transport, dust sheeting on lorries etc.

However the fly ash will be stored on site in a sealed silo and removed using sealed powder trucks

Proximity Principle - Source of Waste Wood

It should be noted that the issue of the proximity principle was considered in the previous appeal, with specific regard to the applicant's non-committal stance on the supply of the chipped waste wood. As such, the Council applied conditions that were attached to the planning consent requiring the source of the waste wood to be local or within the South East Wales Region. This matter was considered at the inquiry in 2010 and the inspector outlined the following in para 29: -

to a regulated land fill location.

The appellant proposes that the operation would utilise waste wood sourced locally but, in order to avoid problems regarding supply, does not wish to be tied to using waste wood from the SE Wales region only. The Council propose a condition that would allow fuel to come from farther afield provided it comes in by sea. However it arrives, importing waste wood from outside the region would not accord with the proximity principle and this seems to me to be an acceptance by the Council that it is important to ensure a reliable supply of fuel. I am persuaded by the appellant's argument that the cost of transportation will weigh towards the use of local material but acknowledge that, without a condition, it cannot be guaranteed.

The Assembly's Energy Policy Statement of March 2010 promotes renewable energy and the use of waste wood in the generation of electricity to prevent negative impacts on the environment and food security. The Statement also recognises that by 2020, 50% of the biomass used to generate electricity will be imported, an acknowledgement, in my view, that waste used to generate electricity may need to come from outside the region and outside Wales.

As such, it would appear that planning cannot enforce the proximity principle by virtue of requiring the applicant to source the wood locally as this should occur logically. For instance, the cost of transporting material would be costly from further away, as such, the market should dictate that the source of the waste wood is local. Accordingly, having a condition requiring this is too onerous and could affect the viability of the business.

Archaeology

GGAT (Glamorgan & Gwent Archaeological Trust) were notified of the proposals. They noted that the site would have been constructed between 1894 and 1898 and would have previously been marshland.

However, within the dock site there are areas where items of medieval periods of history may be found, however, it is considered that in this instance it is high unlikely and there is no reason to condition the consent requiring any archaeological watching brief.

Contaminated Land

The application has been accompanied by a standard environmental report, the submitted report includes a recommendation for further gas monitoring. A detailed ground investigation will be required to ensure that any contamination does not impact upon the end use.

A condition requiring a contaminated land assessment and associated remedial strategy to be submitted to and approved by the Local Planning Authority.

Cumulative Impacts with Other Development

As advised above, during the assessment of the previous application the Council were aware that an application was being considered on land accessed off of Atlantic Way within Barry Docks, Barry for the "Change of use from B2 - General Industrial Use to Sui Generis - Waste Use which would include operational development in the form of the construction of a gasification waste to energy plant for non-hazardous waste (app. Ref 2009/00021/FUL)". In addition, another separate application was submitted by Dow Corning that proposed Planning to develop a Biomass Energy Facility (BEF) including associated works

As such, Public Health Wales and the EHO comments note that the Council should ensure that the developer has considered the cumulative impacts of the developments on the surrounding residential amenity.

However, it is noted that the two applications cannot be implemented at this stage as one was withdrawn and was not determined while the application at Atlantic Way was approved but not implemented within the 5 year time limit and expired in December 2014.

Flood Risk / Water Resources

The site lies entirely within Zone B, as defined by the Development Advice Maps (DAM) referred to by TAN 15 Flood Risk, but NRW have no comments to make.

It is understood that from looking at the previous application that the controlled waters at this site are considered to be of low environmental sensitivity, and therefore the NRW have not provided any site-specific advice with regards to land contamination, while Welsh Water has provided no comments.

Accordingly, there are no matters of concern with respect to flood risk / water resources (Policy ENV7 refers). However, conditions will be attached to any permission requiring the submission of surface water and foul drainage details associated with the development

Employment

The applicants advise that the installation of the new Biomass plant will result in the generation of a minimum of 12 to 14 local jobs based at the site, with other spin offs in the supply / delivery chain.

Although this is not a considerable employment generating use (as identified by some representations), it is still considered to be a use appropriate to its location within an existing employment area/ dockland, with an opportunity for local jobs during construction and operation, as well as in the supply chain.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to National and Regional Policies on Waste and Renewable Energy, and Policies 13, WAST1 – Provision of Waste Management Facilities, WAST2 – Criteria for Assessing Waste Management Facilities, COMM8 – Other Renewable Energy Scheme, ENV6 – East Vale Coast, ENV7 – Water Resources, ENV16 – Protected Species, ENV18 – Archaeological Field Evaluation, ENV26 – Contaminated Land and Unstable Land, ENV27 – Design of New Developments, ENV29 – Protection of Environmental Quality, EMP2 – New Business and Industrial Development, EMP3 – General Industry, TRAN10 - Parking and TRAN11 – Road Freight of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is concluded that the proposal would represent a sustainable, renewable energy proposal, which meets the above policies, while also satisfactorily protecting the interests of local residential and visual amenity, and highway safety, while not compromising other material considerations detailed in the accompanying report.

RECOMMENDATION

APPROVE subject to the following conditions(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. This consent shall relate to the plans registered on 5 February 2015 other than where amended by plans reference E1627- 2101 Rev A, E1627- 2102 Rev A, E1627- 2103 Rev A, E1627- 2104 Rev A, E1627- 2105 Rev A, E1627- 2116 Rev A dated 16 April 2015, the updated Air Quality Assessment submitted on 12 June 2015 and the Waste Planning Assessment received on 17 June 2015

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. No development shall take place until details of a scheme for the management of waste emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The disposal of waste shall be carried in accordance with the approved scheme.

Reason:

In order to ensure the disposal of waste from the site without harm to local amenity, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

4. No development shall take place until full details, inc samples of the external facing materials to be used in the development, to include colour of the building and stack and shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and retained in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of local visual and residential amenity, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

5. No development approved by this permission shall be commenced until a contaminated land assessment and associated remedial strategy have been submitted to and approved by the Local Planning Authority. The assessment shall contain the following elements and follow the guidance contained in 'Contaminated Land: A Guide for Developers' available from the Local Planning Authority:

a) A Phase I Preliminary Risk Assessment (Desk Study) to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and identify and evaluate all potential sources and impacts of land and/or groundwater contamination.

b) Where the preliminary risk assessment identifies potentially unacceptable risks at the site, a suitably qualified and accredited person shall carry out a site investigation, including relevant soil, soil-gas, surface and groundwater sampling in accordance with a quality assured sampling and analysis methodology. The requirements of the Local Planning Authority shall be fully established before any site surveys are commenced.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of any analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve any such remedial works as required, prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d) The approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

e) Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved by the Local Planning Authority. The verification report shall include details of the completed remediation works and include quality assurance certificates to show that the works have been carried out in full and in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason:

In the interests of public safety, and to ensure compliance with Policy ENV7 of the Unitary Development Plan.

6. Should contamination not previously identified be found through the course of development it must be reported immediately in writing to the Local Planning Authority. An investigation shall be carried out to assess the nature and extent of any contamination and the contamination shall be dealt with in accordance

with a scheme to be submitted to and approved in writing by the Local Planning Authority before the building hereby permitted is occupied.

Reason:

In the interests of public safety, and to ensure compliance with Policy ENV7 of the Unitary Development Plan.

7. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. Prior to the facility being brought into beneficial use, details of a scheme to control dust within the site and locality shall be submitted to and approved in writing by the Local Planning Authority. The operation of the plant shall thereafter be in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of local amenity, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

9. Prior to their construction / installation / use on site, details of all external lighting of the building and site, to include specification, means of operation (whether permanent or sensor/security lights, and hours of operation), and lux plots to prevent / minimise light spillage outside of the site (including atmospheric light pollution) shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be implemented in accordance with such approved scheme and thereafter retained as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of residential and visual amenity, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

10. The building hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

To ensure that the development is serviced by an appropriate Sustainable Urban Drainage Scheme, and to ensure compliance with the terms of Policies ENV7 and ENV27 of the Unitary Development Plan.

11. The building hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason:

To ensure that the development is serviced by an appropriate Sustainable Urban Drainage Scheme, and to ensure compliance with the terms of Policies ENV7 and ENV27 of the Unitary Development Plan.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

To provide effective landscaping and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

14. The access and visibility splays (4.5m x 48m) to the site are approved in accordance with the amended site layout plan draw ref E1627-2104 Rev A received on 16 April 2015 and shall be constructed from a bound material for a minimum distance of 20.0m from the carriageway boundary. The development should be carried out in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interest of Highway Safety and in accordance with WAST2, COMM8 of the Unitary Development Plan.

15. Notwithstanding the approved access and site layout plan, an amended plan with full details of the means of enclosure to the front boundary with Woodham Road, and forecourt area, shall be submitted to satisfy the following highway requirements: -

i) The boundary fence shall be set back a minimum of 4.0m from the carriageway edge to allow for adequate visibility splays from the proposed access and to maintain visibility from the existing Woodham Road junction.

ii) Visibility splays of 4.5m x 48m in both directions, measured from the centre line of the proposed access shall be provided.

iii) Provision of a hard surface of concrete or bituminous material for a minimum distance of 6.0m from the highway boundary.

v) A manoeuvring area, to enable all vehicles to enter and leave in a forward gear at all times, which shall be kept free of obstruction at all times.

vi) Gates, if provided, that shall not open outwards and shall be set back a minimum of 6.0m from the carriageway edge.

The development shall be undertaken and thereafter retained in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

Reasons

In the interests of highway safety

16. The proposed energy recovery plant shall not be brought into beneficial use until the approved access has been constructed in accordance with the approved plans and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

17. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details to be submitted and approved by the Local Planning Authority and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

18. Details of secure parking on site for cycles shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of cycle parking shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

19. A noise survey post installation at the nearest residential premises, 57 Dock View Road, Cory Way and Estrella House, Cei Dafydd, shall be undertaken when the plant is initially commissioned and again after six months. The noise survey is to be provided in the same format as in the developer's submitted noise statement. The results of the first noise assessments shall be submitted to the Local Planning Authority, within two months of the date of commissioning the plant and, should either of the surveys indicate that the noise levels exceed those stated in the application documents, the use of the plant shall cease until such time as a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority, and those measures implemented. The development shall at all times be carried out in accordance with any mitigation measures that are identified as being necessary.

Reason:

In the interests of residential amenity and to ensure compliance with Policies ENV27 and COMM7 of the Unitary Development Plan.

20. The total tonnage of wood waste treated at the plant hereby approved shall not exceed 72,000 tonnes per annum, unless otherwise agreed in writing with the Local Planning Authority beforehand, and records of the amount of fuel processed shall be retained and made available to the Local Planning Authority on request.

Reason:

To ensure accordance with the terms of the application, to limit the impact of activities on the immediate area, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

21. The plant hereby permitted shall only process waste wood.

Reason:

In the interests of local amenity, given that the technical equipment is capable of processing alternative fuels, the impact of which has not been considered through the environmental submission accompanying this application, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

22. Deliveries to the site, and all other external operations, shall be restricted to the following hours: - Monday to Saturday : 07:00 - 19:00; and Sunday /Bank/Public holidays 08:00 - 16:00.

Reason:

In the interests of local residential amenity, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

23. The internal plant noise shall be restricted to a maximum of 85 dBA to include a 5 dBA tonal penalty (with every opportunity to reduce this level explored and demonstrated prior to final construction) and a noise survey, post installation, shall be undertaken when the plant is initially commissioned and again after six months. The noise survey is to be provided in the same format as in the developer's submitted noise statement. The results of the first noise assessments shall be submitted to the Local Planning Authority, within two months of the date of commissioning the plant and, should either of the surveys indicate that the noise levels exceed those stated in the application documents, the use of the plant shall cease until such time as a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority, and those measures implemented. The development shall at all times be carried out in accordance with any mitigation measures that are identified as being necessary.

Reason:

In the interests of local residential amenity, and to ensure compliance with Policies ENV27 and COMM7 of the Unitary Development Plan.

24. There shall be no open storage of materials of any kind outside any approved buildings on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of local visual amenity, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

25. Foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

26. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

27. Prior to the first beneficial use of the development hereby approved, a Green Travel Plan (which will include details relating to proposals for minimising the use of staff car journeys to and from the site and measures to control the plan shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:

In the interest of minimising vehicular movements and sustainability in compliance with Policy ENV27 'Design of New Developments' of the Unitary Development Plan.

28. The roller shutter doors in the feedstock building shall be kept closed at all times other than when deliveries are being received.

Reason

To protect residential amenity, complying with the requirements of ENV27 and COMM 8 of the Adopted UDP 1996-2011

29. Within nine months of the energy plant hereby approved being fully operational, the applicant shall carry out a further Air Quality Assessment through monitoring at the nearest residential property locations, 57 Dock View Road, Cory Way and Estrella House, Cei Dafydd. The new assessment should be completed and submitted to the Local Planning Authority within 3 months of being commenced and, should the assessment indicate that the air quality levels fail to comply with predicted process concentrations as set out in the updated Air Quality Assessment document submitted on 12 June 2015, the use of the plant shall cease until such time as a scheme of mitigation has been submitted to and approved in writing by the Local Planning Authority, and those measures identified in the scheme, implemented. The development shall at all times be carried out in accordance with any mitigation measures that are identified as being necessary.

Reason:

In the interests of residential amenity and to ensure compliance with Policies ENV27 and COMM7 of the Unitary Development Plan.

NOTE:

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Payne, Adrienne J

From: Barry <[REDACTED]>
Sent: 25 July 2015 19:11
To: Howell, Morgan P
Cc: Planning & Transportation (Customer Care); Johnson, Fred (Cllr) (Home); Johnson, Fred T (Cllr)
Subject: Objection to planning application 2015/00031/OUT.

Dear Mr Howell,

I present my first objection to planning application 2015/00031/OUT. I hope to present other arguments against the application if time allows. Please acknowledge receipt.

I believe that this application is totally dependent on the validity of the argument that the new technology plus improved efficiency will lead to production of 10MWe electricity from 72,000 tonnes pa of waste wood, in

contrast to the 9MWe previously claimed to be produced from the same amount of waste wood by the old technology. This claim is based on an incorrect statement. The reasoning is therefore invalid. The application is rendered invalid.

May I explain?

I understand that two descriptors are applied to waste wood (WW) which is used to provide feedstock for energy-from-biomass. These are 'dry' and 'dried'.

I believe that the term 'dry' waste wood, refers to the raw feedstock as received from the supplier, prior to any processing. This 'dry' WW contains up to 20% or even 35% water. I understand that to use WW successfully to produce electricity, this water content had to be reduced to 10%. This is done by the plant operator, post-feedstock delivery, prior to the gasification process. The WW is then described as 'dried'.

Let's assume that 72,000 tonnes of 'dry' WW arriving as feedstock, contains 20% water. This will necessitate one-half the water content being dried out, in order to produce the appropriate 'dried' WW for gasification. This will reduce the weight down, from 72,000 tonnes, to 64,800 tonnes of 'dried' WW. (Correct?)

If, instead, the WW has 35% water content, (a quite common situation), then almost three-quarters of the water content, (in fact 70%) must be removed, to reduce the 35% water content of 'dry' WW down to the 10% water content required for 'dried' WW. This will reduce the weight of WW, from 72,000 tonnes, down to 54,000 tonnes of 'dried' WW. (Correct?)

Looking at the subject the other way around:

To obtain 72,000 tonnes of 'dried' WW for gasification to produce electricity, would require 80,000 tonnes of 'dry' feedstock having a water content of approx. 20% water, (the water content now being increased from 10% of the total 'dried' WW weight, to 20%, in the 'dry' WW feedstock). (Correct?)

OR,

27 JUL 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

DEEP RECEIVED
ACTION BY: MPH112
NO: 17
ACK:

To produce 72,000 tonnes of 'dried' WW requires 96,000 tonnes of feedstock, if the WW if containing 35% water (Correct?)

These figures show that is vital that one understands uses the terms dry and 'dried' correctly, when quoting tonnages.

I have been studying some of the documents in the Vale of Glamorgan Planning Department's Online register, and have located a document entitled, 'Sunrise Renewables (Barry) Ltd. Renewable Power Plant at David Davies Road, Barry ("Project"). Responses to questions raised by Biofuelwatch ("BfW").

It is indexed in the file, 'Planning Application Details for 2015/00031/OUT', as, 'Biofuelwatch – Explanations for BfW.docx', and dated 5th June 2015.

In paragraph 2, it states,

Quote

Is the Plant less efficient than the original consented Plant?

Answer: The previous selected technology pyrolysed 72,000 tons of dried wood to produce 9MWe export capacity. In comparison the proposed technology will convert the same amount of dry wood into 10MW export capacity. Therefore it is more efficient. (my emphasis)

Unquote.

I have also studied the planning application document,

'Sunrise Renewables Ltd. Barry Docks Biomass Energy Plant – Planning Statement [by] Oaktree Environmental Ltd. 3rd Sept 2008. It is indexed in the file, 'Planning Applications Details for: 2008/01203/FUL as 'Planning Statement' and dated 08/09/2008.

I believe this is the original document from which the applicant obtained information which he used to state that, 'The previous selected technology pyrolysed 72,000 tonnes of 'dried' wood to produce 9 MWe of electricity'

Nowhere in that document can I find a statement which suggests that 72,000 tonnes of 'dried' WW was to be used.

Statements in that document seem clearly to refer to 72,000 tonnes of 'dry' WW.

The statements I have come across include.

Quote

Section 2.0 Application Proposals.

Paragraph 2.1

The plant will be capable of pyrolysis of up to 72,000 tonnes of wood per annum

Section 6.0 Reception and Handling Procedures.

Paragraph 6.5

In short the plant will –process dry non-hazardous batches of timber and wood.

Section 8.0. The Biomass Process.

Paragraphs 8.4 to 8.5.ii

The wood to be processed must meet a uniform specification for effective gas production ie a moisture content of 10% after drying. The process is in summary as follows:

- i. Wood fuel having up to 35% moisture content is deposited into a hopper by a wheeled etc, etc. -----

- ii. the dryer reduces the moisture content of the wood to 10% in preparation for the grinding process.

Paragraph 8.8

Output calculations/projections are based on the maximum annual throughput of 72,000 tonnes of fuel and 52 weeks operation as a 24hour process (68,000 hours out of 68,760 hours per year)

Paragraph 8.10 Table 8.1 Process input and outputs.

Wood fuel 9 tonnes hourly.,

Unquote

I believe that this is vitally important.

The applicant appears to claim that the original technology was to produce 9 MWE from 72,000 tonnes of dried WW, when, in fact, it was to produce this electricity from 72,000 tonnes of dry WW.

This seems to be inexcusably misleading.

72,000 tonnes **dried** WW equates to a feedstock requirement of 79,200 tonnes of **dry** WW having 20% water content, or 90,000 tonnes having 35% water content.

The comparison of effectiveness of the two technologies is exaggerated. The efficiency of the original technology has been improperly down-graded, producing a fictional improvement for the new technology.

I believe that the applicant has made a fundamental error which renders the application invalid.

Barry E Robinson

86 Galfrid Rd

Bilton

HU11 4HG

Rees, Vivien

From: max wallis <m[REDACTED]>
Sent: 29 July 2015 09:10
To: Howell, Morgan P; Planning & Transportation (Customer Care)
Cc: green keith
Subject: Sunrise application to Planning Cttee 30 July
Attachments: FoEsubmission need+sustain 28 July'15.doc

Please find attached a further submission.

Regards,
Max Wallis [REDACTED]
Barry & Vale Friends of the Earth

Further submission: 'Sunrise' application, 30 July Planning Committee

Need, efficiency and sustainability under Waste Planning laws

Claims as need to make use of waste wood for energy generation, rather than landfill; also to conform to the Regional Waste Plan 1st Review.

The Regional Waste Plans have been revoked, superseded by sections in PPW and in the revised TAN 21.

This plant would be very inefficient in recovering energy. 'Sunrise' give no figure – on the basis of the manufacturer's spec (disclosed in their 3rd July *Waste Disposal Status of the Project*) for energy in the dried wood-chips compared with output electricity, it's 19% efficient**. Compare Aberthaw PS at 37%, and CHP efficiencies over 40% with the Welsh CIMS target of 60%.

The amount of waste wood available in the SE Wales region is far less than the 72 000 tonnes p.a. that 'Sunrise' need. The government review show most waste-wood is needed by the big board manufacturers for recycling into chipboard etc. As increasing amounts go to re-manufacture and other recycling, the amounts going to landfill are decreasing, with the total in the whole of Wales ~30 000tonnes p.a. [1]

Stobarts have a new contract to supply 250 000tonnes p.a. to the rival and bigger waste-wood plant at Margam [2], permitted last year and well in advance of 'Sunrise'. As they intend to get much of their tonnage from South Wales, they have upstaged 'Sunrise' and are seizing much of the waste-wood available in our region.

The inference is that 'Sunrise' could not obtain much waste-wood from the SE Region as claimed. They would instead take wood-chips from outside, including imports from overseas, in contradiction to the Proximity and Regional Self-Sufficiency principles of waste planning. The plant would burn high-grade wood-chips, that would otherwise be recycled into boards. It fails sustainability criteria (poor energy efficiency included) [3].

Perhaps 'Sunrise' really intend to burn other fuels, including as in the variation they sought at Hull after the first permit for wood-chip, then this should be

Finding the wood-chip is not available for their permitted plant at Hull, 'Sunrise' went back for a variation to burn refuse-derived fuel (RDF pellets). They should be challenged if that's what they really plan here – if they cannot plausibly show the substantial amounts of wood-chip are available in South Wales - and to modify their application accordingly at this stage.

** Net CV=18.3 GJ/t for dry wood as CHPQA guidance Table GN29-1; corresponds to Gross CV/HHV = 19.608, virtually the same as the HHV in the manufacturer spec for dry wood)

72 000 tonnes wood-chip fuel (from the net CV): Ew = 366 029 MWh

Epel exported (R1 form) 74 080 MWh: Net Efficiency Epel/Ew = 18.9%

[1] 26 Jan 2015 - Stobart will supply 250,000 tonnes of waste wood fuel to the Margam facility
<http://www.letsrecycle.com/news/latest-news/stobart-wins-largest-ever-waste-wood-fuel-contract/>

[2] 'Sunrise' application form says their 72 000tonnes waste-wood would all come from the Construction & Demolition sector, none from the Municipal and Commercial/Industrial sectors. However, their 3rd July *Waste Disposal Status of the Project* (Appendix F to the 30 July Planning Committee meeting) says they intend higher grade wood-chips (Grades A-C) though C&D waste wood is largely grade D. This inconsistency requires them to clarify and modify their application.

[3] <http://www.wrap.org.uk/content/report-wood-waste-market-uk-2009> Demand for recycled wood exceeds supply; Defra: *Wood waste: A short review of recent research* July 2012
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82571/consult-wood-waste-researchreview-20120731.pdf
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82566/consult-wood-waste-document-20120808.pdf

Some 600 000t wood sent to UK landfills in 2011 (dropped from ~1 million tonnes in 2008/9; would expect less than 30 000t to landfill in Wales (5%).

It would be cost effective for local authorities to divert any wood they source at HWRC's to onward management

67. So whilst wood recycling produces significant additional benefits per tonne diverted, the net benefits of diverting to energy recovery were marginal or negative as the costs are comparable or slightly larger than the environmental benefits.

----- Barry & Vale Friends of the Earth 28th July 2015 -----

MR MORGAN P. HOWELL
OPERATIONAL MANAGER
DEVELOPMENT & BUILDING CONTROL

MR ALAN CASE
23 WINSTON RD,
BARRY VALE OF GRAM
CF62 9SU

REF: N° 2015/00655/FUL/M.P.H.

DATE: 7.2015

REF: MY

OBJECTION SUBMITTED AND COPIES ^{WILL BE} DISTRIBUTED TO THE VALE

PLANNING COMMITTEE AND MR ALAN CAIRNS M.P. ALSO

MINISTER OF STATE
LONDON. DIRECTOR OF
PUBLIC PROSECUTIONS
MINISTER OF JUSTICE

Dear Sir and Planning Committee Officers,

I am dismayed by the reemergence of the plans to create an incinerator plus a flyash dumping area on Barry Docks. I'm sure you all know of the HEALTH risks this will impose on the people of Barry as the Cardiff incinerator imposes on the Vale also, I don't have to remind you of the responsibilities you custodians bear no matter where certain measures come from which, if you ~~seemingly~~ ^{seemingly} ignore the "FRESH AIR ACT" of 1951/60, although amended a couple of times it does still give ^{IN MY OPINION AND OTHERS} the right ^{TO THE} ^{OR OTHERS} ^{AND NOT} Vale Planning Committee, the legal right, to burn rubbish etc that endangers the health, well being of others, EN MASS!

by this bad end product technology, we suffer ~~now~~ ^{now}
 from bad technology ~~now~~ with ^{an} orange yellow cloud
 passing by our coastline up and down. I know the
 arbitrator of the original plan, passed the incinerator
 and these people, but, the reason ^{being} there were no
 developers signed up to build ^{FOR PUBLIC LIVING & SHOPPING} ^{VERY NEAR} ^{these are} new built ~~at~~ ^{at}
 whereas Sunrise & Co which I call ~~Incinerators~~ ^{Incinerators} have
 dragged their feet in securing any movement on the
 dock site ~~now~~, and ~~of~~ its initial plan has ~~obtain~~ ^{obtain} its
 planning consent time, I feel somewhere along the line
 as to ~~say~~ ^{say} there's "white washing" going ~~on~~ ^{or} gone on.
 Just ~~say~~ ^{say} some instances ~~Incinerators~~ ^{Incinerators} states they will not
 incinerate 24/7, a much reduced ~~now~~ ^{now} proposal, so I ask
~~myself~~ ^{myself} why is it because they cannot obtain the clean
 wood stock so will have ~~been~~ ^{been} domestic waste from
 the Vale council's collections? That's what it's been
 I ~~am~~ ^{am} ~~convinced~~ ^{convinced} that's happening with ~~the~~ ^{the} ~~case~~ ^{case} at "Newmoor",

Looking positively at too near the site of the incinerator, ^{HERE} will be schools, hostices, hospitals, and places of work, parks including childrens play areas, homes, many of them on the highest ground level, food outlets will be on all the levels of ground, I would ask the planning committee ~~to~~, through your office to

● evaluate all the distances & heights in relation to the proposed stack, ~~is~~ not happy in conjunction with the ^{amounts} of various discharges ^{the} from incinerator ~~and~~ also with the danger of lawns, allotment gardens being rendered possibly unusable through pollution which the ^{FWASH SPREAD (OVER TIME) TOXICIOUS BELIEVE ME!}

● ~~Allegedly~~ ^{from} transports toxic extruded gases, (not getting any better?), there are no designed winds quantifying movement of any discharge that an incinerator will make probably all of which will be health damaging, the ground roughly 2/3rd surrounding ^{OF PARTICULATES ETC} being ^{Habitat} there will at times bottleneck, ~~at~~ perhaps

long periods of time with a low cloud base of still humid weather. These Damaging Sumas will stifle and cause lung and other health illnesses. ^{in the area of Barry and Vale,}

In 1959/60 the "fresh air act" was passed and I believe it covers what this and any other company proposes to do here or anywhere else in the country, ^{making incineration illegal}

I am going to raise these immediately etc matters ^{starting} with our MP Mr Cairns, the minister of state

to the central government, Minister of Justice and

the Crown Prosecution, London, ^{SERVICE} why because no

amendments of the "Air act" I feel gives any

legal right to what ^{THESE PARASITIC INVESTORS} ~~these investors~~ are proposing

in the sumpt area of Barry, ~~the Barry Dock~~ is the

wrong place and I feel of surprise to only learn

so many like 10 hours a day I believe the best of the

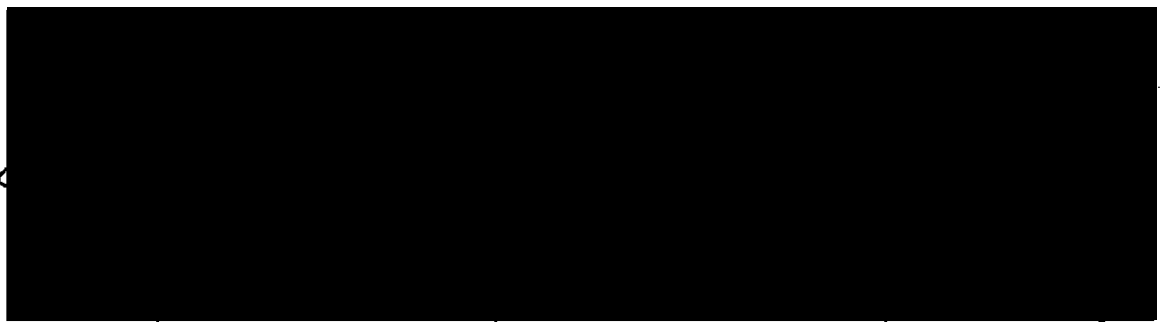
time will be taken up by another, to do what's planned

^{W BARRY} the Act has to be repealed and if not,

I would advise postponements as I hear the
Vale council will not like another appeal against
them & apparently they are costly, but if it
comes to light that incineration is not legalised
in the case of ^{its} untested or unproven amounts of
possibly toxic effluents, then all monies paid out
must be refunded to, to whoever, has compensation.

Although ~~Barry~~ ^{through} selfish beliefs
CARDIFF BEING THE SUPPRESSING ENTITY
for the last 30 years also ~~has~~ been kept in the
grip of a restraining Cardiff etc authority, its now
with a good realisation and Cardiff's help BARRY
can be a greater asset as a holiday area and
~~and~~ in sure it would right do justice to all
I not most school leavers in the Vale & a proper
Pleasure Park (as to date) security etc was methodically
over time put in place, - Jobs galore, full time, part
time, apprenticeships, look after the kids not the streets,
THIS →

6
I'm sure ^{will} turn out invaluable, Finally I will
be writing to central government about ways to change
packaging and for a possible payment from markets of
initial packaging, ~~through~~, the buyers that fill the
packaging, retailers who sell it with its contents
to pay the marginal monies paid to them all by the
consumer, that money to pay for the creation of
a universal recyclable reusable material that is
able, could be a world beater for this country - anyway
make Furniture & Co prove that they are clean air products,
and are legal under the act because anyone can be
made ill by some especially an accumulation of
it.



P.S. - Rough sketch enclosed. I'm sure your office can do
better, it mirrors our concerns. I've seen the suppression,
now it's up to the Vale council to see past its parasite investors pockets,

Rees, Vivien

From: max wallis <[REDACTED]>
Sent: 23 July 2015 14:30
To: Planning & Transportation (Customer Care)
Cc: mphowells@valeofglamorgan.gov.uk; Barry&ValeFoE
Subject: Sunrise application 2015/00031/OUT

Morgan Howell,
Senior Planning Officer, VoG Council

Dear Mr Howell
Could you please update the e-file with documents received since 18th June, which should include the late reps from Sunrise?

Also please say if you are seeking any responses from Council officers and/or consultees on the late reps submitted by Sunrise and others.

We note in particular that Sunrise defends their figures against standard ones cited by Biofuelwatch by saying they have used a "lower heating value" that applies to wood-chips before drying. In that case, they have wrongly used the 72 000 tonnes figure for dried wood, instead of the 86 000 tonnes they quote for undried or 'wet' wood with a 20% moisture content (standard figure).

Would you therefore ask Sunrise to revise their "R1" calculation using appropriate heat-values for both tonnages, with source references if not the standard ones cited by Biofuelwatch?

Would you ask them too how they include the glue and plastic components in particle board etc, which raises the heat content by some 10% over clean wood-chips?

Would you further ask Sunrise for the actual energy efficiency predicted from the manufacturer's (Outotec) spec, to conform to the European Guidelines on interpretation of "R1" ? These read:

For new plants, the R1 status shall initially be granted on the basis of the planning or construction specifications, considering the energy supply contracts and by determination of the general efficiency of the facility from an energetic view.

This would provide a check on simple mistakes as in their "R1" pro-forma. Ask if their figure is verified by a competent authority.

We look forward to a prompt reply, in view of next week's planning meeting.

Regards,

Max Wallis [REDACTED]

for Barry&ValeFoE

14 Morgan St, Barry

PS Please note my change in e-mailbox and use the new one in future

RECEIVED

[REDACTED] 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

D.E.E.R
RECEIVED
ACTION BY: ie/mph
NO: 11
ACK:

Edgerton, Elaine

RECEIVED

From: Biofuelwatch [REDACTED]
Sent: 28 JUL 2015 28 July 2015 11:41
To: Johnson, Fred T (Cllr); Wilkinson, Margaret R (Cllr); Birch, Janice (Cllr); Birch, Rhiannon (Cllr); Bird, Jonathon (Cllr); Drake, Pamela (Cllr); Drysdale, John (Cllr); Franks, Chris (Cllr) (Home); Hacker, Eric (Cllr); Hamilton, Howard (Cllr); Howard Hamilton (Cllr) (Home); Hartrey, Val M (Cllr); Hodges, Nic P (Cllr); nic.hodges@ntlworld.com; James, Jeffery (Cllr); Parker, Andrew (Cllr); andrew@greatbarn.com; Penrose, Bob (Cllr); penroseroberta@gmail.com; Powell, Anthony G (Cllr); Powell, Anthony (Cllr); apreston@valeofglamorgan.gov.uk; Probert, Rhona (Cllr); Roberts, Gwyn (Cllr); Williams, Clive (Cllr); Wilson, Mark R (Cllr)
Cc: Planning & Transportation (Customer Care)
Subject: Re: Outline application for a wood fired renewable energy plant at Davies Road, Woodham Road, Barry, Ref 2015/00031/OUT, to be considered by the Planning Committee on 30 July 2015

ENVIRONMENTAL AND ECONOMIC REGENERATION

D.E.L.N
RECEIVED
ACTION BY: IR/MPH
NO: 26
ACK:

Attachments: Llangefni appeal decision.pdf; Barry biomass gasifier letter to Councillors for 30th July.docx

Dear Councillor,

Re: Outline application for a wood fired renewable energy plant at David Davies Road, Woodham Road, Barry, Ref 2015/00031/OUT, to be considered by the Planning Committee on 30th July 2015

We wrote to you prior to the 2nd July planning meeting at which the Sunrise Renewables' outline application for a waste wood gasifier was debated, and it was decided to defer a decision on the item to 30th July.

Our concerns expressed in that letter persist.

However, since then, Sunrise Renewables have published further documents, including responses to Biofuelwatch and Barry and Vale Friends of the Earth, and a document called "Explanation of Project Waste Status".

The latter document contains statements and figures which Sunrise Renewables had not previously made publicly available, even though they are of high relevance to material planning matters. We know of other planning authorities having re-advertised a public consultation following similar late submissions of crucial figures and statements, so as to allow full scrutiny. We believe that such an approach would be merited in this case.

We would like to add the following observations about the new statements made by Sunrise Renewables:

The document "Explanation of Project Waste Status" contains a detailed R1 efficiency calculation based on the Waste Framework Directive. Sunrise Renewables maintains that the proposed waste wood gasifier does not have to comply with the Waste Framework Directive and that their R1 efficiency calculation is therefore 'hypothetical'.

However, **the Waste Framework Directive applies to all types of waste, unless it is excluded by virtue of Article 2 of that Directive. Waste wood does not fall into any of the excluded categories.** The full text of the Directive can be accessed at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0098&from=EN>. **This means that the waste hierarchy principle must be applied to this development.** In this context, we would like to draw your attention to the Welsh Government's decision on a Section 78 Appeal by Ecopellets Ltd against refusal of their planning application for a pellet plant and two combined heat and power plants which would have burned waste wood and waste-derived bioliquids. The Minister refused the appeal, agreeing with the Planning Inspector's recommendation. One of the reasons for the decision was: "The sourcing of such large quantities of materials in this region would also place great stress on the markets, displacing existing customers and conflicting with the proximity principle and the waste hierarchy, which are important

principles underlying sustainable waste management". I attach a copy of that decision for your information, which clearly confirms that the key principles of the Waste Framework Directive, which are transposed into UK legislation, must be fully considered in such a case.

We would like to point out again that in our view the efficiency of any biomass power plants – whether they use waste wood or virgin wood – is a material planning matter. This is based on Section 4.5.1 of the UK Government's Overarching Energy Policy Statement which states that 'good design' for energy projects includes being "efficient in the use of natural resources and energy used in their construction and operation". We believe that the UK Bioenergy Strategy 2012, which further highlights the need to maximise efficiency in bioenergy applications, is also of high relevance in such a planning case.

The figures contained in Sunrise Renewables' new 'hypothetical' R1 efficiency calculation are clearly based on a maximum feedstock in excess of the 72,000 'actual' tonnes of waste wood, i.e. in excess of the limit imposed by the Planning Inspector in 2010. By 'actual' tonnes, we are referring to the tonnage of waste wood which would be trucked to the plant to be gasified, rather than the theoretical tonnage of that same wood if it was oven-dried (which it won't be). In their response to Biofuelwatch, Sunrise Renewables claims that "*The previous selected technology pyrolysed 72,000 tonnes of dried wood to produce 9MWe export capacity. In comparison the proposed technology will convert the same amount of dry wood into 10MW export capacity*". This does not accord with the Planning Inspector's decision, which clearly related to 'actual' tonnage', not to tonnes of 'dried wood' (given that the planning documents at the time spoke of 72,000 tonnes of waste wood with a moisture content of up to 35%).

The new statements by the developer confirm our view that the planning documents are contradictory and misleading. ***This is because the tonnage figures used for the R1 calculation are clearly not compatible with Sunrise Renewables' claims in their planning documents that they are not seeking to increase the maximum volume of wood to be used in the plant.***

Although the statements and figures contained in the document "Explanation of Project Waste Status" are highly relevant to material planning matters, we note that this is not a consultancy report (unlike other sections of the Environmental Statement) and that Sunrise Renewables cite no references at all for figures they have used. For example, they include a table of "laboratory results from a representative test of a waste wood sample", but do not cite the source. Furthermore, although it is clear from the figures that they intend to use a maximum 'actual' tonnage of more than 72,000 tonnes per year, it is still not transparent exactly how much wood they actually intend to burn. Furthermore, it appears to us that figures used by Entran in the Air Quality Assessment for this application (i.e. the figures which Sunrise Renewables must have supplied to Entran) do not fully accord with the figures used by the developer in the R1 calculation. This lack of transparency regarding the feedstock figures, we believe, makes it impossible to fully assess the accuracy of Sunrise Renewables' efficiency claims.

We note that, even if Sunrise Renewables' R1 calculation was accurate, the efficiency would still be very low – less than 22% for their Scenario B. This is lower than conventional biomass plants can achieve and we believe would still contradict planning policy.

Yours faithfully,

Almuth Ernsting
Co-Director
Biofuelwatch



Penderfyniad ar yr Apêl

Ymchwiliad a gynhaliwyd ar 8, 9 & 10 /06/10
Ymweliad â safle a wnaed ar 10/06/10

Appeal Decision

Inquiry held on 8, 9 & 10 /06/10
Site visit made on 10/06/10

gan/by Mr A Thickett BA(Hons) BTP MRTPI DipRSA

**Arolygydd a benodir gan Weinidogion
Cymru**

**an Inspector appointed by the Welsh
Ministers**

Dyddiad/Date 02/07/10

Appeal Ref: APP/Z6950/A/09/2114605

Site address: Land at Woodham Road, Barry, CF63 4JE

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Sunrise Renewables Limited against the decision of The Vale of Glamorgan Council.
- The application Ref 2008/01203/FUL, dated 5 September 2008, was refused by notice dated 31 July 2009.
- The development proposed is the erection of a new industrial building and the installation of a 9MW wood fuelled renewable energy plant.

Summary of Decision

1. The appeal is allowed and planning permission granted subject to the conditions set out in the schedule attached to this decision.

Procedural matter

2. At the Inquiry an application for costs was made by Sunrise Renewables Limited against the Vale of Glamorgan Council. This application is the subject of a separate Decision.

Environmental Impact Assessment (EIA)

3. The Assembly Government and the Council are satisfied that the development does not require an EIA as is the appellant although an Environmental Statement (ES) was submitted in support of the appeal. Friends of the Earth challenged this view at the Inquiry. I have considered the arguments but given that an ES has been submitted, I do not consider it necessary to make a judgement regarding the need for an EIA.
4. The Council, Barry Town Council and statutory bodies were consulted on the ES and I heard that it was advertised. The ES includes assessments of noise, air quality, traffic, ecology, landscape and ground conditions. I consider that the aspects of the environment that are likely to be significantly affected are adequately described as are the significant effects of the development on the environment. The ES also includes details of prevention and mitigation measures.

5. The Council have granted planning permission for a gasification plant at Atlantic Way which is also within the Docks. The ES includes an assessment of the cumulative impact of both schemes on noise and air quality. The report includes a non technical summary and I consider that it satisfies the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for developments where EIA is required.

Main Issues

6. The main issues are:
- the effect of the proposed development on the character and appearance of the area
 - whether the proposal would conflict with the Council's aspirations for Barry Waterfront
 - the impact of the proposal on the living conditions of nearby residents with regard to noise, traffic and pollution
 - whether the proposal should contribute to public transport and public art

Reasons

Character and appearance

7. The site comprises a flat open, area of land within Barry Docks. It was previously used for the storage and breaking of containers but now lies vacant. The land to the east is also open beyond which are large modern warehouse/industrial buildings and a scrap yard. Further east is a large chemical factory and on the opposite side of the Dock an 8 storey grain store. Immediately to the west is a series of large Nissen Huts which house a range of uses including a taxi firm, car repairs and welders. To the south, the site is bordered by David Davies Road and a railway track which serves the Docks. To the north is Ffordd Y Milleniwm, a busy distributor road and the Barry to Cardiff railway line. The land rises steeply to the north of the railway line to Dock View Road and the town.
8. Local residents may wish otherwise but the site lies in an industrial area. The Council conceded at the Inquiry that it had no objection to the appearance of the proposed building. Looking down from Dock View Road the new building would be seen in the context of the development within the Docks and, in my view, would sit comfortably in its industrial surroundings.
9. Residents argue that the area may be designated for light industrial use in the emerging Local Development Plan (LDP). However, the Council did not consider that the LDP was sufficiently advanced to be a material consideration in this appeal. The lawful use of the site is general industrial (Class B2 of the Town and Country Planning (Use Classes) Order 1987). Policy WAST 1 of The Vale of Glamorgan Unitary Development Plan 1996-2011, adopted 2005 (UDP) directs waste management facilities to, amongst other places, existing B2 employment sites. The Nissen Huts are occupied by small businesses and the Council argues that the proposed use would be of a different character. However, by implication, WAST 1 accepts that the existing and proposed uses can cohabit and, although on a bigger scale, I consider that the proposed development would be compatible

with surrounding industrial uses. I conclude, therefore, that the proposal would not have an adverse impact on the character and appearance of the area and that it complies with Policy ENV 27 of the UDP.

Barry Waterfront

10. The Barry Waterfront Regeneration Area lies to the west of the Docks. The regeneration of the Waterfront is promoted through supplementary planning guidance and the Council are currently processing an outline application for a comprehensive redevelopment including housing, offices and leisure. The Council argue that prospective occupiers may be put off by the development subject to this appeal. However, the consortium behind the regeneration scheme expresses no concerns regarding the impact of the proposal on its development.
11. Other than deliveries, the operation would be carried out wholly within the building. There are plenty of stacks visible to the east and they are not unusual features in an industrial landscape. The proposed development would be partly screened by the Nissen Huts. As stated above, the Huts accommodate a range of commercial and industrial activities. The majority of these units face the Waterfront area and I do not consider that the proposal would have any greater impact on its regeneration than the activities taking place to the front of and within the Nissen Huts. I am not persuaded, therefore, that the proposal would have a detrimental impact on the Council's aspirations for Barry Waterfront and conclude that the proposal does not conflict with Policy ENV 25 of the UDP.

Living conditions

12. The appellant's propose to generate 9MW of electricity per anum through the burning of gas produced by subjecting waste wood to pyrolysis (the decomposition or transformation of a compound caused by heat). Around 216 tonnes of waste wood would be processed each day (about 72,000 tonnes pa). The waste wood would be chipped elsewhere and about 3 days supply stored on site. There would be 11 deliveries each day by road unless feed stock is delivered by sea. Feed stock arriving by sea would be stored elsewhere in Barry Docks and transported to the site as required. The wood fuel would be manufactured from clean wood, pallets, and wood taken from construction and demolition.
13. The Council is satisfied that, subject to the imposition of a condition controlling noise levels, operations within the building would not have an adverse impact on existing or prospective residents. Despite its doubts, Friends of the Earth accepted at the Inquiry that a condition would safeguard the amenity of residents of Dock View Road. I agree and will impose a condition to that effect and to require the deletion of rooflights from the proposed design (necessary to ensure noise attenuation). I shall also require the roller shutter doors to be closed other than when deliveries are being received.
14. Deliveries would take place between 07.00 and 19.00 hours Monday to Saturday and 08.00 to 16.00 on Sundays. The Council provide no technical evidence to support its assertion that noise generated by lorries using Woodham Road would cause a nuisance to existing or prospective residents. The Inquiry was held a short distance from the appeal site and noise from vehicles passing along Ffordd Y Milleniwm was constantly in the background. Woodham Road is unadopted and has some daunting speed humps but I have neither seen nor heard anything to

show that noise generated by vehicles associated with the proposed use would be noticeable above existing noise levels.

15. The Council provide no comparison with the vehicle movements generated by the previous use. Further, should this development not proceed, the landowner has a commercial interest in seeking a beneficial use for the site. As stated above, the site benefits from a lawful B2 use and the operator of the Docks enjoys extensive permitted development rights. Reversing movements are also likely to have occurred previously and are likely to be a feature of any use requiring goods to be delivered. All vehicle movements would take place to the south of the building and would be over 370m from Dock View Road. The building, would, therefore, act as a barrier as would the Nissen Huts. The sound of reversing alarms may carry to Dock View Road but there would only be 11 deliveries a day at most and I do not consider that such activity would have an unacceptable impact on residents. For this reason, I do not consider it necessary to impose a condition regarding reversing alarms.
16. The transport assessment submitted by the appellant (accepted by the Highway Authority) records around 469 HGV movements on Cardiff Road each day. The Highway Authority is satisfied that the road network has the capacity to accommodate the proposed development and no technical evidence is submitted to lead me to a different view. With regard to the impact of these additional movements on residents of Cardiff Road, I can put it no better than officer's did in their report to committee; *'The amount of traffic generated by this process, in comparison with the existing local and industrial traffic on the network (particularly Ffordd Y Milleniwm) is not considered to be great, and in this respect there are not considered to be any substantive reasons to object to the proposal on the grounds that there would be an unacceptable increase in noise or activities from lorry movements, not least because the site is located in an industrial area (notwithstanding proximity to dwellings) where such activities are not uncommon.'*
17. The ES includes an air quality assessment which concludes that emissions would be within acceptable parameters (independently and in combination with the plant at Atlantic Way). Neither the Council's experts nor the Environment Agency dispute these findings. In a letter of March 2009 to the Council, the Environment Agency states; *'The new information provided by the applicant shows a good understanding of potential air impacts to the environment'*.
18. The process will require a permit under the Environmental Permitting Regulations (England and Wales) 2010. In response to the planning application the Council's Environmental Health Officer said: *'It is important to note that the issue of planning permission is not sufficient to enable the process to legally operate. The process must first apply for and obtain a permit from the Environment Agency. The operators must ensure that they are able to meet the strict requirements of the Environmental Permitting Regulations and the Waste Incineration Directive. The application process will examine in detail any possibility of significant environmental or health impact'*. Local residents and the Friends of the Earth have little confidence in the Environment Agency but I am entitled to assume that the relevant pollution control regime will be properly applied and enforced.

19. Friends of the Earth are concerned that treated timber and wood contaminated by plastics will find its way into the feed stock. I heard that the Environment Agency either has or is to produce testing kits and, in any event, emissions would be controlled by the Environmental Permitting Regulations. Friends of the Earth accepted at the Inquiry that abatement technology exists to control NO₂. I note the concerns of Friends of the Earth but the Council's 'Air Quality Review and Assessment Round 4, Update and Screening 2009', finds that ozone levels do not exceed the relevant standards in the towns in the Vale.
20. All activities will be contained within the building, the doors of which will remain closed other than to accept deliveries. Consequently, there is unlikely to be any significant amount of dust blowing around and the proposal includes dust suppression measures. Vehicles bringing in fuel and removing ash would be sheeted.
21. Friends of the Earth produce no evidence to counter the results of air dispersion modelling carried out by the appellant's consultants which identified the magnitude of impact of plume visibility to be zero. The impact of plume visibility is dependant on the number of events and their magnitude. In the absence of any technical evidence to the contrary, I see no reason to doubt the consultant's findings that the visible impacts of any plume are not anticipated to be significant.
22. The appellant does not wish to be limited to processing 72,000 tonnes of waste wood per anum. This figure forms the basis for the analyses in the ES and, whilst I do not say that any greater amount would lead to a material change in its conclusions, I cannot be certain that it would not do so. I shall, therefore, limit the amount to 72,000 tonnes pa in order to safeguard the amenity of existing and prospective residents. For the same reasons, I shall impose a condition limiting the feed stock to waste wood.
23. I do not make light of residents' fears and acknowledge them to be a material consideration. However, the weight to be attached to public concern depends on the degree to which it can be substantiated by evidence. For the reasons given above, I consider that, subject to conditions and controls under other legislation, the proposed development would not have an unacceptable impact on the living conditions of existing or prospective residents. I conclude, therefore, that the proposal complies with Policies WAST 2, COMM 8, EMP 2, ENV 29 and TRAN 11 of the UDP.

Public transport and public art

24. The Council's supplementary planning guidance relating to Planning Obligations was adopted following public consultation and, consequently, I give it considerable weight. However, it does not outweigh the guidance in Circular 13/97, Planning Policy Wales (PPW) or the law as set out in the Community Infrastructure Levy Regulations 2010.
25. Employees would have to walk around 600m to reach Barry Dock railway station which provides regular services within the Vale of Glamorgan, Bridgend and Cardiff. The Council seek a contribution towards a new bus stop on Ffordd Y Milleniwm opposite its Dock Office. The nearest bus stop to the site is over 700m away. This exceeds the distance the Council say people will walk to catch a bus but the same can be said for existing employees in the units on Woodham Road.

Further, it could be argued that the Council's own employees at the Dock Office do not have convenient access to bus stops on Ffordd Y Milleniwm. The Barry Waterfront development would also generate demand for public transport.

26. The Council's supplementary planning guidance states; '*developers will not be expected to pay for facilities that are needed solely in order to resolve existing deficiencies*'. I acknowledge that the proposed bus stop would facilitate the use of public transport which is to be encouraged and that prospective employees would benefit. However, it would clearly also address a current deficiency. The Council is seeking a contribution from the appellant of £10,000 which is almost two thirds of the cost of providing the proposed bus shelter. In light of the above I do not consider this to be a) proportionate and b) that it has been shown that the contribution sought is fairly and reasonably related in scale to the proposed development.
27. The Council accepted at the Inquiry that, should I determine that the proposed development would not have a detrimental impact on the character and appearance of the area, a contribution to public art would not be necessary in order to enable the development to proceed. Whether public art is desirable in this industrial location is, in my view, open to debate but, given the conclusions set out above, I do not consider it to be necessary. For the reasons given above, I do not consider that the requested contributions satisfy the regulations.

Other matters

28. The reasoned justification to Policy WAST 1 requires regard to be had to the Council's Waste Management Strategy. Policy WAST 2(i) of the UDP requires waste management facilities to conform to the principles of the waste hierarchy and regional self sufficiency. Although at the start of the process the wood would be classed as waste, it would be turned into fuel to produce a valuable commodity, renewable energy. The Waste Management Strategy is 6 years old and neither it nor the UDP anticipated the technology that would be involved here or the latest challenging national targets for producing energy by renewable means.
29. The appellant proposes that the operation would utilise waste wood sourced locally but, in order to avoid problems regarding supply, does not wish to be tied to using waste wood from the SE Wales region only. The Council propose a condition that would allow fuel to come from farther afield provided it comes in by sea. However it arrives, importing waste wood from outside the region would not accord with the proximity principle and this seems to me to be an acceptance by the Council that it is important to ensure a reliable supply of fuel. I am persuaded by the appellant's argument that the cost of transportation will weigh towards the use of local material but acknowledge that, without a condition, it cannot be guaranteed.
30. The Assembly's Energy Policy Statement of March 2010 promotes renewable energy and the use of waste wood in the generation of electricity to prevent negative impacts on the environment and food security. The Statement also recognises that by 2020, 50% of the biomass used to generate electricity will be imported, an acknowledgement, in my view, that waste used to generate electricity may need to come from outside the region and outside Wales.

31. I heard that the nearest disposal facility for hazardous waste is in Gloucestershire. Although transporting waste outside Wales does not comply with the aims of national policy, provided only clean waste wood is used, the ash should not be hazardous. If it is necessary to transport waste outside the region, I consider this to be outweighed by the national drive to produce renewable energy.
32. The South East Wales Waste Group, Regional Waste Plan 1st Review, 2008, identifies residual waste managed by high levels of pyrolysis as the best practicable environmental option (BPEO). Friends of the Earth argue that a better alternative would be carbon sequestration but are not able to identify anywhere where this is available. Waste wood is currently sent to landfill outside the Vale. The appellant submits a site specific BPEO analysis which concludes that pyrolysis and direct combustion both represent the best practicable environmental option for waste wood. Having considered the appellant's analysis, I concur with its conclusion that pyrolysis should be preferred as it has a greater potential for electricity generation.
33. There are no firm proposals at this time to utilise the heat generated by the process but the appellant will seek to market the heat as soon as there is certainty regarding supply. The June 2010 edition of PPW was not available at the Inquiry but its advice regarding combined heat and power is not markedly different from that in Ministerial Interim Planning Policy Statement 01/2005, 'Planning for Renewable Energy' or Technical Advice Note 8, 'Planning for Renewable Energy'. PPW states that, where possible, heat and power systems should be combined, it does not rule out the generation of electricity only.
34. A letter from the consortium developing Barry Waterfront indicates that its initial interest in the waste heat generated by the operation has cooled. However, it is not ruled out and the Council conceded that, in the interests of sustainability, it would be encouraging the consortium to utilise the heat generated by the appellant. I heard that interest in similar plant elsewhere did not materialise until there was certainty that heat could be provided. It is in the appellant's interest to sell the waste heat produced and there is potential to provide heat to existing uses and to new development that may occur in the Docks or the Waterfront. I acknowledge that without the use of waste heat the process is not as efficient as it could be but do not consider this justifies withholding planning permission. Nor, for the same reasons, do I consider it necessary to impose a condition requiring a feasibility study in relation to the use of waste heat.

Conditions

35. I have considered the suggested conditions in light of the advice in Circular 35/95. I consider it necessary, in the interests of the visual amenity of the area to impose conditions relating to materials, fencing, landscaping and storage. In addition to the conditions referred to in my consideration of the main issues, I shall, in order to safeguard the living conditions of nearby residents, impose conditions regarding waste disposal, dust, deliveries and lighting.
36. At the site visit it became apparent that it may not be possible to achieve the required visibility splays at the proposed access and a condition requiring further detail is necessary. Given the position of the building and the prohibition of

external storage, I see no need to require details of circulation space or parking. However, it is necessary to encourage the use of sustainable transport, to require cycle storage and that the submitted Green Travel Plan is implemented.

37. In the absence of anything to indicate a lack of capacity with regard to foul sewers, I consider it unnecessary to duplicate the controls set out in the Building Regulations. However, I shall, in the interests of achieving sustainable development, impose conditions relating to the provision of a sustainable surface water drainage system. In light of the Dock's history it is necessary to impose a condition regarding contaminated land. I see no need to require an area to be reserved for the relocation of Rough marsh-mallow as none has been found on the site.

Conclusions

38. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.

[REDACTED]

[REDACTED]

Schedule

Formal Decision

I allow the appeal, and grant planning permission for the erection of a new industrial building and the installation of a 9MW wood fuelled renewable energy plant at land at Woodham Road, Barry, CF63 4JE in accordance with the terms of the application, Ref 2008/01203/FUL, dated 5 September 2008, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) No development shall take place until details of a scheme for the management of waste emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The disposal of waste shall be carried in accordance with the approved scheme.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building and stack hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until:
 - i) details of a scheme to assess the nature and extent of any contamination on the site has been submitted to and approved in writing by the local planning authority;
 - ii) the results of the survey carried out under condition 4 (i) above have been submitted in writing to the local planning authority
 - iii) a scheme to deal with any contamination identified by the survey has been submitted to and approved in writing by the local planning authorityDevelopment shall be carried out in accordance with the approved details.
- 5) Should contamination not previously identified be found through the course of development it must be reported immediately in writing to the local planning authority. An investigation shall be carried out to assess the nature and extent of any contamination and the contamination shall be dealt with in accordance with a scheme to be submitted to and approved in writing by the local planning authority before the building hereby permitted is occupied.
- 6) The rooflights shown on drawing number SRB/04 shall not be installed and no development shall take place until a plan showing revised elevations has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until details of the finished colour of the palisade fencing proposed to enclose the site has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until details of a scheme to control dust emanating from site has been submitted to and approved in writing by the local

- planning authority. Dust emanating from the site shall be controlled in accordance with the approved scheme.
- 9) No development shall take place until details of external illumination have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as approved.
- 10) The building hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 11) The building hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
- 12) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 13) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 14) Notwithstanding the submitted site layout plan, details of the proposed access to the site, including the position of gates and the provision of a 4.5m by 70m visibility splay shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the visibility splays shall be maintained free of any

obstruction exceeding 0.6m in height for as long as the development hereby permitted remains in existence.

15) No development shall take place until there has been submitted to and approved in writing by the local planning authority details of secure parking on site for bicycles. The bicycle parking spaces shall remain available for their designated use for as long as the development hereby permitted remains in existence.

16) No development shall take place until details of a scheme to measure background noise levels in the following locations has been submitted to and approved in writing by the local planning authority:

- i. 57 Dock View Road
- ii. Cory Way
- iii. Estrella House, Cei Dafydd

The survey shall be implemented as approved and the results submitted to and agreed in writing with the local planning authority before the development hereby permitted is brought into use. At no time shall noise attributing from the site exceed the agreed background noise levels.

17) The plant hereby permitted shall only process waste wood.

18) The total tonnage of wood waste treated at the plant hereby permitted shall not exceed 72,000 tonnes per annum. Records of the amount of fuel processed shall be retained and made available to the local planning authority on request.

19) The measures incorporated into the Green Travel Plan accompanying the application shall be implemented when the development is brought into use and thereafter monitored and reviewed in accordance with the Green Travel Plan.

20) Deliveries to the site, and all other external operations, shall not take place outside the hours of 07.00 to 19.00 Monday to Saturday and 08.00 to 16.00 on Sundays, Bank and Public Holidays.

21) The roller shutter doors in the south-facing elevation of the building shall be kept closed at all times other than when deliveries are being received.

22) There shall be no storage of materials outside the building.

Mr A Case	23 Winston Road, Barry
Mrs E Bishop	George Street, Barry
Cllr B Shaw	110 Merthyr Street, Barry

DOCUMENTS SUBMITTED TO THE INQUIRY

- 1 Council's letter of notification
- 2 Statement of Common Ground
- 3 Submission by appellant rebutting the statement submitted by Friends of the Earth
- 4 Legal Note submitted by appellant in relation the statement submitted by Friends of the Earth
- 5 Letter and Mass Balance Diagram, Prestige Thermal Equipment
- 6 Letter of 3 June 2010 from RSK Carter Ecological Ltd
- 7 Letter of 1 June 2010 from Nathaniel Lichfield and Partners
- 8 Letter of 28 January 2009 from Oaktree Environmental Ltd
- 9 Extract from Vale of Glamorgan Council's Air Quality Review and Assessment 2009
- 10 Suggested conditions
- 11 Suggested noise limit condition
- 12 Letter of 31 January 2010 from Jane Davidson AM submitted by Mr Wallis
- 13 Memo of 17 June 2009 from C Litherland to S Jones (Welsh Assembly Government) submitted by Mr Wallis
- 14 Copy of grounds of appeal and bundle of letters submitted by Cllr Shaw
- 15 Bundle of letters from interested persons submitted by the Council
- 16 Bundle of letters from persons requesting to speak at the Inquiry
- 17 Vale of Glamorgan Council's Sustainable Development Supplementary Planning Guidance
- 18 Vale of Glamorgan Council's Planning Obligations Supplementary Planning Guidance
- 19 UDP Proposals Map
- 20 Vale of Glamorgan Council's Waste Management Strategy

PLANS SUBMITTED TO THE INQUIRY

- A Site Location Map Dwg No. SRB/01
- B Site Location Plan Dwg No. SRB/02
- C Site Layout Plan Dwg No. SRB/03
- D Building Elevations Dwg No. SRB/04
- E Bundle of plans including internal layout, process diagram and historic maps
- F Plan showing the location of the proposed bus shelter



Penderfyniad ar gostau

Ymchwiliad a gynhaliwyd ar 8, 9 & 10 /06/10
Ymweliad â safle a wnaed ar 10/06/10

Costs Decision

Inquiry held on 8, 9 & 10 /06/10
Site visit made on 10/06/10

gan/by Mr A Thickett BA(Hons) BTP MRTPI DipRSA

**Arolygydd a benodir gan Weinidogion
Cymru**

**an Inspector appointed by the Welsh
Ministers**

Dyddiad/Date 02/07/10

Costs application in relation to Appeal Ref: APP/Z6950/A/09/2114605

Site address: Land at Woodham Road, Barry, CF63 4JE

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Sunrise Renewables Limited for a full award of costs against The Vale of Glamorgan Council.
- The inquiry was in connection with an appeal against the refusal of planning permission for the erection of a new industrial building and the installation of a 9MW wood fuelled renewable energy plant.

Summary of Decision: The application is allowed in the terms set out below in the Formal Decision and Costs Order.

The Submissions for Sunrise Renewables Limited

1. Local Planning Authorities are not bound to adopt the professional or technical advice of officers or statutory bodies. However, if they do not, they are expected to show that they had reasonable planning grounds for doing so and to produce evidence to support their decision. The Council has not produced any evidence to substantiate its case but simply put forward an officer who was honest enough to admit that her evidence was the committee's views and not necessarily her own.
2. The first reason for refusal alleges harm to the character of the area and it appeared that this related to visual issues. The Council's statement of case did not clarify the situation and it was not identified in the Council's proof at all. The Council raised an issue that had to be addressed but have not pursued it in any fashion.
3. With regard to noise, there was no objection from the Council's Environmental Health Officer. No technical noise evidence was called; the case officer recommended in favour and felt noise did not present any issues that could not be addressed by conditions. The Council's concerns regarding reversing alarms is not supported by any hard evidence. It is an unarguable point given that the site lies within an area where B2 uses are acceptable in principle and the number of noise events is very low; 11 lasting for 2 minutes each over a day.

4. No evidence is presented to reveal a likely problem regarding vehicles moving along the access road. It is no more than a vague assertion, the road is an access to a number of industrial premises which attract HGVs. The numbers are low, they are occurring on an industrial estate and any alternative use of the site would attract HGV movements. Any reuse of the site will bring traffic along Cardiff Road and there is no planning objection to the principle of industrial development in this location.
5. Turning to pollution, the Environment Agency has no objection and believe that the air quality assessment shows a good understanding of air quality issues. There is no objection from the Council's Environmental Health Officer and the Council have called no specific evidence. It is a totally unsupported element of the reason for refusal.
6. The concern relating to Barry Waterfront is vague. No evidence is submitted to demonstrate a problem. No regard is given to the fact that the building will look like a standard industrial building and that a much larger biofuel plant with a 45m stack has been permitted on Atlantic Way.

The Response by The Vale of Glamorgan Council

7. The Council produced evidence and a case which addressed specific concerns. Evidence was produced regarding the impact of vehicle movements and reversing alarms. Whether these impacts outweigh the merits of the proposed development is a matter of judgement and the Council was entitled to take a view different from its officers. Evidence was produced by a professional planning officer which related to planning concerns.
8. With regard to Barry Waterfront, why people do or not object to a planning proposal is matter of speculation. The consortium is not supporting the appeal proposal. The impact of the proposal on the proposed regeneration area is a planning question and one on which the Council was able to give evidence.
9. No attempt was made by the appellant to clarify the Council's case. In any event a landscape submission was produced to support the ES which was prepared before proofs were exchanged.
10. The Council did not seek to put the appellant to the cost of producing evidence on matters on which it was satisfied. Most time at the Inquiry was spent dealing with the concerns of Friends of the Earth which the Council was not party to and should not bear the cost of.

Conclusions

11. I have considered this application for costs in the light of Circular 23/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
12. The first reason for refusal alleges that the proposal would have an adverse impact on the character of the area. This concern is reiterated in the Council's statement of case and the appellant would have expected to counter the Council's criticism at the Inquiry. By the time proofs were exchanged the appellant had

done most of the work necessary to rebut the reason for refusal. I acknowledge that a landscape assessment was carried out to support the ES but the ES was produced to support the appeal and, as a result of the reason for refusal, the appellant fielded a landscape witness at the Inquiry. Local planning authorities are expected to substantiate all reasons for refusal but the Council produced no evidence to support that part of the first reason for refusal.

13. There is no clue in its statement of case that the Council's concerns relating to noise, pollution and traffic were limited to vehicle movements and activities outside the building. The Council's case is not supported by any evidence regarding existing and predicted noise levels and its arguments regarding the impact of reversing alarms and vehicle movements does not bear scrutiny.
14. The Council's assertions regarding the impact of the proposal on the regeneration of Barry Waterfront are not supported by evidence. The consortium took the trouble to write regarding the use of waste heat and I would have expected it to have expressed concern had it considered that the appeal proposal would endanger its development.
15. A lot of time was spent at the Inquiry dealing with the interests of third parties but that was a direct consequence of the Council's refusal to grant planning permission for reasons it could not substantiate. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 23/93 has been demonstrated and that a full award of costs is justified.

Formal Decision and Costs Order

16. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that The Vale of Glamorgan Council shall pay to Sunrise Renewables Limited, the costs of the appeal proceedings, such costs to be assessed in the Senior Court Costs Office if not agreed. The proceedings concerned an appeal described in the heading of this decision
17. The applicant is now invited to submit to The Vale of Glamorgan Council to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Court Costs Office is enclosed.


Inspector

Goldsworthy, Marcus J

From: Douglas Wardle <[REDACTED]>
Sent: 28 July 2015 12:15
To: Goldsworthy, Marcus J
Cc: Howell, Morgan P
Subject: RE: Sunrise application before the Cttee on thursday

Dear Marcus, thanks for the opportunity to respond to Councillor Elmore's email – I assume you will forward this email to him as appropriate. I also understand you have already addressed his concerns about the NRW so will not cover that point.

- First, I think it is important to emphasise that the 'many new documents' being posted are chiefly submissions in response to Mr Wallis's/Biofuelwatch's frequent questions. Had we not provided explanations, I am sure objectors would be claiming we were non-responsive.
- As to the feedstock to be gasified, this is (and has always been) waste wood but not Grades D or below. This means we will only accept Grades C or better and this has always been key to the Sunrise Barry project. In the original Sunrise application, the waste wood was described as 'Grade A, Mixed Grade and Low Grade' rather than Grades A to C but they are the same thing. I appreciate that the terminology may be causing confusion.
- The mix of the feedstock (Grades A to C) is managed by the feedstock supplier to ensure that the average specification falls within the specification required to ensure compliance with emissions regulation policed by NRW and the environmental permit.
- The Sunrise position has always been that the Project is a renewable energy plant and we continue to reject any suggestion that it is a waste processing facility within the meaning of The Environmental Permitting (England and Wales) Regulations 2010. The paper we provided explaining this was carefully prepared with legal advice so in the absence of any legal explanation to the contrary, we cannot really provide further comment beyond saying we consider the advice to have been sound.
- Note that according to DEFRA, energy recovery from lower grade waste wood is considered preferable to re-use or recycling in the Waste Hierarchy because it is renewable.
- Concerning the Application Form, its proforma nature does not allow for all possibilities when filling it out and therefore in submitting it we had to do our best to work out which line items were closest to what is proposed which we clearly stated at the start of Question 23 as:

"Receipt and storage of waste wood, as delivered; processing and conversion to electricity by gasification boiler, steam turbine and air cooled condenser, storage and disposal of by-products; total processing throughput up to 72,000 dry tonnes"

amplifying this in Section 2 of the accompanying Planning Statement.

- We also made it clear that the plant would be gasifying waste wood and on that basis it seemed more appropriate to tick the question "Is the proposal for a waste management development?" in the affirmative rather than the negative. However, we do not accept that gasifying waste wood falls within the regulation relating to waste processing (The Environmental Permitting (England and Wales) Regulations 2010) which is what is being inferred and we have been consistent in that.
- As to the discussion about R1, our position remains that it is not a legal requirement for a renewable power plant gasifying waste wood. But if the law changed making it so, the R1 calculation would demonstrate that the plant comfortably exceeded the 0.65 level mentioned. We have provided detailed analysis to show this,

prepared by our engineers and we do not accept (or in places even understand) the comments originating from Biofuelwatch and recycled by Mr Wallis.

- Concerning plant efficiency, we have confirmed the efficiency levels of the plant/boiler and at the end of the day it is irrefutable that the new design will produce 10MW of output compared to the previous 9MW of output for the same 72,000 dry tonnes of feedstock input.

I do not think there is anything more I can add that has not already been discussed in previous detailed responses. We think that for Barry to have a new, state-of-the-art renewable power plant which produces enough power for the residents of Barry Island, located in the working docks of Barry should really be something to be proud of.

Kind regards

Douglas

Douglas Wardle

[REDACTED]
[REDACTED]
[REDACTED]



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From: Goldsworthy, Marcus J [<mailto:MJGoldsworthy@valeofglamorgan.gov.uk>]
Sent: 28 July 2015 09:51
To: Elmore, Christopher (Clr) - Home
Cc: Howell, Morgan P
Subject: RE: Sunrise application before the Cttee on thursday

Chris,

the case officer is on leave today but a response will be provided as part of the late representations. However I do have to advise you that the matters raised by Mr Wallace stray into the areas of licencing of the plant by NRW and cannot or should not be controlled by the Council and I strongly urge you to consider the application as it has been submitted and not in terms of the very technical and irrelevant submission made by Mr Wallace and others which are in all respects completely irrelevant to the consideration of the application before the council.

This can be confirmed by the way the previous planning inspector completely dismissed all the comments of Mr Wallace and the FoE at the previous appeal (attached for your reference see paras 19 to 21) and made it very clear that these were matters for NRW (then EA) not the Council.

I hope this clarifies matters.

Regards

Marcus Goldsworthy
Operational Manager Development Control
Director's Office - Development Services

Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704661
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Visit our Website at www.valeofglamorgan.gov.uk
Ewch i'n gwefan yn www.bromorgannwg.gov.uk

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Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

From: Chris Elmore [REDACTED]
Sent: 28 July 2015 09:38
To: Goldsworthy, Marcus J
Subject: Fwd: Sunrise application before the Cttee on thursday

Morning Marcus

Can you give me an answer the to below ASAP please?

Many thanks

Chris

Sent from my iPhone

Begin forwarded message:

Resent-From: <CElmore@valeofglamorgan.gov.uk>
From: max wallis <[REDACTED]>
Date: 27 July 2015 20:52:40 BST
To: <CElmore@valeofglamorgan.gov.uk>
Cc: Barry Shaw <[REDACTED]>
Subject: Sunrise application before the Cttee on thursday

Chris – as discussed by phone, there are many new documents posted in the e-file and included as Appendices, but no supplementary report from officers on all the new material. Inputs from NRW are also missing.

Sunrise's late material (on website to 22 July plus information in the Appendices D,E,F,G (of 15th July)) contain some differences, even contradictions with earlier material. They now say they will take Grades of wood-chips called A, B and C by the WRA. This is a substantial change to the application. Grade A is clean wood-chip which is in demand for recycling into chipboard (burning it breaches the waste hierarchy and sustainability); Grade C includes material from municipal waste and civic amenity sites, which contradicts application form section 23 where the 'municipal' line is empty. Likewise commercial and industrial waste board, shipping pallets etc is now included, but the 'commercial and industrial' line in section 23 is empty.

Appendix F from Sunrise, headed Waste disposal Status of the Project argues for excluding the development from waste management law. The argument appears unsound (no time to confirm this with FoE advisers, but still should have been considered and commented on by the officers. Without clarification of this, the Planning Committee does not know the basis for deciding – whether waste planning law has to be followed or not. The application form answers “yes” to the question in section 23 “*Is the proposal for a waste management development?*” so were Sunrise trying to change their application on 3rd July?

No air pollution assessment from NRW. The council left it to the NRW to assess the company's AQ modelling, the company claims their approval, but the NRW assessment is still not posted on the website (as I asked at end of June). Sunrise quarrel with us calling it ‘dodgy’ but do not answer the point that the highly toxic Cr-VI could exceed the Environmentally Acceptable Limit as defined by NRW.

The “R1” calculation is given in several versions; that in the 3rd July document cites necessary data in the manufacturer's spec (required under “R1” guidance), so later versions would be inferior. However, the 3rd July calculation again takes wrong figures for the input energy (under scenarios A and B; scenario C is the old faulty one). With HHV= 19.6 (manufacturer spec for dry wood; 72 000 tonnes), input energy $E_w = 392\,049$ MWh, output as per spec (9.26 MW) $E_p = 226\,780$ MWh. For this simple case, $R1 = (E_p - 350) / (0.97 \times E_w) = 0.60$, not in excess of 0.65 as ‘Sunrise’ claim.

There has been so much discussion of the “R1” value, because despite Sunrise now calling it “hypothetical”, a lot hangs on it. It's vital to get the calculation right, under the prescribed procedure.

Energy efficiency. Sunrise still have not given any figure, even though this is a vital criterion for energy projects. The manufacturer's spec combined with Sunrise's data leads to a figure of 19%, when energy used in the plant is excluded. Of course this is low for incinerators and far below the Welsh CIMS guide figure of 60% CHP. Sunrise's claim that the present proposal is more efficient than the previous technology has been shown to arise from their confusing the present 72 000 tonnes dried wood-chip with the previous 72 000 tonnes *undried* wood chips (with ~20% water). Correcting for this difference, the new Outotec technology appears *less efficient*, in agreement with the 19% figure now derived.

In summary, there are several contradictions in Sunrise's material, several points of fact that need clearing up, and inputs from the NRW needed. Whether this means further deferral, would you not agree Councillors should not be expected to digest all this, so a supplementary report from the officers is then needed?

Regards / Max

- 1 AUG 2014

RECEIVED

28 JUL 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION



Carl Sargeant AC / AM
Y Gweinidog Tai ac Adfywio
Minister for Housing and Regeneration

Llywodraeth Cymru
Welsh Government

Paul Kellet
Ecopellets Ltd
Peboc
Llangefni Industrial Estate
Llangefni
Anglesey
LL77 7UX

Ein Cyf / Our ref: qA1157559

Dyddiad / Date: 31 July 2014

Dear Mr Kellet

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – SECTION 78
APPEAL BY ECOPELLETS LTD
BIOMASS ENERGY DEVELOPMENT CONSISTING OF A WOOD PELLET PLANT,
SOLID AND LIQUID BIOMASS COMBINED HEAT AND POWER PLANTS, A
WOOD STORAGE YARD AND A DEBARKING AND CHIPPING PLANT AT PEBOC,
LLANGEFNI INDUSTRIAL ESTATE, LLANGEFNI, ISLE OF ANGLESEY, LL77 7UX**

1. Consideration has been given to the report of the Inspector, Mr Clive Nield BSc (Hon) CEng MICE MCIWEM C.WEM, who conducted a public inquiry into the above appeal by your client. The appeal is against the refusal of the Isle of Anglesey County Council, on 16 May 2012, to grant planning permission for a biomass energy development and associated infrastructure consisting of a wood pellet plant, solid and liquid biomass combined heat and power plants, a wood storage yard, and a debarking and chipping plant at Peboc, Bryn Cefni Industrial Park, Llangefni.
2. On 30 July 2013 I, as Minister for Housing and Regeneration, one of the Welsh Ministers, directed that the appeal should be determined by the Welsh Ministers rather than by a Planning Inspector. The reason for this direction was because the proposal is for a major development which could have wide effects beyond the immediate locality, which falls within the recovery of appeals criteria listed in paragraph 3.11.2 of Planning Policy Wales (PPW) (Edition 5, November 2012) (now carried forward in Edition 6, February 2014).

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

*Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)
paper*

English Enquiry Line 0845 010 3300
Llinell Ymholiadau Cymraeg 0845 010 4400
Correspondence: Carl.Sargeant@wales.gsi.gov.uk
Printed on 100% recycled

3. Under the provisions of the Government of Wales Act 2006 the power to determine appeals made under section 78 of the Town and Country Planning Act 1990 ("the 1990 Act") has been transferred to the Welsh Ministers and, in this case, this power is being exercised by me, the Minister for Housing and Regeneration.
4. The appeal was dealt with via a public inquiry held on 21-24 January and 28-31 January 2014 and a site visit was carried out on 30 January 2014. The Inspector's conclusions are set out in paragraphs 190-229 of his report, a copy of which is enclosed.
5. In the Inspector's view, although a number of matters are raised with regard to the proposed development, the main considerations in this appeal are:
 - the need for the development of a biomass renewable energy plant;
 - the economic benefits that would emanate from the development;
 - the sustainability of material supplies;
 - the landscape and visual impact of the proposed plant;
 - the effects on local air quality, and any associated effects on the health of local people;
 - the effects on the local noise environment and the amenity of nearby residents and neighbouring premises;
 - the adequacy of the proposed means of access to the site;
 - the effects of traffic on the local road network; and
 - whether or not the benefits of the proposed development would outweigh any detrimental impacts associated with the matters above.

I agree with the Inspector that these are the relevant issues.

6. The Inspector recommended that the appeal be dismissed and planning permission refused.

Inspector's Overall Conclusions

7. The Inspector, at paragraphs 223 to 228 of his Report, drew the following overall conclusions:

"In reaching my conclusions I have had regard to the Environmental Statement, the supplementary information submitted in respect of that Statement, and to all other environmental information submitted in connection with the appeal and the public inquiry.

The need for the expansion of renewable energy capacity to reduce carbon emissions and develop long-term sustainable energy supplies is strongly supported by national and development plan policy and carries considerable weight. These benefits are also supported by benefits to the local economy resulting from the introduction of new jobs and substantial capital investment, though these would be largely offset by the deterrent effect on other business potential resulting from the presence of the very large biomass plant which would be seen as a "bad neighbour". The inherent sustainability benefits of the plant would also be eroded by the need to transport the source materials and the manufactured wood pellets over long distances by road, a situation that leads to the simplistic conclusion that the plant would be in the wrong place.

The sourcing of such large quantities of materials in this region would also place great stress on the markets, displacing existing customers and conflicting with the proximity principle and the waste hierarchy, which are important principles underlying sustainable waste management.

The plant would be significantly harmful to the local landscape and to visual amenity in the area due to its very substantial size and scale and its elevated location on the edge of the settlement, where it would harden that edge rather than allow the settlement to merge more gently into the surrounding countryside. It is also likely that unacceptable harm to amenity would be caused due to noise and disturbance emanating from the plant. Whilst it is possible these concerns may be overcome by substantial detailed design measures (and the EA/NRW has issued the environmental permit on this basis), the Appellant has failed to demonstrate appreciation of the tonal nature of noise generated from some of the plant and the harm to amenity associated with that in this location where background noise levels would be expected to be relatively low. The plant would also give rise to increased levels of fine particulate matter in the air, which would have a slight effect on risks to human health. However, as air quality levels would still be within the relevant national standards, I give this quite limited weight.

I have concluded above that the additional traffic could be accommodated by the local road network without unacceptable detriment to the safe and free flow of traffic. However, the arrangements for access to the site itself remain hopelessly unresolved. The latest proposals for the southern access (to be used by the main HGV traffic) are impractical and uncertain, and I consider them unlikely to be feasible. It would be possible to rely solely on the northern access but the practical and safety implications of this have not been properly explored. The matter might be resolved by use of a suitable planning condition and would not warrant refusal on its own account. However, the uncertainties involved serve to reinforce objections on other matters.

It is acknowledged that the renewable energy benefits carry considerable weight. However, I conclude that those and any other benefits would be substantially outweighed by the harmful effects of the development. The harm to the landscape and to visual amenity would be significant, and I consider this to be the critical factor in the assessment. The very substantial size and bulk of the plant could not be disguised by any mitigation measures and would be completely out of place in this location. The risks of harm to amenity due to noise and to health due to air pollution and the uncertainties concerning access to the site further reinforce this main factor. On balance, I conclude that the proposed development would conflict with development plan and national policies, particularly policies aimed at safeguarding the character and appearance of the area and amenity. Consequently, I conclude that the appeal should be dismissed."

The Inspector recommended that the appeal be dismissed and planning permission refused.

Conclusion

8. I offer no comment as to whether the biomass plant should be considered as a 'bad neighbour' development and, while it has been argued during this appeal that that is the case, I do not consider it to be a determinative issue in the consideration of the appeal.
9. I have noted the Inspector's comment that while the details of the northern access are unresolved, he considers that the suitability of the northern access might be resolved by the use of a suitable planning condition. While that may be the case, the issue of access to the site is fundamental to the proposed development and, in my view, one that should be resolved before planning permission is granted and not after.
10. The Inspector has concluded that the harm to the landscape and to visual amenity would be significant and that it is the critical factor in the assessment of the appeal. I accept that the effect of the proposed development on the landscape and visual amenity are significant material considerations in the assessment of this appeal but, in light of the range of issues arising from this proposed development, I do not consider that effect to be critical.
11. Subject to the above comments I agree with the Inspector's conclusions and accept his recommendation that the appeal be dismissed and outline planning permission refused.
12. I have taken into account the environmental information as defined by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) in reaching my decision on this appeal.
13. I have received no representations relating to the planning merits of the appeal since the inquiry closed.

FORMAL DECISION

14. For the reasons given above, and in exercise of the power referred to in paragraph 2 of this decision letter, I dismiss your client's appeal (APP/L6805/A/12/2183072) and hereby refuse planning permission for a biomass energy development and associated infrastructure consisting of a wood pellet plant, solid and liquid biomass combined heat and power plants, a wood storage yard and a debarking and chipping plant at Peboc, Llangefni Industrial Estate, Llangefni, Isle of Anglesey, LL77 7UX.
15. A copy of this letter has been sent to the Isle of Anglesey County Council and those who were entitled to appear at the public inquiry and did so.

Yours sincerely

CARL SARGEANT AM

Minister for Housing and Regeneration, one of the Welsh Ministers.
Enc: Leaflets H and HC

RECEIVED

28 JUL 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Dear Councillor,

Re: Outline application for a wood fired renewable energy plant at David Davies Road, Woodham Road, Barry, Ref 2015/00031/OUT, to be considered by the Planning Committee on 30th July 2015

We wrote to you prior to the 2nd July planning meeting at which the Sunrise Renewables' outline application for a waste wood gasifier was debated, and it was decided to defer a decision on the item to 30th July.

Our concerns expressed in that letter persist.

However, since then, Sunrise Renewables have published further documents, including responses to Biofuelwatch and Barry and Vale Friends of the Earth, and a document called "Explanation of Project Waste Status".

The latter document contains statements and figures which Sunrise Renewables had not previously made publicly available, even though they are of high relevance to material planning matters. We know of other planning authorities having re-advertised a public consultation following similar late submissions of crucial figures and statements, so as to allow full scrutiny. We believe that such an approach would be merited in this case.

We would like to add the following observations about the new statements made by Sunrise Renewables:

1. The document "Explanation of Project Waste Status" contains a detailed R1 efficiency calculation based on the Waste Framework Directive. Sunrise Renewables maintains that the proposed waste wood gasifier does not have to comply with the Waste Framework Directive and that their R1 efficiency calculation is therefore 'hypothetical'.

However, ***the Waste Framework Directive applies to all types of waste, unless it is excluded by virtue of Article 2 of that Directive. Waste wood does not fall into any of the excluded categories.*** The full text of the Directive can be accessed at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0098&from=EN>. ***This means that the waste hierarchy principle must be applied to this development.*** In this context, we would like to draw your attention to the Welsh Government's decision on a Section 78 Appeal by Ecopellets Ltd against refusal of their planning application for a pellet plant and two combined heat and power plants which would have burned waste wood and waste-derived bioliquids. The Minister refused the appeal, agreeing with the Planning Inspector's recommendation. One of the reasons for the decision was: "The sourcing of such large quantities of materials in this region would also place great stress on the markets, displacing existing customers and conflicting with the proximity principle and the waste hierarchy, which are important principles underlying sustainable waste management". I attach a copy of that decision for your information, which clearly confirms that the key principles of the Waste Framework Directive, which are transposed into UK legislation, must be fully considered in such a case.

We would like to point out again that in our view the efficiency of any biomass power plants – whether it uses waste wood or virgin wood – is a material planning matter. This is based on Section 4.5.1 of the UK Government's Overarching Energy Policy Statement which states that 'good design' for energy projects includes being "efficient in the use of natural resources and energy used in their construction and operation". We believe that the UK Bioenergy Strategy 2012, which further highlights the need to maximise efficiency in bioenergy applications, is also of high relevance in such a planning case.

2. The figures contained in Sunrise Renewables' new 'hypothetical' R1 efficiency calculation are clearly based on a maximum feedstock in excess of the 72,000 'actual' tonnes of waste wood, i.e. in excess of the limit imposed by the Planning Inspector in 2010. By 'actual' tonnes, we are referring to the tonnage of waste wood which would be trucked to the plant to be gasified, rather than the theoretical tonnage of that same wood if it was oven-dried (which it won't be). In their response to Biofuelwatch, Sunrise Renewables claims that "*The previous selected technology pyrolysed 72,000 tonnes of dried wood to produce 9MWe export capacity. In comparison the proposed technology will convert the same amount of dry wood into 10MW export capacity*". This does not accord with the Planning Inspector's decision, which clearly related to 'actual' tonnage', not to tonnes of 'dried wood' (given that the planning documents at the time spoke of 72,000 tonnes of waste wood with a moisture content of up to 35%).

The new statements by the developer confirm our view that the planning documents are contradictory and misleading. ***This is because the tonnage figures used for the R1 calculation are clearly not compatible with Sunrise Renewables' claims in their planning documents that they are not seeking to increase the maximum volume of wood to be used in the plant.***

3. Although the statements and figures contained in the document "Explanation of Project Waste Status" are highly relevant to material planning matters, we note that this is not a consultancy report (unlike other sections of the Environmental Statement) and that Sunrise Renewables cite no references at all for figures they have used. For example, they include a table of "laboratory results from a representative test of a waste wood sample", but do not cite the source. Furthermore, although it is clear from the figures that they intend to use a maximum 'actual' tonnage of more than 72,000 tonnes per year, it is still not transparent exactly how much wood they actually intend to burn. Furthermore, it appears to us that figures used by Entran in the Air Quality Assessment for this application (i.e. the figures which Sunrise Renewables must have supplied to Entran) do not fully accord with the figures used by the developer in the R1 calculation. This lack of transparency regarding the feedstock figures, we believe, makes it impossible to fully assess the accuracy of Sunrise Renewables' efficiency claims.
4. We note that, even if Sunrise Renewables' R1 calculation was accurate, the efficiency would still be very low – less than 22% for their Scenario B. This is lower than conventional biomass plants can achieve and we believe would still contradict planning policy.

Yours faithfully,

Almuth Ernsting
Co-Director
Biofuelwatch

Howell, Morgan P

From: Douglas Wardle [REDACTED]
Sent: 27 July 2015 16:03
To: Howell, Morgan P
Subject: RE: Sunrise application 2015/00031/OUT

Thanks Morgan

Just to add one further point – on the 'sister project' in the Port of Barrow, it should be noted that we have not made any application to change from waste-wood. I think this demonstrates that there were very particular circumstances surrounding the Hull application which are no longer relevant.

Kind regards

Douglas

Douglas Wardle

[REDACTED]
[REDACTED]
[REDACTED]



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From: Howell, Morgan P [<mailto:MPHowell@valeofglamorgan.gov.uk>]
Sent: 27 July 2015 15:55
To: 'Douglas Wardle'
Subject: RE: Sunrise application 2015/00031/OUT

Dear Douglas,

I will change the condition, you are right that drawing has been superseded on the system. I will add it as a late rep. Thank you for the additional information on the hull applications, that is very helpful.

Kind regards

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704743
e-mail / e-bost: MPHowell@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
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From: Douglas Wardle [REDACTED]
Sent: 27 July 2015 15:47
To: Howell, Morgan P
Subject: RE: Sunrise application 2015/00031/OUT

Morgan, just looking back through the plans sent through, I think, Condition 2 should probably read as below since the Rev A 2016 plan was replaced by the Rev B version:

2. This consent shall relate to the plans registered on 5 February 2015 other than where amended by plans reference E1627- 2101 Rev A, E1627- 2102 Rev A, E1627- 2103 Rev A, E1627- 2104 Rev A, E1627- 2105 Rev A, ~~E1627- 2116 Rev A~~ dated 16 April 2015, E1627- 2116 Rev B, E1627- 2117 Rev B, E1627- 2118 Rev B, E1627- 2119 Rev B, E1627- 2120 Rev B received on 22 July 2015 as well as the updated Air Quality Assessment submitted on 12 June 2015 the Waste Planning Assessment received on 17 June 2015

Best regards

Kind regards

Douglas

Douglas Wardle

[REDACTED]
[REDACTED]
[REDACTED]



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Howell, Morgan P

From: Douglas Wardle <[REDACTED]>
Sent: 27 July 2015 14:50
To: Howell, Morgan P
Cc: Goldsworthy, Marcus J
Subject: RE: Sunrise application 2015/00031/OUT

Hi Morgan:

The application in Hull to expand the feedstock scope was something requested by the investment fund that had been due to finance the Hull Project prior to Christmas. Their investment committee wanted to have the possibility for the plant to gasify multiple fuel types, in part because Hull is closer to several other biomass plants in the north-east, all of which are potential competitors for waste wood.

In the event the fund concerned had to withdraw from funding the project for reasons unrelated to the project and in January they were replaced by one of the largest pension and insurance groups in the country to fund the entire portfolio, including Barry. They are focusing on waste wood and we have not been required to resubmit the application at Hull or to appeal the Hull decision. We expect the Hull Project to reach Financial Close during the next 10 days.

I hope this provides you with the background.

Kind regards

Douglas

Douglas Wardle

[REDACTED]
[REDACTED]
[REDACTED]



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From: Howell, Morgan P [mailto:MPHowell@valeofglamorgan.gov.uk]
Sent: 27 July 2015 14:34
To: 'Douglas Wardle'
Cc: Goldsworthy, Marcus J
Subject: RE: Sunrise application 2015/00031/OUT

Hi Douglas,

Thank you for that, I have just called Louise to confirm that Richard Frearson is acting on behalf of Sunrise Renewables.

Furthermore, Councillors have been receiving information regarding Sunrise's refusal of planning permission at the dock in Hull and this could be a question that arises at Planning committee. As such, it would be beneficial for officers to know the answer to a couple of queries before going to committee.

Firstly, have you appealed the decision to refuse the variation of condition at Hull?

And secondly, there is a condition attached to the recommended approval that restricts Sunrise to using simply Waste wood, is it likely that Sunrise will look to vary that condition in order to widen the scope to renewable waste material not just waste wood?

Thanking you in advance,

Kind regards

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704743
e-mail / e-bost: MPHowell@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
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From: Douglas Wardle [REDACTED]
Sent: 27 July 2015 12:37
To: Mills, Louise (Democratic Services)
Cc: [REDACTED]; Howell, Morgan P
Subject: RE: Sunrise application 2015/00031/OUT

Dear Louise: as just discussed, I can confirm that Richard Frearson of Power Consulting Midlands is indeed a member of the Sunrise Renewables advisory team.

Kind regards

Douglas

Douglas Wardle
[REDACTED]
[REDACTED]
[REDACTED]



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From: Mills, Louise (Democratic Services) [<mailto:lomills@valeofglamorgan.gov.uk>]

Sent: 22 July 2015 10:17

To: [REDACTED]

Subject: Registering to Speak at Planning Committee

Good Morning Mr Wardle

I am writing to you in relation to your request to speak at the Planning Committee held on the 2nd July, 2015 on Application No: 2015/00031/OUT - David Davies Road, Woodham Road, Barry, which was deferred for a site visit.

Please be advised that if this application is on the agenda for the consideration of the Planning Committee at its next meeting on the 30th July 2015 and you wish to speak on this application you will need to register to speak again.

The form you complete to register to speak will be open from Friday 24th July, 2015 at 8.30am to 5pm on Tuesday 28th July, 2015. This form can be found on the Vale of Glamorgan Council's website.

The agenda for this meeting will be posted on the Council's website by 8.30am on Friday 24th July, 2015 or you can contact Development Control who may be able to advise as to whether this application will be on the agenda. Please see the below link for contact details:

http://www.valeofglamorgan.gov.uk/en/living/planning_and_building_control/planning_contacts.aspx

I hope this is of help, however, if you require further assistance please do contact me.

With Kind Regards

Louise

Louise Mills
Assistant Democratic Services Officer
Democratic Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 709144
e-mail / e-bost: lomills@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
Ewch i'n gwefan yn www.bromorgannwg.gov.uk

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Mr Howard Davies
Sunrise Renewables (Hull) Ltd
67 Bewsey Street
Warrington
Cheshire. WA2 7JQ

Chris Peach
[REDACTED]

4 March 2015

Dear Sir(s)

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION FOR PERMISSION TO DEVELOP LAND

Your Application:- 00030735E
(Check On-line with System Reference Number :- 14/01489/FULL)

Amendments to the biomass wood fuelled renewable energy plant approved under permission reference 30735D involving:

- 1) Revisions to condition No. 23 to allow energy to be generated from renewable or waste sources (including wood and refuse-derived fuels) , not just waste wood.
- 2) Alterations of description to refer to "Renewable energy plant" not a "biomass wood renewable energy plant"

At:- King George Dock, Northern Gateway, Kingston Upon Hull, HU9 5PR

has been REFUSED for the following reasons:-

- 01) The proposed revisions would by virtue of the changes proposed lead to an unacceptable development because the RDF fuel source would be sourced from less sustainable sources than waste wood and this would be sourced from a greater distance than waste wood and would prejudice the use of more sustainable sources of fuel with a greater reliance on rail or water transportation (contrary to local plan policies G2, ME1, M1; policies W2 (v) W2 (vi), W22, and W26 of the East Riding & Hull Joint Waste Local; and NPPF paragraph 6).
- 02) The proposed use is not considered to be compatible with the predominant land use given the clear appearance of the RDF as a waste type and this would prejudice regeneration objectives in the area given recent approvals such as Green Port Hull (contrary to local plan policies G2 and G4 and policy W2 (ii) (iii) of the East Riding & Hull Joint Waste Local).



Hull
City Council

03) The proposed development by virtue of its changed fuel type would not be located in the most sequentially preferable site, alternative sites closer to the proposed revised fuel types would be more sustainable (contrary to policy W4(a) of the East Riding & Hull Joint Waste Local).

DMPO Article 31 Statement

The local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application in the following way(s):
Engaging in pre-application discussions with the applicants;
Discussing potential solutions with the applicants during the processing of the application.

Yours Faithfully

Alex Codd
City Planning Manager

00030735E

King George Dock, Northern Gateway, Kingston Upon Hull, HU9 5PR,

Amendments to the biomass wood fuelled renewable energy plant approved under permission reference 30735D involving: 1) Revisions to condition No. 23 to allow energy to be generated from renewable or waste sources (including wood and refuse-derived fuels) , not just waste wood., 2) Alterations of description to refer to "Renewable energy plant" not a "biomass wood renewable energy plant"

Mr Howard Davies

SUMMARY

- Operating revisions to energy plant.
- Objections received.
- Recommended for conditional approval.
- Site visit
- Councillor Pantelakis has requested a Planning Committee decision.

SITE

A site within the docks, to the south of Hedon Road. Immediately to the south west and north is the dock railway lines and to the east is the ABP engineering depot. This part of the docks is occupied by portal framed and more substantially constructed commercial buildings. The nearest houses lie to the northern side of Hedon Road 107m (351') from the boundary of the application site.

The site is predominantly tree covered.

PROPOSAL

Amendments to the biomass wood fuelled renewable energy plant approved under permission reference 30735D involving:-

- 1) Revisions to condition No. 23 to allow energy to be generated from renewable or waste sources (including wood and refuse-derived fuels) , not just waste wood.,

The condition reads:-

The total tonnage of wood waste treated at the plant hereby approved shall not exceed 86,000 tonnes per annum, unless otherwise agreed in writing with the Local Planning Authority beforehand (to limit the movement of heavy goods vehicles in the immediate area in accordance with Local Plan Policy M29.)

2) Alterations of description to refer to "Renewable energy plant" not a "biomass wood renewable energy plant"

PLANNING HISTORY

00030735D – Approved with Conditions 16.10.2014 - Amendments to the biomass wood fuelled renewable energy plant approved under permission reference 30735C involving:-

1) An increase in capacity from 9mw to 10mw 2) Variation to condition 24 to facilitate an increase in the annual tonnage from 72,000 to 86,000 3) Construction of a building to house the gasification plant 4) Other changes to the specifications and layout of previously approved buildings

00030735C – Approved with Conditions 05.02.2013 - Erection of renewable wood fuelled energy plant (9MW)

00030735B – Allowed on appeal 21.01.2010 - Application to remove condition No. 23 to allow for waste wood from wider area

00030735A – 9/12/08 - Erection of renewable wood fuelled energy plant – Approved with Conditions

Comprising of 3 main buildings and plant (maximum length 60.1m x 17m (max) wide x 17.5m (max) high; 197'2" x 55'9" x 57'5") with associated 32.8m (107'8") high x 1.65m (5'5") wide flue and internal access road.

REPRESENTATIONS

Environmental Health

It is understood that the applicant will be working with the Environment Agency to ensure that an environmental permit will be in place before the commencement of operation of the energy plant and that this permit will have conditions to ensure that emissions from the plant comply with the Industrial Emissions Directive and the relevant sector guidance note.

However the information available from the previous planning application is in relation to the impact on local air quality and the local environment and this was based on a biomass wood fuel source. This application looks to change this fuel source to refuse derived fuel. The applicant has stated that this source has similar characteristics to waste wood, notably calorific value, fuel density and moisture content however the actual emissions from the stack will differ. As a result it is requested that an updated air quality impact assessment is undertaken on the potential stack emissions and their impact on local air quality.

In addition the type of waste proposed to be used; refuse derived fuel may have an odour impact which would not have been considered with the previous application waste type. Therefore it is requested that an odour impact assessment is undertaken on the potential odour from the storage of the fuel and details of any mitigation measures that will be put in place to control odours should be provided.

The applicant has provided details of the air quality assessment as well as an odour impact assessment. The air quality assessment was carried out in October 2012 to support the previous application. The pollutant parameters used within this assessment were the

maximum pollutant levels of the Waste Incineration Directive emission limits for incinerators. These are the limits that would be specified within an environmental permit for incineration of biomass wood fuel and/or refuse derived fuel. Due to the maximum allowable limits for each pollutant being used within the air quality assessment, this assessment is applicable for the incineration of RDF. The results of the assessment were that impact on local air quality was negligible. Furthermore the environmental permit issued by the Environment Agency will control emissions to air and ensure that the emission limits under the waste incineration directive are adhered to.

The odour impact assessment has been undertaken in line with guidance from the IAQM (Institute of Air Quality Management). Due to the mitigation measures proposed by the applicant to control odour at the source, as well as the distance to the nearest residential properties and the historical weather data it has been predicted that the odour impact from the process will be negligible. The methodology used for the assessment is considered correct. In addition the environmental permit issued by the Environment Agency will control odour emissions from the site through environmental permit conditions.

Therefore based on the information provided by the applicant there are no objections to this application.

Urban Forestry

Consults expired 05.01.2015

Yorkshire Water

Consults expired 05.01.2015

Humber Archaeology Partnership

No objections

Natural England

Consults expired 05.01.2015

Police Architectural Liaison Officer

No objections

Highways Development Control

No objections.

The delivery methods and number of trips are not affected by the proposal.

Environment Agency

"The Environment Agency did not recommend the condition(s) and therefore cannot recommend they be discharged. "

Highways Agency

No objections

Councillor Pantelakis has requested a Planning Committee decision.

There is no information on the implications of this on neighbourhoods and environment.

Unless further detailed information is provided with the possibility of additional consultation, I would request this be referred to committee.

33 letter/emails of objection raising the following issues:-

1. This proposal is in effect an application for an energy from waste system, as was opposed by all residents in Hull and East Riding in previous years. A "back door" proposal and should be rejected by the Council as was finally the incinerator applied for near this site.
2. Totally oppose this plan as a Hedon resident.
3. It is too big an issue to proceed as 'change of use'. The change to feedstock means a total change to operating system. This needs a new planning application. It warrants a full public consultation. To try to sneak it in through the back door is diabolical!!
4. After initially applying for this plant as a wood-burning EFW facility, regarded by many as an acceptable technology, this is a cynical attempt by the applicant to move the goalposts completely. This company is involved in such applications at many locations around the UK. The application should be rejected and the applicant be required to abide by environmental and other pollution control legislation. Emissions from burning RDF (another name for residual household waste, likely to contain plastic and other hazardous materials) will result in pollution of the air, in particular by Dioxins. These emissions know no boundaries and cannot be allowed to pollute residential neighbourhoods such as Marfleet, Greatfield, and the nearby town of Hedon, and villages such as Preston and Paull, all of which are downwind of the site.
5. Sewerage Sludge is considered as Biomass but the possible use of it as a feedstock at the proposed site on King George Dock must be considered impractical due to the nearby residential areas of Marfleet, Greatfield and Victoria Dock areas.
6. The proposed revision of condition No 23 is of huge significance, it was implemented for a specific reason, i.e. to ensure that the developer was restricted to what KHCC stipulated he could /or could not use, Refuse Derived Fuels were not on the acceptable list.
7. Within the Docks there is an unpleasant smell, it is not felt that this should be moved to the East side of Hull. There is already enough industry in the area, including the Water Treatment plan which already causes issues with smell pollution.
8. Adding something like this, will impact on house prices in our area.
9. This application will set a precedent of financial benefits with no disadvantages, or financial benefits with severe, avoidable disadvantages
10. There has been no realistic consultation. If this modification is granted, it will have repercussions on Humber residents for decades. Yet there has been no hint of consultation with the councils of those villages/towns, such as Hedon, Preston, nor their residents. I have not seen any exhibitions etc. Yet, in the days of the original application, the company was eager to tell and show people that everything would be tickety boo.

11. Although the developer may claim that the feedstock will not cause any upset to residents wellbeing, he seems not to have taken the 'Hedon stench' into account. Is the developer aware of the 'Hedon Pong'? This is a phenomenon which has, for years, been a problem in Hedon and Preston. Has the developer ever driven down Staithes Lane and hit the nauseating wall of foul air caused by the sewage works which are in close proximity to the proposed KGD site? This problem has been promised to be solved, for years, yet is still part of the scene. The biomass plant operator may believe he can solve the problem of stench coming from his plant, but Yorkshire Water did so for years.
12. Assurances have been given that there will be no additional traffic due to the RDF used as feedstock. Yet also assured that any smelly lorry loads of RDF will be refused entry.
13. Now, we all know about the saga of the stinking RDF which brought flies, and stench to Goole Docks. So, if a number of such lorry-loads arrive during a period, their return and replacement will add to the number of load-miles involved. There is no mention of research being carried out on the % of such pongy loads to be anticipated.
14. There is no accepted standard for RDF. There is for SRF, but the quality of RDF can vary from low quality, bagged-up residuals, to high quality.
15. The application seems vague regarding the fuel to be used. It is believed to be so vague that sewage sludge could unwittingly be allowed. The developer may advise that he will never use such feedstock. But as sewage sludge is biomass, no-one could stop this being used. KHCC could not stop it by a condition being applied, as this developer has shown his skill already in successfully objecting to (is it 3?) conditions. This application must be refused, it will allow any biomass renewable energy plant of the future to risk claiming precedent.
16. The original application was for a wood-burning biomass energy-producing plant. At the time, (when there was active opposition to incineration in the area), he was politically wise. Now, he seems to believe that the scope of the modification should be endless. Incidentally, the developer admits, that the modification is necessary because it will help him obtain financial backing.
17. It would seem to be politically-damaging to KHCC, and not economic sense, as they are sending about 86,000 tonnes of residual waste out of the area, to a specified plant to be burnt as RDF.
18. The Hedon Town Council has been made aware of the above application by a number of concerned residents. Hedon Town Council wish to object to the proposal in the strongest possible terms. The applicant wishes to change the method of operation from the original wood-pellet burning plant to a Mass-Burn Waste Incinerator and this should in our opinion be rejected as being wholly inappropriate in such close proximity to the residential areas of East Hull, and to the communities, including Hedon, at the eastern side of the city. The burning of waste, whether in its original untreated form or as RDF concerns us primarily because of the unknown materials it may contain, including plastics and other hazardous waste which can result in harmful Dioxin emissions, particularly if not burned at the correct temperature and in the right conditions. It is hoped that Hull City Council will refuse the application, however, if it is minded to approve, then we would request a condition be imposed which limits the RDF specifically and strictly to non-toxic materials.

19. If the facility is to also accept a variety of different fuels containing biomass including RDF, SRF, virgin wood/wood pellets and crop-derived fuels then this brings whole new areas of policy and strategy into play, and changes the focus of policy that was otherwise relevant, and the proposal conflicts with such policies or creates tensions by failing to demonstrate compliance.
20. All the information should be in the public domain to enable proper consideration. The consultation period should be extended.
21. The issues surrounding sustainable biomass becomes very relevant if the facility is treating virgin wood/wood pellets and crop-derived fuels. The matter of sustainability becomes far more relevant than for the original application given the doubts placed on the availability of the original waste wood feedstock.
22. The waste hierarchy is a material planning consideration. Not only has it not been demonstrated that the feedstock would not otherwise be recycled, but it has not been demonstrated that the facility would not be classified as disposal within the waste hierarchy.
23. For municipal waste incinerators the only way to be classified as recovery is by meeting the 0.65 R1 threshold, which the applicant has not apparently met.
24. The previous consideration of the proposed facility's place within the waste hierarchy was premised on the fact that the facility would be using waste wood that would otherwise go to landfill due to the stated over supply of waste wood in the UK, but this would be far less relevant for a proposal that were able to treat a wider variety of feedstocks and would be far less relevant in a world where such over supply is in doubt.
25. If the plant is treated as a disposal operation as it should be, then not only does it sit at the very bottom of the waste hierarchy, at the same level as landfill, it makes relevant various parts of the new National Planning Policy for Waste (NPPW) and the Planning Practice
26. Guidance on Waste, including: Paragraphs 1, 3 and 7 of the NPPW, emphasises the importance of driving waste management up the Waste Hierarchy. As does the Planning Practice Guidance on Waste.
27. Furthermore, guidance in the Government's Energy from Waste: Guide to the Debate (the EfW Guide) highlight the importance of feedstock and consistency with the waste hierarchy to the consideration of the planning application, making it even more clear that the proposed amendments are neither minor nor justified:
28. Pages 9 of the EfW Guide states: "...The second principle ['Energy from waste should seek to reduce or mitigate the environmental impacts of waste management and then seek to maximise the benefits of energy generation.'] is about ensuring that energy recovery is the best solution for the residual waste going to it, and then where this is the case that the most is made of the resource it represents. This means understanding and potentially manipulating the nature of the residual waste and ensuring it is suitably matched to the right type of process and energy outputs to minimise the environmental impact. Where this can't be done the impact needs to be mitigated...."

29. Page 10 of the EfW Guide states: "...The principles would be expected to apply as much to the production of waste fuels as to their use and policy would be expected to reflect this. Therefore the production of RDF should be part of minimising the environmental impacts of waste management. This means: ensuring the hierarchy is applied and the need to maintain biogenic content in the fuel fraction is not done at the cost of potential recycling; encouraging greater understanding of the biogenic content; increasing biogenic content through removal of fossil waste not addition of biogenic waste and ensuring material if exported delivers a better environmental outcome than domestic disposal."
30. As noted at Paragraph 235 of the EfW Guide: "To be consistent with the principle of energy from waste supporting waste management in line with the hierarchy, key considerations for the long term development or operation of an energy from waste solution are: The ability to at least qualify as recovery in the waste hierarchy; To support and not compete with effective prevention, reuse and recycling and not be a brake on their growth; ..."
31. 'Realising the value of recovered wood. Market Situation Report. Summer 2011 (by WRAP)'. Of particular interest is page 12, ---'Special Topic: Use of recovered wood in biomass'. WRAP was part of Defra. Therefore the document's content must be regarded with respect. The content identified that research carried out in 2010 indicated that, by 2015, the demand for waste wood by biomass facilities would be 4 million tonnes pa. It was considered this would be significantly more than the total UK production pa. This, and the high world demand would make supply short, prices high, waste wood difficult to obtain, and long-term (supply) contracts difficult to arrange. This information was publicly available in Mid-2014, 18 months before Sunrise Renewables' original planning application was approved.
32. Sunrise Renewables seems to have obtained planning permission, (or is in the process), for four, 86,000 tonnes pa plants of the Hull type, in Hull, Barry, Barrow, and Sunderland. These will require 344,000 tonnes waste wood pa, a very significant portion of total UK production. This, together with worldwide demand, would seem to, make it likely that Sunrise Renewables will need to use RDF much earlier than the applicant implies (It could even be necessary to substitute it right from day one).
33. This has important financial implications. Yet, the applicant implies that there is no shortage of waste wood, claiming that RDF will only be used in the (unlikely?) event that waste wood will be unavailable. The applicant may be misleading the officers, bearing in mind that it is now three and half years since the information that waste wood may be / may soon be, in extremely short supply, was made public.
34. The importance of the R1 factor. The numerical value of this factor determines whether a facility of this type is classified as 'recovery' or 'disposal' is key to the determination of this application, the applicant has attempted to supply a satisfactory answer. His arguments were unsatisfactory.
35. National Planning Policy for Waste contains policies relating to public health, emissions, proximity to sensitive receptors and amenity. These policies should be considered as part of the determination of this application.
36. The applicant provides nothing to overcome UKWIN's (United Kingdom Without Incineration Network) previous objections.

37. Is the applicant within his rights to refuse permission to see documents, (market research, which he claims is confidential); documents with which he makes wide-ranging claims about supplies of waste wood? Please note that this is discriminatory; that it presents the possibility that there are no reports / that the reports reveal information which is at odds with his claims / that they may indicate the real reason for his request for this planning modification / that he may be misleading the Committee on the timescale of the change of feedstock, (it may be far more imminent than claimed). If the applicant does not provide evidence then his claims would seem to be valueless hearsay.

APPLICANT'S CASE

The applicant has provided the following supporting information/comments:-

1. There would be no increase in Traffic movements by using RDF.
2. The RDF would be after all recyclables etc. have been taken out.
3. The plant would still have to qualify for the emission regulation limits.
4. RDF would only be used as a back up if there was a shortfall in wood supply, and is less economical to use for the plant as it does not qualify for full ROCs.
5. The technology selected by the applicant for the Project and the associated layout designs previously approved under Planning Permission Reference 14/00923/FULL enable the renewable power plant to process a variety of different renewable fuels containing biomass including refuse derived fuel (RDF), solid recovered fuel/specified recovered fuel (SRF), virgin wood/wood pellets and crop-derived derived fuel; subject in each case to the plant meeting emissions requirements as required by the Environment Agency.
6. The Project funders have requested the applicant to obtain approval for the plant to be able to process a wider variety of renewable-source fuels than just waste wood in case future changes in the waste-wood market have an adverse effect on the financial viability of the Project requiring it to consider alternative fuel sources. The present application is therefore submitted primarily for the purpose of introducing greater flexibility for the fuel strategy in support of the financing for the Project.
7. The most likely substitute for waste wood is refuse-derived fuel (RDF). This has similar characteristics to waste wood, notably the calorific value, fuel density and moisture content. The Applicant does not therefore envisage any need to increase the number of deliveries by road compared to the present approval nor to increase the amount of feedstock to be processed above 86,000 tonnes, as presently approved.
8. The presently approved plant design and layout allow for alternative fuel types to be processed at the plant with only minor adjustments:
9. Within the feedstock storage building, different feedstocks will be stored separately
 - the movement of RDF by conveyor into the boiler will require minor adjustments to the conveyor system

- the air-filtering system will require adjustments while burning RDF, as required by the Environment agency.
10. The existing emissions abatement system and chimney stack height have been designed to allow for multiple fuels including RDF; however, processing of fuels will in all cases require an Environmental Permit and compliance with the Industrial Emissions Directive. The Applicant has been liaising with the Environmental Agency in this connection.
11. The applicant has submitted an Odour Impact Assessment following the request from Hull City Council Environmental Health. This report concludes that the significance of the residual effect is most likely to be 'not significant' and is very unlikely to result in complaints.
12. 5 page letter response to UKWIN letter of 5th January, 2015, raising the following:-

- a. The Hull Gasification Project has received planning consent to convert fuel extracted from the waste stream and convert it into electricity. The existence of the plant will therefore not only generate electricity but it will also divert waste from landfill, an established national and local policy objective.
- b. The existing technical solution for the plant is versatile and it can convert a wide range of fuels into electricity whilst continuing to meet Environmental policy objectives and legal requirements. This is accomplished using gasification as an advanced conversion technology (ACT). ACT has been recognised by the UK Government as a key policy tool by which to meet its international obligations in respect of renewables to which local councils all have a role to play within their own policies. Primary legislation recognises gasification as a form of ACT technology. The construction of a power plant using ACT gasification technology is therefore fully within established UK energy policy.
- c. UKWIN's policy position in objecting to gasification simply means it is objecting to established legislation. Disagreement with existing legislation is not a recognised basis for objecting to a planning application.
- d. The legality of converting RDF into energy and landfill avoidance is established by existing government policy, enshrined in primary and secondary legislation.
- e. Were a switch to RDF to happen, the plant would therefore change from converting one type of 'landfill avoidance fuel' to another type of 'landfill avoidance fuel', both containing biomass and permitting by law and encouraged by policy.
- f. Attached to this letter is the R1 Calculation for the Hull Gasification Project showing that it comfortably exceeds the 0.65 threshold referred to by UKWIN in their objection.
- g. During the processing of the RDF fuel, recyclates are extracted and the residual components are converted into a compressed flock. No preparation of the RDF feedstock will take place at the Hull Gasification Project site — the plant simply receives the finished product and converts it to electricity. It should be noted that no waste management licence is required for the plant.

- h. The larger part of UKWIN's objection is predicated on the assumption that the plant ought, in their opinion, to be treated as a "disposal operation". This is not how UK legislation treats the conversion of RDF as a processed fuel into energy and to fashion an objection on the basis that the law is somehow different is therefore nothing more than wishful thinking on UKWIN's part, no doubt principally influenced by their own policy objectives.
 - i. The process of creating RDF and indeed consuming RDF involves significant recycling and re-use opportunities and is fully consistent with the Government's stated waste hierarchy.
 - j. By way of summary, the Hull Gasification Project:
 - i. Contributes materially to recycling objectives by providing an outlet for waste, potentially including RDF, and by reducing the ultimate amount of waste to landfill, in the case of RDF to 6.2%;
 - ii. Contributes materially to avoiding the destruction of valuable natural resources by reducing the amount of waste that would otherwise go to landfill and reducing the need to burn fuels such as coal that would increase the amount of waste to landfill;
 - iii. Uses gasification of the fuel to create a synthetic substitute for natural gas but without resulting in a net increase in the quantity of greenhouse gases being released; and
 - iv. Is being funded by the private sector without placing a burden on rate-payers.
13. Whilst RDF is the cheaper fuel source and may offer the opportunity of gate fees, these advantages are more than outweighed by the economic disadvantages of using the alternative fuel including significantly increased maintenance costs and the loss of government incentives in the form of ROCs. The preferred fuel option for the proposed plant is therefore wood chip.
14. The feedstock market reports prepared for the project have confirmed that even if all the planned waste wood fuelled plants are commissioned, there would still be an overall surplus of waste wood available in the UK. To this end the funders are simply looking for a back-up fuel supply strategy for a worst-case scenario.
15. Information provided shows where the Hull Gasification Project sits in the waste hierarchy, for both possible types of feedstock and demonstrates that the position in the waste hierarchy would not change as a result of approval of this amendment. The Hull Gasification Project, even when using 100% RDF as a fuel, achieves the highest possible position in the Waste Hierarchy given that Re-use and Prevention are not options for MSW (Municipal Solid Waste) and importantly illustrates that the use of RDF cannot be considered to be a down-grade in the Waste Hierarchy compared with the use of woodchip.
16. It is evident that the main area of concern regarding the proposed plant is emissions and the effects the plant may have on the environment including odour.

17. The following assessments have been undertaken:

- a. Air quality assessment (with the original application, and applicable to RDF). A worst-case Air Quality Impact Assessment was conducted and it was the conclusion of this report that a stack height of 43.5m (143ft) will be sufficient to provide adequate dispersion of stack emissions to ensure negligible impacts on the local air quality. This applies to both RDF and wood chip.
- b. Dispersion modelling (with the original application, and applicable to RDF)
- c. Odour impact assessment (at the request of Hull City Council). Numerous control measures have been incorporated into the plans for this site (Negative pressure feedstock reception and storage building, Fast closing doors, Air knives, and Ventilation) in order to mitigate the risk of odour impact on the surrounding area, as a result the odour resulting from the storage of RDF is expected to be negligible.
- d. The results from these assessments show little to no adverse impact on the surrounding area.

18. It is important to note that the proposed plant will absolutely conform with Environment Agency air quality and odour control requirements as specified in the environment permit for the site.

19. The intention, as part of this application is that all of the fuel used by the plant will be sourced locally wherever possible. To this end, the proposed fuel supply contractor has committed to invest in a fully permitted waste wood collection and processing centre, which will be located at existing waste recycling facilities close to the Hull site. This demonstrates a) the clear intention to prioritise wood chip as a fuel and b) the clear intention to source fuels locally to avoid prohibitive transport costs.

20. In the event that the proposed facility is forced through supply limitations to change to RDF to any extent, then a local sourcing strategy will apply.

21. The 2011 WRAP Report was based on data collected in 2009 at the lowest point of the recession when construction activity and therefore waste wood supply was at a minimum. It also omitted to include waste wood supplied from a number of sub-sectors.

22. The 2015 levels of waste wood arising have recovered substantially and are estimated to be in the range 6.0 to 10.4m tonnes (depending on the assumptions made on population growth and future year etc.). This far exceeds projections on the demand side taking into account new waste-wood biomass plants expected to be constructed.

23. The applicant is therefore confident that waste wood biomass will remain the primary feedstock for the plant for the foreseeable future and most probably the full life of the project.

24. The applicant is prepared to accept the proposal of 20% RDF with any increases subject to written approval by the planning department.

PLANNING FRAMEWORK

Joint Structure Plan (June 2005): -

EC1a - concentration of employment development in DS1-DS3 locations.

T3 - managing and improving the strategic highway network.

T4 - increased use of strategic waterway and port network.

Local Plan (May 2000 - saved policies 27 September 2007): -

G1 - Unless material considerations indicate otherwise:

1. development complying with plan allowed
2. development complying with some policies allowed if benefits outweigh disbenefits
3. development not complying with plan not allowed.

G2 - Allow development subject to location and detailed considerations being acceptable.

G4 - Compatible with predominant land use.

ME1 - Sustainable development which respects environmental constraints supported.

ME2 - Development not allowed if unacceptable pollution impact.

ME3 - No unacceptable risks near pollution sources unless can demonstrate level of risk is acceptable.

ME4 - Support development on contaminated land subject to site investigation.

ME14 - Protect and manage trees.

UR1 - Encourage urban regeneration.

NE1 - Protect Urban Greenspace above 0.25 ha.

BE1 - Seek high standards of design.

BE2 - High standards of energy efficiency promoted.

BE9 - Quality of employment developments.

BE13 - Encourage location and design of utility equipment to minimise visual impact.

M1 - Encourage balanced transport system.

M3 - Adjacent to Primary Route, take account of: (i) main function as through route;
(ii) capacity to meet predicted traffic.

80

M29 - (a) Development allowed if access, servicing and parking satisfactory.

(b) Traffic generation and road safety must be acceptable.

M30 - Development outside City Centre to meet parking standards in table M1.

M36 - Encourage movement of freight by rail and water.

E1 - Employment development allowed subject to location and details.

E6 - Port related development within port area encouraged.

E9 - General employment development allowed subject to criteria.

D8 - Port related development at King George/Queen Elizabeth Dock supported.

East Riding & Hull Joint Waste Local Plan – Adopted November 2004

W2 Development complying with specific policies of the Joint Waste Local Plan will be allowed if detailed planning considerations are acceptable. Detailed planning considerations include:

(i) impact on local amenity;

(ii) impact on the built and natural environment;

(iii) regeneration objectives;

(iv) design;

(v) parking, servicing and access;

(vi) traffic generation and road safety;

(vii) danger to health or life; and

(viii) risk of pollution.

W3 The Waste Planning Authorities will seek to use planning obligations, if appropriate, to:

(i) achieve the best form of waste management development; and

(ii) compensate for the adverse impact of waste management development.

W4 (a) The Waste Planning Authorities will require a developer to demonstrate that a sequential approach has been adopted in selecting a site for waste management development and that in the case of development:

(i) on undeveloped land within an urban area, it cannot be located on previously developed land; and

(ii) on undeveloped land outside an urban area, it cannot be located on previously developed land or on land within an urban area.

(b) Waste management development on agricultural land which satisfies the sequential approach must comply with Policy W17

W22 (a) Waste management development will, if possible, make use of rail or water transport to meet its operational requirements.

(b) Development making significant use of road transport will clearly demonstrate that reliance on rail or water transport is not feasible.

W23 Waste management development will be allowed if:

(i) road traffic movements arising can be satisfactorily accommodated on the local road network; and

(ii) impacts on local communities, including businesses, are acceptable.

W26 (a) Waste management development contributing towards self-sufficiency in the Joint Waste Local Plan area will be allowed in appropriate locations.

(b) Waste management development dealing exclusively or substantially with waste from outside the Joint Waste Local Plan area will not be allowed unless a clear need for the development is demonstrated.

W29 Incineration with energy recovery development will be allowed if:

(i) its advantages in the particular circumstances over materials recovery, anaerobic digestion and large scale composting are clearly demonstrated;

(ii) it includes the efficient recovery of energy;

(iii) it complies with Policy W4; and

(iv) its visual impact, in particular the chimney, is acceptable.

Other Material Considerations:-

Not within the LDO area

National Planning Policy Framework

NPPF1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions (para 2).

NPPF2 The purpose of the planning system is to contribute to the achievement of sustainable development (para 6).

NPPF3 At the heart of the NPPF is a presumption in favour of sustainable development. Approve development proposals that accord with the development plan without delay. Where

the development plan is absent, silent or relevant policies are out of date, grant permission unless adverse impacts significantly and demonstrably outweigh the benefits, or specific policies in NPPF indicate development should be restricted (para 14).

NPPF4 Twelve core planning principles (para 17).

NPPF7 Promote sustainable transport (paras 29 to 41).

NPPF10 Require good design (paras 56 to 68).

NPPF12 Climate change, flooding and coastal change (paras 93 to 108).

NPPF13 Conserve and enhance the natural environment (paras 109 to 125).

Safer Places- the Planning System and Crime Prevention (ODPM/Home Office, 2003)

Where proposed development would undermine crime prevention or the promotion of community safety and the concerns are relevant to land use planning, the application could be refused planning permission where refusal is consistent with the development plan

National Planning Policy for Waste

National waste planning policy is capable of being a material consideration in decisions on planning applications for waste management facilities.

7. When determining waste planning applications, waste planning authorities should:

- a. only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;
- b. recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;
- c. consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;
- d. ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
- e. concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

Planning Practice Guidance - Waste

In the case of waste disposal facilities, applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the Waste Hierarchy. If the proposal is consistent with an up to date Local Plan, there is no need to demonstrate 'need'.

The role of the environmental permit, regulated by the Environment Agency, is to provide the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health.

Local planning authorities can ensure that waste is handled in a manner which protects human health and the environment through testing the suitability of proposed sites, both in developing their Local Plans and in considering individual planning applications.

Waste (England and Wales) Regulations 2011

PLANNING APPRAISAL

This application is made under Section 73 of the Town and Country Planning Act 1990 which allows for applications for planning permission without complying with the conditions to which a previous permission was granted. It creates a new permission, with a varied wording of condition, which the applicant can implement or ignore and does not amend any existing planning permission.

On an application such as this the local planning authority can consider only the question of the conditions subject to which planning permission should be granted. However, it should be noted that an application under these circumstances requires the authority to look at the planning circumstances covering the approval in its entirety and not proceed simply on the basis of whether the condition had been inappropriately imposed in the first place.

In this case the applicant has requested amendments to the permission from 16th October 2014 for the following:-

- 1) Revisions to condition No. 23 to allow energy to be generated from renewable or waste sources (including wood and refuse-derived fuels), not just waste wood.
- 2) Alterations of description to refer to "Renewable energy plant" not a "biomass wood renewable energy plant".

The original permission dates from 2010 and was revised in October 2014 to allow a greater capacity both in terms of output (from 9mw to 10mw) and input (from 72,000tpa to 86,000tpa), the design of the plant was changed at the same time.

Policy implications/Waste Hierarchy

The key consideration in this case is whether the proposed alterations to the operation of the already approved plant changes the position of the operation up or down the waste

hierarchy. The current permission allows for the treatment of wood waste, this application proposes energy to be generated from renewable or waste sources (including wood and refuse-derived fuels), not just waste wood.

Renewable sources could come from a range of sources, including wood grown specifically for the purpose; wood cultivated from forestry or short rotation coppice and residual biomass products from agriculture.

Biomass is defined by the government (National Policy Statement for Renewable Energy Infrastructure (EN-3)) as material of recent biological origin derived from plant or animal matter. The biomass used for heat and power usually falls into one or more of three categories:

- biomass sourced from conventional forestry management. This includes thinning, felling and coppicing of sustainably managed forests, parklands and trees from other green spaces. It also includes sawmill residues (often processed to produce wood pellets), other wood processing residues and parts of trees unsuitable for the timber industry;
- biomass from agricultural crops and residues. This includes crops grown primarily for use in energy generation ('energy crops'), 'woody' energy crops such as short rotation coppice (SRC), or miscanthus grass which can be grown on land unsuitable for food crops. Biomass can also be sourced from agricultural residues such as straw, husks and kernels; and
- biomass from biodegradable waste and other similar materials including sewage sludge, animal manure, waste wood from construction, and food waste that would otherwise be disposed of in landfill.

As stated in National Policy Statement for Renewable Energy Infrastructure (EN-3) the Government is proposing to introduce sustainability criteria for solid and gaseous biomass plants as a condition of their eligibility for ROCs (Renewables Obligation Certificates) from 2013, (with mandatory reporting requirements against these criteria applicable from April 2011). Both sets of sustainability criteria include a minimum greenhouse gas (GHG) emissions saving relative to fossil fuel and general restrictions on the use of materials from land that is important on carbon or biodiversity grounds, such as primary forest, highly biodiverse grasslands or peatlands. Assessment of the GHG emissions will take account of emissions associated with cultivation, processing and transport of biomass for electricity generation and direct land use change. The criteria apply to both domestic and imported material.

Through this legislation the Local Planning Authority can be satisfied that any renewable fuel source is genuinely renewable.

The waste wood would be sourced locally (if possible) and also be imported by ship. This does to some degree provide self-sufficiency, in that the local waste wood would be diverted from land fill, a positive step up the waste hierarchy. The ship imported waste source is not specified but it is considered that it is just another function of the port and would not create a 'waste hungry' facility. In addition the applicant has made it clear that the use of refuse-derived fuels will only be used as a back up to the facility with its primary fuel source being waste wood. To ensure this is the case it is considered necessary to condition the development to ensure a given percentage of fuel is sourced from waste wood. This is necessary to ensure that the facility does not operate as a conventional MSW energy from

waste plant which could be considered to prevent waste being managed higher up the waste hierarchy by creating a development that requires a specific tonnage of refuse derived fuel. With the proposal dealing with the vast majority of its waste from waste wood ensures the excess supply of waste wood is being managed in preference to refuse derived fuel which could potentially be being created to feed the plant. A condition requiring 80% of the fuel to be sourced from waste wood seems appropriate given the large excesses in supply that currently exist.

The other 'waste sources' which includes refuse-derived fuels needs to be certain. This can be achieved through a revised condition. Many objections relate to the nature of the refuse derived fuels with the suspicion that it would just be a poor performing waste incinerator. This is not the case. The current approval is considered to be 'recovery' which means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. The use of waste sources to fuel this plant is considered to meet this requirement.

Critically the plant will also meet the necessary efficiency thresholds as identified by the Government in its operation, so that it qualifies as Energy Recovery. Even if it did not meet those requirements the shift from pure disposal to some energy recovery would conform to the wider principles of the waste hierarchy.

Another concern is that the RDF (Refuse Derived Fuels) is unprocessed or of variable quality. Whilst the exact quality cannot be assured the RDF is a processed product in the form of compressed flock following the extraction of recyclates. In order for the plant to perform within specifications the fuel must meet certain calorific values. The pollution control characteristics of the operation is a matter for the Environment Agency who will (or will not) grant consent to operate a facility of this size and nature. Outside storage could be prevented by use of a condition.

In essence the proposed changes to the feedstock does not matter so long as it is demonstrated that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the Waste Hierarchy. The proposed feedstock will either be renewable (with no effect on the waste hierarchy) or would be feedstock that would otherwise be landfilled. Therefore the revised operation of this facility would (in combination with the stated operating methods) be other recovery, which is no change to the position within the waste hierarchy as previously approved. On this basis the proposed changes are considered acceptable, subject to suitable controls to limit any additional pollution issues that might arise through the proposed feedstock.

The National Planning Policy for Waste highlights that in determining planning applications, waste planning authorities should consider the factors below. They should also bear in mind the envisaged waste management facility in terms of type and scale.

a. protection of water quality and resources and flood risk management

There exists an approved Flood Risk Assessment which addresses this matter. The details of the proposed operation, storage within buildings etc. are all considered suitable to mitigate these matters.

b. land instability

Not considered an issue in this case.

c. landscape and visual impacts

The site has extensive scrub coverage and whilst the proposal would lead to a loss of many trees it is considered that a reasonable landscaping scheme, possibly retaining many of the trees as screens etc., would provide an equivalent ecological value and not harm the visual amenity of the area.

d. nature conservation

The site is close to the SPA (Special Protection Areas) and RAMSAR site on the River Humber. It is considered that the impact on these areas of international nature conservation interest would not be so great as to warrant refusal or necessitate the need for an Appropriate Assessment. Natural England has been consulted and they have made no comments.

e. conserving the historic environment

There is no impact on any heritage asset or the setting of such.

f. traffic and access

The Highways Agency and the Council's highway officers have raised no objections, the scale of operation not impacting on the function of highway network.

g. air emissions, including dust

The emissions would be controlled through the Environment Agency and Environmental Health (Pollution) have no objections. The scale and nature of the proposal is such that the feedstock would produce very little waste in comparison to the input, in terms of solids and in gases, no plume would be visible. In any event the methods of energy recovery would be controlled through the Environment Agency. This is being progressed separately but the Environment Agency raise no objections and the Local Planning Authority should not seek to duplicate those controls.

h. odours

Environmental Health have considered the application and have requested and considered additional information on odour control measures. This is due to the changes from the original scheme and the potential odour issues that might arise from feedstock such as RDF. Having considered the information they have raised no issues.

In this case the impact on the amenity of the neighbours is likely to be similar to the approved format due to the enclosure of feedstock within buildings, distance from residential receptors and the dock/commercial location.

i. vermin and birds

Given the 'commercial' nature of the operation and the dockland location these matters are not considered to be so significant as to raise concerns.

j. noise, light and vibration

In this case the impact on the amenity of the neighbours is likely to be similar to the approved development due to distance from residential receptors and the dock/commercial location.

k. litter

Given the 'commercial' nature of the operation and the dockland location these matters are not considered to be so significant as to raise concerns.

l. potential land use conflict

Given the 'commercial' nature of the operation and the dockland location these matters are not considered to be so significant as to raise concerns.

Objections

The main concerns raised by the objections are addressed above. Other matters raised are addressed below:-

Use of sewage sludge as a fuel:-

This would be controlled in the same way as other fuels. It is acknowledged that nearby sites have generated odour issues but it must be assumed that pollution control measures exercised by the Environment Agency will control these matters.

Capacity of market to meet waste wood demand for the plant:-

This matter has been addressed by the applicant. This application seeks to widen the waste feedstock of the plant if waste wood is not available. Whilst it is anticipated that enough waste wood would be available it is not fundamental to the consideration of this application, since the reason to widen the possible feedstock is to address such a circumstance.

Design

The proposed buildings would appear similar to others in the area and their size and position on the site and relative to the nearest neighbouring properties (which are commercial) would not lead to any impact on amenity. The form of building and the stack would not appear dominant or out of character with this industrial area.

The site would be screened. Conditions relating to no open storage would be imposed on any permission as would landscaping conditions.

Traffic/Waste Sources

The waste wood would be sourced locally (if possible) and also be imported by ship. Any other feedstock's would follow similar transport patterns. This does to some degree provide self-sufficiency, in that the local waste wood (or other materials) would be diverted from land fill, a positive step up the waste hierarchy. The ship imported waste source is not specified but it is considered that it is just another function of the port and would not create a 'waste hungry' facility.

The Highways Agency and the Council's highway officers have raised no objections, the scale of operation not impacting on the function of highway network.

Sewer

The main sewer runs under part of the site and Yorkshire Water have previously confirmed that conditions would be required to mitigate the impact.

Equalities

This proposal has been considered against the duty of the Council to consider equality issues. This development is considered to comply with these requirements because of the commercial nature of the developments and the detailed design.

Crime and Disorder

Given the nature of the proposal it is considered that there would not be likely to be an increase in crime or disorder or the potential for such an increase due to the location and form of the proposed development.

Energy efficiency and renewables

As detailed above there is support for this form of energy generation given that it reduces land fill and also improves energy security.

Conclusion

The proposal in its revised form is still considered to make a positive contribution to the local environment and provide a sustainable source of energy from waste that would otherwise be landfilled. The building, site and associated activities would not harm the amenity of the area and would comply with Development Plan policies.

DMPO Article 31 Statement

The local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application in the following way(s):

Engaging in pre-application discussions with the applicants;

Discussing potential solutions with the applicants during the processing of the application;

RECOMMENDATION

a) That the description be revised to refer to "Renewable energy plant" not a "biomass wood renewable energy plant"; and

b) That the application be approved subject to the following conditions: -

1) The development hereby permitted shall be begun before 5th February, 2016 (to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004).

2) The development hereby approved shall be carried out in accordance with the terms of the submitted application and as shown on drawing numbers E1611-2001 Rev A, E1611-2002 Rev C, E1611-2003 Rev C KGDH/PP/01, KGDH/PP/02, 2566/816/02, sheet 012 Rev 1, sheet 014 Rev 1, sheet 013 Rev 1, sheet 011 Rev 1 location plan 2 Flood Risk Assessment and email of 4/1/13 except where amended by other conditions of this permission (to define the terms of the permission in accordance with policy G2 of the Local Plan).

3) Before the development begins details of all external materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved (in the interests of visual amenity and to comply with policy BE1 of the Local Plan).

4) Part 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock,
- pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred

option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

The initial report will be a Phase I Desk Top Study Report and should further intrusive investigation work be recommended from the Phase I report, a Phase II Intrusive site investigation shall be conducted.

Part 2. Submission of Remediation Scheme

If required through the recommendation of the Phase II intrusive site investigation, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors (in accordance with policy E1 and ME4 of the Local Plan).

5) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors (in accordance with policy E1 and ME4 of the Local Plan).

6) Before development begins, details of the Travel Plan Framework shall be submitted to and approved by the Local Planning Authority, in order to reduce air quality issues. The Travel Plan Framework shall include:

- mode shift targets;
- the number of parking spaces to be provide on site
- secure cycle parking and infrastructure within the site and in the vicinity of the site;
- details of public transport infrastructure provision and services available to serve the development;
- introduction of proposed measures and action plan to meet targets;
- how the Travel Plan will be implemented and the method of monitoring the effectiveness of the Travel Plan.

The Travel Plan will be produced and implemented in accordance with the Travel Plan Framework (in the interests of air quality and to comply with policies ME2 and ME3 of the Local Plan).

7) The building(s) hereby approved shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans (in the interests of amenity and public safety and to comply with policy M29 of the Local Plan).

8) The building(s) hereby approved shall not be occupied until a vehicle parking area has been provided in accordance with the approved plans. The vehicle parking area shall be retained in its entirety for such use (in the interests of amenity and public safety and to comply with policies M29 and BE1 of the Local Plan).

9) The building(s) hereby approved shall not be occupied until cycle parking facilities have been provided in accordance with the approved plans. The cycle parking shall subsequently be retained in its entirety for such use (in order to ensure adequate provision for cyclists and to comply with policies M33 and BE1 of the Local Plan).

10) The building(s) hereby approved shall not be occupied until parking facilities for motor cycles, mopeds and scooters have been provided in accordance with the approved plans. The parking facilities shall subsequently be retained in their entirety for such use (in order to ensure adequate provision for motor cyclists and to comply with policies M19, M29 and BE1 of the Local Plan).

11) In accordance with the approved plans provision shall be made and retained within the site at all times for the parking, loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear (in the interests of public safety and to comply with policies M29 and BE1 of the Local Plan).

12) Prior to commencement of works a detailed Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include information on the following:

- i. Access and layout of on-site car parking for construction staff;
- ii. Routing and timing strategy for construction vehicles accessing and leaving the site;

- iii. Control mechanism(s) to ensure deliveries do not occur in peak time periods (07:00 to 09:00 and 16:00 to 18:00);
- iv. Measures to prevent spillage or depositing of mud and debris from construction vehicles;
- v. Detail of any hoardings adjacent to highways;
- vi. Location of construction compounds;
- vii. Staff shift patterns, including mechanism for changing shifts and the traffic impact on the peak hours (07:00 - 09:00 and 16:00 - 18:00);
- viii. The anticipated profile of construction staff trips to and from the site (mode, number and temporal distribution) during typical and peak stages of construction activity.
- ix. Appointment of a Construction Travel Plan Coordinator to encourage construction staff to travel to/from the site by sustainable means.

The development shall proceed in accordance with the approved details (in the interests of highway safety and to comply with policies E1 and M29 of the Local Plan).

13) At no time shall any part of the vehicle parking, servicing, or manoeuvring areas shown on the approved plans be used for the open storage of goods (in order to ensure the availability of parking, servicing, and manoeuvring space within the site to comply with policy M29 of the Local Plan).

14) Before the development begins details of the surface materials of all roads, footpaths and hard landscaped areas in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved (in the interests of visual amenity and to comply with policy BE1 of the Local Plan).

15) Details of construction and demolition methods (including the methods of piling), and measures to minimise the emission of noise and dust from the site shall be submitted to and approved in writing by the Local Planning Authority before the construction commences and shall be carried out in accordance with those approved details. Construction works that are audible at the boundary of the site shall not take place outside 07.30 to 19.30 hours on Monday to Fridays, 08.00 to 12.30 hours on Saturdays nor at any time on Sundays or Bank and National Holidays. No open burning of any waste material shall be permitted within the site, except for the burning solely for the control of dry rot, for which prior permission from the Environmental Regulation department is required) (in the interests of amenity and to comply with Local Plan policies ME2 and BE1).

16) Unless otherwise agreed In writing by the local planning authority, no building or other obstruction shall be located over or within 6 (six) metres either side of the centre line of the large disposal main i.e. a total protected strip width of 12 metres. (in order to protect the mains disposal main and to prevent pollution to the local aquatic and marine environment in accordance with Local Plan policy ME2)

17) Unless otherwise agreed In writing by the local planning authority , no ground investigation works or / piling that may impact upon the water table shall be carried out within

50 (fifty) metres either side of the centre line of the large disposal main, i.e. a total protected strip width of 100 metres. (in order to protect the mains disposal main and to prevent pollution to the local aquatic and marine environment in accordance with Local Plan policy ME2)

18) The developer shall provide the local authority with a minimum of two weeks' notice of commencement of construction activities (In order to allow the statutory sewerage undertaker sufficient time to take measures to ensure protection of the disposal main and to prevent pollution to the local aquatic and marine environment in accordance with Local Plan policy ME2)

19) No development shall take place until details of the proposed means of disposal of foul water from the site have been submitted to and approved in writing by the Local Planning Authority. No buildings shall be brought into use prior to completion of the approved works (to ensure that proper provision is made for the disposal of foul water, and to comply with policy E1 of the Local Plan).

20) No development shall take place until details of the proposed means of disposal of surface water from the site have been submitted to and approved in writing by the Local Planning Authority. There shall be no piped discharge of surface water from the site until the approved works (including any off-site works) have been completed (to ensure that proper provision is made for the disposal of surface water, and to comply with policy E1 of the Local Plan).

21) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies and an oil interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor unless previously agreed in writing by the Local Planning Authority (to prevent pollution of the water environment, and to comply with policies E1 of the Local Plan).

22) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund (to prevent pollution of the water environment, and to comply with policy E1 of the Local Plan).

23) The total tonnage of renewable or waste sources (including wood and refuse-derived fuels) shall not exceed 86,000 tonnes per annum, unless otherwise agreed in writing with the Local Planning Authority beforehand (to limit the movement of heavy goods vehicles in the immediate area in accordance with Local Plan Policy M29.)

24) No more than 17,200 tonnes or 20% of waste processed at the plant per annum (whichever is the lower) should be Refuse Derived Fuel, unless otherwise agreed in writing with the Local planning Authority beforehand (to ensure waste is managed as

high up the waste hierarchy as possible in accordance with the National Planning Policy for Waste)

25) Before the development hereby permitted commences a scheme indicating the provision to be made for persons with a mobility impairment to gain access to the premises shall be submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use, and shall thereafter be retained (to ensure suitable access for persons with a mobility impairment, and to comply with policy BE10 of the Local Plan).

26) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), the email dated 04/01/2013 from Marco Muia and its associated attachments, and the following mitigation measures detailed within the FRA:

a. Limit surface water from the proposed development The proposed surface water drainage scheme should be based on sustainable drainage principles and an assessment made of the hydrological and hydrogeological context of the development. The drainage strategy should demonstrate that surface water run-off generated by the site will not exceed the run off from the undeveloped site and not increase the risk of flooding off site. The submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater/surface waters

ii. include a timetable for its implementation, and

iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

b. Identification and provision of a place of safety above 5mAOD within the site as detailed within Marco Muia's email dated 04/01/2013.

c. Finished floor levels are set no lower than 600mm above surrounding ground levels as detailed within Marco Muia's email dated 04/01/2013.

d. Flood sensitive equipment is to be raised 600mm above existing ground level, as detailed within Marco Muia's email dated 04/01/2013.

e. The development shall contain flood proofing to a minimum of 300mm above finished floor level.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

(To protect the development against existing and future flood risk and to comply with Local Plan Policy G2)

27) i) No development shall take place until a landscaping scheme with full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the site and details of any to be retained; measures for their protection in the course of development; and details of the species, size at planting, numbers, densities, location and proposed timing of new planting.

ii) The use hereby approved shall not commence until the hard landscaping works have been carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of the landscaping shall be carried out in the first planting season following the commencement of the development unless an alternative phasing scheme has been approved by the Local Planning Authority. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of 5 years from the implementation of the landscaping scheme, shall be replaced in the next planting season with others of similar size and species, (in the interests of environmental improvement and to comply with policies BE1 and BE6 of the Local Plan).

28) A scheme for the protection during the period of construction of all those trees and hedgerows which are to be retained shall be submitted to and approved by the Local Planning Authority before any materials, machinery or buildings are brought onto the site, or any building or engineering operations commence on the site. The scheme shall include:

(a) a plan showing the location of and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 75mm measured over the bark at a point 1.5 metres above ground level, showing which trees are to be retained and the crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site;

(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

No retained tree shall be cut down, uprooted, destroyed, topped or lopped unless approved in advance by the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or

materials are brought on to the site for the purposes of the development. The fencing shall be retained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority (in the interests of environmental protection and to comply with policies ME14, NE18, BE1 and BE6 of the Local Plan).

29) Before the development begins details of a scheme to provide a means of enclosure for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the positions, design, and material of the means of any walls, fences or other means of enclosure to be erected. The approved means of enclosure shall be installed before the occupation of the building commences and thereafter retained (in the interests of visual and to comply with policy BE1 of the Local Plan).

30) There shall be no open storage of wastes, reclaimed materials or residues (in the interests of amenity and to comply with Local Plan Policy ME2).

31) Prior to use of the approved energy plant commencing details of the means to generate energy and recover waste heat from the operation of the plant shall be submitted to and approved in writing by the Local Planning Authority. These details shall be implemented in accordance with the approval, unless otherwise agreed in writing beforehand (to ensure that energy is recovered and to ensure energy efficiency in accordance with policy W29 of the Joint Waste Local Plan).

32) The vehicle parking area and turning facility shall be constructed of porous material or provision shall be made to direct run-off water from the vehicle parking and turning area to a permeable or porous surface within the site (in the interest of minimising the amount of surface water entering the drainage system and to comply with policy G2 of the Local Plan)

COMMITTEE REPORTS ONLY

Application No. 14/01489/FULL

Address: King George Dock, Northern Gateway, Kingston Upon Hull, HU9 5PR

Dates: - Neighbour consults expire: 05.01.2015

Site notice consults expire: 12.01.2015

Press consults expire:

Date on Weekly List: 12.12.2014

Target date 24.12.2014

Member/Area Committee comment received

Yes - (if so, inform of decision and/or committee date - including if deferred)

Extension of time agreed to (insert date): tbc

Payne, Adrienne J

From: helen cunningham [REDACTED]
Sent: 26 July 2015 16:42
To: Planning & Transportation (Customer Care)
Subject: Barry Incinerator Ref 2015/00031/out - Renewal of application Ref 2015/00655/ful

RECEIVED

27 JUL 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

RECEIVED

ACTION BY: M. H. R.

NO: 31

ACK:

Barry Incinerator Ref 2015/00031/out

To Whom it May Concern,

I am compelled to write to express my strongest possible objections to the planned proposal of allowing Sunrise Renewables to build a wood fire burning plant.

Up until yesterday we had firm plans to move to Barry until a friend who lives in the area emailed to inform us of the situation regarding the incinerator.

The reasons we had for moving from Monmouthshire was that we felt Barry offered the best of both worlds, access to the beaches and lovely outdoor spaces but close to Cardiff and all its amenities. Therefore we are holding back on making our decision to look for properties in Barry until we hear the outcome of these proposals.

My husband is a University Lecturer, I am a teacher and we have a three year old son and to be quite honest we will not even consider Barry if these plans go ahead because of the health concerns raised by the plant particularly regarding my son. I will not move to an area that puts my child's health at risk and as the technology in the plant is questionable and it has been shown it will not be energy efficient, I can not see how by allowing it to go ahead you can guarantee these issues for the residents of Barry. Especially as the planned proposals are now bigger than the last time it was refused.

Also I am frankly baffled that after spending £230 million on the Barry Waterfront Scheme, plans for 2000 homes and the new waterfront sports activity centre you would even be considering destroying all that investment by adding a complete and utter eyesore and health risk. The regeneration schemes are one of the reasons we were seriously considering Barry but it can not be denied that this will put off people visiting and buying property in the area and ultimately put businesses off investing in the area and that Barry will again become run down.

I understand that last time the council had to pay out £80,000 to Sunrise Renewables and from the information I have from my friend who attended the meeting the previous week you are concerned they will fine you again? I think it is extremely obvious that if you had to take a short term financial hit you would have to because allowing this plant to go ahead will be devastating for the area. I can not believe we would be alone in being put off living in a town with a very questionable incinerator. Also I do not want to invest our money in property and then find that inevitability house prices drop because of the concerns people would have about moving to an area with a highly visible incinerator.

I will continue to watch with the utmost interest into the outcome of this planning application and if it goes ahead you can be assured we will be moving to another town.

Also I would like to add my strongest possible objections to the renewal of the Barry incinerator application -

Ref 2015/00655/ful

I understand that Sunrise Renewable initial application is due to expire and that they have plans to

put in other application that would, if approved have another five year window.

If you turn down the first one yet again and then even think of allowing them to renew their planning application I would find that astounding. Do not be party to allowing a company to continue pushing through a proposal until they get their own way despite what the residents of Barry have clearly expressed twice. Again if their application is renewed it puts a question mark over the next five years so we would not consider moving to Barry as the renewal would suggest to me that yourselves and Sunrise Renewables are going to keep pushing this through until they get the desired outcome. Also to continue to potentially waste public money on compensating big companies when they will, hopefully have been refused twice is a disgrace.

I look forward to your response regarding this matter.

Yours Faithfully
Helen Edwards

Rees, Vivien

From: hood <[REDACTED]>
Sent: 28 July 2015 18:04
To: Planning & Transportation (Customer Care)
Subject: objection to proposed Wood Bio Mass plant

I would like to register my objection to the proposed plans for ref 2015/00031/OUT on the basis that I feel it will have a negative impact to the lives of local residents.

Thankyou
MS Hooda Griffiths
40 Cross Street
Barry
CF634LU

Rees, Vivien

From: Dawn [REDACTED]
Sent: 28 July 2015 18:11
To: Planning & Transportation (Customer Care)
Subject: planning reference 2015/00031/OUT

I wish to register my opposition to the proposed plans for the Wood Biomass plant on Dockview Road. I feel that it will have an adverse effect on the lives of the people of Barry and negative environmental consequences.

Yours sincerely
Mrs Dawn Abu-Gharbieh
40 Cross Street
Barry
CF634LU

Rees, Vivien

From: Helen Teagle [REDACTED]
Sent: 28 July 2015 22:40
To: Planning & Transportation (Customer Care)
Subject: Objection 2015/00031/OUT

Dear Sir/Madam,

I am writing to object to the planning application proposing to build a wood biomass plant on Barry Dockland (reference 2015/00031/OUT).

This site is unsuitable for such a purpose due to the close proximity to residents as well as increasing the levels of traffic and air pollutants, particularly NOx.

I also have concerns regarding the changes of the stack height, which will be increased to 43m from the consented 20m as well as the plants compatibility with the sustainable treatment of waste. The lack of efficiency in the proposed technology will result in the burning of more waste wood than is necessary to generate 10MW of electricity. This inefficiency will render the plant to functioning more as a waste disposal site than that of energy recovery.

There are also contradictions in the amount of waste wood required for the desired 10MW output. Sunrise Renewables submitted similar proposals in Barrow-in-Furness (also for a 10 MW waste wood gasifier using the same technology). However, when they applied for a change of planning consent in Barrow, Sunrise Renewable stated that the 10 MWe gasifier would require 86 000 tonnes of waste wood a year, contradicting the amount suggested of 72 000 tonnes for an output of 10MW in this Barry Dock application.

Regards

Helen Teagle

39 Bendrick Road
Barry
CF63 3RE

Rees, Vivien

From: Matthew Cook [REDACTED]
Sent: 28 July 2015 23:32
To: Planning & Transportation (Customer Care)
Subject: Objection 2015/00031/OUT

Dear Sir/Madam,

I am writing to object to the planning application proposing to build a wood biomass plant on Barry Dockland (reference 2015/00031/OUT).

This site is unsuitable for such a purpose due to the close proximity to residents as well as increasing the levels of traffic and air pollutants, particularly NOx.

I also have concerns regarding the changes of the stack height, which will be increased to 43m from the consented 20m as well as the plants compatibility with the sustainable treatment of waste. The lack of efficiency in the proposed technology will result in the burning of more waste wood than is necessary to generate 10MW of electricity. This inefficiency will render the plant to functioning more as a waste disposal site than that of energy recovery.

There are also contradictions in the amount of waste wood required for the desired 10MW output. Sunrise Renewables submitted similar proposals in Barrow-in-Furness (also for a 10 MW waste wood gasifier using the same technology). However, when they applied for a change of planning consent in Barrow, Sunrise Renewable stated that the 10 MWe gasifier would require 86 000 tonnes of waste wood a year, contradicting the amount suggested of 72 000 tonnes for an output of 10MW in this Barry Dock application.

Regards

Matthew Cook

39 Bendrick Road
Barry
CF63 3RE

Howell, Morgan P

From: Barry [REDACTED]
Sent: 29 July 2015 03:49
To: Howell, Morgan P
Cc: Wilkinson, Margaret R (Cllr); Johnson, Fred T (Cllr); douglas.wardle@ukpdp.co.uk
Subject: FW: R1 Calculation

Most urgent.

In view of, what seem to be, threats to sue me over comments I have made, I humbly request that you include the following in documents put before Members of the Planning Committee

Thank you.

Dear Mr. Howell,

I apologise most sincerely but I seem to have upset Mr Douglas Wardle by what was intended as dry Yorkshire wit. On reflection, I do appreciate that my remarks, (appended), may unintentionally,

Quote

[have] caused loss or damage to us [presumably him and UKPDP, or maybe he means Sunrise Renewables (Barry)], or to the projects we, [ie they] are engaged on, [presumably including the energy-from-waste-wood-biomass plant],

Unquote.

Whilst forever grateful to Mr Wardle for implying that my humble efforts are so powerful as to sway any decision made by anyone anywhere, I do assure him that it was never my intention to cause him or them any harm whatsoever. I apologise from the bottom of my heart for the remarks I passed. Nothing that he does is daft. I am inclined to use other descriptors, but feel that, in the light of his intention to sue me, an intention that I assure you he has escalated to an advanced stage, I'd better keep my big, Yorkshire gob shut. I ask the Planning Committee to do what they always do. Listen to reasoned arguments, dismiss claims made without substantiating evidence, and come to their decision regarding application 2015/00031/OUT in their usual democratic fashion, and, I ask Mr Wardle to lighten up. To laugh a little. After all, win or lose, I will not

regard him as an enemy, but as a friend, another human being making his way through this perilous life to that inevitable end, the peace of death.

Thank you

Barry E Robinson.

Appended e-mails

Please note that Mr Wardle referred to an attachment that he sent to you, Mr Howell, an attachment that I asked to see, because it did not appear in the public domain.

From: Douglas Wardle [REDACTED]
Sent: 28 July 2015 09:53
To: 'Barry'
Subject: RE: R1 Calculation

Dear Mr Robinson.

The purpose of this email is to formally put you on notice that should your ill-conceived communications cause any loss or damage to us or to the projects we are engaged on, we will be bringing legal proceedings against you personally.

Please advise by return your solicitors' details.

regards
Douglas

Douglas Wardle



From: Barry [REDACTED]
Sent: 28 July 2015 09:33
To: MPHowell@valeofglamorgan [REDACTED]
[REDACTED].do [REDACTED]
Subject: FW: R1 Calculation

Dear Mr Howell,

I have just come across this on the VOG Planning website, filed under, 'Documents' in Section 2015/00031/OUT. Maybe you'll put the attachment into the public domain? Please send me a copy of the attachment, asap. After all, it wouldn't be fair to Mr Wardle to allow him to fool himself into thinking he's got away with yet another daft explanation, without the public being allowed to shoot it down, would it!

Barry E Robinson

From: Douglas Wardle [REDACTED]
Sent: 03 July 2015 10:09
To: Howell, Morgan P
Subject: RE: R1 Calculation

Morgan: as discussed yesterday, I'm attaching a detailed explanation of the position. Hopefully this will put this debate to bed once and for all!

Kind regards
Douglas

Douglas Wardle

From: Howell, Morgan P [<mailto:MPHowell@valeofglamorgan.gov.uk>]
Sent: 02 July 2015 13:19
To: 'Douglas Wardle'
Subject: RE: R1 Calculation

That's fine. Tomorrow is ok given the site visit being proposed.

Kind regards
Morgan Howell
Senior Planner (Enforcement and Appeals)

From: Douglas Wardle [REDACTED]
[REDACTED] July 2015 12:51
To: Howell, Morgan P
Subject: R1 Calculation

Morgan:

Just to let you know we are putting together a more detailed paper explaining:

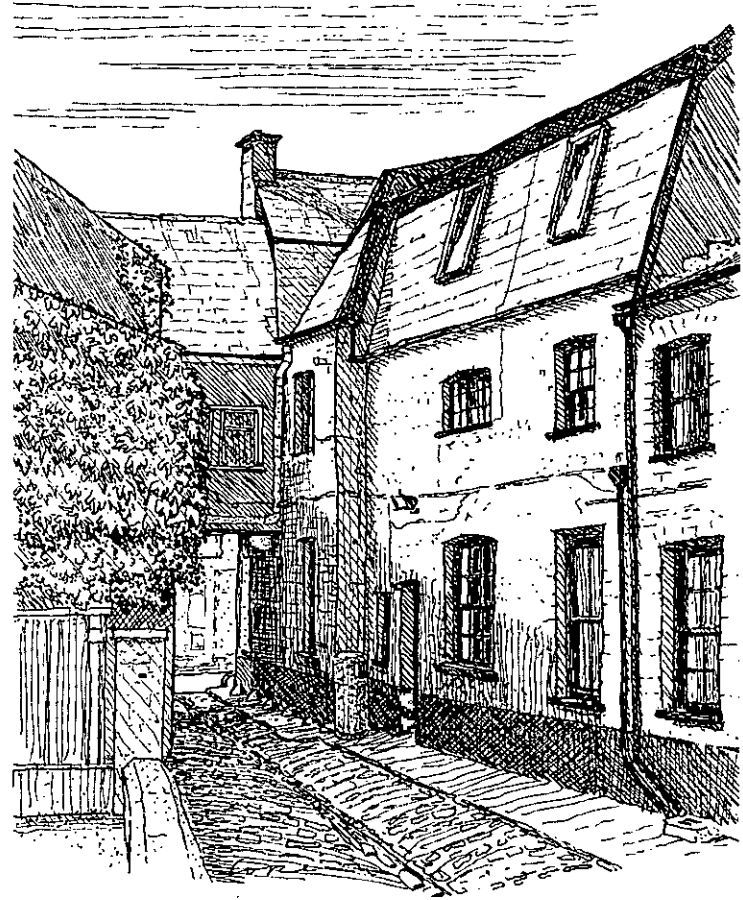
(1) why the Project is not a waste incineration installation (and is therefore outside the waste hierarchy) and

(2) the R1 calculation demonstrating that even if it was within the waste hierarchy, it still comfortably exceeds the threshold to be considered an energy recovery facility.

I was planning on getting this to you for tomorrow but let me know if you need it sooner.

Kind regards
Douglas

Douglas Wardle



Verity's Court, Cowbridge
Ink Drawing by Robert Cope
© Cowbridge Charter Trust

Helle Marcus,

we do hope that
you will not let the
incinerator come to Barry.
It will spoil the waterfront
& the quality of people
live.

Kind regards

 Friend Of The Earth
group member.

2015/00031/OUT

Premier Hill House
Cowbridge.

Vale Of Glamorgan
CF71 7DU.

July 2015

Dear Mr Howell,

Having been born in Barry I feel passionately about the Capital of the Vale of Glamorgan. In my home town of Cowbridge we have the Vale's food waste delivered here that leaves a pong around town. With the hundreds of tons of waste wood being burnt within site of your offices at Barry waterfront the smell could be just one of the side effects of this incinerator being built. Also there is no disposal site for all the ash being created.

This does not fit with the vision of Barry with all its new investment and houses being built. So for the good of Barry do say no to the incinerator.



Barry & Vale Friends of the Earth.

D.E.E.S
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ACTION BY:
NO:
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	28 JUL 2015	

LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 30 July 2015

Application No.: 2015/00031/OUT	Case Officer: Mr. Morgan P. Howell
Location: David Davies Road, Woodham Road, Barry	
Proposal: Outline application for a wood fired renewable energy plant	

From:

Objection email and letter received on 27th July 2015 from Mr. B. Robinson

Summary of Comments:

2 Objection letters regarding the proposal. The main issues made in the objections would be to do with the tonnage of the waste wood and the moisture content set out being unreliable and supplies of waste wood are not significant enough to make the proposal sustainable.

Howell, Morgan P

From: [REDACTED]
[REDACTED] July 2015 19:11
To: Howell, Morgan P
Cc: Planning & Transportation (Customer Care); Johnson, Fred (CIlr) (Home); Johnson, Fred T (CIlr)
Subject: Objection to planning application 2015/00031/OUT.

Dear Mr Howell,

I present my first objection to planning application 2015/00031/OUT. I hope to present other arguments against the application if time allows. Please acknowledge receipt.

I believe that this application is totally dependent on the validity of the argument that the new technology plus improved efficiency will lead to production of 10MWe electricity from 72,000 tonnes pa of waste wood, in

contrast to the 9MWe previously claimed to be produced from the same amount of waste wood by the old technology. This claim is based on an incorrect statement. The reasoning is therefore invalid. The application is rendered invalid.

May I explain?

I understand that two descriptors are applied to waste wood (WW) which is used to provide feedstock for energy-from-biomass. These are 'dry' and 'dried'.

I believe that the term 'dry' waste wood, refers to the raw feedstock as received from the supplier, prior to any processing. This 'dry' WW contains up to 20% or even 35% water.

I understand that to use WW successfully to produce electricity, this water content had to be reduced to 10%. This is done by the plant operator, post-feedstock delivery, prior to the gasification process. The WW is then described as 'dried'.

Let's assume that 72,000 tonnes of 'dry' WW arriving as feedstock, contains 20% water. This will necessitate one-half the water content being dried out, in order to produce the appropriate 'dried' WW for gasification. This will reduce the weight down, from 72,000 tonnes, to 64,800 tonnes of 'dried' WW. (Correct?)

If, instead, the WW has 35% water content, (a quite common situation), then almost three-quarters of the water content, (in fact 70%) must be removed, to reduce the 35% water content of 'dry' WW down to the 10% water content required for 'dried' WW. This will reduce the weight of WW, from 72,000 tonnes, down to 54,000 tonnes of 'dried' WW. (Correct?)

Looking at the subject the other way around:

To obtain 72,000 tonnes of 'dried' WW for gasification to produce electricity, would require 80,000 tonnes of 'dry' feedstock having a water content of approx.. 20% water, (the water content now being increased from 10% of the total 'dried' WW weight, to 20%, in the 'dry' WW feedstock). (Correct?)

OR,

To produce 72,000 tonnes of 'dried' WW requires 96,000 tonnes of feedstock, if the WW is containing 35% water (Correct?)

These figures show that it is vital that one understands uses the terms dry and 'dried' correctly, when quoting tonnages.

I have been studying some of the documents in the Vale of Glamorgan Planning Department's Online register, and have located a document entitled, 'Sunrise Renewables (Barry) Ltd. Renewable Power Plant at David Davies Road, Barry ("Project")'. Responses to questions raised by Biofuelwatch ("BfW"). It is indexed in the file, 'Planning Application Details for 2015/00031/OUT', as, 'Biofuelwatch – Explanations for BfW.docx', and dated 5th June 2015.

In paragraph 2, it states,

Quote

Is the Plant less efficient than the original consented Plant?

Answer: The previous selected technology pyrolysed 72,000 tons of dried wood to produce 9MWe export capacity. In comparison the proposed technology will convert the same amount of dry wood into 10MW export capacity. Therefore it is more efficient. (my emphasis)

Unquote.

I have also studied the planning application document, 'Sunrise Renewables Ltd. Barry Docks Biomass Energy Plant – Planning Statement [by Oaktree Environmental Ltd. 3rd Sept 2008. It is indexed in the file, 'Planning Applications Details for: 2008/01203/FUL as 'Planning Statement' and dated 08/09/2008.

I believe this is the original document from which the applicant obtained information which he used to state that, 'The previous selected technology pyrolysed 72,000 tonnes of 'dried' wood to produce 9 MWe of electricity'

Nowhere in that document can I find a statement which suggests that 72,000 tonnes of 'dried' WW was to be used.

Statements in that document seem clearly to refer to 72,000 tonnes of 'dry' WW.

The statements I have come across include.

Quote

Section 2.0 Application Proposals.

Paragraph 2.1

The plant will be capable of pyrolysis of up to 72,000 tonnes of wood per annum

Section 6.0 Reception and Handling Procedures.

Paragraph 6.5

In short the plant will –process dry non-hazardous batches of timber and wood.

Section 8.0. The Biomass Process.

Paragraphs 8.4 to 8.5.ii

The wood to be processed must meet a uniform specification for effective gas production ie a moisture content of 10% after drying. The process is in summary as follows:

- i. Wood fuel having up to 35% moisture content is deposited into a hopper by a wheeled etc, etc. -----
- ii. the dryer reduces the moisture content of the wood to 10% in preparation for the grinding process.

Paragraph 8.8

Output calculations/projections are based on the maximum annual throughput of 72,000 tonnes of fuel and 52 weeks operation as a 24hour process (68,000 hours out of 68,760 hours per year)

Paragraph 8.10 Table 8.1 Process input and outputs.

Wood fuel 9 tonnes hourly.,

Unquote

I believe that this is vitally important.

The applicant appears to claim that the original technology was to produce 9 MWE from 72,000 tonnes of **dried** WW, when, in fact, it was to produce this electricity from 72,000 tonnes of **dry** WW.

This seems to be inexcusably misleading.

72,000 tonnes **dried** WW equates to a feedstock requirement of 79,200 tonnes of **dry** WW having 20% water content, or 90,000 tonnes having 35% water content.

The comparison of effectiveness of the two technologies is exaggerated. The efficiency of the original technology has been improperly down-graded, producing a fictional improvement for the new technology.

I believe that the applicant has made a **fundamental** error which renders the application invalid.

Barry E Robinson

86 Galfrid Rd

Bilton

HU11 4HG

Howell, Morgan P

From: [REDACTED]
Sent: 27 July 2015 02:51
To: Howell, Morgan P
Cc: dev.control@hullcc.gov.uk; Johnson, Fred (Cllr) (Home)
Subject: Objection to planning application 2015/00031/OUT

Dear Mr Howell

Please accept this second part of my objection Please acknowledge receipt

Thank you

Objection, (Part II), to planning application 2015/00031/OUT, (outline application for a wood-fired renewable energy plant, (application submitted by Sunrise Renewables (Barry) Ltd))

My grounds -----unsustainable, and potentially acts contrary to the Waste Hierarchy

1 (a) There is a significant possibility that the energy-from-waste-wood biomass plant will be unsustainable, because of inability to procure adequate supplies of waste wood feedstock. Sustainability is an essential requisite of planning policy. I believe that to approve this application will contravene national planning policy.

1(b) There is a significant possibility that the inability to procure adequate supplies of waste wood feedstock will lead to a situation in which energy recovery displaces materials re-use and recycling. Energy recovery stands at a lower level than materials re-use and recycling, in the Waste Hierarchy. In those circumstances the application will contravene national planning policy.

Objections 1(a) and 1(b).

Here In Hull, we spent much time and effort recently, in successfully objecting to an application by Sunrise Renewables (Hull).

Their planning application

No.14/01489/FULL, [Amendments to the biomass wood-fuelled renewable energy plant approved under permission reference 30735D involving

- 1) Revisions to condition No. 23 to allow energy to be generated from renewable or waste sources (including wood and refuse-derived fuels) not just waste wood.
- 2) Alterations of description to refer to 'renewable-energy plant' not a 'biomass wood renewable energy plant'.

[King George Dock Northern Gateway Kingston Upon Hull HU9 5PR], requested that Sunrise Renewables (Hull), be allowed to substitute, (in part), Refuse-Derived-Fuel (RDF) for waste wood as feedstock, at some time in the future, if waste wood becomes difficult to obtain.

This would seem to indicate that even the company was, by that time, aware that there will probably be a shortage of supplies waste wood. I believe that this shortage is an

important factor, which may well result in the plant being unsustainable, possibly from the very beginning of its working life.

I will provide evidence which I believe shows the following,

That,

All new energy-from biomass plants, (including the Barry (Wales) facility), which claim that they will use waste wood, (only), for feedstock, will probably not be sustainable because of the potential shortages of economically available waste wood. Demand will outstrip supply, and the only way to survive will be to push other industries, which are equally important to the national economy, to the wall.

A high proportion of these industries recycle and re-use their supplies as part of their manufacturing processes. The process of energy-from-biomass, produces energy only. This situation is contrary to the Waste Hierarchy principles, energy-retrieval being at a lower, less preferred level, than are re-use, and recycling.

I believe that approval of this application will be contrary to national planning policy Therefore I object to the planning application.

I use as the basis for my argument, the most recent relevant document I can find,

Wood waste: A short review of recent research. (Defra) (July 2012).

[I have noticed that developers still seem to claim that there is an almost endless supply of waste wood from the packaging, construction, demolition, and commercial sectors, available for feedstock for waste wood energy-from-biomass plants.

However, this Defra paper, which reviews the most important papers on the subject up to that date, leads me to believe that there may be little more than 4 Million tonnes (Mt),t available to satisfy the needs of all industries, (including energy from biomass, block board manufacture, and animal bedding), which use waste wood, **and that there may be as little as 100,000 tonnes available, to satisfy the needs of all new energy-from-biomass plants, which claim to use waste wood as feedstock.**

In addition, developers seem to suggest that 'vast' quantities of the material are sent to landfill, material which could readily be reclaimed and used for energy recovery. In fact, it would seem that only approximately one million tonnes, (Mt), of waste wood of all types and qualities goes to landfill. To put this quantity into context, the four Sunrise Renewables biomass plants would require more than 300,000 tonnes per annum.

Developers seem to consider that any decrease in availability of waste wood is a temporary situation, and caused in totality by the recession. They seem to believe that now, the construction industry and other industries will 'take off', and the situation will be back to normal', ie waste, waste, waste . That supplies will rise significantly again.

The Defra review acknowledges that the recession was important, but draws attention to counteracting measures which are causing decreases in the availability of waste wood.

We might be forgiven if we thought that imports of waste wood would solve the supply problems. However, the Defra review indicates that this is not so.

The evidence.

From the review

Page 7.

A report by Tolvik found that in 2010, UK wood waste arisings were 4.3 Million tonnes per annum (Mt). ----- The 4.3 Mt constituted a decrease from an estimated 5.1 Mt in 2007, mainly as a result of the recession [but also due to] **industry resource efficiency measures**. According to the Tolvik report, wood waste arisings were expected to remain depressed until at least 2015, and would most likely level out at about 4.3 Mt. This figure was given support by a report by Poyry which estimated the figure to be 4.6 Mt.

Pages 9-10.

According to WRAP 2011, about 4.1 Mt of wood waste entered the UK waste stream in 2010. ----- The overall wood waste arisings in 2010 showed a decrease of 0.4 Mt from 2007. The furniture and joinery sector saw the steepest decrease in arisings This could be attributed in part to the recession, **but also to industry commitments [to reducing waste] such as resource efficiency action plans**.

Wood waste from the construction sector also decreased markedly. Again the recession contributed to this decrease, but so did **Site Waste Management Plans**. In addition, **[initiatives taken to reduce wood waste by the] industry; commitments such as, 'Halving waste to landfill, provided further stimulus for wood waste prevention**.

WRAP 2011 also noted a decline in waste wood from the packaging industry, of 100,000 tonnes. **This was attributed to greater re-use of pallets and use of substitute materials for wood packaging**.

A decrease of 100,000 tonnes in municipally-produced wood waste, (generally of low quality), ----- **is thought to be the result of a decline in DIY activities**.

However, please note that, an AEA report disagreed, giving a significantly higher estimate of UK wood waste arisings at around 5.6 Mt

Page 11, Table 5

This indicates that a 2005 report by WRAP estimated that there were 10.6 Mt waste wood available. Yet in a 2009 report by WRAP, this had reduced to 4.5 Mt.

My comment.

Quote

I suggest that the 2005 reference, (a ten-years-old reference), may be the source of much of the out-dated information put forward by developers, claiming that 10Mt is presently available for energy-from-waste-wood-biomass use.

Unquote

Pages 17-18.

The Tolvik report estimated that in 2010, wood waste demand in the UK was 3.2Mt. The majority, (approximately 1.1 Mt), of this went to the panel-board market, and the rest was divided into approximately equal amounts going to animal bedding, to energy-from-biomass, and to the export market. Only the remaining 1.1 Mt went to landfill ----- [However], the AEA report claimed different figures compared to the other reports, -----, waste wood arisings were estimated to be about 5.6 Mt. Of this, 2.2Mt was disposed of in landfill; approximately 1.5 Mt was used in biomass plants; and 0.55 Mt was used, [in each of]), animal bedding / composting / landscaping.

My comment.

Quote

These pages indicate that there are significant competitors to energy-from-biomass, requiring significant amounts of waste wood as raw material. I believe that **energy-recovery** from-waste-wood biomass may, (perversely), displace the **material recycling and re-use activities** in other industries, thus forcing waste wood **down the Waste Hierarchy**.

Unquote

Page 20

Given the high demand for wood waste from the domestic biomass industry and for exports (ca 1.1 Mt) the Tolvik report tried to estimate the amount of wood waste that would be available **for domestic biomass and exports in the future**.

By the end of 2012, recovery of wood waste would be 3.3 Mt. Demand from other sectors (not biomass and export) would be 2.1 Mt. This would leave 1.2 Mt available for use by the biomass and export sectors. Subtracting the existing domestic biomass and export demand (1.1 Mt), **leaves 0.1Mt available to new biomass facilities and export routes. This is projected to rise to 0.5 Mt by 2015.**

Assuming that the planned and existing biomass facilities will require domestic wood waste to cover 10% of their energy needs of 32 Mt, the Tolvik report estimates that by 2015, there will be a shortfall in supply [even] if only 25% of the capacity is developed

The WRAP 2012 report estimates that the main growth customer for new recovery will most likely be biomass. **However**, it also recognises the possibility that the current trend in exporting wood will be long term, meaning that less wood waste will be available for domestic biomass. Therefore the international trade in wood waste becomes important both for domestic recovery and for biomass investment.

Export markets could also be a long term outlet for wood waste. Germany currently imports up to 1 Mt as its nuclear power plants are abandoned by 2022. Demand from Sweden, which has incineration overcapacity but also contractual obligations to supply heat, is also likely to increase (Tolvik 2011)

My comment

Quote

As I suggested earlier, **new waste wood biomass plants face an unsustainable future and will threaten those industries which recycle / re-use wood waste.**

Because local, national and **international** demand will be fierce, it is disingenuous to claim that the UK shortfall in supply can be satisfied by imports of the required waste wood. Sunrise Renewables, alone, will require 0.3 Mt if its four plants are built..

Yours sincerely,

Barry E Robinson

86 Galfrid Rd,

Bilton,

Hull,

East Yorkshire

HU11 4HG

2015/00031/OUT Appendices

- A. Five example letters of representation
- B. Letters from Local AM, MP and MEP
- C. Inspectors Decision Notice for 2010 consent (planning ref: 2008/01203/FUL)
- D. Initial response from applicant to initial Friends of the Earth comment.
- E. Response from applicant to Biofuel watch comments.
- F. Position of applicant on status of the project as a waste disposal.
- G. Second response from applicant to Friends of the Earth follow up comments.
- H. Friends of the Earth second email comments on the application.
- I. Additional letters of representation received regarding proposal (5).

APPENDIX A

52 Enfield Drive
Hunters Ridge
Barry
CF62 8NU

5 June 2015

The Planning Department
Dock Offices
Barry
Vale of Glamorgan

Dear Sirs

Ref: 201500031/OUT

I would like to object to the proposed building of an incinerator at the east end of Barry Docks.

What is this Council thinking? Haven't we enough industry producing lots of toxic gases and waste here already? Why haven't you looked at the fact that Aberthaw Power Station is just down the road and could be used to burn rubbish at high temperatures and even produce electricity while doing so. I do believe that the power station actually came up with this idea some years ago and it was blocked, so why not look at it again?

Barry is trying desperately to regenerate and building affordable housing so very close to the proposed site, I wonder how many houses the building companies will be able to sell should the TV carry a story on their evening news about this. Then would we get the hoped for surge in tourists into Barry? I think not.

Again the worst part about all of this is that just so much information is given out but not enough to let us all really know exactly how much pollution this incinerator will produce. So spare a thought for those who already live on the docks and those living on Dock View Road, not to mention the rest of Barry!

I do hope that you refuse this application for the incinerator although I have little hope as this is the second time this has been proposed! Barry Council listened then to its people and refused permission for the building of this eyesore.

Yours sincerely

P J Long

APPENDIX A

16 CHURCHILL TERR
CADOXTON
BARRY
CF63 2RX
2.6.15

Dear MR Howell,

RE: APPLICATION N^o 2015/00031/OUT/RL
(outline application for Wood fired)
renewable energy plant.

I have been passed information in respect of the above Planning application and must express my concern regarding the Health & Safety risk of hazard materials being released into the atmosphere.

As a long time resident of the Cadoxton area I know that the wind direction is predominately from the west therefore any hazard compounds released to the atmosphere will certainly contaminate the "Cadoxton" areas.

We on Cardiff Road have already seen Dow Corning Chemical Plant grow and grow and grow which we have to live with. However any further possible contamination of the atmosphere with dangerous hazardous substances would be totally unacceptable.

In my view the Planning Community should reject the proposals entirely
yours faithfully,

~~_____~~
(local resident)

APPENDIX A

Payne, Adrienne J

From: Max Wallis <[REDACTED]>
Sent: 27 May 2015 16:32
To: Contact OneVale
Cc: keith stockdale; Mahoney, Kevin P (Cllr); Johnson, Ian J (Cllr); Elmore, Christopher (Cllr);
Planning & Transportation (Customer Care)
Subject: For Chief Planning Officer: re. Environmental Impact Assessment Regs 1999
Importance: High

Chief Planning Officer,
Vale of Glamorgan Council

Dear Sir

Environmental Impact Assessment Regs 1999 (as amended) 2015/00031/OUT
OUTLINE APPLICATION FOR A WOOD FIRED RENEWABLE ENERGY PLANT - SUNRISE RENEWABLES (BARRY) LTD

The case-file for this major application appears very incomplete. We asked the NRW for their views on aspects of this application, but I see nothing of their views in the case-files on the web-site.

The NRW replied to my first, basic question – As the plant would burn over 100 tonnes waste wood per day, is this a Schedule 1 development under the EIA Regulations?

NRW answer: A plant of this capacity would appear to fall under a Schedule 1 development, Category 10, however this is a decision that would be made by the Local Authority.

Please state and justify your decision on this basic point, noting the application is a new one and independent of previous checked decisions.

Second, the plant appears to have low energy efficiency so the description "Renewable Energy Plant is false; it is really a waste-wood-fired disposal plant. Will you change the title-descriptor or ask the applicants to justify their description?

Third, please say whether you have sought the views of the NRW on this application, in view of their responsibility for waste management planning as well as statutory consultee on EIA-developments.

Fourth, I submitted questions requesting information from the applicants via the web-site on 7 April, but see no evidence that these requests have been transmitted to the applicants as a Section 19 request for further information or otherwise. Please explain what action has been taken over these requests (copied below).

We look forward to your answers within days, as this application has been on the stocks for too long. We and the public need to know answers to these basic questions.

Max Wallis <[REDACTED]>
pp. Barry & Vale Friends of the Earth
14 Robert Street, Barry

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28 MAY 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

SEER
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ACTION BY: MPHIR
NO: 3
ACK

Objection submitted 7 April

Large tonnages of toxic ash, over 10 tonnes per day (3700 tonnes pa) would be produced. As it derives from burning coated, treated and used wood, including MDF, it is likely to be hazardous waste, so the answer is given to the Q24 on the application form: "is any hazardous waste involved in the proposal" would be false.

Can the applicant supply any information that none of the ash from this plant, both flyash and bottom ash, under all likely combustion conditions, will not be classed as hazardous waste?

If some could be hazardous waste, how do they propose to test it?

This is an objection that that application is inadequate as to the composition of the ash and probably misleading as to its character and therefore to possible disposal routes.

quotes the South East Wales Waste Group, Regional Waste Plan 1st Review, 2008, but the Welsh Government revoked this under the new TAN21 and Planning Policy Wales 2013. Will the VoG Council tell the applicant that use of the 'revoked' document is inadequate as justification of their claim to Advanced Conversion Technology and Gasification?

Quotes policy to include 'local use of the output heat' and 'potential to use the syngas', but the proposal meets neither of these

Is it 'gasification'?

2012 review by Mott Macdonald questioned that the Outotec system could be termed 'gasification' in the EU definition of the

technology. https://www.whatdotheyknow.com/request/mott_macdonald_technical_review Surrey CC. carried out a 'due diligence' check.

APPENDIX A

107 Dock View Road,
Barry,
CF63 3QQ.

25th March, 2015

Mr M Goldsworthy,
Operational Manager,
Development and Building Control,
Vale of Glamorgan Council,
Dock Office, Barry,
CF63 4RT.

Dear Sir,

Town and Country Planning Application
No. 2015/00031/OUT/RL
David Davies Road, Woodham Road, Barry
Outline application for a wood fired renewable energy plant

I refer to the above and would like to **raise serious concern** over the impact of this application in terms of public health, quality of life, environmental issues & visual impact.

The planning application states the site is predominantly an industrial site, located away from neighbours and from the Waterfront Development. The fact that 2000 homes are being built, Asda, primary school & cafe quarter wholly negates the ethos that the waterfront site and adjacent land is 'industrial'. The waterfront project is a catalyst to improve the economic prosperity of the town. This application threatens to damage the environmental outlook for the area, threatens to damage air quality & will impact on current & future generations in terms of long term health. This will also massively impact on future possibilities for expansion of the waterfront development.

Large tonnage of toxic ash will be generated, increasing the likelihood of harmful fumes emanating throughout the area. The plan to burn 72,000 tons per annum of wood; not fresh wood – but chipped up building waste including items that are either painted or chemically treated. There are significant risks of fire hazards, potential for combustion of materials stored. There is high likelihood of fumes reaching the properties in all surrounding areas; including Castleand ward. The height of the stack will ensure that the fumes are pumped higher, which will ultimately reach the land of my property. I am very concerned that the planning application consultation was not extended across all neighbouring, including all of the properties overlooking or adjacent to the site.

Small particles of NOx can penetrate deeply into sensitive lung tissue and damage it, causing premature death in extreme cases. Inhalation of such particles may cause or worsen respiratory diseases, such as emphysema or bronchitis, or may also aggravate existing heart disease. The plan refers to comprehensive flue gas treatment that will be in place however, there will still be **residual emissions** which need to be discharged via an

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26 MAR 2015

APPENDIX A

elevated stack to ensure resulting pollutant concentrations are acceptable by the time they reach ground level at sensitive receptor locations. Any emissions from the site are very concerning for myself, my family, my neighbours and my town as a whole. The visible vapour plume and the buildings / stack will be unsightly, will impact on the visual appearance of the land; will impact on views from residents situated above the land; Dock View Road and adjacent areas.

Scientists have recently discovered that the pollutants in wood smoke, notably particulate matter, are harmful to human health. In fact, wood smoke has become the most serious kind of air pollution, causing more illness and deaths than smog does. Additionally, the fine particulates in smoke are very effective at reducing visibility. Smoke can also blot out the view, making it difficult for residents and tourists alike to enjoy the scenery, or even travel by road or air. This, in turn, can cause economic losses.

Wood combustion products can include toxic and carcinogenic substances. Generally, the heartwood of a tree contains the highest amounts of toxic substances, and precautions should be taken when burning wood of an unknown nature, since some trees' woodsmoke can be highly toxic and can endanger human health. Burning wood will also produce tons of fine particulate matter, a pollutant associated with asthma, heart disease, and cancer for which no safe level is known.

I would suggest that **additional local publication** of the application is absolutely essential, prior to any decision being made. Local councillors should also be seeking constituent views and the council itself should be very concerned over the health of all residents in Barry, as we are relying on the council to represent our views effectively.

This planning application is illogical, in terms of the benefits to the local community and should not be progressed. We, as the community of Barry are wholly relying on the local council to make the best decisions for our future and for our health, for our children's health and for the future prosperity of the town. Who would look to purchase a house on the new waterfront development when just over 0.3km along the way there could potentially be **an industrial site emitting dangerous toxic particles into the atmosphere.**

Have the builders of the new properties, Asda store and school been privy to the information contained in this planning application? I would suggest that they would also strongly object to the plans, as they could impact massively on the attractiveness of purchasing a home on the new waterfront development site.

This application must be strongly objected on all grounds. I urge you to expand the consultation, **take on board the public views seriously and support the public** by realising the potential impact this application will have on the future of Barry.

Yours faithfully,

Mrs Maria Spence

APPENDIX A

Payne, Adrienne J

From: [Redacted]
Sent: 06 May 2015 10:16
To: Planning & Transportation (Customer Care)
Subject: RE: Comments acknowledgement

Thank you for accepting my Objection to the biomass incinerator plant that I entered on, 29 April 2015. I have sat at the computer for several hrs & the more i read about these biomass plants, the more Danger it would be bringing to the Population of Barry Town. The USA & Europe realize the true cost's of the Unacceptable (risk) to the Public's Health by increasing Air Pollution. Medical & Health associations are all Opposed to Biomass incinerators which Will produce hundreds of tons of Nitrogen Oxides, (Nox.) Sulfur Dioxide & Particulate air Pollution of which is Unacceptable, is associated with increased Cardiopulmonary symptoms, Asthma & Respiratory disease ending in Hospitalization, obviously increasing Healthcare cost's, Sadly some cases ending in their Mortality. Added HGV traffic using the already well worn roads in this area. Dangerous Emissions, & Unacceptable levels of Contamination in the Air that " WE " breath. I could go on & on all day every day about the DANGERS of this Application 2015/0031/out. I beg you Please DO NOT ALLOW the Biomass Incinerator to built anywhere, especially in Barry Town. Regards J.M.Hopkins.

> From: Planning&Transport@valeofglamorgan.gov.uk
> To: [Redacted]
> Date: Wed, 29 Apr 2015 14:01:13 +0100
> Subject: Comments acknowledgement

> Dear Mr John Hopkins.,

> Town and Country Planning Act 1990 (as amended)

> Application Number: 2015/00031/OUT

> Location: David Davies Road, Woodham Road, Barry

> Proposal: Outline application for a wood fired renewable energy plant

> I hereby acknowledge receipt of your representations on the above planning application. These have been forwarded onto the planning officer dealing with this application, who will take your views into consideration when considering this application. We are sorry but owing to workload, the planning officer will not be able to respond to any questions which you may have raised in your correspondence.

> Please note that when a decision is made on this application, the Council's on line register will be updated.

> Thank you for taking the time and trouble to let us have your views on this planning application.

> MJ Goldsworthy

> Operational Manager Building & Development Control

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06 MAY 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

06 MAY 2015
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ACTION BY: MPA/IR
NO: 36

APPENDIX B

Payne, Adrienne J

From: CAIRNS, Alun <alun.cairns.mp@parliament.uk>
Sent: 11 June 2015 10:53
To: Planning & Transportation (Customer Care)
Cc: PEARCE, Katharine
Subject: Proposed Wood Gasification Facility: 2015/00031/OUT

RE: Proposed Wood Gasification Facility: 2015/00031/OUT

My purpose in writing is to highlight concerns that have been raised with me about the outline planning permission to change the existing planning consent for a waste wood pyrolysis plant at Woodham Road, Barry.

It has been suggested that there are contradictions in the planning documents that need clarification in order for the proposals to be properly considered to ensure that a full response can be submitted.

I understand that there are discrepancies between the stated efficiency of the current proposals and the previously consent pyrolysis plant and that the proposed development would require an increase in the amount of waste wood to be sourced for the plant. In addition, the Air Quality Assessment suggests that the technology would not reduce emissions of air pollutants as stated in the plans.

It has also been highlighted to me that a similar proposal was submitted by the developers in Barrow-in-Furness, Cumbria which included an explicit request to increase tonnage of feedstock.

It is important that the developer clearly sets out the needs of the new plant and clarifies the efficiency data before the proposals can be fully considered. The current application does not include sufficient information for a fully informed decision to be made at this stage.

I therefore hope that you will consider requesting further details on these points before the permission is changed.

Yours,

Alun

Alun Cairns MP
Vale of Glamorgan



Alun Cairns MP AS
Vale of Glamorgan / Bro Morgannwg
alun.cairns.mp@parliament.uk
House of Commons, London, SW1A 0AA
T: 0207 219 7175
29 High Street / 29 Y Stryd Fawr, Barry / Y Barri, CF62 7EB
t: 01446 403814
www.aluncairns.co.uk

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11 JUN 2015

ENVIRONMENTAL
AND ECONOMIC
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ACTION BY: MPHIR
NO: 16
1355

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Alun Cairns MP
Vale of Glamorgan



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr M Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

16 March 2015

Ref: VoG

Dear Mark

Planning Application 2015/00031/OUT/RL
Outline application for a wood fired renewable energy plant

I am extremely concerned by the prospect of this application being granted. As you may remember, I was actively involved in the campaign to oppose this development several years ago and spoke at length during the Welsh Planning Inspectorate's assessment.

I was extremely disappointed that the planning inspector overturned the Vale of Glamorgan Council's decision, and would ask again that the Council reject this application.

My original objections to the facility remain, such as the height of the development, the effect that it will have on congestion and residential amenity, and the impact that it will have on local businesses, but these concerns are given added weight because the proposed application is for a development several times bigger than the previous one. Again, I have serious concerns about the effect that this development will have on the future regeneration of Barry, specifically the Waterfront.

The Vale of Glamorgan Council rejected this application on the grounds that the proposal is considered to be unacceptable, and would result in adverse impacts on local residential amenity (noise, traffic, and pollution) and on the character of the area. The Council also objected to the application because of the effect that it would have on the Barry Waterfront development – I would ask again that the Council reject this application.

29 High Street
Barry
CF62 7EB

Alun Cairns MP
www.aluncairns.co.uk
alun.cairns.mp@parliament.uk
☎ 0207 219 5232 ☎ 01446 40381

29 Y Stryd Fawr
Y Barri
CF62 7EB

APPENDIX B

Alun Cairns MP
Vale of Glamorgan



HOUSE OF COMMONS
LONDON SW1A 0AA

Thank you for your consideration in this matter and I do hope that the Council takes into consideration local opinion when debating this application.

Yours sincerely

ALUN CAIRNS MP
Vale of Glamorgan

29 High Street
Barry
CF82 7EB

Alun Cairns MP
www.aluncairns.co.uk
alun.cairns.mp@parliament.uk
☎ 0207 219 5332 ☎ 01446 403614

29 Y Stryd Fawr
Y Barry
CF82 7EB

APPENDIX B

Eluned Parrott

Aelod Cynulliad dros
Ganol De Cymru

Assembly Member for
South Wales Central



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Planning Officer
Vale of Glamorgan Council
Dock Office
Barry

Our Ref: 131531/Vale/Planning

Date: 1st April 2015

RECEIVED

15 APR 2015

Dear Sir

APPLICATION: 2015/00031/OUT
PROPOSED BARRY INCINERATOR

DELR
RECEIVED
ATTEND BY
NO. 2 IR/MPH
ACK

I am writing to object to the above application as one of the Regional Assembly Members for South Wales Central, although I also live in neighbouring Rhoose.

I understand a previous application for a wood fired renewable energy plant was rejected by the Council but granted on appeal and the applicants have submitted an amended application for a bigger plant and new technology.

As such, it is my understanding that this new development, which is both bigger in size and scope, is being treated as a new application and is not restrained by the previous application and permission. although the principle of an incinerator may have been established.

The 43m increased height of the stack will be a carbuncle on the local landscape and its emissions will be wide and far reaching. They will extend over a population which is greater in density than the Wales average and, if not properly treated, they may contain copper, chrome, arsenic (CCA) and creosote.

Although it is intended to increase the dispersal range of the 10 tonnes of ash that will be generated every day from the daily incineration of 200 tonnes of "treated" wood chips, residents are obviously concerned that their homes, communities and local environment are within the emissions range and at risk from potentially "contaminated" ash particles.

Whilst Eluned Parrott AM will treat as confidential any personal information which you pass on, she will normally allow staff and authorised volunteers to see if this is needed to help and advise you. The AM may pass on all or some of this information to agencies, such as the DWP, the Inland Revenue or the local Council if this is necessary to help with your case. Eluned Parrott AM may wish to write to you from time to time to keep you informed on issues which you may find of interest. Please let her know if you do not wish to be contacted for this purpose.

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APPENDIX B

Concerns have been expressed as to the public cost of fighting the previous appeal but what about the cost of this new "industrial" development in relation to the existing communities and proposed nearby £230m Barry Waterfront scheme of 2,000 homes, new business and a waterfront sports activity centre.

The additional traffic generation will also impact upon all routes in and out of Barry and exacerbate existing congestion problems.

Yours sincerely,


71
ELUNED PARROTT AM

Welsh Liberal Democrat Assembly Member for South Wales Central

Whilst Eluned Parrott AM will treat as confidential any personal information which you pass on, she will normally allow staff and authorised volunteers to see if this is needed to help and advise you. The AM may pass on all or some of this information to agencies, such as the DWP, the Inland Revenue or the local Council if this is necessary to help with your case. Eluned Parrott AM may wish to write to you from time to time to keep you informed on issues which you may find of interest. Please let her know if you do not wish to be contacted for this purpose.

APPENDIX B

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Caerdydd CF99 1NA
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National Assembly for Wales
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Our ref: JH/CB/

Mark Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Rd
Barry
CF63 4RU

FAO: Cllr Lis Burnett

25 March 2015

Dear Lis

Re: 2015/00031/OUT Wood Fired Renewable Energy Plant Barry

I have been contacted by a number of Barry residents with concerns regarding the above application from Sunrise Renewables Ltd.

I understand that an application was originally submitted 5 years ago for a wood fired renewable energy plant on Woodham Rd Barry, but this latest application contains amendments which have drawn considerable local concern.

It appears that the scale of the plant has been significantly increased-with a bigger wattage and 23m tall building and 43m chimney which would detrimentally affect the view line of nearby houses.

Local residents are very concerned about the visual, public health and environmental impact of this proposal and feel that this application, far from amending the original application, actually plans for a much bigger proposal.

I would be grateful if their concerns could be accorded due attention.

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CF99 1NA

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E-bost / Email iana.hutt@assembly.wales

APPENDIX B

With very best wishes

Yours sincerely



JANE HUTT AM (VALE OF GLAMORGAN)



Andrew RT Davies AM/AC

Leader of the Opposition
Arweinydd yr Wrthblaid
Welsh Conservative Member for
South Wales Central
*Aelod y Ceidwadwyr Cymreig dros
Canol De Cymru*

APPENDIX B

RECEIVED

11 JUN 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Mr M Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

Please reply to:
Cardiff Bay, Cardiff, CF99 1NA
Bae Caerdydd, Caerdydd, CF99 1NA
Ffon/Tel: 029 20 898523
Ffacs/Fax: 029 20 898371
AndrewRT.Davies@wales.gov.uk

Ein cyf/Our Ref: AD/VB
Eich cyf/ Your Ref: Planning

11th June 2015

Dear Mr Petherick,

In recent months I have received a number of letters and calls from constituents who have expressed their concerns over the proposed wood fire incinerator in Barry and similar concerns regarding this application and the impact that it could have on future efforts to regenerate the Barry area, specifically the Waterfront.

For my part this application raises the question of what kind of waterfront we want to see in Barry? Is a development of this kind in keeping with wider plans to generate tourism in the area? I would argue that these plans are completely out of character.

Not only am I also concerned about the impact of the plans on the local residential area (due in no small part to the height of the development), it is clear that it could have a sizeable impact upon local businesses due to increased traffic flow - leading to heavy congestion in the locality.

I would strongly urge the Vale of Glamorgan council to take into consideration the views of local residents when debating these proposals and find against the application.

APPENDIX B

Kindest regards,



Andrew RT Davies AM
Leader of the Welsh Conservatives

APPENDIX B



Plaid Party of
Cymru Wales

Plaid Cymru – The Party of Wales

Leanne Wood AC/AM

Arweinydd Plaid Cymru / Leader of Plaid Cymru

Aelod Cynulliad Canol De Cymru / South Wales Central Assembly Member

Mr. Morgan P. Howell
The Vale of Glamorgan Council,
Development Control,
Dock Office,
Barry,
CF63 4RT

Our Ref: LW/hp/150424/BarryIncinerator

24th April 2015

Dear Mr. Howell

Re: Planning Application reference 2015/00031/OUT

I have been contacted by a number of constituents who have raised concerns about the proposed Waste Wood incinerator by Sunrise Renewables, in Barry Dock.

I understand that the location for the proposed incinerator is in relatively close proximity to the houses on Dock View Road. I understand further that the proposed incinerator relies on new and largely untested gasification processes and that residents are, therefore, naturally concerned about the potential negative effects on their health and the air quality in the surrounding area.

Furthermore, it has been indicated that the plant's energy efficiency would be around 20%, making it a waste disposal facility, not an energy recovery plant, under EU law. There also appears to be a lack of information available as to the disposal of the ash produced by the incinerator, which would presumably need to be taken off-site and transported elsewhere.

As this proposal could have significant effects on the environment and health, further testing of the gasification process is needed to monitor the impact on the environment and local residents and, in light of the reasons outlined above, it should be subject to a full Environmental Impact Assessment.

I therefore request that the application is deferred until such a time that adequate information is available to ensure that the proposal can be assessed with proper consideration of the facts.

[Redacted]

[Redacted signature]

[Redacted name]

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APPENDIX B

Member of the European Parliament

45 Gelligaled Road,
Ystrad,
Rhondda,
CF41 7RQ.

Mr. Morgan P. Howell
The Vale of Glamorgan Council,
Development Control,
Dock Office,
Barry,
CF63 4RT

16th of April, 2015.

Dear Mr. Morgan P. Howell,

I am writing with regard to the proposed Waste Wood incinerator by Sunrise Renewables (ref 2015/00031/OUT).

I ask that the application is deferred for the following reasons.

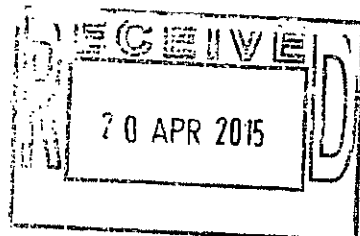
This proposal could have significant effects on the environment and health, and as such should be subject to a full Environmental Impact Assessment. The proposed incinerator relies on new and largely untested gasification processes, and the plant's energy efficiency would be around 20%, making it a waste disposal facility, not an energy recovery plant, under EU law. Further testing of the gasification process is needed to monitor the impact on the environment and local residents.

Burning contaminated wood chips would produce toxic ash which would have to be taken off-site and transported elsewhere for specialist disposal. And with inadequate information available regarding the proposal, residents are worried about their health and air quality.

I believe that the Vale of Glamorgan Council needs a great deal more information from the developers before this application can be determined.

Yours sincerely,

Jill Evans ASE/MEP
Plaid Cymru - The Party of Wales.



DEER
RECEIVED
ACTION BY: IR-MPH
NO: 7
ACK:



Penderfyniad ar yr Apêl

Ymchwiliad a gynhaliwyd ar 8, 9 & 10 /06/10
Ymweliad â safle a wnaed ar 10/06/10

Appeal Decision

Inquiry held on 8, 9 & 10 /06/10
Site visit made on 10/06/10

gan/by Mr A Thickett BA(Hons) BTP MRTPI DipRSA

**Arolygydd a benodir gan Weinidogion
Cymru**

**an Inspector appointed by the Welsh
Ministers**

Dyddiad/Date 02/07/10

Appeal Ref: APP/Z6950/A/09/2114605

Site address: Land at Woodham Road, Barry, CF63 4JE

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Sunrise Renewables Limited against the decision of The Vale of Glamorgan Council.
- The application Ref 2008/01203/FUL, dated 5 September 2008, was refused by notice dated 31 July 2009.
- The development proposed is the erection of a new industrial building and the installation of a 9MW wood fuelled renewable energy plant.

Summary of Decision

1. The appeal is allowed and planning permission granted subject to the conditions set out in the schedule attached to this decision.

Procedural matter

2. At the Inquiry an application for costs was made by Sunrise Renewables Limited against the Vale of Glamorgan Council. This application is the subject of a separate Decision.

Environmental Impact Assessment (EIA)

3. The Assembly Government and the Council are satisfied that the development does not require an EIA as is the appellant although an Environmental Statement (ES) was submitted in support of the appeal. Friends of the Earth challenged this view at the Inquiry. I have considered the arguments but given that an ES has been submitted, I do not consider it necessary to make a judgement regarding the need for an EIA.
4. The Council, Barry Town Council and statutory bodies were consulted on the ES and I heard that it was advertised. The ES includes assessments of noise, air quality, traffic, ecology, landscape and ground conditions. I consider that the aspects of the environment that are likely to be significantly affected are adequately described as are the significant effects of the development on the environment. The ES also includes details of prevention and mitigation measures.

5. The Council have granted planning permission for a gasification plant at Atlantic Way which is also within the Docks. The ES includes an assessment of the cumulative impact of both schemes on noise and air quality. The report includes a non technical summary and I consider that it satisfies the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for developments where EIA is required.

Main Issues

6. The main issues are:
- the effect of the proposed development on the character and appearance of the area
 - whether the proposal would conflict with the Council's aspirations for Barry Waterfront
 - the impact of the proposal on the living conditions of nearby residents with regard to noise, traffic and pollution
 - whether the proposal should contribute to public transport and public art

Reasons

Character and appearance

7. The site comprises a flat open, area of land within Barry Docks. It was previously used for the storage and breaking of containers but now lies vacant. The land to the east is also open beyond which are large modern warehouse/industrial buildings and a scrap yard. Further east is a large chemical factory and on the opposite side of the Dock an 8 storey grain store. Immediately to the west is a series of large Nissen Huts which house a range of uses including a taxi firm, car repairs and welders. To the south, the site is bordered by David Davies Road and a railway track which serves the Docks. To the north is Ffordd Y Milleniwm, a busy distributor road and the Barry to Cardiff railway line. The land rises steeply to the north of the railway line to Dock View Road and the town.
8. Local residents may wish otherwise but the site lies in an industrial area. The Council conceded at the Inquiry that it had no objection to the appearance of the proposed building. Looking down from Dock View Road the new building would be seen in the context of the development within the Docks and, in my view, would sit comfortably in its industrial surroundings.
9. Residents argue that the area may be designated for light industrial use in the emerging Local Development Plan (LDP). However, the Council did not consider that the LDP was sufficiently advanced to be a material consideration in this appeal. The lawful use of the site is general industrial (Class B2 of the Town and Country Planning (Use Classes) Order 1987). Policy WAST 1 of The Vale of Glamorgan Unitary Development Plan 1996-2011, adopted 2005 (UDP) directs waste management facilities to, amongst other places, existing B2 employment sites. The Nissen Huts are occupied by small businesses and the Council argues that the proposed use would be of a different character. However, by implication, WAST 1 accepts that the existing and proposed uses can cohabit and, although on a bigger scale, I consider that the proposed development would be compatible

with surrounding industrial uses. I conclude, therefore, that the proposal would not have an adverse impact on the character and appearance of the area and that it complies with Policy ENV 27 of the UDP.

Barry Waterfront

10. The Barry Waterfront Regeneration Area lies to the west of the Docks. The regeneration of the Waterfront is promoted through supplementary planning guidance and the Council are currently processing an outline application for a comprehensive redevelopment including housing, offices and leisure. The Council argue that prospective occupiers may be put off by the development subject to this appeal. However, the consortium behind the regeneration scheme expresses no concerns regarding the impact of the proposal on its development.
11. Other than deliveries, the operation would be carried out wholly within the building. There are plenty of stacks visible to the east and they are not unusual features in an industrial landscape. The proposed development would be partly screened by the Nissen Huts. As stated above, the Huts accommodate a range of commercial and industrial activities. The majority of these units face the Waterfront area and I do not consider that the proposal would have any greater impact on its regeneration than the activities taking place to the front of and within the Nissen Huts. I am not persuaded, therefore, that the proposal would have a detrimental impact on the Council's aspirations for Barry Waterfront and conclude that the proposal does not conflict with Policy ENV 25 of the UDP.

Living conditions

12. The appellant's propose to generate 9MW of electricity per anum through the burning of gas produced by subjecting waste wood to pyrolysis (the decomposition or transformation of a compound caused by heat). Around 216 tonnes of waste wood would be processed each day (about 72,000 tonnes pa). The waste wood would be chipped elsewhere and about 3 days supply stored on site. There would be 11 deliveries each day by road unless feed stock is delivered by sea. Feed stock arriving by sea would be stored elsewhere in Barry Docks and transported to the site as required. The wood fuel would be manufactured from clean wood, pallets, and wood taken from construction and demolition.
13. The Council is satisfied that, subject to the imposition of a condition controlling noise levels, operations within the building would not have an adverse impact on existing or prospective residents. Despite its doubts, Friends of the Earth accepted at the Inquiry that a condition would safeguard the amenity of residents of Dock View Road. I agree and will impose a condition to that effect and to require the deletion of rooflights from the proposed design (necessary to ensure noise attenuation). I shall also require the roller shutter doors to be closed other than when deliveries are being received.
14. Deliveries would take place between 07.00 and 19.00 hours Monday to Saturday and 08.00 to 16.00 on Sundays. The Council provide no technical evidence to support its assertion that noise generated by lorries using Woodham Road would cause a nuisance to existing or prospective residents. The Inquiry was held a short distance from the appeal site and noise from vehicles passing along Ffordd Y Milleniwm was constantly in the background. Woodham Road is unadopted and has some daunting speed humps but I have neither seen nor heard anything to

show that noise generated by vehicles associated with the proposed use would be noticeable above existing noise levels.

15. The Council provide no comparison with the vehicle movements generated by the previous use. Further, should this development not proceed, the landowner has a commercial interest in seeking a beneficial use for the site. As stated above, the site benefits from a lawful B2 use and the operator of the Docks enjoys extensive permitted development rights. Reversing movements are also likely to have occurred previously and are likely to be a feature of any use requiring goods to be delivered. All vehicle movements would take place to the south of the building and would be over 370m from Dock View Road. The building, would, therefore, act as a barrier as would the Nissen Huts. The sound of reversing alarms may carry to Dock View Road but there would only be 11 deliveries a day at most and I do not consider that such activity would have an unacceptable impact on residents. For this reason, I do not consider it necessary to impose a condition regarding reversing alarms.
16. The transport assessment submitted by the appellant (accepted by the Highway Authority) records around 469 HGV movements on Cardiff Road each day. The Highway Authority is satisfied that the road network has the capacity to accommodate the proposed development and no technical evidence is submitted to lead me to a different view. With regard to the impact of these additional movements on residents of Cardiff Road, I can put it no better than officer's did in their report to committee; *'The amount of traffic generated by this process, in comparison with the existing local and industrial traffic on the network (particularly Ffordd Y Milleniwm) is not considered to be great, and in this respect there are not considered to be any substantive reasons to object to the proposal on the grounds that there would be an unacceptable increase in noise or activities from lorry movements, not least because the site is located in an industrial area (notwithstanding proximity to dwellings) where such activities are not uncommon.'*
17. The ES includes an air quality assessment which concludes that emissions would be within acceptable parameters (independently and in combination with the plant at Atlantic Way). Neither the Council's experts nor the Environment Agency dispute these findings. In a letter of March 2009 to the Council, the Environment Agency states; *'The new information provided by the applicant shows a good understanding of potential air impacts to the environment'*.
18. The process will require a permit under the Environmental Permitting Regulations (England and Wales) 2010. In response to the planning application the Council's Environmental Health Officer said: *'It is important to note that the issue of planning permission is not sufficient to enable the process to legally operate. The process must first apply for and obtain a permit from the Environment Agency. The operators must ensure that they are able to meet the strict requirements of the Environmental Permitting Regulations and the Waste Incineration Directive. The application process will examine in detail any possibility of significant environmental or health impact'*. Local residents and the Friends of the Earth have little confidence in the Environment Agency but I am entitled to assume that the relevant pollution control regime will be properly applied and enforced.

19. Friends of the Earth are concerned that treated timber and wood contaminated by plastics will find its way into the feed stock. I heard that the Environment Agency either has or is to produce testing kits and, in any event, emissions would be controlled by the Environmental Permitting Regulations. Friends of the Earth accepted at the Inquiry that abatement technology exists to control NO₂. I note the concerns of Friends of the Earth but the Council's 'Air Quality Review and Assessment Round 4, Update and Screening 2009', finds that ozone levels do not exceed the relevant standards in the towns in the Vale.
20. All activities will be contained within the building, the doors of which will remain closed other than to accept deliveries. Consequently, there is unlikely to be any significant amount of dust blowing around and the proposal includes dust suppression measures. Vehicles bringing in fuel and removing ash would be sheeted.
21. Friends of the Earth produce no evidence to counter the results of air dispersion modelling carried out by the appellant's consultants which identified the magnitude of impact of plume visibility to be zero. The impact of plume visibility is dependant on the number of events and their magnitude. In the absence of any technical evidence to the contrary, I see no reason to doubt the consultant's findings that the visible impacts of any plume are not anticipated to be significant.
22. The appellant does not wish to be limited to processing 72,000 tonnes of waste wood per annum. This figure forms the basis for the analyses in the ES and, whilst I do not say that any greater amount would lead to a material change in its conclusions, I cannot be certain that it would not do so. I shall, therefore, limit the amount to 72,000 tonnes pa in order to safeguard the amenity of existing and prospective residents. For the same reasons, I shall impose a condition limiting the feed stock to waste wood.
23. I do not make light of residents' fears and acknowledge them to be a material consideration. However, the weight to be attached to public concern depends on the degree to which it can be substantiated by evidence. For the reasons given above, I consider that, subject to conditions and controls under other legislation, the proposed development would not have an unacceptable impact on the living conditions of existing or prospective residents. I conclude, therefore, that the proposal complies with Policies WAST 2, COMM 8, EMP 2, ENV 29 and TRAN 11 of the UDP.

Public transport and public art

24. The Council's supplementary planning guidance relating to Planning Obligations was adopted following public consultation and, consequently, I give it considerable weight. However, it does not outweigh the guidance in Circular 13/97, Planning Policy Wales (PPW) or the law as set out in the Community Infrastructure Levy Regulations 2010.
25. Employees would have to walk around 600m to reach Barry Dock railway station which provides regular services within the Vale of Glamorgan, Bridgend and Cardiff. The Council seek a contribution towards a new bus stop on Ffordd Y Milleniwm opposite its Dock Office. The nearest bus stop to the site is over 700m away. This exceeds the distance the Council say people will walk to catch a bus but the same can be said for existing employees in the units on Woodham Road.

Further, it could be argued that the Council's own employees at the Dock Office do not have convenient access to bus stops on Ffordd Y Milleniwm. The Barry Waterfront development would also generate demand for public transport.

26. The Council's supplementary planning guidance states; '*developers will not be expected to pay for facilities that are needed solely in order to resolve existing deficiencies*'. I acknowledge that the proposed bus stop would facilitate the use of public transport which is to be encouraged and that prospective employees would benefit. However, it would clearly also address a current deficiency. The Council is seeking a contribution from the appellant of £10,000 which is almost two thirds of the cost of providing the proposed bus shelter. In light of the above I do not consider this to be a) proportionate and b) that it has been shown that the contribution sought is fairly and reasonably related in scale to the proposed development.
27. The Council accepted at the Inquiry that, should I determine that the proposed development would not have a detrimental impact on the character and appearance of the area, a contribution to public art would not be necessary in order to enable the development to proceed. Whether public art is desirable in this industrial location is, in my view, open to debate but, given the conclusions set out above, I do not consider it to be necessary. For the reasons given above, I do not consider that the requested contributions satisfy the regulations.

Other matters

28. The reasoned justification to Policy WAST 1 requires regard to be had to the Council's Waste Management Strategy. Policy WAST 2(i) of the UDP requires waste management facilities to conform to the principles of the waste hierarchy and regional self sufficiency. Although at the start of the process the wood would be classed as waste, it would be turned into fuel to produce a valuable commodity, renewable energy. The Waste Management Strategy is 6 years old and neither it nor the UDP anticipated the technology that would be involved here or the latest challenging national targets for producing energy by renewable means.
29. The appellant proposes that the operation would utilise waste wood sourced locally but, in order to avoid problems regarding supply, does not wish to be tied to using waste wood from the SE Wales region only. The Council propose a condition that would allow fuel to come from farther afield provided it comes in by sea. However it arrives, importing waste wood from outside the region would not accord with the proximity principle and this seems to me to be an acceptance by the Council that it is important to ensure a reliable supply of fuel. I am persuaded by the appellant's argument that the cost of transportation will weigh towards the use of local material but acknowledge that, without a condition, it cannot be guaranteed.
30. The Assembly's Energy Policy Statement of March 2010 promotes renewable energy and the use of waste wood in the generation of electricity to prevent negative impacts on the environment and food security. The Statement also recognises that by 2020, 50% of the biomass used to generate electricity will be imported, an acknowledgement, in my view, that waste used to generate electricity may need to come from outside the region and outside Wales.

31. I heard that the nearest disposal facility for hazardous waste is in Gloucestershire. Although transporting waste outside Wales does not comply with the aims of national policy, provided only clean waste wood is used, the ash should not be hazardous. If it is necessary to transport waste outside the region, I consider this to be outweighed by the national drive to produce renewable energy.
32. The South East Wales Waste Group, Regional Waste Plan 1st Review, 2008, identifies residual waste managed by high levels of pyrolysis as the best practicable environmental option (BPEO). Friends of the Earth argue that a better alternative would be carbon sequestration but are not able to identify anywhere where this is available. Waste wood is currently sent to landfill outside the Vale. The appellant submits a site specific BPEO analysis which concludes that pyrolysis and direct combustion both represent the best practicable environmental option for waste wood. Having considered the appellant's analysis, I concur with its conclusion that pyrolysis should be preferred as it has a greater potential for electricity generation.
33. There are no firm proposals at this time to utilise the heat generated by the process but the appellant will seek to market the heat as soon as there is certainty regarding supply. The June 2010 edition of PPW was not available at the Inquiry but its advice regarding combined heat and power is not markedly different from that in Ministerial Interim Planning Policy Statement 01/2005, 'Planning for Renewable Energy' or Technical Advice Note 8, 'Planning for Renewable Energy'. PPW states that, where possible, heat and power systems should be combined, it does not rule out the generation of electricity only.
34. A letter from the consortium developing Barry Waterfront indicates that its initial interest in the waste heat generated by the operation has cooled. However, it is not ruled out and the Council conceded that, in the interests of sustainability, it would be encouraging the consortium to utilise the heat generated by the appellant. I heard that interest in similar plant elsewhere did not materialise until there was certainty that heat could be provided. It is in the appellant's interest to sell the waste heat produced and there is potential to provide heat to existing uses and to new development that may occur in the Docks or the Waterfront. I acknowledge that without the use of waste heat the process is not as efficient as it could be but do not consider this justifies withholding planning permission. Nor, for the same reasons, do I consider it necessary to impose a condition requiring a feasibility study in relation to the use of waste heat.

Conditions

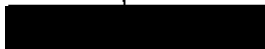
35. I have considered the suggested conditions in light of the advice in Circular 35/95. I consider it necessary, in the interests of the visual amenity of the area to impose conditions relating to materials, fencing, landscaping and storage. In addition to the conditions referred to in my consideration of the main issues, I shall, in order to safeguard the living conditions of nearby residents, impose conditions regarding waste disposal, dust, deliveries and lighting.
36. At the site visit it became apparent that it may not be possible to achieve the required visibility splays at the proposed access and a condition requiring further detail is necessary. Given the position of the building and the prohibition of

external storage, I see no need to require details of circulation space or parking. However, it is necessary to encourage the use of sustainable transport, to require cycle storage and that the submitted Green Travel Plan is implemented.

37. In the absence of anything to indicate a lack of capacity with regard to foul sewers, I consider it unnecessary to duplicate the controls set out in the Building Regulations. However, I shall, in the interests of achieving sustainable development, impose conditions relating to the provision of a sustainable surface water drainage system. In light of the Dock's history it is necessary to impose a condition regarding contaminated land. I see no need to require an area to be reserved for the relocation of Rough marsh-mallow as none has been found on the site.

Conclusions

38. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.



Inspector

Schedule

Formal Decision

I allow the appeal, and grant planning permission for the erection of a new industrial building and the installation of a 9MW wood fuelled renewable energy plant at land at Woodham Road, Barry, CF63 4JE in accordance with the terms of the application, Ref 2008/01203/FUL, dated 5 September 2008, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) No development shall take place until details of a scheme for the management of waste emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The disposal of waste shall be carried in accordance with the approved scheme.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building and stack hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until:
 - i) details of a scheme to assess the nature and extent of any contamination on the site has been submitted to and approved in writing by the local planning authority;
 - ii) the results of the survey carried out under condition 4 (i) above have been submitted in writing to the local planning authority
 - iii) a scheme to deal with any contamination identified by the survey has been submitted to and approved in writing by the local planning authorityDevelopment shall be carried out in accordance with the approved details.
- 5) Should contamination not previously identified be found through the course of development it must be reported immediately in writing to the local planning authority. An investigation shall be carried out to assess the nature and extent of any contamination and the contamination shall be dealt with in accordance with a scheme to be submitted to and approved in writing by the local planning authority before the building hereby permitted is occupied.
- 6) The rooflights shown on drawing number SRB/04 shall not be installed and no development shall take place until a plan showing revised elevations has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until details of the finished colour of the palisade fencing proposed to enclose the site has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until details of a scheme to control dust emanating from site has been submitted to and approved in writing by the local

- planning authority. Dust emanating from the site shall be controlled in accordance with the approved scheme.
- 9) No development shall take place until details of external illumination have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as approved.
- 10) The building hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 11) The building hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
- 12) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 13) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 14) Notwithstanding the submitted site layout plan, details of the proposed access to the site, including the position of gates and the provision of a 4.5m by 70m visibility splay shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the visibility splays shall be maintained free of any

obstruction exceeding 0.6m in height for as long as the development hereby permitted remains in existence.

- 15) No development shall take place until there has been submitted to and approved in writing by the local planning authority details of secure parking on site for bicycles. The bicycle parking spaces shall remain available for their designated use for as long as the development hereby permitted remains in existence.
- 16) No development shall take place until details of a scheme to measure background noise levels in the following locations has been submitted to and approved in writing by the local planning authority:
 - i. 57 Dock View Road
 - ii. Cory Way
 - iii. Estrella House, Cei Dafydd

The survey shall be implemented as approved and the results submitted to and agreed in writing with the local planning authority before the development hereby permitted is brought into use. At no time shall noise attributing from the site exceed the agreed background noise levels.
- 17) The plant hereby permitted shall only process waste wood.
- 18) The total tonnage of wood waste treated at the plant hereby permitted shall not exceed 72,000 tonnes per annum. Records of the amount of fuel processed shall be retained and made available to the local planning authority on request.
- 19) The measures incorporated into the Green Travel Plan accompanying the application shall be implemented when the development is brought into use and thereafter monitored and reviewed in accordance with the Green Travel Plan.
- 20) Deliveries to the site, and all other external operations, shall not take place outside the hours of 07.00 to 19.00 Monday to Saturday and 08.00 to 16.00 on Sundays, Bank and Public Holidays.
- 21) The roller shutter doors in the south-facing elevation of the building shall be kept closed at all times other than when deliveries are being received.
- 22) There shall be no storage of materials outside the building.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Miss C Parry Counsel, instructed by the Vale of Glamorgan
Council Legal Department

She called

Miss J Walsh Vale of Glamorgan Council

Ms V Abraham Vale of Glamorgan Council*

Mr K James Vale of Glamorgan Council*

Mr S Ball Vale of Glamorgan Council*

* These officers did not give formal evidence but participated in discussions relating to conditions and planning obligations

FOR THE APPELLANT:

Mr D E Manley Queen's Counsel, instructed by Mr Paul
Sedgwick, Sedgwick Associates

He called

Mr R Leach AB Acoustics, Oldham

Mr S Srimath RSK Environment, Health and Safety Ltd, Hemel
Hempstead

Mr D Appleton The Appleton Group, Bolton

Mr Paul Sedgwick Sedgwick Associates, Bolton

INTERESTED PERSONS:

Mr M Wallis On behalf of Friends of the Earth,

Mrs D Mitchell 58 Redbrink Crescent, Barry

A Cairns MP 29 High Street, Barry

Cllr C Elmore 31 Robert Street, Barry

Mr C Farrant On behalf of Barry Town Council

Mr D McCulloch 49 Dock View Road, Barry

Mrs L Lake 74 Castleland Street, Barry

Mr A Case	23 Winston Road, Barry
Mrs E Bishop	George Street, Barry
Cllr B Shaw	110 Merthyr Street, Barry

DOCUMENTS SUBMITTED TO THE INQUIRY

- 1 Council's letter of notification
- 2 Statement of Common Ground
- 3 Submission by appellant rebutting the statement submitted by Friends of the Earth
- 4 Legal Note submitted by appellant in relation the statement submitted by Friends of the Earth
- 5 Letter and Mass Balance Diagram, Prestige Thermal Equipment
- 6 Letter of 3 June 2010 from RSK Carter Ecological Ltd
- 7 Letter of 1 June 2010 from Nathaniel Lichfield and Partners
- 8 Letter of 28 January 2009 from Oaktree Environmental Ltd
- 9 Extract from Vale of Glamorgan Council's Air Quality Review and Assessment 2009
- 10 Suggested conditions
- 11 Suggested noise limit condition
- 12 Letter of 31 January 2010 from Jane Davidson AM submitted by Mr Wallis
- 13 Memo of 17 June 2009 from C Litherland to S Jones (Welsh Assembly Government) submitted by Mr Wallis
- 14 Copy of grounds of appeal and bundle of letters submitted by Cllr Shaw
- 15 Bundle of letters from interested persons submitted by the Council
- 16 Bundle of letters from persons requesting to speak at the Inquiry
- 17 Vale of Glamorgan Council's Sustainable Development Supplementary Planning Guidance
- 18 Vale of Glamorgan Council's Planning Obligations Supplementary Planning Guidance
- 19 UDP Proposals Map
- 20 Vale of Glamorgan Council's Waste Management Strategy

PLANS SUBMITTED TO THE INQUIRY

- A Site Location Map Dwg No. SRB/01
- B Site Location Plan Dwg No. SRB/02
- C Site Layout Plan Dwg No. SRB/03
- D Building Elevations Dwg No. SRB/04
- E Bundle of plans including internal layout, process diagram and historic maps
- F Plan showing the location of the proposed bus shelter

1. Is the Project a waste disposal facility? Is it a Schedule 1 Development under the EIA Regulations?

Answer: No it is not. Attached below is the 'R1 Calculation' for the Project showing that it comfortably exceeds the 0.65 threshold required under the "Guidance on applying the Waste Hierarchy", issued by Defra June 2011. As such it is to be considered a 'power generation facility' as opposed to a 'waste disposal facility' and it is not therefore a Waste Disposal Facility for the Incineration of hazardous or non-hazardous waste under Schedule 1 Development of the EIA Regulations.

2. Is the Project Advanced Conversion Technology? Is the technology gasification?

Answer: Yes it is. In the United Kingdom the person who determines whether technology is or is not Advanced Conversion Technology is the Office of Gas and Electricity Markets – Ofgem. According to Ofgem's Renewables Obligation: Guidance for Generators (April 2015):

"2.105. Gasification and pyrolysis are examples of advanced conversion technologies (ACTs). These technologies use waste and biomass feedstocks to produce either a synthesis gas (syngas) and / or liquid fuels (bio-oils) which can be used to generate electricity."

The technology selected by the Applicant for the Project is based on gasification:

"For gaseous fuels produced by gasification or pyrolysis, eligibility for the standard gasification and pyrolysis bonds in any month is dependent on the fuel having a minimum GCV of 2 MJ/m³."

Under its supply contract the manufacturer is warranting to the Applicant that it will meet Ofgem's requirements for gasification:

"Syngas CV value: the System shall meet at design capacity a minimum gross calorific value of the produced syngas (as shown within the Firing Diagram conditions as attached hereto) of 2 MJ/m³ measured at 25 degrees Celsius and 0.1 megapascals measured at a point to be jointly determined over the bed and under the overfire and which has been approved by Ofgem. The syngas calorific value will be determined from a minimum of 3 separate gas samples during the Performance Test."

The Project therefore plans to use technology which meets Ofgem's requirements for an Advanced Conversion Technology using gasification.

3. Is the plant a Renewable Energy Plant? How will the syngas be used?

Answer: Yes it is – it generates electricity from a renewable fuel. In the United Kingdom the organisation regulating power generation is the Office of Gas and Electricity Markets – Ofgem. According to Ofgem's Renewables Obligation: Guidance for Generators (April 2015):

“The Renewables Obligation (RO), the Renewables Obligation (Scotland) (ROS) and the Northern Ireland Renewables Obligation (NIRO) are designed to incentivise large-scale renewable electricity generation in the UK and help the UK meet its requirements for 15 per cent of energy to be sourced from renewable sources by 2020.”

As an Advanced Conversion Technology (see Answer 3 below) the plant is eligible for Renewable Obligation Certificates under the RO scheme. As such, Ofgem considers it to be “large-scale renewable electricity generation”, as stated above.

This is in part because the chosen technology takes the biomass – here waste wood – and instead of simply burning it like an incinerator, it ‘boils off’ synthetic gas (called “syngas” which is not dissimilar to natural gas) and uses that as the fuel. The result is that the emissions from the process are much cleaner than an incineration where the products of combustion go straight out with the exhaust: for a gasifier, the vast majority of the combustion products drop out with the ash, making it a much simpler job to clean the emissions before they meet the regulated standards required for release into the atmosphere.

Under its supply contract the manufacturer is warranting to the Applicant that it will meet the applicable requirements for combustion and emissions laid down in the Industrial Emissions Directive:

“Combustion: the System shall meet at design capacity a minimum flue gas temperature of 1562°F (850°C) for at least 2 seconds residence time after introduction of last combustion air in accordance with the Industrial Emissions Directive (Directive 2010/75/EU of The European Parliament and of The Council on industrial emissions (integrated pollution prevention and control)).”

“Emissions: Emissions from the System when firing feedstock that meets the Fuel Specification will comply with the requirements of Annex VI, Parts 3 and 4 of the Industrial Emissions Directive (Directive 2010/75/EU of The European Parliament and of The Council on industrial emissions (integrated pollution prevention and control))”

Just to emphasise: gasification is not the same as incineration which is often misunderstood.

4. Will the ash produced be hazardous?

Answer: each year the plant will produce approximately 2208 tonnes of non-hazardous bottom ash and 1464 tonnes of hazardous fly ash. The two types of ash are produced in different sections of the plant boiler and are collected separately for storage in separate silos pending disposal. Specialist disposal contractors using sealed powder trucks will handle disposal of the hazardous fly-ash. This will be disposed of at a regulated landfill location specialising in the disposal of fly ash in accordance with applicable law and regulation. Bottom ash will be disposed of separately for use in the construction industry.

5. Is the plant a low-energy efficiency facility? Can the heat output be used?

Answer: The plant is not a combined heat and power plant since there is no viable adjacent heat offtaker. The plant is therefore a dedicated renewable power plant and as such the input energy is converted as efficiently as possible to electricity for use in the locality. The previous selected technology pyrolised 72,000 tonnes of dried wood to produce 9MWe export capacity. In comparison the proposed technology will convert the same amount of dry wood into 10MW export capacity. Therefore it is more efficient

Schedule
Barry Renewable Energy Project – R1 Calculation

Type of energy	energy Ex [MWh]
amount of incinerated waste (without 1.2 and 1.3)	321,840
e.g amount of incinerated sewage sludge	0
e.g. amount used activated carbon incinerated	0
E_w: energy input to the system by waste	321,840
E _{f1} : amount of light fuel oil for start up (after connection with the steam grid)	0
E _{f2} : amount of light fuel oil for keeping the incineration temperature	0
E _{f3} : amount of natural gas for start up and keeping incineration temperature	0
S E_i: energy input by imported energy with steam production	0
E _{i1} : amount of light fuel oil for start up/shut down (no connection with the steam grid)	350
E _{i2} : e.g. natural gas for heating up of flue gas temperature for SCR and start up/shut down	0
E _{i3} : imported electricity (multiplied with the equivalence factor 2.6)	0
E _{i4} : imported heat (multiplied with the equivalence factor 1.1)	0
S E_i: energy input by imported energy without steam production	350
E _{p_{el} internal used} : electricity produced and internally used for the incineration process	10,400
E _{p_{el} exported} : electricity delivered to a third party	74,080
S E_{p_{el} produced} = E_{p_{el} internal used} + E_{p_{el} exported}	84,480
E _{p_{heat} exp.1} : steam delivered to a third party without backflow as condensate	0
E _{p_{heat} exp.2} : district heat delivered to a third party with backflow as condensate (hot water)	0
S E_{p_{heat} exported} = E_{p_{heat} exp.1} + E_{p_{heat} exp.2}	0
E _{p_{heat} int.used1} : for steam driven turbo pumps for boiler water, backflow as steam	0
E _{p_{heat} int.used2} : for heating up of flue gas with steam, backflow as condensate	0
E _{p_{heat} int.used4} : for concentration of liquid APC residues with steam, backflow as condensate	0
E _{p_{heat} int.used5} : for soot blowing without backflow as steam or condensate	6,484
E _{p_{heat} int.used7} : for heating purposes of buildings/instruments/silos, backflow as condensate	0
E _{p_{heat} int.used8} : for deaeration - demineralization with condensate as water input	0
E _{p_{heat} int.used9} : for NH4OH (water) injection without backflow as steam or condensate	0
S E_{p_{heat} int.used} = S E_{p_{heat} int.used1-9}	6,484
R1 = (E_p - (E_f + E_i)) / (0.97 * (E_w + E_f))	0.73
E_p = 2.6*(S E_{p_{el} int.used}+S E_{p_{el} exported}) + 1.1*(S E_{p_{heat} int.used}+S E_{p_{heat} exported})	226,780

e

Sunrise Renewables (Barry) Ltd - Renewable Power Plant at David Davies Road, Barry ("Project")

Responses to questions raised by Biofuelwatch ("BfW")

1. What is the explanation for changes in emissions?

Answer: All new power plants are required by law to meet the requirements of the Industrial Emissions Directive (Directive 2010/75/EU of The European Parliament and of The Council on industrial emissions (integrated pollution prevention and control)). In Wales this is administered by Natural Resources Wales. The revised project has been designed so that on a worst case basis it will meet these limits.

Feedback from the Applicant's Air Quality Consultant, Entran, in response to this question confirms that although the emissions are higher than the previous consented scheme, the stack height has been sized accordingly by means of detailed dispersion modelling in order to ensure that impacts at relevant receptors are negligible. As a worst-case, emissions from the site have been assumed to occur at the IED limits. Actual emissions from the site are anticipated to be significantly lower. Predicted maximum off-site process concentrations are well within the relevant air quality standards for all pollutants considered.

2. Is the Plant less efficient than the original consented Plant?

Answer: The previous selected technology pyrolysed 72,000 tonnes of dried wood to produce 9MWe export capacity. In comparison the proposed technology will convert the same amount of dry wood into 10MW export capacity. Therefore it is more efficient

3. Will the new plant use more waste wood?

Answer: Waste wood, just like any wood, contains moisture and this can vary from very low (eg ~5%) to quite high (eg ~40%). When you process wetter wood, it means you are effectively 'boiling off' more water which does not contribute to generating electricity (in fact it detracts since you have to use energy to boil it off).

The technology selected is warranted to process waste wood with a moisture content in the range 5% up to 30%. Of course you never know how much moisture you will be receiving in a delivery (and indeed it varies according to the time of the year). This is why you often convert it back to dry wood equivalent meaning what it would weigh if it was kiln dry.

For Barry, we are expecting to process up to 72,000 dry tonnes equivalent. In fact it might well be less than this since the equipment may be up to 5% more efficient than warranted which would mean ~68,500 dry tonnes equivalent would be needed. As to how many wet tonnes this will equate to will just depend on the delivery (and in effect how much water is being transported in along with the fuel component).

In contrast, for the Sunrise project in Barrow-in-Furness, the calculations were based on the design fuel used by the manufacturers of 20% moisture. At 20% moisture this equates to up to 86,000 tonnes of wet wood, less if the efficiency level hoped for is achieved. Also at Barrow the connection is for 12MW so the plant is able to operate above 10MW at times so long as the

average does not exceed 10MW whereas for Barry the connection is capped at 10MW at all times which does not therefore allow for this flexibility so you would expect Barry to use less waste wood in any case.

As can be seen, it is not possible to be precise on the number of tonnes of actual wood brought into the site and when submitting for Barry it was felt that specifying it in dry tonnes for Barry would be the most accurate and indeed consistent with the previous application. This was in part because the previous proposal was based around pyrolysis requiring delivered wood to be processed and dried on site before being used for pyrolysis. It was planned for 72,000 tonnes of prepared (therefore dried) wood to be pyrolysed. Nothing has therefore changed in this respect.

4. Will the Plant be a Waste Disposal Plant?

Answer: No it is not. Attached below is the 'R1 Calculation' for the Project showing that it comfortably exceeds the 0.65 threshold required under the "Guidance on applying the Waste Hierarchy", issued by Defra June 2011. As such the energy recovery from the facility is sufficiently high for it not to be considered a 'waste disposal facility' and it is not therefore a Waste Disposal Facility for the Incineration of hazardous or non-hazardous waste under Schedule 1 Development of the EIA Regulations.

5. Is the information supplied 'Contradictory'?

Answer: As has been explained in the responses above, the contradictions claimed by BfW do not in fact exist and instead seem to be incorrect speculation on their part.

Schedule
Barry Renewable Energy Project – R1 Calculation

Type of energy	energy Ex [MWh]
amount of incinerated waste (without 1.2 and 1.3)	321,840
e.g amount of incinerated sewage sludge	0
e.g. amount used activated carbon incinerated	0
Ew: energy input to the system by waste	321,840
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Ef3: amount of natural gas for start up and keeping incineration temperature	0
S Ef: energy input by imported energy with steam production	0
Ei1: amount of light fuel oil for start up/shut down (no connection with the steam grid)	350
Ei2: e.g. natural gas for heating up of flue gas temperature for SCR and start up/shut down	0
Ei3: imported electricity (multiplied with the equivalence factor 2.6)	0
Ei4: imported heat (multiplied with the equivalence factor 1.1)	0
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E _{pel internal used} : electricity produced and internally used for the incineration process	10,400
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S E_{heat exported} = E_{heat exp.1} + E_{heat exp.2}	0
E _{heat int.used1} : for steam driven turbo pumps for boiler water, backflow as steam	0
E _{heat int.used2} : for heating up of flue gas with steam, backflow as condensate	0
E _{heat int.used4} : for concentration of liquid APC residues with steam, backflow as condensate	0
E _{heat int.used5} : for soot blowing without backflow as steam or condensate	6,484
E _{heat int.used7} : for heating purposes of buildings/instruments/silos, backflow as condensate	0
E _{heat int.used8} : for deaeration - demineralization with condensate as water input	0
E _{heat int.used9} : for NH4OH (water) injection without backflow as steam or condensate	0
S E_{heat int.used} = S E_{heat int.used1-9}	6,484
R1 = (Ep - (Ef + Ei)) / (0.97 * (Ew + Ef))	0.73
Ep = 2.6*(S E_{pel int.used}+S E_{pel exported}) + 1.1*(S E_{heat int.used}+S E_{heat exported})	226,780

(F)

Sunrise Renewables (Barry) Ltd
Renewable Power Plant at David Davies Road, Barry ("Project")
Waste Disposal Status of the Project

1. Waste Framework Directive

1.1 Is the Waste Hierarchy even relevant? The most important point to understand is that the Project is a renewable power plant using syngas derived from the gasification of waste wood biomass as its fuel.

It is not a waste incineration installation and is not therefore regulated by the Waste Framework Directive¹ ("WFD").

As such, it is not necessary to perform the 'R1 Energy Efficiency Calculation' for the purposes of determining whether or not it is a "waste disposal facility" for the incineration of hazardous or non-hazardous waste under Schedule 1 of The Environmental Permitting (England and Wales) Regulations 2010² ("EPR").

1.2 EU Authority. This is clear from the European Union's own guidance on the WFD³ which states in its very first sentence:

"These guidelines are destined to provide legal certainty and a level playing field in the application of the energy efficiency thresholds for municipal waste incinerators in Annex II of Directive 2008/98/EC on waste (Waste Framework Directive - WFD)."

The Annex II cited includes example R1 (which is where the "R1 Energy Efficiency Calculation" nomenclature derives from):

"R1 - Use principally as a fuel or other means to generate energy [which] includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above:

- 0.60 for installations in operation and permitted in accordance with applicable Community legislation before 1 January 2009,*
- 0.65 for installations permitted after 31 December 2008, using the [R1 Energy Efficiency Calculation formula]"*

1.3 Natural Resource Wales Guidance. This is recognised by Natural Resource Wales in its own guidance⁴ on the application of the WFD under the EPR in Wales:

"The Directive allows municipal waste incinerators to be classified as recovery operations provided they achieve a defined threshold of energy efficiency. This has been introduced to:

- promote the use of waste in energy efficient municipal waste incinerators*
- encourage innovation in waste incineration*

Whether or not the energy efficiency threshold is achieved is worked out by using the R1 Energy Efficiency formula included in the Directive."

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:312:0003:0030:en:PDF>

² <http://www.legislation.gov.uk/ukdsi/2010/9780111491423/contents>

³ <http://ec.europa.eu/environment/waste/framework/pdf/guidance.pdf>

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/361544/LIT_5754.pdf

1.4 **Environment Agency Guidance.** Natural Resource Wales' guidance incorporates the Environment Agency's guidelines⁵ on "How incinerators can be classified as energy recovery", which state under how to "Qualify as an R1 recovery operation":

"The incinerator must be:

- *regulated by the Environment Agency*
- *dedicated to municipal waste (MWI) or automotive shredder residues (ASR)*

This approach applies only to incineration plant as defined by the [EPR]"

It is therefore clear: the Waste Framework Directive applies to incinerators which are dedicated to processing municipal waste and municipal waste-derived products (such as RDF). It does not apply to biomass power plants using waste wood.

2. The Environmental Permitting (England and Wales) Regulations

2.1 **WFD application in Wales.** A review of the detailed legislation applicable in Wales (being the EPR) and what is to be considered an 'incineration plant' supports the conclusion under Section 1 above:

2.2 **Waste Incineration Installations.** A "Waste Incineration Installation" is defined in EPR Schedule 13:

2. (1) In this Schedule, "waste incineration installation" means that part of an installation or Part A mobile plant in which any of the following activities is carried on—

(a) the incineration of waste falling within the following provisions of Section 5.1 of Part 2 of Schedule 1—

(i) paragraphs (a) to (c) of Part A(1), or

(ii) paragraph (a) or (b) of Part A(2); or

(b) any other activity falling within Part 2 of Schedule 1 which is carried on in a co-incineration plant (as that term is defined in Section 5.1 of Part 2 of Schedule 1).

Since the Project only uses a single fuel-type, it would not in any event be a co-incinerator for the purposes of (b).

2.2 **Incineration Plants.** In respect of (a) above, this refers to EPR Schedule 1, Part 2, Section 5.1 the relevant parts of which read as follows:

Part A(1) (c) The incineration of non-hazardous waste in an incineration plant with a capacity of 1 tonne or more per hour.

"incineration plant" means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of wastes with or without recovery of the combustion heat generated, including—

(a) the incineration by oxidation of waste; and

(b) other thermal treatment processes such as pyrolysis, gasification or plasma processes in so far as the substances resulting from the treatment are subsequently incinerated.

This definition covers the site and the entire incineration plant including all incineration lines, waste reception, storage, on site pre-treatment facilities, waste-fuel and air-supply systems, boiler, facilities

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/361544/LIT_5754.pdf

for the treatment of exhaust gases, on-site facilities for treatment or storage of residues and waste water, stack, devices and systems for controlling incineration operations, recording and monitoring incineration conditions, **but does not cover incineration in an excluded plant**;

“excluded plant” means—

...

(iv) **wood waste** with the exception of wood waste which may contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coating, **and which includes in particular such wood waste originating from construction and demolition waste**,

...

2.3 Processed Wood: The Project is solely processing waste wood from Grades A to C below (Waste Recycling Association definitions) and does not include halogenated organic compounds or heavy metals:

Grade A: “Clean” recycled wood – material produced from pallets and secondary manufacture etc and suitable for producing animal bedding and mulches.

Grade B: Industrial feedstock grade – including grade A material plus construction and demolition waste, this is suitable for making panel board.

Grade C: Fuel grade – this is made from all of the above material plus that from municipal collections and civic amenity sites and can be used for biomass fuel.

2.4 Excluded Plant: As an ‘*Excluded Plant*’ under EPR Schedule 1, the Project is not within the definition of a ‘*Waste Incineration Installation*’ and is therefore outside of the WFD.

The “R1 Energy Efficiency Calculation” is a provision having its origins in the WFD and is a means by which to determine whether a waste incineration installation exceeds the energy recovery threshold required in order for it to be considered as a recovery operation for the purposes of the Waste Hierarchy. However, this is not relevant for the Project for the reasons mentioned.

3. Hypothetical R1 Energy Efficiency Calculation

3.1 Hypothetical Scenario: Even though the Project falls outside the WFD/EPR provisions relating to incineration (so that the R1 Energy Efficiency Calculation is not relevant), it would in any case comfortably exceed the 0.65 R1 threshold. This is the threshold above which energy recovery from a municipal waste incineration plant is considered sufficiently high for it not to be considered a ‘waste disposal facility’ under Schedule 1 of the EIA Regulations. This section 3 therefore considers a hypothetical scenario in which the Project falls to be considered under the EPR.

3.2 Feedstock Specification: For the purposes of the Project, the following common parameters for the supply of Waste Wood have been specified by the manufacturer of the boiler:

Parameter	Unit	Acceptance Range		Design Value
		Minimum	Maximum	
Higher heating value (HHV), d.b	MJ/kg	18.6		19.599
Lower heating value (LHV), a.r.	MJ/kg	11	16	14.275
Moisture Content	wt-%	5.00%	30.00%	20.00%

d.b = dry basis; a.r. = “as received”

This can be compared with the laboratory results from a representative test of a waste wood sample – each sample will vary a little but the heating values are closely aligned with the specification above.

Date Sampled:	20 August 2014
Date Received:	20 August 2014
Test Date:	21 August to 10 September 2014
Date Reported:	11 September 2014

Method Reference	Units	Results Basis			
		As Received *	As Analysed	Dry *	
SP20	Total Moisture	%	17.0	-	-
CA2	Analysis Moisture	%	-	3.3	-
CA 3	Ash	%	1.6	1.9	2.0
CA 6	Volatile Matter	%	66.4	77.4	80.0
CA31	Total Sulphur	%	0.03	0.04	0.04
**	Chlorine	%	0.09	0.11	0.11
CA9	Carbon	%	38.80	45.21	46.75
CA9	Hydrogen	%	4.82	5.62	5.81
CA9	Nitrogen	%	2.55	2.97	3.07
CA11	Gross Calorific Value	kJ/kg	16265	18950	19597
*	Net Calorific Value	kJ/kg	14797	-	-
CA 32	Biomass (dissolution) by energy	%		97.6	

The above data is relevant to determining the energy content of the waste wood used in the R1 Energy Efficiency Calculation below.

3.3 R1 Principles: Were the WFD to apply to the Project then in order to be classed as an R1 operation (use principally as a fuel or other means to generate energy) the process would have to meet the following criteria:

- The combustion of waste must generate more energy than the consumption of energy by the process itself;
- The greater part of the waste must be consumed during the operation;
- The greater amount of the energy generated must be recovered and used (either as heat or electricity);
- The waste must replace the use of a source of primary energy

3.4 R1 Energy Efficiency Formula: The WFD specifies that incineration facilities dedicated to the processing of municipal solid waste can be classified as R1 only where their energy efficiency is equal to or above 0.65 (for installations permitted after 31st December 2008). The formula used to calculate this value of energy efficiency is:

$$\text{Energy efficiency} = (E_p - (E_f + E_i)) / (0.97 \times (E_w + E_f))$$

In which:

E_p means annual energy produced as heat or electricity. It is calculated with energy in the form of electricity being multiplied by 2.6 and heat produced for commercial use multiplied by 1.1 (GJ/year)

E_f means annual energy input to the system from fuels contributing to the production of steam (GJ/year)

E_w means annual energy contained in the treated waste calculated using the net calorific value of the waste (GJ/year)

E_i means annual energy imported excluding E_w and E_f (GJ/year) 0.97 is a factor accounting for energy losses due to bottom ash and radiation.

This formula shall be applied in accordance with the reference document on Best Available Techniques for waste incineration.

In the case of the Project, we have run three R1 scenarios detailed in the Appendix to this paper and the results are as follows:

Scenario	Explanation	R1 Calculation
Scenario A	This is the mode of operation with the Project operating at the minimum guaranteed output according to the Contractor (9.26MW)	0.73
Scenario B	This is the expected mode of operation (10MW) with the installed boiler operating at minimum guaranteed steam load	0.74
Scenario C	This is the expected mode of operation (10MW) with the installed boiler operating at expected steam load	0.78

For the purposes of previous information provided, we have used the most conservative Scenario A to demonstrate that were the Project to come within the WFD/EPR regime, it would in any case comfortably exceed the 0.65 threshold level.

Sunrise Renewables (Barry) Ltd

July 2015

APPENDIX: DETAILED R1 ENERGY EFFICIENCY CALCULATION

	Type of energy	Scenario A energy Ex [MWh]	Scenario B energy Ex [MWh]	Scenario C energy Ex [MWh]
1.1	amount of incinerated waste (without 1.2 and 1.3)	321,726	337,813	321,840
1.2	e.g amount of incinerated sewage sludge	0	0	0
1.3	e.g. amount used activated carbon incinerated	0	0	0
1	Ew: energy input to the system by waste	321,726	337,813	321,840
2.1	Ef 1: amount of light fuel oil for start up (after connection with the steam grid)	0	0	0
2.2	Ef 2: amount of light fuel oil for keeping the incineration temperature	0	0	0
2.3	Ef 3: amount of natural gas for start up and keeping incineration temperature	0	0	0
2	S Ef: energy input by imported energy with steam production	0	0	0
3.1	Ei 1: amount of light fuel oil for start up/shut down (no connection with the steam grid)	350	350	350
3.2	Ei 2: e.g. natural gas for heating up of flue gas temperature for SCR and start up/shut down	0	0	0
3.3	Ei 3: imported electricity (multiplied with the equivalence factor 2.6)	0	0	0
3.4	Ei 4: imported heat (multiplied with the equivalence factor 1.1)	0	0	0
3	S Ei: energy input by imported energy without steam production	350	350	350
4.1	Epel internal used: electricity produced and internally used for the incineration process	10,400	10,920	10,920
4.2	Epel exported: electricity delivered to a third party	74,080	80,000	80,000
4	S Epel produced = Epel internal used + Epel exported	84,480	90,920	90,920
5.1	Epheat exp.1: steam delivered to a third party without backflow as condensate	0	0	0
5.2	Epheat exp.2: district heat delivered to a third party with backflow as condensate (hot water)	0	0	0
5	S Epheat exported = Epheat exp.1 + Epheat exp.2	0	0	0
6.1	Epheat int.used1: for steam driven turbo pumps for boiler water, backflow as steam	0	0	0
6.2	Epheat int.used2: for heating up of flue gas with steam, backflow as condensate	0	0	0
6.3	Epheat int.used4: for concentration of liquid APC residues with steam, backflow as condensate	0	0	0
6.4	Epheat int.used5: for soot blowing without backflow as steam or condensate	6,484	6,484	6,484
6.5	Epheat int.used7: for heating purposes of buildings/instruments/silos, backflow as condensate	0	0	0
6.6	Epheat int.used8: for deaeration - demineralization with condensate as water input	0	0	0
6.7	Epheat int.used9: for NH4OH (water) injection without backflow as steam or condensate	0	0	0
6	S Epheat int.used = S Epheat int.used1-9	6,484	6,484	6,484
	R1 = (Ep - (Ef + Ei)) / (0.97 * (Ew + Ef))	0.73	0.74	0.78
	Ep = 2.6*(S Epel int.used+S Epel exported) + 1.1*(S Epheat int.used+S Epheat exported)	226,780	243,524	243,524

(E)

**Sunrise Renewables (Barry) Ltd - Renewable Power Plant at David Davies Road, Barry ("Project")
Responses to comments by Friends of the Earth dated 6th July 2015 to
Head of Vale of Glamorgan Planning Committee**

Friends of the Earth: Sunrise welcomes feedback from Friends of the Earth (FoE) who generally perform a useful public service in holding planners and developers to account on planning applications with an environmental dimension, as here. We also appreciate that their representative in this instance, Mr Max Wallis, has considerable experience as a researcher and also as a campaigner and his comments have probably been submitted with the best of intent.

Professional expertise: However, as far as we are aware, Mr Wallis is not a practising engineer or lawyer and for complex projects such as this, it is essential to have both such skillsets available, as has Sunrise. Without this, it is very easy to stray into areas requiring expert knowhow and to be lured towards conclusions based on incorrect analysis in the hope that this might achieve lobbying objectives. Unfortunately this appears to Sunrise to be the case in the present instance.

Biofuelwatch: Mr Wallis/FoE have placed very considerable reliance on analysis from Biofuelwatch which has since been shown to be technically flawed (refer to "*Waste Disposal Status of the Project*" submitted by Sunrise on 3rd July 2015 in response to claims by Biofuelwatch, a copy of which is attached). Their views have now been repeated by Friends of the Earth without introducing any additional analysis to remedy the legal and technical errors identified.

Consultation: Mr Wallis/FoE variously claims that insufficient time has been allowed for public consultation. This is a stance commonly adopted by campaigners objecting to a planning application. However, in this instance, four weeks will have passed since the Project was first presented to the Planning Committee on 2nd July. At that time Councillor Chris Elmore requested that the Planning Committee carry out a site visit. This was something Sunrise supported since we considered it valuable to enable interested parties the opportunity to review the application and form a measured view based on the facts.

The consultation itself has lasted some five months during which time Sunrise responded in a prompt fashion to comments and questions raised by both planning officers and consultees. It is wrong to suggest otherwise or that there has been inadequate consultation.

Status of the Application: It is important to emphasise that the present application is identical to two other applications made by Sunrise at the Ports of Hull and Barrow. In those instances, the applications were accepted under Section 73 of the Planning Acts and were approved. In the case of Barry, the planning department considered it more appropriate for the change of technology to be addressed by a new planning application. Aside from the change of technology and its necessary consequences (changes to buildings and stack), this remains a biomass power plant converting waste wood to energy, something established in the original application.

As was clearly stated in the planning statement accompanying the current application, "*Except as discussed in this Planning Statement, the Project remains as described in the 2010 Permission and the supporting documents*". Further information provided by us during the course of the consultation has been provided

on a voluntary basis to further assist the consultation process.

Waste Framework Directive:

Probably the biggest confusion on the part of Mr Wallis/FoE, presumably resulting from their belief that Biofuelwatch's analysis was correct, is that a biomass power plant converting waste wood is an "incinerator" covered by the Waste Framework Directive (the legislation that gives rise to the R1 Efficiency Calculation mentioned).

Sunrise has commissioned detailed legal analysis of the primary legislation to demonstrate that the Project is not covered by this Directive (refer to "Waste Disposal Status of the Project" submitted by Sunrise on 3rd July 2015). It is appreciated this conclusion requires detailed legal analysis; however, this is what is required in order to be able to make the claims made by Biofuelwatch which have been willingly adopted by Mr Wallis/FoE. Briefly:

- The plant does not fall within the definition of a "waste incineration installation" set out in Schedule 13, Para 2(1) of The Environmental Permitting (England and Wales) Regulations 2010 (which give effect to the Waste Framework Directive in England and Wales).
- It is therefore not necessary to perform the 'R1 Energy Efficiency Calculation' for the purposes of determining whether or not it is a "waste disposal facility" for the incineration of hazardous or non-hazardous waste under Schedule 1 of those regulations.

As such, the Project sits outside of the body of law and regulation dealing with the waste sector and, strictly speaking, referral as a waste project, whether to Natural Resources Wales or any other body with an interest in the waste sector is not required. This said, we welcome comments from all consultees on any aspect of the Project.

R1 Efficiency Calculation:

It should be noted that despite not being required to do so, Sunrise has nevertheless performed multiple R1 calculations on a voluntary basis (using correct calorific values for waste wood, unlike Biofuelwatch) to demonstrate that even on a worst case basis, the Project would comfortably clear the 0.65 hurdle (making it an energy recovery facility, were it to apply). The Department of Energy and Climate Change has specifically confirmed that 'energy recovery' from waste wood is preferable to 're-use' which elevates its position in the waste hierarchy, apparently contrary to the views of Friends of the Earth. But again, this is hypothetical since the Project does not fall within this regime. It is also worth commenting that since the Sunrise projects at Hull and Barrow are identical to that proposed for Barry, it should not be very surprising that the R1 calculation is also the same.

Most of Mr Wallis's/FoE's observations are based around this fundamental misunderstanding combined with failure to appreciate the technical differences between the moisture content required to convert waste wood to energy using pyrolysis versus gasification - the original project pyrolysed 72,000 tonnes of dry wood - it is not possible to pyrolyse wet wood - it has to be dried at the site first. The proper and fair comparison is with 72,000 tonnes of dry wood which is gasified. The result is at least 1MW more electricity out.

Dealing with some other claims by Mr Wallis/FoE:

Surplus Heat:

Of course there is some heat produced by a power plant during its operations - it seems to us to be naïve for Mr Wallis/FoE to be suggesting that neither we nor the planning officers are aware of this. The question they should be asking is whether

there is any "useful heat" that can be used for genuine purposes without having to charge the recipients more than the value of the energy. This would not be possible in the present case (even assuming that there was sufficient surplus heat available to drive a district heat distribution system and that planning permission could be obtained for steel heat distribution pipes to pass through the streets of Barry). The capital cost of doing so would render any heat that was available entirely uneconomic.

Under the original scheme, the surplus heat was discharged to the environment. Under the new scheme, the same quantity of dry wood is used to generate over 10% more electricity but there is insufficient heat available for a heat distribution programme. The bottom line is that the Project is now more efficient: for the same amount of feedstock in, we will generate more power and discharge less heat to the environment. The result is that we will be able to provide sufficient electricity for the residents of Barry Island to be self-sufficient in respect of their electricity needs.

Hazardous Ash:

There have been a number of frivolous claims by objectors surrounding the ash produced by the Project including emotive photos of piles of ash being blown around in the wind. Mr Wallis/FoE themselves imply in their comments that the fly ash resulting from the gasification process may not be properly contained, disposed of or protected. The correct facts are as follows:

- the ash produced is transported internally within the facility using an enclosed transport system directly into sealed silos designed for holding ash;
- on collection for disposal, the ash will be transferred from the silo via sealed nozzles directly into enclosed powder trucks prior to their departure to a government regulated fly ash disposal facility;
- at all times, the ash will be controlled and not exposed to the wider environment.

This is a highly regulated feature of the Project and to suggest otherwise would be to grossly misrepresent what will actually happen.

Mr Wallis/FoE demonstrate their lack of technical familiarity with the workings of a state of the art biomass power plant by making statements such as "*In the event of a fire or explosive event in the incinerator, this hazardous ash could be discharged over the neighbourhood*". This seems to us to be uninformed scare-mongering. The plant design ensures that neither the explosive event nor the resulting discharge of ash envisaged by Mr Wallis/FoE could ever take place.

Air Quality Assessment:

Mr Wallis/FoE also refer to the Air Quality Assessment as being 'dodgy'. We are not aware that Mr Wallis has any recognised experience in the field of power plant emissions modelling; the same applies to Biofuelwatch. While there are still very few waste wood-fired biomass plants in operation in the UK, the key point is that emissions abatement will have to be agreed with the Natural Resource Wales in accordance with separate regulations which fall outside of the planning regime, something that the Planning Officers will confirm.

Use of waste wood as a fuel source is an established feedstock recognised and promoted by government. To question whether waste wood should be permitted to be used for this purpose flies in the face of this established policy.

NRW have accepted the AQA as sufficient evidence that it will be possible to issue a permit at the required time. The permitting process will ensure that all legislation will be complied with.

Conclusion:

In conclusion, it is important for consultees and objectors to challenge any application based on informed views of accurate information. Unfortunately in this instance Friends of the Earth have fallen short of their usual standards of objectivity and their comments should be disregarded as being misrepresentation and recycling the views of Biofuelwatch which have since been discredited.

Sunrise Renewables

15 July 2015

Howell, Morgan P

From: Goldsworthy, Marcus J
Sent: 13 July 2015 09:31
To: Howell, Morgan P
Subject: FW: Sunrise Renewables application to Cttee, 2 July: 2015/00031/OUT
Attachments: Sunrise=Hull R1-proforma Jan2015.pdf

Marcus Goldsworthy
Operational Manager Development Control
Director's Office - Development Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704661
mob / sym: 07976112326
e-mail / e-bost: [MJGoldsworthy@valeofglamorgan.gov.uk](mailto: MJGoldsworthy@valeofglamorgan.gov.uk)

Visit our Website at www.valeofglamorgan.gov.uk
Ewch i'n gwefan yn www.bromorgannwg.gov.uk

Find us on Facebook / Cewch ddod o hyd i ni ar Facebook
Follow us on Twitter / Dilynwch ni ar Twitter

*Consider the environment. Please don't print this e-mail unless you really need to.
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

From: Fred [<mailto:fred@westquayproperty.co.uk>]
Sent: 06 July 2015 16:21
To: Goldsworthy, Marcus J
Subject: FW: Sunrise Renewables application to Cttee, 2 July: 2015/00031/OUT

From: Max Wallis [REDACTED]
Sent: 06 July 2015 16:16
To: ftjohnson@valeofglamorgan.gov.uk
Cc: Christopher Elmore; Barry&ValeFoE; Neil Moore
Subject: Sunrise Renewables application to Cttee, 2 July: 2015/00031/OUT

Cllr. Fred Johnson,
Chair, Planning Cttee.

Dear Chairman,

Our Friends of the Earth group would object to this application being considered and decided by the Committee on 2nd July.

The officers have accepted late documents from the applicant, and given us and the public insufficient time to consider them and respond. The excuse (25 June) was FoE is *not a consultee on this application so it is not reasonable to delay the process of the application*. The excuse is wrong as the standard for "reasonable" is set in the EIA Regs for such major applications, under which the applicants' new information has to be publicly notified and time given for responses.

One new document, the *Waste Planning Statement* was posted in the e-file only on 18 June. This *Declaration in accordance with TAN21 (Annex B)* is an important part of the application. It appears not sent to Consultees (NRW; WG) for their assessment, though the NRW has principal role in waste regulation. The Council's own waste officers appear not to have checked it either, there being no mention in the Report. One outstandingly wrong statement from it is repeated by the Report:

as the plant is proposed to be more efficient, i.e. 9MW rather than 10MW, the efficiency levels means there is no surplus heat generated. As such, the new proposal will not be a combined heat and Power Plan (CHP) Plant.

The lack of understanding shown by this, when all fuel-burning generators produce waste heat, show no qualified officer checked the point. It's an important point of course, as government policy requires use of the waste heat to be considered. The *Waste Planning Statement* also wrongly claims there are no outlets for heat. Within easy reach are Council offices and a Leisure Centre, whose swimming pool could use a lot of waste heat. This goes to prove that the WPS (required by TAN 21) has not been validated.

A second new document is the updated and corrected AQA .pdf posted on 12 June. The case officer told us the NRW is checking the Air Quality Assessment, but their assessment is not posted up. One pollutant Chromium-VI is picked out in its Table 24 as potentially exceeding the EAL (Environmentally Acceptable Limit) so requires further assessment. But this is not seriously done. All they do is quote average and maximum from 20 municipal waste incinerators. One is half the 0.00027 *Max. PC* of this application. Wood-wastes are quite different and may well emit several times as much Chromium as from municipal waste. The Report's statement "Specific stack emissions have also been modelled and indicate that they would comply with imposed permit conditions" shows acceptance of a dodgy claim of the applicant, a claim that has not been checked by the Council or NRW specialists.

The officers' *Screening Proforma* dated 11 June 2015 was only posted in the public e-file on 25 June, after I enquired on the 24th, again leaving insufficient time for public response. The case officer replying on the 25th said it's his "double check" of a form on Part-1 of the file. However, his check has a crucial error: its Question: "Will the Project produce solid wastes" is dismissed wrongly as "Mostly energy recovery". It's crucial because there would be several thousand tonnes/year solid wastes, including hazardous flyash, which could have significant effect on the environment if not properly contained and disposed of. In the event of a fire or explosive event in the incinerator, this hazardous ash could be discharged over the neighbourhood.

The Screening form on Part-1 of the file must also have been erroneously completed, as the officers did not have the necessary data to decide the efficiency ("R1") question, to decide between 'disposal' and 'recovery' definitions (data of Appendix C and discussed in the Report).

The R1 form (Appendix C) assumes a figure for energy content (CV) of waste-wood fuel that is far different from government figures. No explanation is given, or has been sought. The submission from *Biofuelswatch* with our support shows that the use of standard CV-values give R1 below the critical value of 0.65 (the Report wrongly says 0.6). A further indication that the submitted R1 form is faulty is that the figures in it are identical to another Sunrise application, that for a waste-wood incinerator in the Port of Hull. That one, however was not for 72 000 but for 85 000 tonnes/year (wet wood-chips). What a surprise that the new R1 form is identical to Hull's (attached) ! Sunrise's previous application was limited to 72 000 tonnes/year of wet wood. The officer's claim to be "more efficient" at 10MW instead of the previous 9MW appears the opposite of the truth (10% more electricity but on 20% more fuel). Likewise, accepting "*that the energy recovery at the proposed plant would be efficient enough to meet the efficiency levels set out under the R1 formula*" on the applicants' evidence shows professionally inadequate checking.

The Government's *Energy from Waste: Guide* highlights the importance of energy efficiency and qualifying as energy recovery for compliance with the waste hierarchy:

Page 9: "... *The second principle [Energy from waste should seek to reduce or mitigate the environmental impacts of waste management and then seek to maximise the benefits of energy generation.] is about ensuring that energy recovery is the best solution for the residual waste going to it, and then where this is the case that the most is made of the resource it represents.*

Para. 235: "*To be consistent with the principle of energy from waste supporting waste management in line with the hierarchy, key considerations for the long term development or operation of an energy from waste solution are: The ability to at least qualify as recovery in the waste hierarchy;*

As the R1 and energy efficiency ratings are basic to this incineration proposal, with other critical technical details disputed, we ask you to decide from the chair that they must be clarified and resolved before the application progresses further and is put for Committee decision.

Yours sincerely,

● Max Wallis [REDACTED]

for Barry&Vale Friends of the Earth

Attachment: R1-proforma for the Hull application, January 2015.

ANNEX 1
Hull Gasification Project – R1 Calculation

Type of energy	energy Ex (MWh)
amount of incinerated waste (without 1.2 and 1.3)	321,840
e.g amount of incinerated sewage sludge	0
e.g. amount used activated carbon incinerated	0
E_w: energy input to the system by waste	321,840
E _{r1} : amount of light fuel oil for start up (after connection with the steam grid)	0
E _{r2} : amount of light fuel oil for keeping the incineration temperature	0
E _{r3} : amount of natural gas for start up and keeping incineration temperature	0
S E_r: energy input by imported energy with steam production	0
E _{i1} : amount of light fuel oil for start up/shut down (no connection with the steam grid)	350
E _{i2} : e.g. natural gas for heating up of flue gas temperature for SCR and start up/shut down	0
E _{i3} : imported electricity (multiplied with the equivalence factor 2.6)	0
E _{i4} : imported heat (multiplied with the equivalence factor 1.1)	0
S E_i: energy input by imported energy without steam production	350
E _{pe1} internal used: electricity produced and internally used for the incineration process	10,400
E _{pe1} exported: electricity delivered to a third party	74,080
S E_{pe1} produced = E_{pe1} internal used + E_{pe1} exported	84,480
E _{ph_{exp}1} : steam delivered to a third party without backflow as condensate	0
E _{ph_{exp}2} : district heat delivered to a third party with backflow as condensate (hot water)	0
S E_{ph_{exp}} exported = E_{ph_{exp}1} + E_{ph_{exp}2}	0
E _{ph_{int}used1} : for steam driven turbo pumps for boiler water, backflow as steam	0
E _{ph_{int}used2} : for heating up of flue gas with steam, backflow as condensate	0
E _{ph_{int}used4} : for concentration of liquid APC residues with steam, backflow as condensate	0
E _{ph_{int}used5} : for soot blowing without backflow as steam or condensate	6,484
E _{ph_{int}used7} : for heating purposes of buildings/instruments/silos, backflow as condensate	0
E _{ph_{int}used8} : for deaeration - demineralization with condensate as water input	0
E _{ph_{int}used9} : for NH4OH (water) injection without backflow as steam or condensate	0
S E_{ph_{int}used} = S E_{ph_{int}used1-9}	6,484
R1 = (E_p - (E_f + E_l)) / (0.97 * (E_w + E_i))	0.73
E_p = 2.6 * (S E_{pe1} internal + S E_{pe1} exported) + 1.1 * (S E_{ph_{int}used} + S E_{ph_{exp}} exported)	226,780

C I C

To Dods View Road

BARRY

Councillor F.T. Johnson.

WOOD BURNING PLANT WOODHAM RA

Dear Mr. Johnson

I am writing to you, to object about the above proposal of a wood burning plant Dand Drive Road Woodham Road Barry Docks. If the proposal is the same as before, to scatter top ash from the burner on the ground, but, have to seal the bottom ash in containers to be buried in landfill sites, to me, it seems to defeat the whole object of it, as the number of jobs it will create and the electricity it produces will be small. There are also small business units in close proximity to the proposed plant which will be affected.

I would like you to give careful consideration to the proposal as it will affect the lives of

residents on Dock View Road the surrounding streets and the Waterfront. As the size of the plant is bigger and the chimney stack higher in time due to the strong winds which occur quite regularly on the dock area the toxic emissions from the plant will pose a health risk to all the residents of Bang. I feel also it will be detrimental to the development of the Waterfront as they propose to build a school, park area and waterside cafe's, boating lessons on the dock, but, all this will be contaminated in time by this plant. When this plant is built the noise and dust it will generate will deter people from buying property on the Waterfront.



Loft 3
Seamen's Mission
57 Dock View Road
Barry
CF63 4LQ

28 June 2015

Mrs M R Wilkinson
Planning Committee
The Vale of Glamorgan Council
Civic Offices
Holton Road
Barry CF63 4RU

Dear Mrs Wilkinson

Ref: Application No. 2015/00031/OUT

I am writing to express my continuing concerns about the Sunrise application to build an incinerator in Barry Docks and to ask for your support in stopping this mis-judged development.

Councillors could turn down this scheme on any number of points, but our local Planning Officers, when presented with these arguments by local residents, appear to misrepresent or ignore them. This is a new application, yet the Officers are treating it as a renewal of the existing one, but with different technology. Why are they refusing to act in the best interests of local residents and businesses, instead of seeking ways rubber-stamp this proposal?

Despite the fact that significant changes have been made in the design, including doubling the height of the chimney and the admission that 1,440 tonnes per annum of hazardous waste ash will be produced just 300m from residential areas, Officers refuse to say that the application needs correction. Far from 'mostly energy recovery' the development will produce toxic solid waste in huge volumes.

Welsh planning guidance is for incinerators to be sited away from homes and businesses. This makes sense when you consider the impact on local residents and businesses and the long term development of the Barry Docks area. Surely local Councillors should follow this guidance and refuse the current application and direct Sunrise to consider other sites, following Environmental Impact Assessment legislation?

For example, since the original application was made new housing has been approved close to the Swing Bridge. What impact will the incinerator have on these plans and the area's ability to attract and sustain clean light industry in the future?

In addition the scheme's environmental credentials are very shaky.

Issues ranging from the sustainability of the technology and energy efficiency of the incinerator, to the production of waste material and the impact on surrounding residents, businesses and development plans are all ignored by the Planning Officers' extremely late Screening Assessment (completed on 11 June!).

The Screening Assessment also ignores the Public Enquiry evidence (accepted previously by the Inspector) on excessive night time noise and the production of hazardous ash. This hurried Assessment has faulty answers and appears to have been put together only to ensure the scheme's approval.

It is wrongly claimed that all energy produced will be used to generate electricity. However, no plans have been put forward for the use of the waste heat produced by the burning process which is a major omission. It is also claimed that this waste ash will be recycled into building products, however this is false as the developer can name no UK firm that handles this ash or wants it.

It seems very short sighted for the Vale of Glamorgan Council to simply roll over for a company such as Sunrise. It will create very few jobs with a proposal that could kill off investment and future regeneration in an area with great potential.

I am aware that costs were awarded to Sunrise at the Appeal and sincerely hope this is not clouding the current decision-making process. I also feel that the Officers appear to be acting in a laissez-faire manner and that they are not focused on the best interests of an overwhelming proportion of the people of Barry. These misjudged proposals should therefore be scrutinised at the highest possible level.

In light of the above I would ask for your support in halting this irresponsible proposal. As a first step, can I suggest that Councillors require a site visit to see how close the proposed site is to the Woodham Road workshops, existing residential areas and potential sites for future housing?

Yours faithfully

A handwritten signature in black ink is written over a large black rectangular redaction box. The signature appears to be 'M.A.' or similar initials.

 Aviles

55 Dock View Road
Barry
Vale of Glamorgan
CF63 4LQ



30th June 2015

Councillor A G Powell
Civic Offices
Holton Road
Barry
CF63 4RU

Dear Councillor Powell

RE: Wood Fired Renewable Energy Plant, David Davies Rd, Woodham Rd - No. 2015/00031/OUT

We have lived on Dock View Road for 30 years and have seen various businesses come and go at Barry Docks with no concern.

We are appalled by the proposal to build a Renewable Energy Plant in Barry which is in such close proximity to our homes. We are concerned about emissions and impact on air quality, as the top of the stack will be level with our houses.

In addition to the emissions and compromised air quality, we are extremely concerned about the unavoidable noise pollution from the site, which will be constant, as the site will be operational 24 hours a day, every day. Also, the increase in heavy vehicles to and from the site will have a negative impact on the whole of Barry and surrounding areas, with increased congestion being inevitable.

The impact of this plant on the health and wellbeing of Barry residents is potentially catastrophic and it should definitely not be sited in such close proximity to residential dwellings.

Yours sincerely





OCEAN WATERSPORTS TRUST . Vale of Glamorgan
Operating
BARRY COMMUNITY WATER ACTIVITIES CENTRE



Web site:- www.bcwac.org.uk
Charity Commission Reg. No. 1157946

10 Parc Clwyd,
BARRY,
Vale of Glamorgan.
CF63 1DS



The Planning Officer,
Vale of Glamorgan Council,
Dock Offices,
BARRY DOCKS
CF62 6RN

Sir,

I have been instructed by the Trustees and the Management Committee of the above organisation, to object to the building of an Ash Incinerator at Barry Docks.

The Trust have the responsibility to safely operate the Docks for the use of local organisations and the people of Barry and District for all water activities including sailing, rowing and canoeing at Barry Docks

Although we have only recently become operational, we already have over 1000 affiliated members, using the dock. Our business plan anticipates that within 5 years the usage of the Dock in "Sailing hours" will exceed 12,000 hours per year.

We are very concerned that the proposed Ash Incinerator with ash storage, situated at Barry Docks could cause an environmental hazard to our clients, restricting their enjoyment of the waters and clean air sailing on the Docks and ask that you recommend complete rejection of the scheme.

Yours

Philip Walters
(OWT, VoG Secretary)

TRUSTEES

Chris Basten – Chairman Commodore Martin Westwood RN (Rtd), - Vice Chairman, Philip Walters – Secretary
Keith Williams – Treasurer, Alun Cairns MP VoG. Jane Hutt AM Heather Stevens (High Sheriff of Glamorgan)

LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 2 July 2015

Application No.: 2015/00031/OUT	Case Officer: Mr. Morgan P. Howell
Location: David Davies Road, Woodham Road, Barry	
Proposal: Outline application for a wood fired renewable energy plant	

From: Douglas Wardle for Sunrise Renewables (Applicant)

Summary of Comments:

Details submitted that believed to help the committee members determine the application. One document is a set of photographs from the application. The second is a report from a Site Visit that was commissioned last year.

Application: RE: 2015/00031/OUT
Proposal: Renewable Power Plant at Woodham Road
Location: David Davies Road, Woodham Road, Barry
Applicant: Sunrise Renewables (Barry) Limited

Site Visit Report

16th July 2014

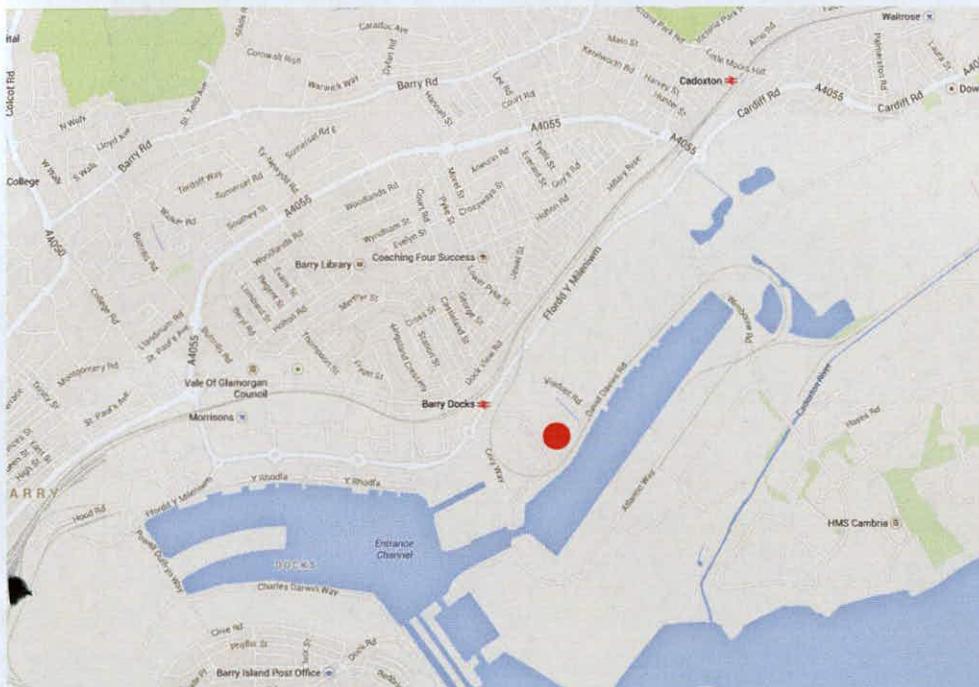
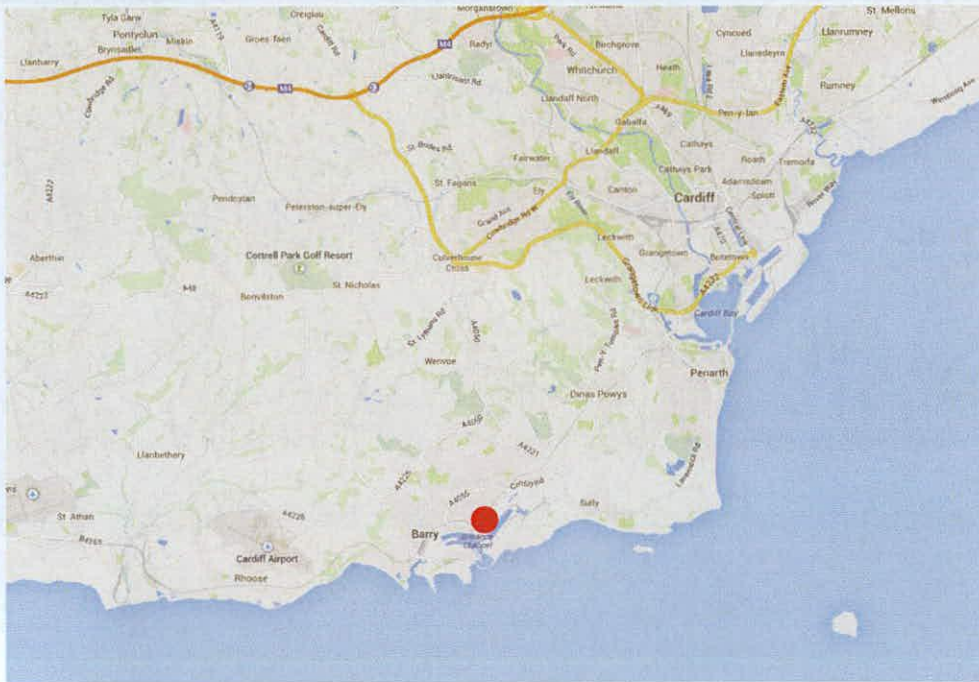
BARRY SITE VISIT – 16TH JULY 2014

In Attendance: Tony Michael (Clugston), Kevin Clarke (Imtech)

Weather: Warm, clear sunny conditions, no rain

Site Location, Access & Description:

The site is located off David Davies Road, Barry, CF63 4JE. The site is reasonably flat with peripheral bunds to prevent occupation. The bunds and site are quite overgrown with vegetation and both the bunds and vegetation will require clearance. There is also a moderate amount of fly tipped material that will also require removal prior to commencement of the development. Road access is not encumbered by height, weight or width restrictions and is via a reasonable quality two way width carriageway. The carriageway does have some fairly large speed bumps that may cause low loader access issues.







5. Central area looking west



6. North area panorama looking south



7. Woodham Rd/David Davies Rd junction looking north



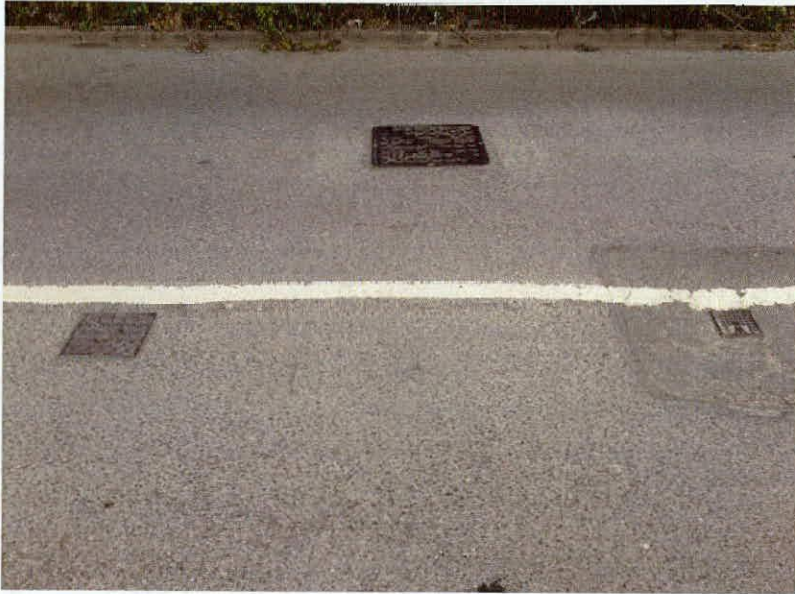
8. South boundary looking east



9. South boundary looking south



10. Services in David Davies Road



11. SE corner of site looking north



Application:	RE: 2015/00031/OUT
Proposal:	Renewable Power Plant at Woodham Road
Location:	David Davies Road, Woodham Road, Barry
Applicant:	Sunrise Renewables (Barry) Limited

Site Photographs from the Application



Source: Visual Impact Assessment



Source: Ecological Study

LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 2 July 2015

Application No.: 2015/00031/OUT	Case Officer: Mr. Morgan P. Howell
Location: David Davies Road, Woodham Road, Barry	
Proposal: Outline application for a wood fired renewable energy plant	

From: Douglas Wardle- Sunrise renewables

Summary of Comments:

Comments of Biofuel Watch and the response of the applicant.

Payne, Adrienne J

30 JUN 2015

From: [REDACTED]
Sent: 30 June 2015 10:24
To: Johnson, Fred T (Cllr); Wilkinson, Margaret R (Cllr); Birch, Janice (Cllr); Birch, Rhiannon (Cllr); Bird, Jonathon (Cllr); Drake, Pamela (Cllr); Drysdale, John (Cllr); Franks, Chris (Cllr) (Home); Hacker, Eric (Cllr); Hamilton, Howard (Cllr); Howard Hamilton (Cllr) (Home); Hartrey, Val M (Cllr); Hodges, Nic P (Cllr); nic.hodges@ntlworld.com; James, Jeffery (Cllr); Parker, Andrew (Cllr); andrew@greatbarn.com; Penrose, Bob (Cllr); [REDACTED] Powell, Anthony G (Cllr); Powell, Anthony (Cllr); apreston@valeofglamorgan.gov.uk; Probert, Rhona (Cllr); Roberts, Gwyn (Cllr); Williams, Clive (Cllr); Wilson, Mark R (Cllr)
Cc: Planning & Transportation (Customer Care)
Subject: Re: Outline application for a wood fired renewable energy plant at David Davies Road, Woodham Road, Barry, Ref 2015/00031/OUT, to be considered by the Planning Committee on 2nd July 2015
Attachments: Barry biomass gasifier letter to Councillors.docx

RECEIVED
ACTION BY: MP HIR
NO: 20
ACK:

Dear Councillor,

Re: Outline application for a wood fired renewable energy plant at David Davies Road, Woodham Road, Barry, Ref 2015/00031/OUT, to be considered by the Planning Committee on 2nd July 2015

I am writing on behalf of Biofuelwatch (www.biofuelwatch.org.uk) a UK/US organisation which has been providing research, education and advocacy in relation to large-scale industrial bioenergy since 2006. In our recent work, we have focussed strongly on biomass gasification and pyrolysis technologies, and we have just published an in-depth report on the subject: <http://www.biofuelwatch.org.uk/2015/biomass-gasification-and-pyrolysis/>.

We would like to share with you our serious concerns about the application for outline planning permission for a waste wood gasifier submitted by Sunrise Renewables (Barry) Ltd, which will be considered by the Planning Committee on 2nd July, and about the Planning Officer's report and recommendation to approve the application with conditions.

We believe that the Planning Officer's report and recommendation partly relies on claims made by the developers which we believe to be factually inaccurate. We further believe that those inaccuracies are of significant material concern to this application and that, based on accurate factual information, the application would be unlikely to comply with planning policy – especially in relation to the waste hierarchy and good design principles for energy developments. We therefore hope that the Planning Committee will not approve this planning application on 2nd July. We suggest that, under the circumstances, a deferral to clarify those material issues might be considered.

Summary of our concerns about apparent inaccuracies:

1) We agree with Sunrise Renewables that under Welsh national planning policy, based on the EU Waste Framework Directive, a plant like this can only be classed as 'energy recovery' if, under the R1 Formula, it has an energy efficiency above 0.65[1] and that energy from waste plants should achieve high efficiencies. However, as detailed below, we believe that, when calculating efficiency using the R1 formula, Sunrise Renewables input a wrong figure into the calculation and therefore obtained an incorrect result. As detailed below, we believe that an R1 calculation based on accurate figures shows that the proposed plant will have an energy efficiency of less than 0.65 and therefore should not be classed as 'energy recovery', but merely as 'waste disposal'. It should therefore be considered on the same bottom level of the waste hierarchy as landfill.

2) Sunrise Renewables claim that their new proposal is significantly more efficient than the one previously approved and that “*such increased efficiency means there will be no surplus heat generated (i.e. it is not a Combined Heat and Power (CHP) plant*”. From the Planning Officer’s report it appears that the Officer has accepted this claim. However, based on the actual feedstock and output figures and a comparison between the technology previously chosen and that proposed now, the plant appears to be less efficient, not more. It is a bizarre claim that the power plant would not generate ‘surplus heat’. Every power station generates heat – in fact, if this plant did not generate ‘surplus heat’ then there would be no need for the Air-Cooled Condensing Unit which forms part of the proposal. If this was a CHP plant then it would be significantly more efficient, but the developers have chosen not to develop a CHP plant.

3) Sunrise Renewables claim that the only material changes between this application and the one previously approved are ones related to technology, layout and elevations, and this claim has been accepted by the Planning Officer. However, we believe that additional material changes are:

- lower efficiency;
- larger quantities of waste wood being used;
- increased air emissions.

Background:

As detailed in the Planning Officer’s report, Sunrise Renewables obtained planning consent for a 9MWe waste wood pyrolysis plant on 7th July 2010, following their successful Appeal against the local authority’s refusal of that application. In his decision, the Planning Inspector decided to impose a condition to cap the total tonnage of waste wood to be used at the plant to 72,000 tonnes per year.

As the Planning Officer’s report confirms, national planning policy in relation to waste has changed since the Public Inquiry related to that Appeal was held:

The Welsh Assembly Government has since adopted the Overarching Waste Strategy Document for Wales, Towards Zero Waste and the Collections, Infrastructure and Markets Sector (CIMS) Plan, both of which incorporate provisions for the Waste Hierarchy and Proximity Principle which arise from the EU Waste Framework Directive. Furthermore, the UK Government has since adopted the Overarching National Policy Statement for Energy[2] which contains ‘good design’ principles related to efficiency and which should be considered as guidance when determining planning applications for energy developments smaller than 50 MWe.

Increased wood feedstock requirements of the proposed plant:

When approving Sunrise Renewables’ previous planning application (2008/01203/FU), the Planning Inspector limited annual feedstock use to a maximum of 72,000 tonnes[3]. This figure was taken from the Planning Statement that accompanied that application, which said:

“The plant will be capable of pyrolysing up to 72,000 tonnes of wood per annum. This equates to approximately 216 tonnes per day, which will be sourced from wood recycling operations locally under a fuel agreement.” AND “Wood fuel at up to 35% moisture content is deposited into a hopper by a wheeled loading shovel which feeds a chipper which reduces the size of the wood prior to entry into the dryer” [our highlights].

It is therefore clear that the Planning Inspector was referring to the actual tonnage of waste wood delivered to and used in the plant.

In this new application, Sunrise Renewables are proposing to gasify “up to 72,000 dry tonnes equivalent [of waste wood]”. Their Waste Planning Assessment confirms that the plant can handle up to “86,000 tonnes of wood chip per annum depending on the amount of water accompanying the fuel in the form of moisture content”. Indeed, Sunrise Renewables’ application for a nearly identical plant in Barrow speaks of 86,000 tonnes of waste wood per year, based on the same technology and the same energy output.

Waste wood always contains moisture (up to 35% according to the previous planning application, or 18-25% according to the Biomass Energy Centre[4], which is the UK Government’s information centre for the use of biomass for energy). Thus the actual

tonnage of waste wood delivered to and used by the plant will be 18-25% greater than its 'dry tonnes equivalent'. Therefore, if this new planning application was approved, it would raise the cap on annual feedstock imposed by the Planning Officer in 2010.

Efficiency of the proposed plant:

- 1) Generating 10MWe from 86,000 tonnes of waste wood (or 72,000 dry tonnes equivalent) is clearly less efficient than generating 9 MWe from 72,000 tonnes of wood with a moisture content of up to 35%.
- 2) Sunrise Renewables include their efficiency calculation using the EU Waste Framework Directive's R1 calculation in their Waste Planning Assessment. We note that this assessment was produced by the developer alone, not by any expert consultant. We believe that Sunrise Renewables have used the correct methodology for this calculation[5] – but that they have input a wrong figure and therefore obtained the wrong result. Sunrise Renewables have input the net calorific value of dry waste wood as being 16.09 kJ/kg. However, this figure is significantly lower than that cited by the Biomass Energy Centre (the UK Government's official information centre on bioenergy and lower than that used by DECC for the purpose of their Combined Heat and Power Assurance Programme (CHPQA). The Biomass Energy Centre states that the typical net calorific value of waste wood is 19 kJ/kg and DECC's CHPQA uses a figure of 18.3 kJ/kg[6].

If the same R1 calculation is carried out for the proposed plant, using the 18.3 kJ/kg figure then, depending on the precise moisture content of wood, the efficiency "R1" value would be $0.624 - 0.638$, which translates to a conversion efficiency of **20-22%**.

This is below the minimum 0.65 which should be obtained in order for such a plant to be classed as 'energy recovery'.

If the Biomass Energy Centre's even higher 19 kJ/kg net calorific value figure was used, the efficiency of the plant would be lower still.

Based on this calculation, we believe that the plant should be treated as a waste disposal, not an 'energy recovery from waste' plant.

- 3) We are baffled by the claim that the plant will not be a Combined Heat and Power plant because of its high efficiency. Firstly, the proposed plant's efficiency will be extremely low – now higher than 22% by our calculations. Secondly, even the most efficient electricity-only power plant will generate significant surplus heat. This is why all power stations require cooling systems. If there was no surplus heat then Sunrise Renewables would not be planning to build an Air Cooled Condenser. Combined Heat and Power biomass plants can reach well above 70% efficiency levels. It has been Sunrise Renewables' choice to propose a very low-efficiency plant without any heat capture and use.

Compliance with the Waste Hierarchy Principle:

The Planning Officer's recommendation relies on the understanding that the proposed plant would be an 'energy recovery' plant and that it therefore qualifies for that definition using the R1 formula set out in the EU Waste Framework Directive. As we have shown above, this assumption, based on Sunrise Renewables' claims alone, appears to be mistaken.

Even if this was an energy recovery scheme, Sunrise Renewables should have demonstrated that this particular plant will not compete with waste wood uses higher up the Waste Hierarchy – i.e. that it will not divert waste wood away from recycling (such as use in wood panel or paper production or as animal bedding). In this context, we would point out that claims about a significant 'waste wood surplus' made by the developer and contained in the Planning Officer's report are contradicted by findings contained in research published by Defra in 2012[7]. Defra's findings, based on three independent consultancy reports, suggested that the UK is a net importer of waste wood and warned that, if only 25% of the new biomass capacity planned in 2012 was built, there would be a waste wood shortfall by 2015. We believe that compliance with the Waste Hierarchy principle would therefore be highly questionable even if the proposed plant was efficient enough to qualify as 'energy recovery'.

However, since it appears to be so inefficient as to make it a mere 'waste disposal' scheme, we believe that the conflict with the waste hierarchy principle is particularly significant.

Compliance with the UK Government's Overarching Energy Policy Statement:

Section 4.5.1 of the UK Government's Overarching Energy Policy Statement (which applies to Wales) states:

"Applying "good design" to energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible."

The UK Bioenergy Strategy 2012 further highlights the importance of maximising efficiency in bioenergy applications[8]. We believe that the design of this plant, arising from Sunrise Renewables' technology choice, is incompatible with this requirement because of its very low efficiency (no more than 22%).

Air emissions:

Sunrise Renewables have claimed in response to an objection by Biofuelwatch that the current proposal would only have a higher stack than the one previously approved because it has to comply with new EU legislation on air emissions. We have been unable to find any evidence of changes to EU or UK legislation in relation to permitted emission levels from waste incineration plants (including waste wood gasifiers). However, figures contained in the first and the revised Air Quality Assessment for this new application, when compared with those contained in the original application that was approved in 2010 show a different reason. The expected air emissions are significantly higher than the emissions of the original approved plant would have been:

Year	2008	2015
Stack height	20 m	43 m
Stack diameter	0.9 m	1.23 m
NOx emissions rate	0.8132 g/s	4.5 g/s
PM10 emissions rate	0.0407 g/s	0.22 g/s
CO emissions rate	0.2033 g/s	1.1 g/s
SO2 emissions rate	0.2033 g/s	1.1 g/s
HCl emissions rate	0.0407 g/s	0.22 g/s
HF emissions rate	0.0041 g/s	0.02 g/s
Hg emissions rate	0.0002 g/s	0.011 g/s

We presume this is due both to the fact that more waste wood is to be gasified and to the fact that the gasification technology now proposed is significantly more polluting than the pyrolysis technology previously approved (the latter involved gas cleaning before combustion, the former does not).

Best regards,

Almuth Ernsting
Co-Director
Biofuelwatch

[1] <file:///C:/Users/Dell/Downloads/Barry%20Waste%20Planning%20Assessment-signed.pdf>

[2] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf

[3] [file:///C:/Users/Dell/Downloads/APL%200801203%20\(3\).pdf](file:///C:/Users/Dell/Downloads/APL%200801203%20(3).pdf)

[4]

http://www.biomassenergycentre.org.uk/pls/portal/docs/PAGE/RESOURCES/REF_LIB_RES/PUBLICATIONS/WASTEWOOD-BIOMASS.PDF

[5] <http://ec.europa.eu/environment/waste/framework/pdf/guidance.pdf>

[6] http://www.chpqa.com/guidance_notes/GUIDANCE_NOTE_29.pdf

[7] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82571/consult-wood-waste-researchreview-20120731.pdf

[8] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48337/5142-bioenergy-strategy-.pdf

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We would like to share with you our serious concerns about the application for outline planning permission for a waste wood gasifier submitted by Sunrise Renewables (Barry) Ltd which will be considered by the Planning Committee on 2nd July – and about the Planning Officer's report and recommendation to approve the application with conditions.

We believe that the Planning Officer's report and recommendation partly relies on claims made by the developers which we believe to be factually inaccurate. We further believe that those inaccuracies are of significant material concern to this application and that, based on accurate factual information, the application would be unlikely to comply with planning policy – especially in relation to the waste hierarchy and good design principles for energy developments. We therefore hope that the Planning Committee will not approve this planning application on 2nd July. We suggest that, under the circumstances, a deferral to clarify those material issues might be considered.

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2) Sunrise Renewables claim that their new proposal is significantly more efficient than the one previously approved and that "*such increased efficiency means there will be no surplus heat generated (i.e. it is not a Combined Heat and Power (CHP) plant*". From the Planning Officer's report it appears that the Officer has accepted this claim. However, based on the actual feedstock and output figures and a comparison between the technology previously chosen and that proposed now, the plant appears to be less not more efficient. It is a bizarre claim that the power plant would not generate 'surplus heat'. Every power station generates heat – in fact, if this plant did not generate 'surplus heat' then there would be no need for the Air-Cooled Condensing Unit which forms part of the proposal. If this was a CHP plant then

¹ <file:///C:/Users/Dell/Downloads/Barry%20Waste%20Planning%20Assessment-signed.pdf>

it would be significantly more efficient – but the developers have chosen not to develop a CHP plant.

3) Sunrise Renewables claim that the only material changes between this application and the one previously approved are ones related to technology, layout and elevations and this claim has been accepted by the Planning Officer. However, we believe that additional material changes are

- lower efficiency;
- larger quantities of waste wood being used;
- greater air emissions.

Background:

As detailed in the Planning Officer's report, Sunrise Renewables obtained planning consent for a 9MWe waste wood pyrolysis plant on 7th July 2010, following their successful Appeal against the local authority's refusal of that application. In his decision, the Planning Inspector decided to impose a condition to cap the total tonnage of waste wood to be used at the plant to 72,000 tonnes per year.

As the Planning Officer's report confirms, national planning policy in relation to waste has changed since the Public Inquiry related to that Appeal was held:

The Welsh Assembly Government has since adopted the Overarching Waste Strategy Document for Wales, Towards Zero Waste and the Collections, Infrastructure and Markets Sector (CIMS) Plan, both of which incorporate provisions about the Waste Hierarchy and Proximity Principle which arise from the EU Waste Framework Directive. Furthermore, the UK Government has since adopted the Overarching National Policy Statement for Energy² which contains 'good design' principles related to efficiency and which should be considered as guidance when determining planning applications for energy developments smaller than 50 MWe.

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When approving Sunrise Renewables' previous planning application (2008/01203/FU), the Planning Inspector limited annual feedstock use to a maximum of 72,000 tonnes³. This figure was taken from the Planning Statement that accompanied that application, which said:

"The plant will be capable of pyrolysing up to 72,000 tonnes of wood per annum. This equates to approximately 216 tonnes per day, which will be sourced from wood recycling operations locally under a fuel agreement." AND "Wood fuel at up to 35% moisture content is deposited into a hopper by a wheeled loading shovel which feeds a chipper which reduces the size of the wood prior to entry into the dryer" [our highlights].

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³ [file:///C:/Users/Dell/Downloads/APL%200801203%20\(3\).pdf](file:///C:/Users/Dell/Downloads/APL%200801203%20(3).pdf)

It is therefore clear that the Planning Inspector was referring to the actual tonnage of waste wood delivered to and used in the plant.

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Waste wood always contains moisture (up to 35% according to the previous planning application, or 18-25% according to the Biomass Energy Centre⁴, which is the UK Government's information centre for the use of biomass for energy). Thus the actual tonnage of waste wood delivered to and used by the plant will be 18-25% greater than its 'dry tonnes equivalent'. Therefore, if this new planning application was approved, it would raise the cap on annual feedstock imposed by the Planning Officer in 2010.

Efficiency of the proposed plant

1) Generating 10MWe from 86,000 tonnes of waste wood (or 72,000 dry tonnes equivalent) is clearly less efficient than generating 9 MWe from 72,000 tonnes of wood with a moisture content of up to 35%.

2) Sunrise Renewables include their efficiency calculation using the EU Waste Framework Directive's R1 calculation in their Waste Planning Assessment. We note that this assessment was produced by the developer alone, not by any expert consultant. We believe that Sunrise Renewables have used the correct methodology for this calculation⁵ – but that they have input a wrong figure and therefore obtained the wrong result. Sunrise Renewables have input the net calorific value of dry waste wood as being 16.09 kJ/kg. However, this figure is significantly lower than that cited by the Biomass Energy Centre (the UK Government's official information centre on bioenergy and lower than that used by DECC for the purpose of their Combined Heat and Power Assurance Programme (CHPQA). The Biomass Energy Centre states that the typical net calorific value of waste wood is 19 kJ/kg and DECC's CHPQA uses a figure of 18.3 kJ/kg⁶.

If the same R1 calculation is carried out for the proposed plant, using the 18.3 kJ/kg figure then, depending on the precise moisture content of wood, the efficiency "R1" value would be **0.624 – 0.638**, which translates to a conversion efficiency of **20-22%**.

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Based on this calculation, we believe that the plant should be treated as a waste disposal, not an 'energy recovery from waste' plant.

4

http://www.biomassenergycentre.org.uk/pls/portal/docs/PAGE/RESOURCES/REF_LIB_RES/PUBLICATIONS/WA_STEWOOD-BIOMASS.PDF

⁵ <http://ec.europa.eu/environment/waste/framework/pdf/guidance.pdf>

⁶ [http://www.chpqa.com/guidance notes/GUIDANCE NOTE 29.pdf](http://www.chpqa.com/guidance%20notes/GUIDANCE%20NOTE%2029.pdf)

3) We are baffled by the claim that the plant will not be a Combined Heat and Power plant because of its high efficiency. Firstly, the proposed plant's efficiency will be extremely low – now higher than 22% by our calculations. Secondly, even the most efficient electricity-only power plant will generate significant surplus heat. This is why all power stations require cooling systems. If there was no surplus heat then Sunrise Renewables would not be planning to build an Air Cooled Condenser. Combined Heat and Power biomass plants can reach well above 70% efficiency levels. It has been Sunrise Renewables' choice to propose a very low-efficiency plant without any heat capture and use.

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The Planning Officer's recommendation relies on the understanding that the proposed plant would be a 'energy recovery' plant and thus that it qualifies for that definition using the R1 formula set out in the EU Waste Framework Directive. As we have shown above, this assumption, based on Sunrise Renewables' claims alone, appears to be mistaken.

Even if this was an energy recovery scheme, Sunrise Renewables should have demonstrated that this particular plant will not compete with waste wood uses higher up the Waste Hierarchy – i.e. that it will not divert waste wood away from recycling (such as use in wood panel or paper production or as animal bedding). In this context, we would point out that claims about a significant 'waste wood surplus' made by the developer and contained in the Planning Officer's report are contradicted by findings contained in research published by Defra in 2012⁷. Defra's findings, based on three independent consultancy reports, suggested that the UK is a net importer of waste wood and warned that, if only 25% of the new biomass capacity planned in 2012 was built, there would be a waste wood shortfall by 2015. We believe that compliance with the Waste Hierarchy principle would therefore be highly questionable even if the proposed plant was efficient enough to qualify as 'energy recovery'.

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"Applying "good design" to energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible."

The UK Bioenergy Strategy 2012 further highlights the importance of maximising efficiency in bioenergy applications⁸. We believe that the design of this plant, arising from Sunrise Renewables' technology choice, is incompatible with this requirement because of its very low efficiency (no more than 22%).

Air emissions:

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82571/consult-wood-waste-researchreview-20120731.pdf

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48337/5142-bioenergy-strategy-.pdf

Sunrise Renewables have claimed in response to an objection by Biofuelwatch that the current proposal would only have a higher stack than the one previously approved because it has to comply with new EU legislation on air emissions. We have been unable to find any evidence of changes to EU or UK legislation in relation to permitted emission levels from waste incineration plants (including waste wood gasifiers). However, figures contained in the first and the revised Air Quality Assessment for this new application, when compared with those contained in the original application that was approved in 2010 show a different reason: The expected air emissions are significantly higher than those for the approved plant would have been:

Year	2008	2015
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HF emissions rate	0.0041 g/s	0.02 g/s
Hg emissions rate	0.0002 g/s	0.011 g/s

We presume this is due both to the fact that more waste wood is to be gasified and to the fact that the gasification technology now proposed is significantly more polluting than the pyrolysis technology previously approved (the latter involved gas cleaning before combustion, the former does not).

Best regards,

Almuth Ernsting
Co-Director
Biofuelwatch

**Sunrise Renewables (Barry) Ltd - Renewable Power Plant at David Davies Road, Barry
("Project")**

Responses to questions comments by Biofuelwatch ("BfW") dated 30 June

Biofuelwatch have issued a communication to Councillors on 30 June 2015 which grossly misrepresents key aspects of the Project.

R1 Calculation: In Biofuelwatch's calculations they use an incorrect figure for the calorific value of wood – they use the higher heating value (also known as the gross calorific value) whilst the R1 calculation correctly uses the lower heating value which is materially different. Their calculation and therefore conclusion is fundamentally flawed and as such they are misrepresenting the position to the Councillors.

Waste Hierarchy: The Department of Energy and Climate Change has specifically confirmed that 'energy recovery' from waste wood is preferable to 're-use' which elevates its position in the waste hierarchy. Sunrise has identical plants at both Hull and Barrow where identical applications to change technology were also submitted in 2014 and both those planning authorities recognised and accepted this in approving those applications. To claim conversion of waste wood by the Project is at the bottom of the waste hierarchy is therefore totally misleading.

Efficiency: It is only possible to pyrolyse dry wood and the previous application took 72,000 tonnes of dry wood and converted it into 9MW of electricity. It is now proposed to convert 72,000 tonnes of dry wood and generate 10MW of electricity. So, the new proposal will produce 1MW more electricity which is therefore a more efficient use of fuel than the previous proposal. Biofuelwatch are therefore mistaken in their comments concerning efficiency.

Emissions: power plant operators are legally required to comply with all current emissions control regulation in order to operate and the Project is therefore being designed to do so. It will not be permitted to operate by Natural Resource Wales if it cannot demonstrate such compliance. To suggest otherwise is to misrepresent the correct position.

Biofuelwatch are a self-appointed pressure group who depend on objecting to proposals such as this in order to maintain funding to pay their salaries. In the UK they are based in Edinburgh not in Wales.

**Sunrise Renewables (Barry) Ltd
1 July 2015**

LATE ITEMS FOR COMMITTEE**COMMITTEE DATE : 2 July 2015**

Application No.: 2015/00031/OUT	Case Officer: Mr. Morgan P. Howell
Location: David Davies Road, Woodham Road, Barry	
Proposal: Outline application for a wood fired renewable energy plant	

From: Objectors**Summary of Comments:**

Collection of representations from objectors

RECEIVED

Payne, Adrienne J

29 JUN 2015

From: Beverley Havard [redacted]
 Sent: 29 June 2015 09:47
 To: Planning & Transportation (Customer Care)
 Cc: Johnson, Fred T (Cllr); alun.cairns.mp@parliament.uk; keith stockdale
 Subject: Proposed Docks Incinerator -Objection and Inclusion of Supporting Evidence on Respiratory Mortality, Hospital Admissions and NHS Wales Respiratory Delivery Plan

ENVIRONMENTAL AND ECONOMIC REGENERATION

I am a local resident with a vulnerable relative suffering from COPD and asthma.

I shall be most grateful if the Council's Planning Committee can have due regard to the whole system impacts on Respiratory Disease in reaching their decision

Included -Cardiff and Vale NHS Hospital admissions per 100,000 population for Respiratory Disease, Mortality and Length of Hospital Stay. Admissions for exacerbation of Respiratory disease-Asthma, COPD, Bronchitis etc will impact on the entire health care system (Accident and Emergency, 4-hour waiting, beds availability, costs, mortality rates)

<http://gov.wales/docs/dhss/publications/140429respiratoryen.pdf>

<https://www.healthmapswales.wales.nhs.uk/IAS/dataviews/view?viewId=29>

D.E.E.R
RECEIVED
ACTION BY: MPH11R
NO: 20
ACK:

Councillors should have due regard to the NHS Wales Respiratory Delivery Plan and Respiratory Disease incidence data for Vale of Glamorgan Any exacerbation of Respiratory disease from environmental factors will impact on the entire health care system. They should also consider the message in 'Together for Health' where stakeholders should actively help to assist the delivery of this plan . **A large amount of money and resources have been taken up with preventing smoking but why consider a new pollutant which will exacerbate respiratory conditions for the population of Vale of Glamorgan? Councillors should be having due regard not just to income generation for the local area but the long term impacts and costs on the already struggling healthcare system.**

Respiratory disease is the cause in one in seven of all deaths in Wales; the third largest cause of death for both women and men in Wales. At the same time, one in seven adults in Wales reports being treated for a respiratory condition.

The prudent healthcare approach means that we all have to be jointly involved in avoiding avoidable harm. Respiratory health is a vivid example of this principle because, through a combination of collective and individual action, so much can be done to prevent harm from occurring.

*To deliver long term, sustainable improvements to respiratory care services in Wales will be a challenge for the **NHS and its partners**. It is a challenge we must and will meet.*

For our population we want:

- *People of all ages to be encouraged to value good lung health, to be aware of the dangers of smoking and, take personal responsibility for their lifestyle choices to reduce the risk of acquiring a respiratory condition and maximise the benefit of any treatment*

- • *Where problems with lung health occur, individuals can expect early and accurate diagnosis and effective treatment so the quality of their life can be optimised*

• • • • •

Our aim is for Wales to have low incidence for lung disease and improved health care outcomes. We will use the following indicators to measure success:

- • *A reduction in prevalence of smoking as per the Tobacco Control Action Plan for Wales*
- • *Incidence of Chronic Obstructive Pulmonary Disease (COPD) per 100,000 population*
- • *Unscheduled hospital admissions for both asthma and COPD per 100,000 population*
- • *Disease and age group specific mortality rates under age 75 per 100,000 population*

Your assistance is very much appreciated

Beverley



Payne, Adrienne J

From: Beverley.havard [REDACTED]
Sent: 30 June 2015 06:57
To: Planning & Transportation (Customer Care)
Subject: Fwd: Welsh Government - Correspondence Receipt Our Reference TO/MD/01965/15

Please be advised that I have written and received a receipt to the Health Minister for my concerns re Respiratory impacts on the population
I sent my concerns to yourselves yesterday for which I have not yet had a receipt
thank you
Beverley

Sent from my iPad

Begin forwarded message:

From: "Beverley.havard" [REDACTED]
Date: 30 June 2015 06:49:33 BST
To: Mark Drakeford <Correspondence.Mark.Drakeford@Wales.gsi.gov.uk>
Subject: Re: Welsh Government - Correspondence Receipt Our Reference TO/MD/01965/15

Thank you for acknowledgement of my concern and request for expert intervention from the Minister

The Planning reference for the Barry Docks proposed large incinerator processing 200 tonnes of waste and creating 10 tonnes of ash per day is : 2015/00031/OUT

I have written to the Minister due to my concern of the health impacts on my own family and the large population in the area.

In my 30 + year career in the health sector I have seen the devastation lung disease brings including my own father who had a very poor quality of life for a number of years prior to his untimely death aged 67 years

I have been a resident in Barry for almost 10 years and this is the only matter I have ever expressed concerns about

Thank you
Beverley Havard [REDACTED]

BSc,,MSc, Post Graduate Diploma Legal Practice
Fellow Royal Society Medicine

RECEIVED

30 JUN 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Sent from my iPad

On 29 Jun 2015, at 13:07, Kelly Lovell <Kelly.Lovell2@wales.gsi.gov.uk> wrote:

Dear Beverley Havard

D.E.E.R
RECEIVED
ACTION BY: MPH/IK
NO: 10
ACK:

This is a standard acknowledgement e mail which confirms that we have received your correspondence to Mark Drakeford dated 29/06/2015

Our reference for this correspondence is TO/MD/01965/15

When we reply to correspondence we aim to do so within 17 working days from the date it is received in the Welsh Government. In the case of your correspondence this means a target reply date of 22/07/2015

Please note that we scan paper correspondence and only retain the electronic copy (for the period stated in our data protection leaflet).

We only retain original hard copy correspondence for a maximum of two weeks after we reply, before it is securely destroyed. Where we are unable to scan all of an item of correspondence (e.g. due to its bulk) we may only scan the relevant parts of it and securely dispose of the other parts.

Anyone wishing to have some or all of their correspondence returned to them must inform us immediately upon receipt of this acknowledgement.

Please note that where correspondence is part of an organised campaign we may only respond to the organiser and not to you direct.

Information about the Data Protection Act, 1998 and how the Welsh Government processes correspondence to Ministers can be found here:
<http://gov.wales/docs//dfm/policy/100126dataprotectionen.pdf>

If you wish to contact us again for any reason, e-mail contact details can be found at <http://gov.wales/about/cabinet/writingtoministers/?lang=en> - or you may write to us at

Minister for. . .
Welsh Government
5th floor,
Cardiff Bay
Cardiff,
CF99 1NA.

~~CONFIDENTIAL~~

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

Payne, Adrienne J

From: Planning&Transport@valeofglamorgan.gov.uk
Sent: 29 June 2015 13:32
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00031/OUT

New comments have been received for application 2015/00031/OUT at site address: David Davies Road, Woodham Road, Barry

from Mr John Hopkins [REDACTED]

Address:
26 Jewel street, Barry.,cf633nq

Comments:

Other type details: A Yellow notice fixed onto a Telegraph pole on Dock view road..

Comment: I Entered my Objection on the 29/04/2015. The True cost's of Biomass Incinerator plants to Public health by increasing Air Pollution. Medical Health associations are opposed to the Biomass Incinerator plants that will produce hundreds of Tonnes of Nitrogen Oxide, Sulphur Dioxide & unacceptable levels of Particulate air Pollution, (Contaminated Air) that we breath, which is associated with Cardiopulmonary symptoms, Asthma & Respiratory disease ending in Hospitalization, in some cases Mortality. There will be increased L.G.V. traffic which our infrastructure isn't going to cope with, roads in the area are in need of urgent repairs. I don't profess to be an expert on Biomass incinerator plants, but i do read about the Dangers of Biomass incinerator plants via the computer. I was shocked to read about the Contaminated air caused, by these incinerator plant's. I personally must Object to The I

Case Officer:
Mr. Morgan P. Howell

RECEIVED

30 JUN 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

D.E.E.R
RECEIVED
ACTION BY: MPHIR
NO: 2
ACK:

11 CYRIL STREET,
BARRY,
CF63 3NS.

[REDACTED]
26th June 2015

Dear Sirs,

SUNRISE APPLICATION

We are unfortunately unable to attend the Committee meeting to be held on 2/7/2015 at which the above will be discussed and must say are dismayed that this proposal has once again reared its ugly head. We fought against it most vigorously 5 years ago and here we are treading the same sorry path again.

What madness to pour money into the regeneration of the docklands and Barry Island by providing homes, leisure facilities, a school (we believe) and also making good use of the 'mole' and then to set in the midst of it an incinerator with a 43metre stack belching out toxins.

Have the following risks been properly assessed?

Will the waste ash be hazardous and how and where will it be disposed of

Will this project produce solid waste

What level of noise will residents (many of whom would be in close proximity) have to endure

How energy efficient will it be

What affect will the many lorries required for this project have on the surrounding roads

Will the incinerator only be 'fed' by old wood and pellets

Do you really believe that this monstrosity will benefit the town and will it create any employment.

It has always been believed that fresh air is free but sadly it seems that it is increasingly something that has to be fought for. Hopefully, common sense will prevail and Sunrise will be told in no uncertain terms to kindly 'go away!'

Yours faithfully,

[REDACTED SIGNATURE]

ALAN & GLENYS PRIEST

Rees, Vivien

From: Goldsworthy, Marcus J
Sent: 01 July 2015 10:14
To: Rees, Vivien
Cc: Howell, Morgan P
Subject: FW: 2015/00031/OUT Sunrise Renewables (Barry) Ltd

Marcus Goldsworthy
Operational Manager Development Control
Director's Office - Development Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704661
mob / sym: 07976112326
e-mail / e-bost: MJGoldsworthy@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
Ewch i'n gwefan yn www.bromorgannwg.gov.uk

Find us on Facebook / Cewch ddod o hyd i ni ar Facebook
Follow us on Twitter / Dilynwch ni ar Twitter

*Consider the environment. Please don't print this e-mail unless you really need to.
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

From: Fred [<mailto:fred@westquayproperty.co.uk>]
Sent: 01 July 2015 10:11
To: Goldsworthy, Marcus J
Subject: FW: 2015/00031/OUT Sunrise Renewables (Barry) Ltd

Fred Johnson
Managing Director
West Quay Property Management Limited
T: 0845 308 1316
E: fred@westquayproperty.co.uk
www.westquayproperty.co.uk

From: Jane Griffiths [<mailto:Jane.Griffiths@geldards.com>]
Sent: 01 July 2015 09:07
To: ftjohnson@valeofglamorgan.gov.uk; mrwilkinson@valeofglamorgan.gov.uk; PDrake@valeofglamorgan.gov.uk; RBirch@valeofglamorgan.gov.uk; jbird@valeofglamorgan.gov.uk; JDrysdale@valeofglamorgan.gov.uk; familyfranks@btinternet.com; EHacker@valeofglamorgan.gov.uk; VMHartrey@valeofglamorgan.gov.uk; AParker@valeofglamorgan.gov.uk; BPenrose@valeofglamorgan.gov.uk; RProbert@valeofglamorgan.gov.uk; GRoberts@valeofglamorgan.gov.uk; cwilliams@valeofglamorgan.gov.uk; MRWilson@valeofglamorgan.gov.uk
Subject: 2015/00031/OUT Sunrise Renewables (Barry) Ltd

71 Dock View Road
Barry
Vale of Glamorgan
CF63 4LQ

1st July 2015

Dear Sirs

2015/00031/OUT Received on 5 February 2015
Sunrise Renewables (Barry) Ltd, Gilbert Wakefield House, Bewsey Street,
Warrington, WA2 7JQ
Sunrise Renewables (Barry) Ltd, Gilbert Wakefield House, Bewsey Street,
Warrington, WA2 7JQ
David Davies Road, Woodham Road, Barry
Outline application for a wood fired renewable energy

As a resident of Dock View Road I have read the application by Sunrise Renewables (Barry) Ltd with much concern.

The Incinerator which is being described is most unsuitable for a largely residential area. The noise, emissions, not to mention the increased traffic running directly below Dock View Road is unacceptable.

I cannot understand why a plant of this type could not be located on the old BP/Dow Corning site where another 40ft stack would not be noticed instead of putting it in the heart of a residential area. When the new houses are built in front of the Dock Offices surely the developers would have no hope of selling them with such an eyesore in view. Not to mention the fire risk if the wood chippings were to catch fire. Or is the plain fact that the safety of this plant is so poor that no one is prepared to take the risk of approving locating it so close to these plants in case of a major incident.

Based on the information I have seen it looks that insufficient work has been carried out by your Planning Officer prior to this meeting. He has not asked sufficiently searching questions about the rather dubious claims of Sunrise and very little effort seems to have been made to bring the data up to date to include changes to use of land on the waterfront and the removal of foliage from Dock View Road which will not afford residents a buffer from increase noise from the plant 24/7, in fact, the Proforma dismisses this with "no concerns over noise", which is quite false as the Inspector sent tight restrictions on night-time noise levels and new permitted housing will be significantly closer.

To me the decision has already been made that you the Planning Committee and your Planning Officers are not prepared to fight the tax payers corner due to cost incurred during Sunrise's previous application but are quite prepared to increase vote to increase our Council Tax while ruining our quality of life. You as a Planning Committee should return the application and ensure all matters are addressed prior to making a decision. For example a new *Waste Planning Statement* was submitted only on 18 June, which the officers have not sent to Consultees (NRW; WG) for consultation (no evidence in the report that their own waste officers have considered it) and this is a new application, yet the officers choose to treat it as renewing the old one with different technology. This shows prejudice, not planning grounds

I would like to register my husband (a copy of which has been sent by separate email) and myself having profound disagreement to such a plant being built in David Davies Road. As a council tax payer to the Vale of Glamorgan Council I would hope our views would be taken into consideration.

Yours sincerely

Jane Griffiths

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From: Craig Edmunds [mailto:████████████████████] **On Behalf Of** Craig Edmunds
Sent: 30 June 2015 10:38
To: Fred
Subject: Re: Sunrise renewables plant

Hi Fred,

My points allude to a number of planning points:

- Permission for new houses close by the Swing Bridge/graving Dock have been granted since the previous permit.
- We now have a Water sport centre on the dock
- Existing and future (clean) light-industry uses may well be deterred, not to mention people who want to relocate to the area.

But as well as these the one that stood out for me was the in-efficiency of the plant:

- We have other “higher value” uses for the materials that are intended to be burnt in the incinerator - recycling for paper for example
- There’s no heat capture within the plan, which seems crazy
- Independent analysis has put the efficiency of the plant at around 20%

But there are obviously many others:

- The air pollution assessment admits levels of the highly dangerous Chromium-6 are predicted over the EAL (Environmentally Acceptable Limit).
- The worst polluted waste wood (excluded by other plants) will be attracted to Barry, with the wide-open permit proposed.
- They do not guarantee compliance with WHO guidance on night-time noise disturbance to sleep
- Welsh planning guidance says to prefer other sites further from homes and businesses for incinerators
- The EIA Screening Proforma was not posted until 11 June 2015 (was due in December on receipt of the application) and included some faulty answers suggesting rushed retrospective approval.
- They wrongly claim no “hazardous waste (is) involved in the proposal”
- They have no real plan for the waste ash - their figures are wrong as they say 8% but give only 2200 tonnes (8% of 72 000 is ~6000); falsely state to be “recycled into various building products and aggregates”, as no firm in the UK handles this ash nor wants it (fine wood-ash with nails etc. is no use for aggregates).

Craig

On 30 Jun 2015, at 10:03, Fred <fred@westquayproperty.co.uk> wrote:

Dear Craig

Thanks for this, now in planning terms what are the reasons for refusal, because reading your e-mail I cannot see any reason to turn it down. Normally people give me reasons which are in terms of planning can stand up at an independent enquiry.

Regards

Cllr Fred Johnson.

Fred Johnson
Managing Director
West Quay Property Management Limited
T: 0845 308 1316
E: fred@westquayproperty.co.uk
www.westquayproperty.co.uk

-----Original Message-----

From: Craig Edmunds [mailto:[\[REDACTED\]](mailto:)] On Behalf Of Craig Edmunds
Sent: 30 June 2015 09:58
To: ftjohnson@valeofglamorgan.gov.uk
Subject: Sunrise renewables plant

Dear Frederick,

I wanted to write to you before the upcoming decision on this planning application.

I'm sure you've been inundated with the scientific reasons why it doesn't make sense, but I wanted to give you my opinion on why it doesn't make sense from the perspective of the future of Barry.

A bit about me first - I have a passion for Wales, and have a personal agenda to improve the prospects of South Wales through job creation. I run a technology team in London, and am currently working with the WAG to relocate 40 high tech, high paid jobs to Cardiff.

I think Barry, like much of South Wales, has had a troubled 25 years with respect to jobs, but with the natural resources at its disposal (beautiful beaches & coastline, promiximity to Cardiff & the Brecon beacons), leisure & tourism are it's only real chance at changing that. For so long Barry has failed to really capitalise on this, despite the number of wealthy people in and around the area, who instead spend their money in Penarth, Cowbridge, or further afield.

Over the last 18 months or so we've seen the tide start to turn - with a great restaurant (the gallery), a good coffee shop (pier 5), a few places soon to open, as well as the redevelopment of the fairground, we'll start to draw people here to spend their money, and that in turn will draw other businesses here, and that momentum is what will bring the jobs we need.

I currently spend my time between the home I share with my wife on Dock View Road, and London. My belief in Barry's potential has led me to recently purchase a second property in the redevelopment of the pumphouse; I believe the continued redevelopment of the waterfront areas and the island are key to creating a better Barry.

This is why I don't understand how we could even consider blighting the area with a project like this renewables plant - I understand that the site of the proposed development is designated for industrial uses, but given its proximity to existing housing it seems extremely short sighted to allow this type of plant to be created there. To make it worse, the area sits within a massively under-utilised space that we will inevitably want to use for housing in the not too distant future.

I can only imagine you support this position, given your own properties vicinity!

Regards
Craig

Robinson, Ian

From: Fred <fred@westquayproperty.co.uk>
Sent: 01 July 2015 13:34
To: Robinson, Ian
Subject: FW: Sunrise Incinerator to 2nd July Planning Cttee

Fred Johnson
Managing Director
West Quay Property Management Limited
T: 0845 308 1316
E: fred@westquayproperty.co.uk
www.westquayproperty.co.uk

From: Roger James [mailto:rogerjames@bt.com]
Sent: 01 July 2015 10:34
To: FTjohnson@valeofglamorgan.gov.uk
Subject: Fwd: Sunrise Incinerator to 2nd July Planning Cttee

Sent from my iPad

Begin forwarded message:

From: Roger James <rogerjames@bt.com>
Date: 1 July 2015 10:31:00 BST
To: <celmore@valeofglamorgan.gov.uk>, "PDrake@valeofglamorgan.gov.uk"
<PDrake@valeofglamorgan.gov.uk>, "ftjohnson@valeofglamorgan.gov.uk"
<ftjohnson@valeofglamorgan.gov.uk>
Subject: Sunrise Incinerator to 2nd July Planning Cttee

Councillors,

Please find below numerous salient points to stop this planning consent. Please do not subject your constituents to this abomination and threaten our health.

Please, please, act to stop this going forward.

Roger James,
30 Lycianda House,
Glanfa Dafydd
CF63 4BG
rogerjames@bt.com

There are many planning objections if Councillors want to turn it down, but the officers' report misrepresents or disregards them.

It's being rushed to Committee, with late documents submitted by Sunrise, time is needed for their consideration and consultation

A new *Waste Planning Statement* was submitted by Sunrise only on 18 June

Hazardous waste ash is produced – Sunrise's application denies any hazardous material – false; the officers now know they admit to 1440 tonnes pa. hazardous flyash, but refuse to say the application needs correction.

Waste ash (in the new *Waste Planning Statement*)- their figures are wrong as they say 8% but give only 2200 tonnes (8% of 72 000 is ~6000); falsely state it's to be "recycled into various building products and aggregates". no company takes fine wood-ash with nails etc. which is no use for aggregates).

The officers posted up a *EIA Screening Proforma* only on 11 June 2015 (was due in December on receipt of the application) including some faulty answers suggesting rushed retrospective approval.

1. It contains the Question: "Will the Project produce solid wastes": dismissed wrongly as "Mostly energy recovery" (!)

2. Plans for future land uses on or around the location which could be affected by the project – the officers' answer (*Screening Proforma*) is false "considered previously and have not been considered harmful".

..... permission for new houses close by the Swing Bridge/graving Dock has been granted since the previous permit.

..... plans for a Water sport centre etc.

..... existing and future (clean) light-industry uses may well be deterred.

3. Noise: "Will the Project cause noise...?". The *Proforma* dismisses this with "no concerns over noise", which is quite false as the Inspector sent tight restrictions on night-time noise levels and new permitted housing will be significantly closer.

The company just say they will comply with the various laws; does not guarantee compliance with WHO guidance on night-time noise disturbance to sleep, as did the previous Inspector approval.

This is a new application, NOT renewing the old one with different technology. All issues are therefore open, including considering alternative sites:

..... Welsh planning guidance says to prefer other sites further from homes and businesses for incinerators – Councillors should follow that even if the officers refuse, and decide Sunrise needs to consider other sites, as under *Env Impact Assessment* legislation.

..... Impacts at new housing given recent permission are higher because they are the closet 'receptors'. But the applicant and officers have failed to consider this.

Energy Efficiency

The *Waste Planning Statement* claims a value that would be high for an incinerator, but the figure used for heat from wood-chips is fictitious (see Biofuelwatch letter).

'Sunrise' do not plan to use the waste heat, unlike the previous time. They

..... wrongly claim there are no outlets for heat (haven't even asked housing developers, the chemical companies or the Council (offices and swimming pool)

..... wrongly claim they will use all the energy in electricity.

The officers' report repeats this same statement, contrary to science, and give no actual figure (it's only about 20-25% efficient).

Visibility

Twice as high a chimney and much higher buildings; silos and multiple buildings like the chemical industry.

Waste Wood

The officers report claims it's reclaimed wood arising (for example) from local recycling operations and otherwise landfilled. Yet it's actually waste wood products including MDF, coated wood and chipboard, and wood with paint and chemical preservatives. Public Health Wales recommended exclusion of some preservative (CCA – arsenic), but the officers ignore the whole issue.

..... Though they claim the incinerator is needed for "local" waste wood, the officers propose no condition that the wood-chips come from this region (unlike wastes to the Viridor incinerator); they even mention 50% imports.

.....The air pollution assessment admits levels of the highly dangerous Chromium-6 are predicted, that come over the EAL (Environmentally Acceptable Limit).

..... The wide-open permit proposed by the officers will attract to Barry the worst polluted waste wood (excluded by other plants).

Fire Hazard

Wood-chip fires are not uncommon; incinerator fires too. The officers' report fails to consider the hazard from accidental fires to close-by workplaces and nearby housing.

SITE VISIT

Councillors should require a site visit, and see for themselves how close this is to the Woodham Road workshops, existing housing and potential housing sites. This

should include viewing the site from Dock View Rd, to imagine how the view would be changed from the low Nissan huts to an industrial complex of buildings with very tall stack.

LATE ITEMS FOR COMMITTEE

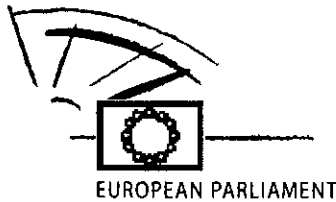
COMMITTEE DATE : 2 July 2015

Application No.: 2015/00031/OUT	Case Officer: Mr. Morgan P. Howell
Location: David Davies Road, Woodham Road, Barry	
Proposal: Outline application for a wood fired renewable energy plant	

From: Dr Kay Swinburne- MEP for Wales

Summary of Comments:

Representations against the planning application



Member of the European Parliament

15th June 2015

Dear Sir,

Proposed Wood Gasification Facility: 2015/00031/OUT

I write to highlight concerns that have been raised with me by constituents regarding the outline planning permission to change the existing planning consent for a waste wood pyrolysis plant on David Davies Road, Woodham Road, Barry.

It has been suggested that there are contradictions in the planning documents that need clarification in order for the proposals to be properly considered to ensure that a full response can be submitted.

I understand that there are discrepancies between the stated efficiency of the current proposals and the previously consented pyrolysis plant and that the proposed development would require an increase in the amount of waste wood to be sourced for the plant. In addition, the Air Quality Assessment suggests that the technology would not reduce emissions of air pollutants as stated in the plans.

I believe that it is important that the developer clearly sets out the needs of the new plant and clarifies the efficiency data before the proposals can be fully considered. The current application does not include sufficient information for a fully informed decision to be made at this stage.

I would respectfully request that you consider asking for further details on these points before the permission is changed and that residents' concerns are given full consideration, especially regarding a likely increase in traffic congestion and air pollution.

Yours faithfully,

Dr Kay Swinburne
MEP for Wales

European Parliament
Bât. Willy Brandt
04N083
60, rue Wiertz
B-1047 Bruxelles
Belgium
Tel: +32 (0)228 37687
Fax: +32 (0)228 49687

European Parliament
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LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 2 July 2015

Application No.: 2015/00031/OUT	Case Officer: Mr. Morgan P. Howell
Location: David Davies Road, Woodham Road, Barry	
Proposal: Outline application for a wood fired renewable energy plant	

From:

Summary of Comments:

2 objection letters from members of the public

To Dock View Road

BARRY

Councillor F.T. Johnson-

WOOD BURNING PLANT WOODHAM RD

Dear Mr Johnson

I am writing to you, to object about the above proposal of a wood burning plant David Davis Road Woodham Road Barry Docks. If the proposal is the same as before, to scatter top ash from the burner on the ground, but, have to seal the bottom ash in containers to be buried in landfill sites, to me, it seems to defeat the whole object of it, as the number of jobs it will create and the electricity it produces will be small. There are also small business units in close proximity to the proposed plant which will be affected.

I would like you to give careful consideration to the proposal as it will affect the lives of

residents on Dock View Road the surrounding streets and the Waterfront. As the size of the plant is bigger and the chimney stack higher in time due to the stray winds which occur quite regularly on the dock area the toxic emissions from the plant will pose a health risk to all the residents of Bang. I feel also it will be detrimental to the development of the Waterfront as they propose to build a school, park area and waterside cafes, boating lessons on the dock, but, all this will be contaminated in time by this plant. When this plant is built the noise and dust it will generate will deter people from buying property on the Waterfront.



Loft 3
Seamen's Mission
57 Dock View Road
Barry
CF63 4LQ

28 June 2015

Mr F T Johnson
Planning Committee
The Vale of Glamorgan Council
Civic Offices
Holton Road
Barry CF63 4RU

Dear Mr Johnson

Ref: Application No. 2015/00031/OUT

I am writing to express my continuing concerns about the Sunrise application to build an incinerator in Barry Docks and to ask for your support in stopping this mis-judged development.

Councillors could turn down this scheme on any number of points, but our local Planning Officers, when presented with these arguments by local residents, appear to misrepresent or ignore them. This is a new application, yet the Officers are treating it as a renewal of the existing one, but with different technology. Why are they refusing to act in the best interests of local residents and businesses, instead of seeking ways rubber-stamp this proposal?

Despite the fact that significant changes have been made in the design, including doubling the height of the chimney and the admission that 1,440 tonnes per annum of hazardous waste ash will be produced just 300m from residential areas, Officers refuse to say that the application needs correction. Far from 'mostly energy recovery' the development will produce toxic solid waste in huge volumes.

Welsh planning guidance is for incinerators to be sited away from homes and businesses. This makes sense when you consider the impact on local residents and businesses and the long term development of the Barry Docks area. Surely local Councillors should follow this guidance and refuse the current application and direct Sunrise to consider other sites, following Environmental Impact Assessment legislation?

For example, since the original application was made new housing has been approved close to the Swing Bridge. What impact will the incinerator have on these plans and the area's ability to attract and sustain clean light industry in the future?

In addition the scheme's environmental credentials are very shaky.

Issues ranging from the sustainability of the technology and energy efficiency of the incinerator, to the production of waste material and the impact on surrounding residents, businesses and development plans are all ignored by the Planning Officers' extremely late Screening Assessment (completed on 11 June!).

The Screening Assessment also ignores the Public Enquiry evidence (accepted previously by the Inspector) on excessive night time noise and the production of hazardous ash. This hurried Assessment has faulty answers and appears to have been put together only to ensure the scheme's approval.

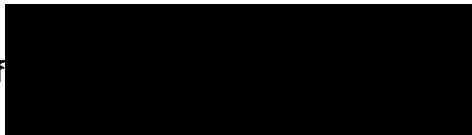
It is wrongly claimed that all energy produced will be used to generate electricity. However, no plans have been put forward for the use of the waste heat produced by the burning process which is a major omission. It is also claimed that this waste ash will be recycled into building products, however this is false as the developer can name no UK firm that handles this ash or wants it.

It seems very short sighted for the Vale of Glamorgan Council to simply roll over for a company such as Sunrise. It will create very few jobs with a proposal that could kill off investment and future regeneration in an area with great potential.

I am aware that costs were awarded to Sunrise at the Appeal and sincerely hope this is not clouding the current decision-making process. I also feel that the Officers appear to be acting in a laissez-faire manner and that they are not focused on the best interests of an overwhelming proportion of the people of Barry. These misjudged proposals should therefore be scrutinised at the highest possible level.

In light of the above I would ask for your support in halting this irresponsible proposal. As a first step, can I suggest that Councillors require a site visit to see how close the proposed site is to the Woodham Road workshops, existing residential areas and potential sites for future housing?

Yours faithfully



Mr A J Aviles

Howell, Morgan P

From: Douglas Wardle [REDACTED]
[REDACTED] July 2015 16:38
To: Goldsworthy, Marcus J
Cc: Howell, Morgan P
Subject: RE: 2015/00031/OUT - David Davies Road, Woodham Road,

Dear Marcus

Just following up my conversation with your colleague, we understand that Councillor Chris Elmore (who represents the relevant Ward) has formally requested a Site Visit for the above application, scheduled to be heard tomorrow.

Recognising that it is highly likely this request will be followed, particularly given that visual amenity is a key part of the application and that this is a relatively new Planning Committee, I have decided not to make the journey to Barry tomorrow but to be available for the meeting at the end of the month.

In so far as it is relevant, we would therefore like to support the Councillor's request for a Site Visit to proceed and perhaps this view could be voiced when this comes to be considered. In the unlikely event that a site visit is turned down, perhaps you could apologise for our not being present and explain the reason.

Kind regards

Douglas

Douglas Wardle

[REDACTED]
[REDACTED]
[REDACTED]



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Howell, Morgan P

From: Jones, Gwyn (Cardiff) <Gwyn.Jones@cyfoethnaturiolcymru.gov.uk>
Sent: 02 July 2015 10:34
To: Howell, Morgan P
Cc: Willey, David; Barratt, Melinda
Subject: FW: NRW comments on queries dated 8th April 2015 re Sunrise Renewables Planning Application

Morning Morgan,

I am unable to view the R1 assessment on page 13 due to "document error" .

Please ALSO CONSIDER the information set out below and the response my team leader sent to in reply to external (13) questions which sets out NRW's position. The responses given may address any queries that your planning committee have.

Happy to discuss.

Regards Gwyn direct line 03000 65 3077

As discussed the R1 assessment can be considered to be a 3 step assessment.

Firstly, NRW would INITIALLY assess the data that the operator submits in support of their R1 claim during the build or commissioning phase of the project and provide a preliminary decision on the claim.

The data that the operator submits at this stage would be based on manufacturers specification of the plant/infrastructure that is selected and built.

The Second step would usually occur 6 months after start up of the plant. When the operator would resubmit the data but this time USING ACTUAL DATA that had been collected by in-house testing or obtained by an Emissions Consultancy or similar. Upon submission NRW would again review the R1 equation to confirm or reject that it meets the 0.65 threshold.

The third step is the annual re-assessment of the R1 submission based on real data, in order for the operator to maintain its RECOVERY STATUS.

I agree if the data gives an R1 figure above 0.65 then it is considered to be a RECOVERY site whilst a figure below 0.65 indicates that the plant is considered to be a DISPOSAL site

From: Richards, Gareth (Rivers House)
Sent: 20 April 2015 16:41

Subject: NRW comments on queries dated 8th April 2015 re Sunrise Renewables Planning Application

Dear Mr XXXXXXXXXXXX,

Please see our comments below in respect of the queries you raised in your Email dated 8th April 2015. Please note that NRW has not received an EPR application for the above installation at present.

1. As the plant would burn over 100 tonnes waste wood per day, is this a Schedule 1 development under the EIA Regulations?

A plant of this capacity would appear to fall under a Schedule 1 development Category 10, however this is a decision that would be made by the Local Authority.

2. Is there any evidence that the efficiency would be high enough for an 'energy recovery' plant, rather than a waste disposal plant under the EU law on waste incineration?

NRW would consider these aspects upon receipt of an application for an environmental permit. New requirements arising from implementation of the Energy Efficiency Directive will drive the adoption of economic energy recovery measures for new developments such as this.

3. Is the claimed output of 10MW from 72 000 tonnes waste wood pa a reasonable figure?

This will depend upon the calorific value of the waste wood and NRW would assess this aspect during determination of an application for an environmental permit as explained above.

4. Is it acceptable for the company to waste the heat output and not consider its beneficial use, or should they consider alternative siting near suitable heat user(s)?

Location is an aspect covered by the planning regime. See also the answer to question 2 above.

5. What types of waste wood should be excluded, in addition to CCA-treated and creosote-treated wood mentioned by the Public Health Wales response?

If the plant is to be built and operated to be compliant with the requirements of Chapter IV of the Industrial Emissions Directive then potentially all waste wood types could be permitted provided that the specific requirements of Chapter IV for the particular waste type are achieved. Exclusion of unsuitable wastes would be implemented through any environmental permit issued. NRW would consider these aspects upon receipt of an application for an environmental permit.

6. Are there chip suppliers in the UK who say they will exclude CCA etc. chipped wood and how reliable are they? (we've heard of Plevins who promised but didn't sort out excluded wood)

Waste acceptance procedures and testing would be implemented through any environmental permit issued. NRW would consider these aspects upon receipt of an application for an environmental permit.

7. Does the high fraction of plastic in some wood composites exclude them as 'biomass' sources of 'renewable energy'; if so, how is this issue controlled?

Only the biomass fraction of a mixed waste stream would be considered to be renewable.

8. On the air pollution assessment, taking background levels from Cwm Parc, elevated position 2.4km away, well outside the town centre, appears unsatisfactory. Would you advise or require more appropriate background data?

NRW would consider these aspects upon receipt of an application for an environmental permit. In general the background air quality concentrations should be representative of the locality where data are available, or use of alternative locations justified.

9. Emissions to air from dock-based activities have been ignored in the background level. Is there any evidence that such emissions, particularly from moored and moving ships, are negligible?

Any information on these aspects is likely to be available from the Local Authority. NRW would consider these aspects upon receipt of an application for an environmental permit.

10. Do you consider that the applicant should give data on the Outotec 'gasifier fluidised bed' technology and operational record, being new to the UK.

Technology selection would be considered upon receipt of an application for an environmental permit. A permit would only be granted if the technology is able to meet all best available techniques (BAT) requirements and associated emissions levels, unless a detailed cost benefit analysis were to show that a derogation from meeting BAT requirements was justified and no significant pollution would be caused.

11. Are you aware of the 2012 review by Mott MacDonald that questions whether the Outotec system could be termed 'gasification' in the EU definition of the technology, and what is the EA/NRW view on this point.

The environmental permitting regime does not seek to specify particular technology options. See also the answer to question 10.

12. Does the ash from waste wood combustion potentially qualify as hazardous waste and is the low (5%) estimate of 3700 tonnes pa. reasonable. Should the applicant provide evidence on toxicity and quantity, on using tests for its hazardous nature, and on disposal routes?

NRW would consider these aspects upon receipt of an application for an environmental permit. Appropriate waste assessment and recovery and disposal options would be expected to be included in any application made.

13. On "due diligence" checks, does the NRW have any guidance for checking such a company, which lacks operational history or expertise?

NRW would consider these aspects upon receipt of an application for an environmental permit. Evidence of appropriate policies, management systems, resources and competencies would be expected to be included in any application made.

Regards,

Gareth Richards

Dr Gareth Richards

Arweinydd Gweithredol y Tim Atal a Rheoli Llyredd (ARhLi) Acting PPC Team Leader Cyfoeth Naturiol Cymru /
Natural Resources Wales

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www.naturalresourceswales.gov.uk<<http://www.naturalresourceswales.gov.uk/>>

Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

Howell, Morgan P

From: Howell, Morgan P
Sent: 01 July 2015 17:25
To: 'Barratt, Melinda'
Cc: Goldsworthy, Marcus J
Subject: RE: David Davies Road - 2015//00031/OUT
Attachments: Barry Waste Planning Assessment-signed.pdf

Hi Lindy,

The response from Gwyn is not necessarily what I was looking for. I understand that the proposal is proposed as an recovery operation and this is calculated using the R1 formula set out in TAN21. Information was submitted to the Council by the applicant determining that they considered it a R1 recovery operation but I needed NRW to confirm that to be correct as persons are suggesting the figures are incorrect. Please find attached the waste planning assessment submitted by the applicant, the R1 calculation is on Page 13 of the document.

If you could confirm your reply by tomorrow this would be really helpful to have at the Planning committee meeting. I understand that is very short notice but it would really help to alleviate concerns being raised regarding the application.

Kind regards

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704743
e-mail / e-bost: MPHowell@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
Ewch i'n gwefan yn www.bromorgannwg.gov.uk

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Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

From: Barratt, Melinda [<mailto:Melinda.Barratt@cyfoethnaturiolcymru.gov.uk>]
Sent: 01 July 2015 13:35
To: Howell, Morgan P
Subject: David Davies Road - 2015//00031/OUT

Hi Morgan,

Please see below advice forwarded to me from Gwyn Jones.

Also please see attached our previous correspondence from Friend of the Earth.

Any queries give me a ring.

Kind regards,

Lindy

Melinda (Lindy) Barratt

Ymgynghorydd Cynllunio Datblygu(2) / Development Planning Advisor (2)

Cyfoeth Naturiol Cymru / Natural Resources Wales

Ffôn/Tel: (0300) 0653091

Gwefan / Website: www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

From: Jones, Gwyn (Cardiff)

Sent: 01 July 2015 12:32

To: Barratt, Melinda

Cc: Willey, David

Subject: FW: R1

Hi Lindy,

Morgan (VoG CC) may find the comments put forward by my colleague (Dave Willey) helpful.

Dave Willey is half day AL this afternoon.

Happy to discuss.

Thanks

Gwyn

From: Willey, David

Sent: 01 July 2015 12:14

To: Jones, Gwyn (Cardiff)

Subject: R1

Sorry for the rushed e-mail – essentially R1 only applies to incinerators burning municipal waste. As you know municipal waste are defined by relevant EWC codes.

Qualify as an R1 recovery operation

An incinerator that can generate energy with high efficiency can qualify as a recovery operation.

Performance is measured using the R1 Energy Efficiency formula in Annex II of the Waste Framework Directive 2008/98/EC (WfD₁).

The incinerator must be:

- regulated by the Environment Agency / NRW
- dedicated to municipal waste (MWI) or automotive shredder residues (ASR)

This approach applies only to incineration plant as defined by the Environmental Permitting (England and Wales) Regulations 2010 (EPR). In the future other types of incinerator may be included - the Environment Agency will consider proposals from industry.

Why apply

If you want your incinerator to be classed as an energy recovery plant under the Waste Hierarchy (Waste (England and Wales) Regulations) you must justify to us that it is an R1 recovery operation. Otherwise, by default, it is a disposal activity (D10 in Annex 1 of the WfD) and at the bottom of the waste hierarchy.

ASR incinerated in plant with R1 status qualifies as recovered for the purposes of the End of Life Vehicles Directive.

Waste incinerators dedicated to the incineration of municipal waste are waste incinerators which have the permit and are technically designed in a way so that they are capable to incinerate mixed municipal solid waste.

The R1 formula does not apply to co-incineration plants and facilities dedicated to the incineration of hazardous waste, hospital waste, sewage sludge or industrial waste.

David Willey
Industry and Regulation Team - Usk and Wye
Cyfoeth Naturiol Cymru / Natural Resources Wales Internal: 3372
Ffôn/Tel: 03000 653372
Mobile 07867 140033

E-bost/E-mail:

david.willey@cyfoethnaturiolcymru.gov.uk / david.willey@naturalresourceswales.gov.uk

Gwefan / Website:

www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

DRAFT PLANNING COMMITTEE REPORT**Planning Application No.: 2015/00031/OUT**

Committee Date:	Officer: MPH
ENTERED HOUSING NUMBERS IN DEF? Only enter if the final number is agreed i.e. full or reserved matters	Forward planning tab
ENTERED GREENFIELD/BROWNFIELD SPLIT? Note any previously developed land must be recorded	Forward planning tab
ENTERED MW IF RENEWABLE ENERGY? Must be above 1 MW	Ecology tab
ENTERED 106 VALUE?	Rec and dec tab
TICKED TAN 15 FLOODING? Only tick if site is within C1 or C2 area and complies with the tests in TAN15	Constraints tab
RECORDED ANY OPEN SPACE GAINED/LOST Only record in relation to full or reserved matters	Forward planning tab
Appendices to be Included (please list e.g. A/B):	
Approved by / Signed:	Date:
Officer:	
Team Leader / S106 Officer / Appeals Officer (Refusals):	
O.M./Director	

2015/00031/OUT Received on 5 February 2015<http://vogonline.planning-register.co.uk/plarecord.aspx?AppNo=2015/00031/OUT>Sunrise Renewables (Barry) Ltd, Gilbert Wakefield House,, Bewsey Street,,
Warrington, WA2 7JQSunrise Renewables (Barry) Ltd, Gilbert Wakefield House,, Bewsey Street,,
Warrington, WA2 7JQ**David Davies Road, Woodham Road, Barry**

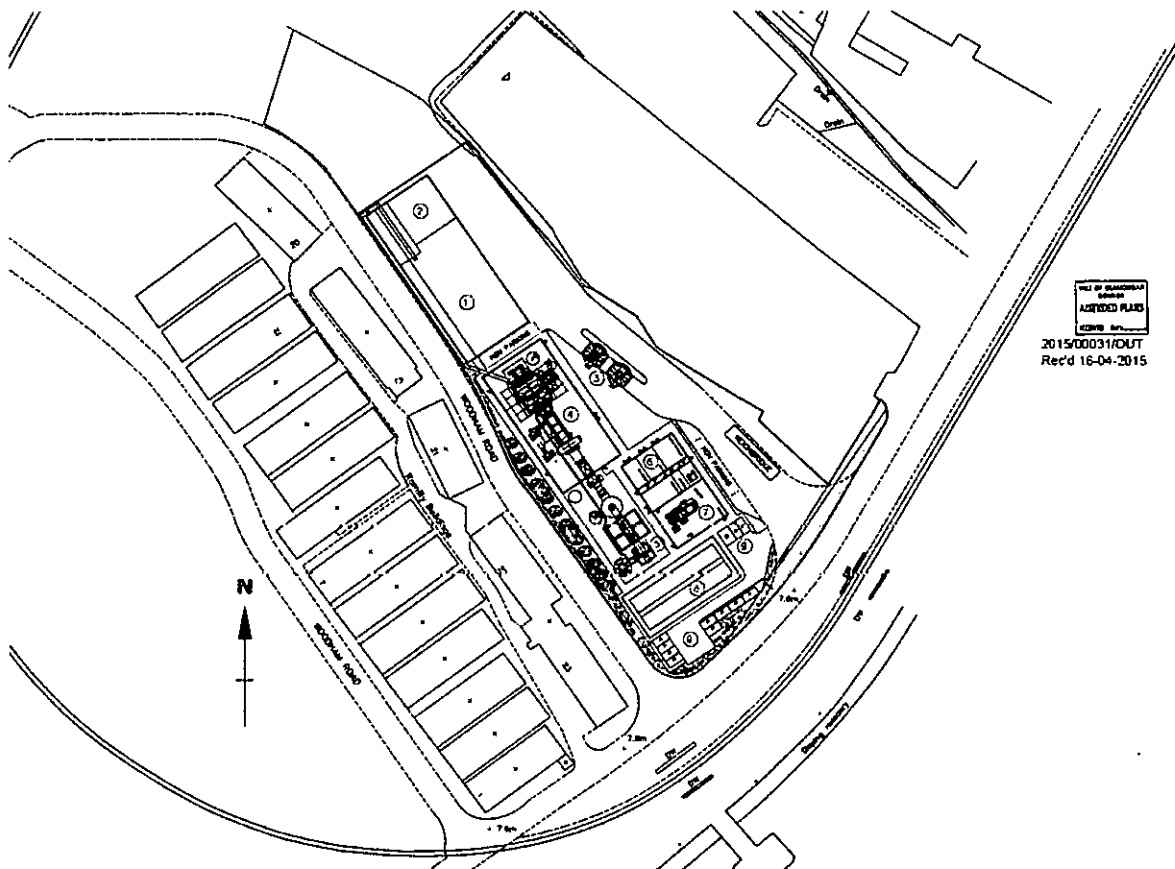
Outline application for a wood fired renewable energy plant

SITE AND CONTEXT

The appeal site forms part of the wider developed coastal area of Barry Docks, being located to the immediate north-east of the existing industrial units occupying the old Nissen huts on Woodham Road, and to the north of Dock No.

Access to the site is via Woodham Road, off the Ffordd-y-Milleniwm roundabout adjacent to the Council's Dock Offices. The site is currently vacant, having been occupied until recently by a container storage and refurbishment operation.

The nearest residential development is located on Dock View Road to the north and northeast of the site. The properties on Dock View Road closest to the appeal site are some 250 metres to the northeast. The first phase of the Barry Waterfront development is to the west of the site with the nearest dwellings being some 400 metres from the site.



DESCRIPTION OF DEVELOPMENT

This is a full planning application made by Sunrise Renewables Limited for a Wood Fuelled Renewable Energy Plant / Biomass Plant of up to 72,000 tonnes of waste wood.

Having full regard to the previous proposals on the site
 1. The application was reconsidered as a new application and an updated ~~EIA~~ *Screening of the proposals* was assessed on the basis of the changes to be made to the application. As such, the Council ~~will~~ consider the application to be a Schedule 2 development as described under Part 11 (b) of the EIA regulations. On the basis of its location and the changes proposed, it was not considered to have a significant environmental effect and no EIA was required. The application has been accompanied by a appropriate level of information, with the following key elements taken from the submitted supporting statement. This includes the following documents *as the previously considered proposals*

- Design & Access Planning Statement
- Transport Statement

- Noise Statement and updated Noise Survey
- Stack height assessment
- Air Quality Assessment
- Updated Air Quality Assessment
- Ecology Appraisal
- Groundsure Environmental Data Report
- Groundsure Geology & Ground Stability Report
- Flood risk assessment
- Waste Planning Assessment (as required by TAN21)

The Building/ Equipment

The previous consent granted permission for a single building with a footprint of approx. 2700sqm. At a height of 14m. Under the new proposals the applicant ~~sets~~ ^{proposes} ~~out~~ that the proposed buildings footprint will be reduced to 2,497sqm, however, this will be separated into separate structures, most notably two large buildings and an increased stack structure. The application outlines that the details of the structure proposed are as follows: -

Wood storage and feed building: The wood storage and feed building (52.4 x 21.6 x 13.7m High) remains similar in height to the previously approved 14m high building

Turbine, Welfare and Ancillary buildings: This building 29.1 x 17.9 x 11m high) This building incorporates the switchgear, the main control room and turbine room (removing the formerly proposed piston engines)

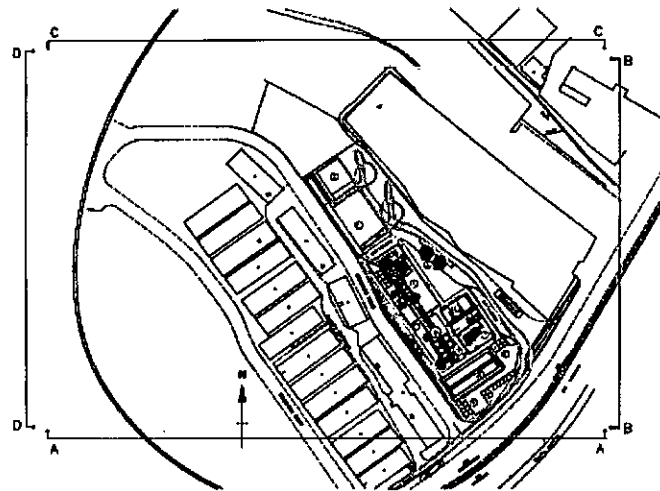
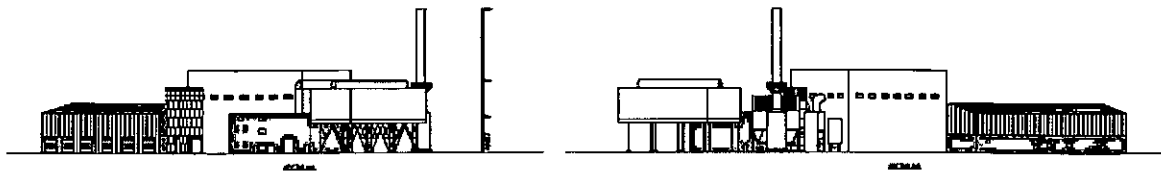
Main process building: This is the largest building and will comprise of the gasification equipment (41.4m x 20.4m x 23m high). This will significantly improve containment of the process as a whole.

ACC Unit: An external air cooled condenser (32m x 14.5m and 20m High) mounted on steel stilts adjacent to the turbine, welfare and ancillaries building

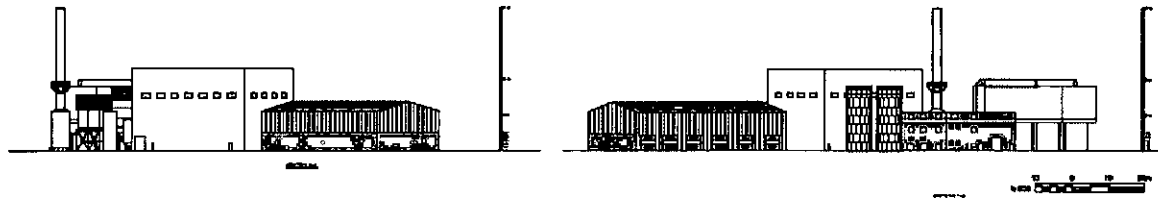
External Equipment: Ash silos- two cylinder shaped structures (18.4m high x 6.7m diameter). Flue gas treatment, exhausting to the chimney stack will also be external

Chimney Stack: 40m high stack; located to the south of the site and is this height to meet emissions. The diameter will also increase from the previous consent from 1m to 2.75m

Parking provision will be 12 cars (including 1 disabled) and 4 cycle bays for employees and visitors



ALL OF THE INFORMATION
 CONTAINED
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 DATE 03-04-2015 BY 60322 UCBAW/STP



The Process / Proposal

The design of the previous plant was undertaken by Prestige Thermal equipment (which produced a 9 MW average net output) but this is replaced in this proposal by the globally established manufacturer Outotec. The Outotec technology is more efficient and will result in an average of 10MW rather than the approved 9MW for the same fuel amount (i.e 72,000 tonnes). This equates to approximately 216 tonnes per day. The wood fuel accepted will be manufactured from clean wood, pallets, construction timber and other woods which have been removed from the construction and demolition waste stream locally. In short, the plant will process dry, non-hazardous batches of timber and wood.

The plant will be capable of producing syngas through a fluidized bed process while the previous produced syngas through pyrolysing. Both technologies are gasification. The general process is as follows

- Wood-waste feedstock is chipped off-site and delivered to the plant prior to being gasified. At the time of delivery, feedstock has a variable moisture content, the water having a function as a reformation agent in the gasification process.
- The wood fuel is fed into the gasifier system where it is converted into a raw natural gas ('syngas') which is reformed and used as the primary fuel in the gasification boiler to generate steam to power the steam turbine. The Outotec gasifier will process up to 72,000 dry tonnes of wood waste per year to produce an average net output of up to 10 MW (compared to 9 MW

with the Prestige system) and is more flexible with respect to moisture content.

- The steam turbine uses the steam to produce electricity and the plant transfers electricity to the grid via an alternator, transformer and on-site substation. The turbine is enclosed in an acoustically attenuated extension to the electricity switchroom, to reduce noise to a minimum. The process is regulated from a computerised control room. The buildings will be lit internally using electricity generated from the process.
- The Outotec equipment utilises a single turbine-alternator which replaces the previously proposed system of multiple reciprocating piston engines.
- Burning of the refined syngas in the gasifier to produce energy combined with various plant and equipment used to reduce emissions results in cleaned exhaust emissions from the facility.

The change in technology remains one based on gasification. In addition, as the plant is proposed to be more efficient, i.e 9MW rather than 10MW, the efficiency levels means there is no surplus heat generated. As such, the new proposal will not be a combined heat and Power Plan (CHP) Plant.

The plant would have a design life of approximately 25 years and will be operated during the following hours for the receipt of fuel and all other external operations:

- Monday to Friday 07:00 - 19:00
- Saturday 07:00 - 19:00
- Sunday /Bank/Public holidays 08:00 - 16:00

However, the applicant has outlined an intention to only operate deliveries over a 5 day period, excluding the weekends. Otherwise the plant will operate as a 24 hour process within the building:

itself and generate electricity

The Biomass plant will operate and provide electricity to the grid 24 hours per day, with allowances for maintenance and breakdowns. The entrance gates will be closed upon the cessation of daily operations to ensure that there is no unauthorised access.

The applicants statements outline that the benefits from the Project remain essentially the same as for the 2010 Permission, namely:

12.1.1 Renewable electricity: Utilising established biomass energy technology in order to contribute to national targets for renewable energy provision. The facility will supply electricity via the electricity grid which is equivalent to the annual energy usage of approximately 23,600 households (increased from the previous level of 22,000) based on an average UK household consumption of 3,300kWh.

12.1.2 Climate change: Contributing to creating "A resilient and sustainable economy for Wales that is able to develop whilst reducing its use of natural resources and reducing its contribution to climate change." (Planning Policy Wales Edition 7, Para 4.1.5).

12.1.3 Reduced landfilling: Reducing the need to dispose of wood to landfill, thereby conserving finite landfill capacity and facilitating a more sustainable end use for waste wood as a renewable energy resource in accordance with the waste hierarchy (Planning Policy Statement 10). There remains an over-supply of waste wood in the UK and consequently, large volumes of wood continue to be directed to landfill or other less sustainable uses.

12.1.4 Assisting wood recycling: Providing an additional outlet for recycled wood to enhance the commercial viability of wood recycling, both locally and nationally.

12.1.5 Traffic: Achieving a reduction in the number of vehicle movements carrying waste wood to local and national landfill sites.

12.1.6 Economy/employment: Utilising a vacant industrial plot in order to provide skilled employment opportunities and investment in local goods and services. Up to 12 full-time equivalent jobs based at the site plus 2 office staff will be provided. "

PLANNING HISTORY

2010/00240/FUL : Land off Woodham Road, Barry - Erection of new industrial building and installation of 9MW wood fuelled renewable energy plant - Withdrawn 20/04/2010 (case officer - SJB)

2008/01203/FUL : Land at Woodham Road, Barry - Erection of new industrial building and installation of 9MW fuelled renewable energy plant - Refused 31/07/2009 (case officer - SJB)

2008/00828/SC1 : Land at Woodham Road, Barry Docks - Proposed industrial building and installation of 9MW Biomass Gasification Plant to generate electricity from reclaimed timber - Environmental Impact Assessment (Screening) - Not Required 14/08/2008 (case officer - SJB)

1987/00821/FUL : Woodham Way, Barry Docks - Construction of plant store - A -17/11/1987 (case officer - DCD)

1985/00574/FUL : Woodham Road, North Side, No. 2 Dock, Barry - The land will be enclosed by a security fence and used for the storage of car trailers, such as touring caravans, boats etc. - A -23/07/1985 (case officer - DCD)

1984/00348/FUL : Woodham Road, No. 2 Dock, Barry Docks, Barry - Proposed fenced off compound for the purpose of storage and distribution of solid fuel - A -17/05/1984 (case officer - DCD)

1984/00214/FUL : Woodham Road, No. 2 Dock, Barry - Erection of a security fence around the plot of land which will be used for the storage of caravans - A - 01/05/1984 (case officer - DCD)

Other Relevant History

2014/00610/FUL : Dow Corning Ltd, Cardiff Road, Barry - Planning Application to develop a Biomass Energy Facility (BEF) including associated works. The BEF facility will be capable of generating 24.2MW of thermal energy (steam) via the gasification of up to 60,000 tonnes per annum (tpa) of recycled wood chip fuel on land within the Dow Corning Barry site. - Withdrawn 18/07/2014

2009/00021/FUL : Land accessed off of Atlantic Way within Barry Docks, Barry - Change of use from B2 - General Industrial Use to Sui Generis - Waste Use which would include operational development in the form of the construction of a gasification waste to energy plant for non-hazardous waste - Approved 23/12/2009

CONSULTATIONS

Barry Town Council was consulted on 16th February 2015. Strong objection to the proposals on the basis that the increased height of the stack, proximity to the residential properties and transport impacts congested the existing roads to the site.

Environmental Health (Pollution) was consulted on 16th February 2015. Environmental health has no objection to the proposed development but made the following comments: -

Air Quality

Based on the modelled data provided, there appears to be no evidence of the Renewable Energy Plant (REP) breaching the relevant ambient air quality objectives (Nitrogen Dioxide, Sulphur Dioxide, PM₁₀, Carbon Monoxide). Specific stack emissions have also been modelled and indicate that they would comply with imposed permit conditions as set by Natural Resources Wales.

However, reference has not been made to other approved sites (that may not yet be in operation) that could have a contributing/cumulative pollutant factor which may adversely affect the air quality.

Due to the topography of the local area, the height of the stack may be level with sensitive receptor locations, subject to planning approval that are yet to be constructed. The air quality assessment has not considered sensitive receptor locations yet to be constructed, including their relative elevations to the proposed stack.

It is recommended a condition is attached requiring quality control on the source material

Noise

The noise impact assessment and predictions are based on background noise measurements and locations as identified in a previous application. We do not believe that background noise levels within the area have increased. However, reference has not been made to other approved sites that are yet to be constructed as they may impact on background levels.

The noise impact assessment and predictions indicate no adverse impact upon amenity from the REP. Nevertheless the process will need to demonstrate Best Available Technique for noise control during the permitting process. This will offer further opportunity to limit impacts and will be for discussion with Natural Resources Wales.

It is advised that the operators of mobile plant within and outside curtilage of the facility use reversing safeguards that have low off site impact. For example, bleeper alarms are omni-directional and can be audible over a large distance – alternatives to be used, for example directional sound or white noise.

Construction Phase

Prior to this phase, a Construction Environment Management Plan (CEMP) should be submitted to and agreed with the LPA. This must detail the control of noise and dust etc. prior to works commencing.

Odour

There should be no odour from the REP as it works on negative pressure.

Lighting

A condition should be attached regarding exterior lighting should be installed in accordance with the Institute of Lighting Engineers guidelines for the control of obtrusive light. Reason: to avoid negative impact upon amenity by obtrusive light.

Ground Conditions

The submitted report includes a recommendation for further gas monitoring. This is recommended. A detailed ground investigation will be required to ensure that any contamination does not impact upon the end use.

Environmental Permitting Regulations

It is essential to note that the operation of this process cannot legally operate until it benefits from an Environmental Permit issued by Natural Resources Wales.

Cardiff Airport (Safeguarding) was consulted on 16th February 2015. No objection to the proposed development.

Glamorgan Gwent Archaeological Trust was consulted on 16th February 2015. No objection to the proposals.

Policy Section (Planning) was consulted on 16th February 2015. No principle objection to the proposed development, subject to the proposal being considered acceptable under Policies ENV6, ENV27, ENV29, TRAN11, COMM8 and WAST 1 & 2

Local ward members were consulted on 16th February 2015. No formal comments submitted

Dwr Cymru Welsh Water was consulted on 16th February 2015. No comments

Ecology Officer was consulted on 16th February 2015. No ~~comments~~ ^{objections} have been received on the proposal.

Waste Management was consulted on 16th February 2015. No comments

Finance, ICT and Estates, Energy Manager was consulted on 16th February 2015. No comments have been provided.

Highways and Engineering was consulted on 16th February 2015. No objection to the proposed development subject to conditions on visibility splays, parking provision and cycle provision within the site.

Natural Resources Wales was consulted on 16th February 2015 and 6th May 2015

Following the submission of the Air Quality Assessment ^(AQA), no objection to the proposals

NRW initially objected to the proposed development outlining that insufficient information had been submitted for the matter to be properly considered and that an updated AQA would be required.

NRW outlined that the proposed development lies within close proximity to the Severn Estuary (designated as a Special Area of Conservation (SAC) Special Protection Area (SPA) and RAMSAR site and is also within proximity of Hayes Point to Bendrick Rock (SSSI) and Barry Island (SSSI) and as such advised that a further assessment of aerial emissions should be undertaken. This was to ensure the principle of development at this location could be acceptable.

We confirm that the AQA has adequately assessed the potential impacts upon the above sensitive habitats. Our advice is that the proposed development is not likely to have significant effects on these sensitive habitats. We therefore remove our objection.

Public Health Wales was consulted on 16th February 2015 and 6th May 2015

In their second comments on the updated air quality assessment Public Health Wales outline that based on the information provided by the applicant, there is limited potential for risk to public health from the proposed process itself. However, they have raised concerns that previous permissions for similar uses have been approved in the vicinity (i.e. wood pellet plant Dow Corning and residual waste gasification plant approved in Atlantic way) and multi storey residential properties may have permission approximately west of the site. As such, if this is the case then the AQA has not taken into account additional emission sources or receptors. As such, public health Wales do not object but suggest a condition requiring an additional AQA taking these matters into account.

Members note: The gasification plant at Atlantic way (2009/00021/ful) expired on 23/12/2014

Health and Safety Executive was consulted on 16th February 2015. No comments have been received in regard to this matter

P.9

(2014/00610/ful)

for a wood chip gasification plant in Dow Corning were withdrawn on 14/7/2014. ^{could not be} ^{require a new} ^{plans proposed to be} ^{implemented. The proposals}

Associated British Ports was consulted on 16th February 2015. ABP outlined that there are in support of the application for the wood fired renewable energy plant and specifically outlined

REPRESENTATIONS

The neighbouring properties were consulted on 16 February 2015.

A site notice was also displayed on 13th March 2015

The application was also advertised in the press on 13th March 2015

Not
and emails have been
~~There are 100 letters of representations submitted as part of this application. The~~
main issues are the following: - *in response to*

- Emissions and Health issues
- Traffic impacts, i.e. heavy lorries and intensity
- Noise
- Visual impact of the proposed Stack
- Proximity to residential properties
- Lack of information
- Types of wood being used
- Health grounds / Quality of Life (including asthmatic sufferers).
- Objection on the grounds that it is a waste disposal plant not the energy generation plant stated in the application; proximity to houses; lack of guaranteed reuse of waste heat.
- Impact of exhaust gases and particulates; and more appropriate sites for the facility.
- Siting in a highly populated residential area, and impact on road access; pollution; effect on community; impact in future; alternative sites more appropriate.
- potential use for other fuels in addition to wood; air quality; lack of jobs for local people;
- Emissions (smells, dioxins) noise from plant and lorries; traffic. Considers the plant to be a good idea but in the wrong location.
- Tourism- Impacts upon the Barry waterfront development regeneration and Barry Island regeneration
- Property prices within the locality will decrease
- Ecological impacts of the proposal
- Wood waste is far more hazardous to health
- Environmental impact assessment is required
- Gasification- bad science
- More public consultation is required
- Docks area should be used as retail and leisure
- Fire hazard or ash waste and wood chip stockpiles
- Effects on Business

Five letters which are generally indicative of the objections received are attached as Appendix A.

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A letter of support has been provided by ABP

REPORT

Planning Policies and Guidance

Letters from local AMs, MP,
and MEB have also been received
and are attached at appendix B.

Unitary Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18th April 2005, and within which the following policies are of relevance:

Strategic Policies:

- POLICIES 1 & 2 - THE ENVIRONMENT
- POLICY 3 - HOUSING
- POLICY 4 – ADDITIONAL EMPLOYMENT LAND
- POLICY 13 – WASTE MANAGEMENT
- POLICY 14 COMMUNITY AND UTILITY FACILITIES

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005.

Under the chapter on Waste, the following objectives are put forward for the purposes of guiding future decisions relating to waste disposal:

- To ensure that waste disposal is carried out with adequate environmental protection, so that there is no harm to human health, no pollution of the environment and no detriment to the amenities of the locality.
- To ensure that the waste disposal requirements of the County are adequately catered for within the context of other objectives.
- To ensure that waste disposal and other types of waste management facilities are considered within a hierarchy of priorities including:

- Reduce (the production of waste)
- Re-use
- Recover (recycling, composting and energy recovery)
- Disposal (with minimum environmental impact)

The UDP as a whole includes the following policies which are of relevance to these proposals:

STRATEGIC POLICY 13 – favours development proposals which encourage sustainable principles for waste disposal based on a hierarchical approach of (i) waste minimisation / avoidance; (ii) re-use of waste; (iii) waste re-cycling or recovery (including waste conversion to energy); and (iv) waste disposal land fill with minimal environmental impact.

WAST 1 PROVISION OF WASTE MANAGEMENT FACILITIES

Proposals for the provision of waste management facilities including the handling, treatment and transfer of waste will be permitted where they are located on:

- i. Existing waste sites;
- ii. Existing and allocated B2 and B8 employment sites;
- iii. Within operational mineral working sites; or
- iv. The case of green waste composting and management, on land within or adjacent to farm building complexes.

Proposals will be considered having regard to the criteria listed in Policy WAST 2.

WAST 2 CRITERIA FOR ASSESSING WASTE MANAGEMENT FACILITIES

Subject to the provision of Policy WAST 1 proposals for waste management facilities will be permitted if the proposal:

- i. Conforms with the principle of the waste hierarchy (reduction, re-use, recovery and safe disposal); the “proximity principle”; the principle of regional self sufficiency; the objective of waste avoidance, reduction and disposal; the setting of targets for reduction and modes of disposal;
- ii. Does not unacceptably affect residential amenity or pose a threat to public health;
- iii. Does not unacceptably affect the quality or quantity of water resources (both surface and groundwater);
- iv. has regard to the adequacy of the highway network and the need to minimise the demand on the transport network;
- v. does not unacceptably conflict with the interests of agriculture, nature conservation, areas of ecological, wildlife or archaeological importance or features of geological or geomorphological importance or landscape protection policies;
- vi. has a high standard of layout, landscaping and design;
- vii. Provides arrangements for the after treatment and future use of the site which are to the satisfaction of the local planning authority; and

- viii. Is not at an unacceptable risk of flooding, including tidal inundation, or does not increase the risk of flooding elsewhere

Para. 10.6.7. of the justification advises that the disposal or treatment of waste in any form is often a controversial issue, no matter how well managed. It is important therefore that any proposals for this type of activity can be thoroughly assessed against the above criteria and that any permission is conditioned to mitigate and / or abate environmental detriment and nuisance.

COMM 8 OTHER RENEWABLE ENERGY SCHEMES

Proposals 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.

Para. 11.4.45. of the justification states that "...the Council recognises that policies for developing renewable energy must be weighed carefully with its continuing commitment to policies which seek to protect the local environment. The Council acknowledges the advice in TAN 8 that proposals to harness renewable energy can display a variety of factors peculiar to the technology involved. ... The Council will assess applications for renewable energy developments in the light of the guidance put forward by the Welsh Assembly Government in TAN 8.

ENV 6 EAST VALE COAST

States that development within the undeveloped coastal zone will be permitted if a coastal location is necessary for the development; and the proposal would not cause unacceptable environmental effects. In areas of existing or allocated development within the coastal zone, any new proposal should be designed with respect to its local context and sensitive to its coastal setting.

The justification notes that, "though outside of the defined settlement boundary for Barry, the Port estate is clearly a developed area and its continued use and development as a commercial/ industrial estate and for the expansion of operational port facilities by ABP is endorsed". (3.4.22 of UDP).

ENV7 - WATER RESOURCES

ENV16 -PROTECTED SPECIES

ENV18 - ARCHAEOLOGICAL FIELD EVALUATION

ENV26 CONTAMINATED LAND AND UNSTABLE LAND

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

States that development will not be permitted if it would be liable to have an unacceptable effect on 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.

EMP 2 NEW BUSINESS AND INDUSTRIAL DEVELOPMENT

States, inter alia, that proposals for new business and industrial development will be permitted if nine specified criterion are met, including that the size and relationship of any new building and / or alteration or extension is not disproportionate to its size and setting; the proposal does not have an unacceptable effect on residential amenity; does not present additional risk to the health or safety of users of the site and does not unacceptably pollute air, water, or land; and does not unacceptably affect the use of the adjoining land by virtue of the risk and impact of potential pollution.

EMP 3 GENERAL INDUSTRY

States, inter alia, that development will be permitted for B2 use (general industry) where the proposal is compatible with existing business / industrial / warehousing uses; will not cause detriment to the amenities of nearby residential areas; the nature and scale of the proposed development does not unacceptably affect surrounding uses; it does not present additional risk to the health or safety of users of the site and does not unacceptably pollute air, water or land; and it does not unacceptably affect the use of the adjoining land by virtue of the risk and impact of potential pollution.

TRAN10 - PARKING

TRAN11 - ROAD FREIGHT

States, inter alia, that, in order to reduce the unacceptable environmental effects of heavy goods vehicles...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.

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 7, 2014) provides the following advice on the weight that should be given to policies contained with the adopted development plan:

2.7.1 Where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development (see 1.1.4 and section 4.2).

2.7.2 It is for the decision-maker, in the first instance, to determine through review of the development plan (see 2.1.6) whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development (see section 4.2).'

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. The following policy, guidance and documentation support the relevant UDP policies.

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 7, July 2014) (PPW) is of relevance to the determination of this application.

Section 12 of PPW can be considered

12.5.1 The Welsh Government's general policy for waste management is contained in its overarching waste strategy document *Towards Zero Waste* and associated sector plans. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy as far as possible.

12.5.2 The Collections, Infrastructure and Markets (CIM) Sector Plan describes the waste management framework considered to provide the best solutions to meet environmental, social and economic needs to 2050. It indicates a move towards a position where disposal and recovery options are reduced in favour of high volume source segregated collection followed by reprocessing (as well as preparation for re-use and prevention). The reality as we move from where we are now towards these aspirations is the need for planning authorities to facilitate the provision and suitable location of a wide ranging and diverse waste infrastructure which includes facilities for the recovery of mixed municipal waste and may include disposal facilities for any residual waste which cannot be dealt with higher up the waste hierarchy.

12.5.3 The land use planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time:-

- minimising adverse environmental impacts and avoiding risks to human health;
- protecting areas of designated landscape and nature conservation from inappropriate development; and

- protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 8 – Renewable Energy (2005)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 21 – Waste (2014)
- Technical Advice Note 23 – Economic Development (2014)

Supplementary Planning Guidance:

In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Sustainable Development
- Amenity Standards

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council is in the process of considering all representations received and is timetabled to submit the Local Development Plan to the Welsh Government for Examination in April / May 2015.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales (edition 7 July, 2014) is noted. It states as follows:

'2.6.2 In development management decisions the weight to be attached to an emerging draft LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2).'

The guidance provided in Paragraph 4.2 of PPW is noted above. In addition to this, the background evidence to the Deposit Local Development Plan that is relevant to the consideration of this application is as follows:

- Waste Planning Background Paper (2013)
- Sustainable Transport Assessment (2013)

Specific Policies that would relevant to this application

Policy SP8- Sustainable Waste Management

Other relevant evidence or policy guidance:

Land Fill Directive 1999

Waste Framework Directive 2008

South East Wales Regional Waste Policy (1ST Review 2008)

X Project Gwyrdd 2008

Towards Zero Waste 2010

The Collections, Infrastructure and Markets (CIM) Sector Plan July 2012

Background to the Proposal

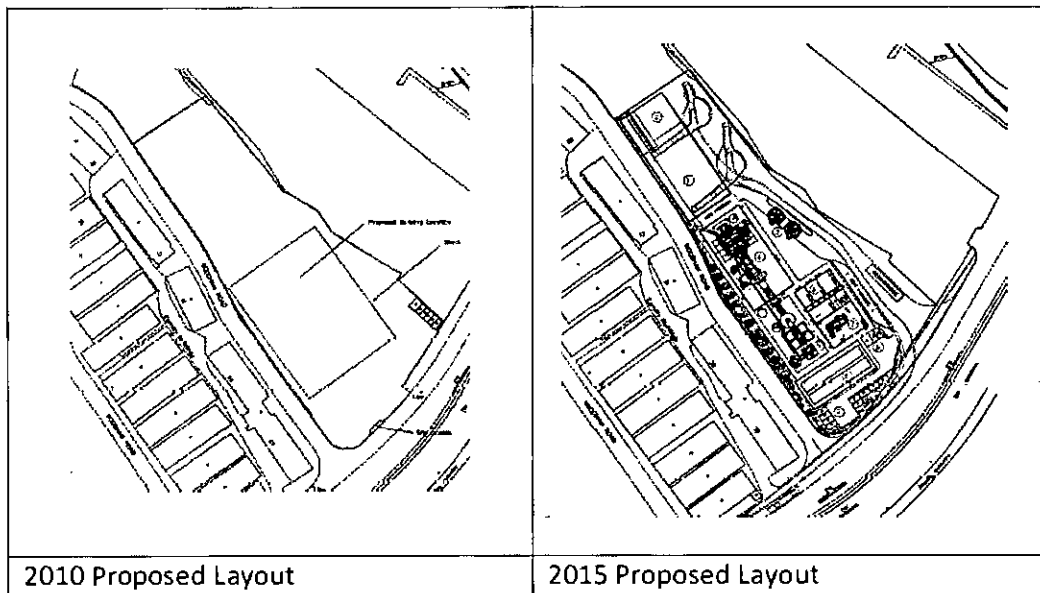
Members will note that this application is a resubmission of the approved application 2008/01203/FUL, which was refused by Members at planning committee but ~~the decision was overturned~~ following a public enquiry into the application in 2010. The appeal decision is attached as Appendix B. The main difference between this application and the previously approved is the following:

Technology: a change in the manufacturer of the advanced conversion technology (ACT) from gasification based on pyrolysis to one based on a fluidised-bed. The proposed technology is more fuel efficient and will improve the average annual power output to 10 MWe compared to 9.0 MWe in the 2010 Permission. *It also means that there is no waste heat generated during the process.*

allowed by the Planning Inspectorate

Layout: accommodation of the proposed technology at the Project site requires a different configuration of the buildings housing the various components – the 2010 Permission contemplated a single connected structure while the revised layout breaks this up into three separate but functionally interconnected buildings. The footprint of these buildings is 7.5% less than under the 2010 Permission.

Elevations: the revised layout comprises two buildings that are lower than the building height in the 2010 Permission and one that is higher. The average building height of the 2010 Permission is 14m while the average building height of the revised layout is 16.3m. In order to meet emissions requirements, the stack height will be increased to 43m. This is less than the stack height approved for the waste-energy plant already approved for construction at Atlantic Way on the opposite side of the docks, *although members should note that this consent has now technically lapsed.*



As there are no other changes made to the application it is considered that the plant will be fuelled by reclaimed wood arising (for example) from local recycling operations.

Issues

While members understand the material weight that should be given to the previous 2010 consent, the application must be considered in its entirety against National, regional and Local Policy objectives.

As such, this next section addresses some of the policy changes since the previous 2010 approval.

National Policy (Planning Policy Wales 7th Edition), TAN21- Waste

Waste Policy in Wales is influenced by two major European Directives, the Waste Framework Directive and the Land Fill Directives, which came into effect in 2008 and 1999 respectively. These directives effectively set out a move away Landfill and the member states to take account of the best available technology to develop a network of disposal installations, taking into account the Waste Hierarchy as well as the 'Proximity principle and self-sufficiency.

While not significantly different to the National and Regional Policies that were considered in 2010 approval, Planning Policy Wales as well other documents on the Waste Strategy in Wales have been updated.

The Welsh Government's general policy for waste management is contained in its overarching waste strategy *Towards Zero Waste* (para 12.5.1 PPW). Planning authorities should, in principle, be supportive of facilities which fit with these documents– i.e. zero waste and associated plans – and in doing so reflect the priority order of the waste hierarchy as far as possible.

PPW also sets out the general criteria that proposals should meet (para 12.5.3), i.e.:

- Minimising adverse environmental impacts and avoiding risks to human health.
- Protecting areas of designated landscape and nature conservation
- Protecting residential amenity and other land users and uses

The proposal fits with the Governments waste policy since the processing of the wood waste at the plant results in Energy Recovery by Gasification. According to the Councils Waste Planning Background Paper for the LDP (Page 8 Para 4.2.1) the residual wood waste that would be used at the plant would be otherwise sent to be landfill at Trecati Landfill Site rather than energy recovery. As such, the proposed use does comply with the overarching policy of PPW zero waste and reflects a progression in the waste hierarchy.

TAN 21 Technical Advice Note for Waste (February 2014) TAN 21 reinforces the PPW approach towards 'zero waste' and includes the Waste Hierarchy (below). At chapter two TAN 21 promotes the EU Directive waste hierarchy as follows:

Waste Hierarchy diagram



The Waste Hierarchy

TAN 21 sets the framework for facilitating the delivery of sustainable waste management infrastructure through the planning process. Paragraph 1.10 of TAN21 explains:

Sustainable development is a key functioning principle of the Welsh Government and its policies. The movement towards sustainability in relation to planning for waste should be guided first by the wider principles of sustainability contained in Planning Policy Wales, however, with specific reference to waste management land use planning should help to:

- Drive the management of waste up the waste hierarchy and facilitate the provision of an adequate network of appropriate facilities;
- Minimise the impact of waste management on the environment (natural and man-made) and human health through the appropriate location and type of facilities;
- Recognise and support the economic and social benefits that can be realised from the management of waste as a resource within Wales.

TAN21 also indicates at paragraph 3.2 that: In the short to medium term there will be a continued need to develop more waste treatment and recovery facilities in order to reduce reliance on landfill.

Paragraph 3.26 advises: 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 broad infrastructure framework. Particular care should be taken to avoid locations where new or extended waste facilities may be incompatible with existing land-uses' amongst potential sites for facilities paragraph 3.27 includes:

- industrial areas, especially those containing heavy or specialised industrial uses
- 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

The proposal will clearly raise the treatment of the wood waste from the bottom of the hierarchy (landfill) to the second level (recovery). The proposed site is within an industrial area, in accordance with para 3.26 of TAN 21 above, and on a site already approved as an energy recovery use in 2010.

It should be noted that some representations have been received that outline that the efficiency levels of the plant are below the requirements outlined in TAN21, rendering the development a Waste Disposal unit rather than an Energy Recovery. In particular para 4.33 states that *The recovery of energy from waste should be carried out at a high level of energy efficiency. In the case of energy from waste facilities using mixed municipal wastes and residual waste as a feedstock, in order to be classed as a 'recovery operation' these need to meet (as a minimum) the energy recovery efficiencies as defined under the 'R1 formula'*

(detailed in Annex 1 to the Waste Framework Directive). The Collections, Infrastructure and Markets Sector Plan provide details on the way in which the efficiency of energy from waste facilities is calculated using the R1 formula (see Collections, Infrastructure and Markets Sector Plan at p.217). Energy from waste facilities are categorised as recovery installations when their efficiency, as expressed using the R1 formula, is equal to or greater than:

Where facilities using municipal waste, or mixed municipal and industrial wastes as a feedstock operate at an R1 efficiency level of <0.6, the operation is classed as a disposal operation for the purpose of the waste hierarchy.

In this instance, the developer has provided additional information, attached to this report as Appendix C that identifies that the energy recovery at the proposed plant would be efficient enough to meet the efficiency levels set out under the R1 formula. Accordingly, the proposal complies with the efficiency set out in TAN21 to be considered a recovery plant rather than a Waste Disposal.

Regional Waste Policy

Regional waste policy covering Barry is set out in the 'South East Wales Regional Plan March 2004' which was endorsed by all of the local authorities within the area covered.

The Regional Waste Strategy is as follows:

- *Aim to achieve the 2020 Landfill Directive targets by 2013 (diversion of biodegradable waste from landfill)*
- *Achieve this principally through maximising recycling and composting deal with residual waste by Mechanical Biological Treatment*
- *Choose between either sending the residual waste from Mechanical Biological Treatment to landfill or using it as Refuse Derived Fuel; and*
- *Limit the amount of waste going to landfill to that which cannot be dealt with acceptably in any other way.*

A Review of the South East Regional Waste Plan was published in September 2008. The review had two elements, a Technology Strategy and a Spatial Strategy. The purpose of these strategies is to guide and support the unitary authorities in their plan making.

The Technology Strategy does not identify a single preferred technology but offers seven possible approaches all incorporating high source segregated recycling and composting levels with all remaining residual wastes, where possible, being managed by combinations of pyrolysis, incineration with energy recovery, MBT, gasification and autoclave. All are aimed, amongst other things, at minimising waste to landfill.

In relation to the development of a spatial strategy the Review:

- a) Provides map based very general areas of search which it stresses should not be used for development management decision making, and
- b) Concludes that the potentially available land area on existing B2 (and similar) or major industry sites and B2 sites that have already been

allocated in development plans has shown that in each Unitary Authority area for which data is available there was, at 2008, a clear surplus of developable land with a B2 (and similar) planning permission or proposed use to accommodate the highest estimate of the total land area required for new in-building waste management facilities. In South East Wales there was a total of 729 developable hectares of land with a B2 (and similar) planning permission or proposed use.

The Regional Waste Policy identifies a need for additional energy recovery by gasification or other advanced technologies, Paragraph 7 of the Waste Background Paper to the deposit LDP also estimated that 6.6 (indicative number of facilities) are required to deal with 252,836 tonnes of waste and on an estimated land area of 8.6ha.

The LDP goes onto identify suitable locations for Waste Management Facilities based on the RWP identification for suitable locations for waste facilities and the guidance set out in TAN21. TAN 21 promotes the Local Development Plan (LDP) concept at paragraph 3.18. It explains that the locational requirements of waste facilities should be considered when preparing local development plans: *so as to ensure that the provision of a wide range of waste management infrastructure can be facilitated.* And at paragraph 3.21 it advises that LDPs should: *indicate where suitable and appropriate sites exist for the provision of all types of waste management facilities in order to provide some certainty for waste operators interested in fulfilling demand in an area.*

The background paper has drawn upon guidance as well as the findings of a study commissioned by Prosiect Gwyrdd to identify potential sites for developing a regional waste management facility. The background paper study assessed 59 sites, of which 14 were located within the Vale of Glamorgan and of the 14, 4 were identified as being the most suitable locations for residual waste treatment facilities. Specially Atlantic Trading Estate, the Operational Port of Barry Docks (application site), Llandow Trading estate, and land adjacent to Bosch at Junction 34. (Emphasis added)

As such, at a National and Regional level of policy of waste, the proposal for an Energy recovery unit at the applications site has been supported by the updates to Planning Policy Wales, TAN21 and the Councils background paper for the LDP on Waste Planning. While it is not zero waste, it is an acceptable short to mid range solution away from the land fill and is located within a sustainable location in an existing allocated employment land use.

This compliance with National and Regional policy is validated by the Councils deposit LDP and background papers. While the LDP is not adopted to date, the background paper is clear evidence that the application site is considered to be an appropriate location for potential waste facilities, subject to the proposal complying with the criteria outlined in the relevant local policies in the existing development plan (UDP 1996-2011) and general planning considerations

Local Planning Policy

Policy EMP1 of the Unitary development Plan (UDP) lists the sites allocated for Employment Uses. Site 3 is the Barry Docks and Chemical Complex within which

16.6Ha of land is shown as available for development. The site lies within this designated area, which is specifically shown for development falling within Use Classes B1, B2 and B8 – ie business, general industrial and storage and distribution.

Policy WAST1 seeks to make provision for waste management facilities more generally:

Proposals for the provision of waste management facilities including the handling, treatment and transfer of waste will be permitted where they are located on:

- i) Existing waste sites*
- ii) Existing and allocated B2 and B8 employment sites*
- iii) Within operational mineral sites*
- iv) Composting at Farms*

Accordingly, the proposal is acceptable in principle as it is located on an existing dockland employment site, complying with criteria (ii) of the above mentioned policy.

Policy WAST2 provides criteria for assessing waste management facilities. This includes: Compliance with the waste hierarchy, residential amenity and public health, surface and groundwater quality, adequacy of the highway network, nature conservation, archaeology, geology and landscape; good layout and design, and flood risk.

These matters will be considered in turn below: -

Compliance with Waste Hierarchy

Members should note that this matter has already been considered in this report in the sections relating to National and Regional Policy. The proposal is considered to comply with the Waste Hierarchy by producing energy through waste and being considered betterment to the existing land fill that is currently being used by the Vale of Glamorgan Council.

Impact on Local / Residential Amenity.

The application site is located no greater than 250 metres from the existing residential properties on Dock View Road which overlook the site from an elevated height, with such proximity having raised many concerns from interested ^{to the public} ~~local~~ ~~public~~ concerned about the impact of the proposed use on their amenities.

Such matters are addressed below, with specific consideration given to the following:

- Proximity to local residential properties
- Noise
- Air Quality
- Dust
- Odour
- Traffic Impact
- Visual Impact

Proximity to Local Residential Properties

As discussed above, the choice of location is considered acceptable in land use terms, albeit there is a clear policy requirement (primarily Policies WAST2, COMM8 and ENV27) to ensure that any such development would not (amongst many other things) unacceptably affect residential amenity or pose a threat to public health.

As expanded upon below, it is considered that the proximity of the site, coupled with the appropriate controls and mitigation measures, ensure that there would be no demonstrable harm to local residential amenity, such that a refusal would be warranted.

Noise Issues

The applicant advises that the plant has been designed to meet the BAT (Best Available Technology) requirements of the Environmental Permitting regime, which include noise emissions controls. The steam turbines produce the most noise, hence their enclosure within an acoustically attenuated compound within the building. The applicant goes on to say that plant as a whole is designed to be fully compliant with the applicable dBA requirements. In addition, the applicant has commissioned a contractor to ensure that the design and construction of the building ensures that the plant is compliant with all of the relevant noise guidance in Wales.

The application was submitted with an updated noise statement, the original noise survey and upon request the detailed survey that led to the updated noise statements conclusions. The additional background noise survey was submitted to Council on 13th March 2015.

The noise statement outlined that Power Consulting had been employed to consider whether background noise levels have changed in a way that would invalidate the conclusions in the 2009 reports and does the new plant expect to operate within the noise constraints that were envisaged for the original design approved under the 2010 permission.

During the survey on 21st November 2014 the background levels at all three locations (Dock view road, Cory way and Cei dafydd) were re-checked and found to be still valid. This was supported by the updated noise survey submitted on 13th March 2015, which set out the contracted company's methodology and results from the three locations.

Ultimately, it was concluded that measurements used in the previous application remain valid and, therefore, if the specified internal level of 90 dBA is achieved then the external level of the proposed plant at the various locations will be equal to or less than the measured background level. In addition, it is also reasonable to conclude that the background measures proposed by AB acoustics for the original application remain valid.

The Environmental Health (Pollution Control) section has considered the submitted noise assessment and notes that the noise impact assessment and predictions are based on background noise measurements and locations as identified in a previous application. We do not believe that background noise levels within the area have increased.

The noise impact assessment and predictions indicate no adverse impact upon amenity from the REP. Nevertheless the process will need to demonstrate Best Available Technique for noise control during the permitting process. This will offer further opportunity to limit impacts and will be for discussion with Natural Resources Wales.

In addition, while not requested it is considered important to reapply the noise related conditions to ensure that the buildings doorways / openings in frequent use do not face sensitive locations, that such openings remain closed except when receiving deliveries, and that operators of mobile plant within and outside the facility use reversing safeguards that have low off site impact (e.g. bleeper alarms are omni-directional and can be audible over some great distance and thus avoided).

In addition, given the relative proximity of the site to residential properties, and the undoubted concerns expressed by many of the residents, it is considered prudent to require submission of a Construction Environmental Management Plan (CEMP) via condition to cover noise, including matters such as hours and delivery times, during the construction phase.

Environmental health and Public Health Wales have also commented on the information not taking into account the cumulative impacts of the proposed use with other applications that have been considered, approved but not implemented to date. In particular, the concerns relate to other pending and determined applications for similar developments within the locality and their cumulative impact when considered with this proposal. Specifically application 2014/00610/FUL and 2009/00021/FUL for energy recovery plants at the docks.

Notwithstanding the fact that these matters have been considered previously and were not found to have a detrimental impact upon the surrounding residential amenity, it is important to note that the application at Dow Corning was withdrawn before determination and the approved application at Atlantic way was approved but has since expired in the last year. As such, there cannot be any implementation of the two other applications and no cumulative impact at this stage if this is the only approved plant on the dock.

Air Quality

The application was accompanied by the original Air Quality Assessment, the stack height assessment and on request from NRW an updated air quality assessment was provided.

The applicants advise that the proposal will not impact upon local air quality because its emissions must meet the limits set in the Environmental Permit. In this respect, they add that gaining a planning consent does not authorise the operation, it must still have a permit and agreed abatement technology before it

can operate. Not only does the plant have to meet strict emission criteria it must also be the Best Available Technology (BAT) for the use.

As part of the permit application process National Resource Wales will assess the emissions modelling carried out and set emission limits for the process.

The stack height assessment outlines that the stack height assessment was conducted for a range of stack heights between 30 m and 55 m using ADMS, an industry standard dispersion modelling tool. Worst case emission limits for ~~(NO)~~ ^{Nitrogen Oxide} as defined in the Industrial Emissions Directive (IED), were assumed and five years of meteorological data were used to take account of inter-annual variability in local weather conditions. It was assumed that for long term impacts, all NO emissions have been converted to NO, whereas for short term emissions, a worst case assumption was made whereby 50% of NO~~x~~ emissions have been converted to NO₂.

^{nitrogen dioxide}
The impact of Sunrise Renewables' proposed ERF was assessed across a 2 km x 2 km modelling domain from which the highest modelled ground level pollutant concentrations have been extracted and used to calculate a stack height for which the impact of emissions can be described as 'NEGLIGIBLE'. It was the conclusion of the assessment that a stack height of 43 m will be sufficient for adequate dilution and dispersion of residual emissions from the plant and it is shown that there would only be very minor appreciable benefits gained by increasing the stack height further.

X The previous application submissions emphasised that the proposed biomass plant is not a mass burn process which results in large volumes of emissions at the stack which require abatement, rather that by the time the gas reaches the engines it has to be clean to ensure that the engines operate efficiently. In other words, the stack (exhaust) will have no visible air emissions as particulates will be controlled using the abatement equipment agreed with the National Resource Wales. In essence, the technology used is modern and is not a traditional 'incineration', but rather a gasification process which breaks down the fuel into a gas which drives an engine to create electricity, with the 43m stack acting as an 'exhaust' rather than a traditional flue.

The EHO has also considered the submitted assessment in detail and has concluded that, while any process of this kind will generate emissions to atmosphere, the key issue is to assess whether these emissions significantly impact upon health or the environment both in the immediate vicinity and further afield.

^{been}
She has confirmed that based on the modelled data provided, there appears to be no evidence of the Renewable Energy Plant (REP) breaching the relevant ambient air quality objectives (Nitrogen Dioxide, Sulphur Dioxide, PM₁₀, Carbon Monoxide). Specific stack emissions have also been modelled and indicate that they would comply with imposed permit conditions as set by Natural Resources Wales.

~~Due to the topography of the local area, the height of the stack may be level with sensitive receptor locations, subject to planning approval that are yet to be constructed. The air quality assessment has not considered sensitive receptor locations yet to be constructed, including their relative elevations to the proposed stack.~~

Nevertheless it is required by the EHO that

~~The Local Planning Authority (LPA) should ensure that the air quality assessment is updated to reflect and consider the above. This is to verify that the REP will not lead to any Process Environmental Concentrations (PECs) breaching any relevant Environmental Assessment Levels or local air quality objectives. It is understood that the environmental permit is required for these issues, however, a condition can be attached if considered necessary to require the developer to submit a further investigation once the plant is operational.~~



- to be addressed

proposal is amend by NRW also

and as

In addition, National Resource Wales initially objected to the proposal as it was outlined that the information submitted was insufficient to assess the impact the proposal would have on nearby sensitive receptors, i.e. SPAR and SSSI. However, on the submission of an Air Quality Assessment that took into account the impacts the emissions could have on the nearest sensitive sites, National Resource Wales removed their objection to the proposal.

Such a condition is proposed (29)

to deal with this.

Accordingly, there are not considered to be any sustainable objections in respect of the impact on local air quality which would justify refusal of this application on such grounds.

Dust

As for any industrial process, there is an opportunity for dust to create a nuisance in the local area unless adequately controlled. In this respect, the applicants have advised that site operations will be carried out to minimise the creation of dust, with a permanent constant mains water supply available and all external water pipes are to be lagged to prevent frost damage.

They advise that water sprays and/or bowsers will be used to reduce dust levels on all external site surfaces where necessary; that vehicles carrying potentially dusty loads off site will be securely sheeted or sprayed with water to reduce dust emissions; and that site staff will continuously monitor dust emissions whilst the plant is in operation and take appropriate action when required.

Subject to conditions covering such dust control measures, there are not considered to be any adverse impacts on local area by reason of dust generation.

Odour

The submissions advice that no material will be accepted which is likely to cause an odour nuisance, and that any loads which are malodorous will be rejected and the appropriate authorities informed. They also state that the Biomass plant itself does not produce odorous emissions.

No objections have been raised by the EHO or NRW in respect of prospective odour nuisance.

Traffic Impact

The amount of traffic generated by this process, in comparison with the existing local and industrial traffic on the network (particularly Fford-y-Milleniwm) is not considered to be great, and in this respect there are not considered to be any substantive reasons to object to the proposal on the grounds that there would be an unacceptable increase in noise or activities from lorry movements, not least because the site is located in an industrial area (notwithstanding proximity to dwellings) where such activities are not uncommon.

The Highways Officer has made observations on the application and has no objection subject to site specific requirements the vision splays being provided and these requirements being attached as condition.

Visual Impact

The application site is located to the immediate east of the industrial/ commercial units within the old Nissen huts on Woodham Road, The site is visible from Fford y Milleniwm and higher ground (Dock View Road etc) to the north, and (up close and at a distance) from Barry Island and the Waterfront in general to the west, as well as generally from the Docks. Nevertheless, in terms of its wider context, it clearly relates primarily to the wider industrialised area of Barry Docks.

A visual analysis document was submitted with the application, which outlined that on the basis of the previous approval at appeal as well as the approved development at Atlantic Way, there was no real reason for the Council to refuse this application on visual amenity grounds, despite the buildings and stack being ~~significantly~~ taller. In particular, the agent highlighted the Planning Inspector's comments in his appeal decision: -

8. Local Residents may wish otherwise but the site lies in an industrial area. The Council conceded at the inquiry that it had no objection to the appearance of the proposed building. Looking down from Dock View Road the new building would be seen in the context of the development within the docks, and, in my view, would sit comfortably in its industrial surroundings.

(2009/00021/PuL)

In considering the physical impact of the development the applicants have copied drawings submitted for the Atlantic way application (99/0222) which displayed cross-sections demonstrating the height of the buildings and stack compared to approved Atlantic way application and the docks office building. In this respect it is notable that the ridge height to the proposed Welfare & Ancillaries building is 23m, compared to 29.2m to the ridge of the Council's Dock Office, as well as being lower than the approved buildings along Atlantic way. This is considered to demonstrate that the building will undoubtedly become a visible structure within the immediate vicinity as it would exceed all but the Dock Office in the immediate area, while its 40m stack would clearly exceed all but the stacks on the chemical works to the east. This in itself, however, does not make the development unacceptable.

It is considered that, while some 23 metres tall, the buildings would still nevertheless relate to the character of nearby use and buildings, and are not considered to have a detrimental impact upon the surrounding area. The height of the new buildings and the proposed stack will of course have a marked impact upon the immediate landscape and would be visible from prominent locations around the site, but they will appear as modern designed industrial buildings relating to the existing use and character that surrounds them. X

In comparison to the previously approved building, it is considered that the modern industrial buildings proposed are more visually attractive as industrial buildings than the simple design approved as part of the 2010 permission. The buildings, while functionally designed, are considered to befit the modern industrial building appearance.

While it is appreciated that the Docks are overlooked by houses from an elevated height in and around Dock View Road – with the visual impact of the proposal on residential amenity having been raised in local representations, including matters relating to the impact on or loss of view, value of properties, regeneration of the docks for retail - the area is indisputably industrialised in character and the addition of a new industrial building would, within this context, not appear out of place. It could also be considered that the retail sector of the waterfront, in particular, the Asda waterfront store, as well as the those adjoining Morrisons, have taken account of its historical siting within the docks and has been designed in a very similar ~~and utilitarian~~ manner, resulting in a simple grey cubed building. As such, while it could be said to be at odds with the appearance of some of the near by residential buildings, the utilitarian box design is not too dissimilar to the existing industrial buildings and the newly constructed retail developments.

Indeed, the main ^{it} element ^{6m} of the proposal which distinguishes it from any other large industrial building is ^{ad} the proposed 40m high stack. While the stack height does appear large, this height is to mitigate environmental impacts of the process and we must also consider that the stack is not a building and will only measure 2m in diameter. Furthermore, within the industrial backdrop of the docks and Dow Corning Chemical works there are several large tower and stacks that can be viewed in this landscape, some taller, some shorter than proposed in this instance. Within its industrial context, therefore, this would similarly have no adverse impact. X

Furthermore, views of the building will be softened by the proposed landscaping and the proposed finishes to the buildings and stack. Conditions would be required on matters including materials, landscaping, no open storage, and external lighting (of site and building).

For those reasons discussed in greater detail above, it is thus considered that the physical impact of the use and building would neither appear out of character or unacceptably overbearing to the extent that it would cause demonstrable harm to the amenities of those residential properties living near the area. Accordingly, it is concluded that the proposal would not have any unacceptable visual impact, and would accord with the objectives of the policies listed in the policy section above, including WAST2, ENV27, COMM8, EMP2 and EMP3.

Conclusions on impact on Residential amenity

While it is acknowledged that there is a considerable degree of unrest over the nature of these proposals and the impact on the local community, for the reasons given above it is concluded that there are no overriding objections to the development which could be substantiated on grounds relating to local residential amenity.

In addition, the location of the site, and the heavy support for such sustainable proposals from national, regional and local policy, is such that the planning balance is considered to be in favour of approving such facilities where no such harm is identified.

Highways and Access

A traffic statement was submitted with the application that highlighted that there are no significant changes to the assessment since the 2010 approval. As such, the proposal will continue to operate continuously in order to generate electricity with the exception of routine maintenance check. However, time limits will remain to receive fuel and general access, i.e.

The site will only receive deliveries of fuel and visits from third parties and the public during the following hours: (planning statement refers)

- o Monday to Friday 07:00 - 19:00
- o Saturday 07:00 - 19:00
- o Sunday / Bank / Public Holidays 07:00 - 16:00

Output calculations/projection are based on

- Delivery of waste wood at a frequency to enable to plant to operate with a processing capacity of 72, 0000 dry tonnes of wood biomass
- 52 weeks operation at a 24 hour process
- Feedstock is expected to be delivered to site by road and or sea according to source.

In addition, it should be noted that the developers scheme proposes to involve off site pre processing of wood waste by the feedstock supplier for delivery in a chipped state ready for processing. As such, there is no need for the storage or removal of processed ferrous, non ferrous and other materials. There will be the need to deliver any output waste material (bottom ash and Fly ash) to either landfill or recycling operations (bottom ash only)

From inspecting the documents it is evident that vehicle and pedestrian access will be provided from David Davies Road into the site. Parking will be provided within the site for 12 cars (including 1 disabled) and 4 cycle bays for employees and visitors. There will be a total of 10 staff at the site at any one time. While the above proposals do closely remain the same as the previous 2010 consent, the statement does make reference to the applicants considering the delivery periods associated with the development (excluding weekends). I.e. same number of trips but over a 5 day week rather than a 7 day week.

In considering this proposed change, the Highways Authority determined that the HGV trips to and from the site would be increased from 22(two way) to 30(two way) trips per day, giving a net increase of 8 trips (two way) between the operating times outlined from Monday to Friday. When considering the additional trips, the Highways Officer was satisfied that there would be no material impact over and above the existing planning consent. As such, no objection is held by the Councils Highways Officer subject to conditions on visibility splays, the material used for access to the site, parking layout plan, access gates and details of the cycle spaces.

Furthermore, a green travel plan was submitted with the previous application approved at appeal and a condition was attached to the permission required the developer to incorporate the measures set out within the Green Travel Plan submitted.

The overall target of the GTP was "to promote, encourage and facilitate alternative travel where possible", with the GTP "designed to reflect the company's awareness of its need to promote sustainable travel, and its responsibility in reducing the impact on the local and wider environment The GTP included measures aimed at encouraging use of public transport, cycling, walking, and car sharing, including provision of information through induction packs, provision of free equipment, an assigned GTP co-ordinator; and regular monitoring and review;

The applicant outlines that they are satisfied that these conditions can be reapplied to the revised development, however, the travel plan was not submitted with this application. As such, a condition will have to be applied that requires the resubmission of an updated Travel Plan and to implement its measures once agreed by the Local Planning Authority.

Ecology

An updated Ecology assessment was prepared by Power Consulting Midlands Ltd to review the ecological considerations pertaining to the site. As such, the statement outlines that two fundamental issues were addressed: -

- 1) Have conditions at the site changed materially in a way that would alter the ecology and consequently invalidate the conclusions in the 2009 report?
- 2) Is there currently any evidence of the presence of *Althaea Hirsuta* (rough Marsh Mallow) at the site?

The updated survey undertaken shows that no *Althaea* or superficially similar species of the Malvaceae were recorded in this survey, and concludes that there is no significant change to the topography of the site or the species found at this location since the previous appeal consent.

NRW have considered this report, and advised that the presence of the plant nearby and that Rough Marsh Mallow is a locally important plant in the Vale of Glamorgan. NRW therefore recommend ~~we discuss this matter with the~~ Authorities Ecologist. However, no ~~response~~ response has been received by the Councils Ecologist and from a consideration of the previous appeal decision and

for
objections this is ~~not~~ considered by the

consent conditions it is considered that there is no justified reason to introduce a condition for the marsh if none was found on site.

Accordingly there are no ecological objections to the proposals, which satisfy Policy ENV16 of the adopted UDP.

Other Matters

Handling of Waste Outputs

As a result of the process, the main waste emission (requiring disposal/ handling) would be ash ('bottom ash' and 'fly ash').

Bottom Ash

The applications advise that Bottom ash is one of the bi products of gasification process and it can be used for building products such as block manufacture. It will be removed from the site in separate contained loads by the feedstock supplier for recycling. As such, it will be removed from the site in 22-tonne vehicles, and it is intended that it will be either landfilled or used for block making. There is a significant reduction from the waste tonnage to the ash bi product, as such, the total amount of ash from the site per annum will not exceed 2200 tonnes.

A condition will be attached to require the applicants to submit details of the how the bottom ash can be disposed of sustainably (recycled) A condition requiring submission of such matters is recommended below.

Fly Ash

The submissions advise that the European Waste Catalogue Fly Ash is termed an absolute hazardous waste. The submissions assume that 1500 tonnes per annum of fly ash will be generated by the proposal. However, it does qualify that the exact tonnage will depend on the abatement technology, which will be determined by NRW, but it is unlikely to exceeded that calculated amount

In order to control the disposal of such waste from the site, a methodology statement condition is recommended which would cover any required storage and subsequent disposal, and also cover matters (If deemed necessary) such as the use of sealed transport, dust sheeting on lorries etc.

Proximity Principle -Source of Waste Wood

It should be noted that the issue of the proximity principle was considered in the previous appeal, with specific regard to the applicant's non-committal stance on the supply of the chipped waste wood. As such, the Council applied conditions that were attached to the planning consent requiring the source of the waste wood to be local or within the South East Wales Region. This matter was considered at the inquiry in 2010 and the inspector outlined the following in para 29: -

The appellant proposes that the operation would utilise waste wood sourced

locally but, in order to avoid problems regarding supply, does not wish to be tied to using waste wood from the SE Wales region only. The Council propose a condition that would allow fuel to come from farther afield provided it comes in by sea. However it arrives, importing waste wood from outside the region would not accord with the proximity principle and this seems to me to be an acceptance by the Council that it is important to ensure a reliable supply of fuel. I am persuaded by the appellant's argument that the cost of transportation will weigh towards the use of local material but acknowledge that, without a condition, it cannot be guaranteed.

The Assembly's Energy Policy Statement of March 2010 promotes renewable energy and the use of waste wood in the generation of electricity to prevent negative impacts on the environment and food security. The Statement also recognises that by 2020, 50% of the biomass used to generate electricity will be imported, an acknowledgement, in my view, that waste used to generate electricity may need to come from outside the region and outside Wales.

As such, it would appear that planning cannot enforce the proximity principle by virtue of requiring the applicant to source the wood locally as this should occur logically. For instance, the cost of transporting material would be costly from further away, as such, the market should dictate that the source of the waste wood is local. Accordingly, having a condition requiring this is too onerous and could affect the viability of the business.

Archaeology

GGAT (Glamorgan & Gwent Archaeological Trust) were notified of the proposals. They noted that the site would have been constructed between 1894 and 1898 and would have previously been marshland. *been*

However, within the dock site there are areas where items of medieval periods of history may be found, however, it is considered that in this instance it is high unlikely and there is no reason to condition the consent requiring any archaeological watching brief.

Contaminated Land

The application has been accompanied by a standard environmental report, the submitted report includes a recommendation for further gas monitoring. A detailed ground investigation will be required to ensure that any contamination does not impact upon the end use.

A condition requiring a contaminated land assessment and associated remedial strategy to be submitted to and approved by the Local Planning Authority.

Cumulative Impacts with Other Development

As advised above, during the assessment of the previous application the Council were aware that an application was being considered on land accessed off of Atlantic Way within Barry Docks, Barry for the "Change of use from B2 - General Industrial Use to Sui Generis - Waste Use which would include operational

development in the form of the construction of a gasification waste to energy plant for non-hazardous waste (app. Ref 2009/00021/FUL)". In addition, another separate application was submitted by Dow Corning that proposed Planning to develop a Biomass Energy Facility (BEF) including associated works

As such, Public Health Wales and the EHO comments note that the Council should ensure that the developer has considered the cumulative impacts of the developments on the surrounding residential amenity.

However, it is noted that the ^{was determined} two applications cannot be implemented at this stage as one was withdrawn and ~~has not determination~~ while the application at Atlantic way was approved but not implemented within the 5 year time limit ^{expired in} December 2014^{and}.

Flood Risk / Water Resources

The site lies entirely within Zone B, as defined by the Development Advice Maps (DAM) referred to by TAN 15 Flood Risk, but NRW have no comments to make.

It is understood that from looking at the previous application that the controlled waters at this site are considered to be of low environmental sensitivity, and therefore the NRW have not provided any site-specific advice with regards to land contamination, while Welsh Water has provided no comments.

Accordingly, there are no matters of concern with respect to flood risk / water resources (Policy ENV7 refers). However, conditions will be attached to any permission requiring the submission of surface water and foul drainage details associated with the development

Employment

The applicants advise that the installation of the new Biomass plant will result in the generation of a minimum of 12 to 14 local jobs based at the site, with other spin offs in the supply / delivery chain.

Although this is not a considerable employment generating use (as identified by some representations), nevertheless it is still considered to be a use appropriate to its location within an existing employment area/ dockland, with an opportunity for local jobs during construction and operation, as well as in the supply chain.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to National and Regional Policies on Waste and Renewable Energy, and Policies 13, WAST1, WAST2, COMM8, ENV6, ENV7, ENV16, ENV18, ENV26, ENV27, ENV29, EMP2, EMP3, TRAN 10 and TRAN 11 of the

Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is concluded that the proposal would represent a sustainable, renewable energy proposal, which meets the above policies, while also satisfactorily protecting the interests of local residential and visual amenity, and highway safety, while not compromising other material considerations detailed in the accompanying report.

RECOMMENDATION

Approve

APPROVE subject to the following conditions(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. This consent shall relate to the plans registered on 5th February 2015 other than where amended by plans reference E1627- 2101 Rev A, E1627- 2102 Rev A, E1627- 2103 Rev A, E1627- 2104 Rev A, E1627- 2105 Rev A, E1627- 2116 Rev A dated 16th April 2015, the updated Air Quality Assessment submitted on 12th June 2015 and the Waste Planning Assessment received on 17th June 2015

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. No development shall take place until details of a scheme for the management of waste emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The disposal of waste shall be carried in accordance with the approved scheme.

Reason:

In order to ensure the disposal of waste from the site without harm to local amenity, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

4. No development shall take place until full details, inc samples of the external facing materials to be used in the development, to include colour of the building and stack and shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and retained in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of local visual and residential amenity, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

5. No development approved by this permission shall be commenced until a contaminated land assessment and associated remedial strategy have been submitted to and approved by the Local Planning Authority. The assessment shall contain the following elements and follow the guidance contained in 'Contaminated Land: A Guide for Developers' available from the Local Planning Authority:

a) A Phase I Preliminary Risk Assessment (Desk Study) to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and identify and evaluate all potential sources and impacts of land and/or groundwater contamination.

b) Where the preliminary risk assessment identifies potentially unacceptable risks at the site, a suitably qualified and accredited person shall carry out a site investigation, including relevant soil, soil-gas, surface and groundwater sampling in accordance with a quality assured sampling and analysis methodology. The requirements of the Local Planning Authority shall be fully established before any site surveys are commenced.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of any analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve any such remedial works as required, prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d) The approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

e) Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved by the Local Planning Authority. The verification report shall include details of the completed remediation works and include quality assurance certificates to show that the works have been carried out in full and in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason:

In the interests of public safety, and to ensure compliance with Policy ENV7 of the Unitary Development Plan.

6. Should contamination not previously identified be found through the course

of development it must be reported immediately in writing to the local planning authority. An investigation shall be carried out to assess the nature and extent of any contamination and the contamination shall be dealt with in accordance with a scheme to be submitted to and approved in writing by the local planning authority before the building hereby permitted is occupied.

Reason:

In the interests of public safety, and to ensure compliance with Policy ENV7 of the Unitary Development Plan.

7. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. Prior to the facility being brought into beneficial use, details of a scheme to control dust within the site and locality shall be submitted to and approved in writing by the Local Planning Authority. The operation of the plant shall thereafter be in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of local amenity, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

9. Prior to their construction / installation / use on site, details of all external lighting of the building and site, to include specification, means of operation (whether permanent or sensor/security lights, and hours of operation), and lux plots to prevent / minimise light spillage outside of the site (including atmospheric light pollution) shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be implemented in accordance with such approved scheme and thereafter retained as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of residential and visual amenity, and to ensure compliance with and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

10. The building hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

To ensure that the development is serviced by an appropriate Sustainable Urban Drainage Scheme, and to ensure compliance with the terms of Policies ENV7 and ENV27 of the Unitary Development Plan.

11. The building hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason:

To ensure that the development is serviced by an appropriate Sustainable Urban Drainage Scheme, and to ensure compliance with the terms of Policies ENV7 and ENV27 of the Unitary Development Plan.

12. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

To provide effective landscaping and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

14. The access and visibility splays (4.5m x 48m) to the site are approved in accordance with the amended site layout plan draw ref E1627-2104 Rev A recieved on 16th April 2015 and shall be constructed from a bound material for a minimum distance of 20.0m from the carriageway boundary. The development should be carried out in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interest of Highway Safety and in accordance with WAST2, COMM8 of the adopted UDP 1996-2011

15. Notwithstanding the approved access and site layout plan, an amended plan with full details of the means of enclosure to the front boundary with Woodham Road, and forecourt area, shall be submitted to satisfy the following highway requirements: -
- i) The boundary fence shall be set back a minimum of 4.0m from the carriageway edge to allow for adequate visibility splays from the proposed access and to maintain visibility from the existing Woodham Road junction.
 - ii) Visibility splays of 4.5m x 48m in both directions, measured from the centre line of the proposed access shall be provided.
 - iii) Provision of a hard surface of concrete or bituminous material for a minimum distance of 6.0m from the highway boundary.
 - v) A manoeuvring area, to enable all vehicles to enter and leave in a forward gear at all times, which shall be kept free of obstruction at all times.
 - vi) Gates, if provided, that shall not open outwards and shall be set back a minimum of 6.0m from the carriageway edge.

The development shall be undertaken and thereafter retained in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

Reasons

In the interests of highway safety

16. The proposed energy recovery plant shall not be brought into beneficial use until the approved access has been constructed in accordance with the approved plans and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

In the interest of ~~residential amenity~~ ~~highway safety~~ and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

17. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, ~~and position of gates,~~ including all associated access and turning areas, have been laid out in full accordance with the details to be submitted and approved by the Local Planning Authority and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

18. Details of secure parking on site for cycles shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of cycle parking shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

19. No development shall take place until details of a scheme to measure background noise levels in the following locations has been submitted to and approved in writing by the local planning authority:
- i. 57 Dock View Road
 - ii. Cory Way
 - iii. Estrella House, Cei Dafydd
- for email*

The survey shall be implemented as approved and the results submitted to and

agreed in writing with the local planning authority before the development hereby permitted is brought into use. At no time shall noise attributing from the site exceed the agreed background noise levels.

Reason:

In the interests of neighbouring amenity, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

20. The total tonnage of wood waste treated at the plant hereby approved shall not exceed 72,000 tonnes per annum, unless otherwise agreed in writing with the Local Planning Authority beforehand, and records of the amount of fuel processed shall be retained and made available to the Local Planning Authority on request.

Reason:

To ensure accordance with the terms of the application, to limit the impact of activities on the immediate area, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

21. The plant hereby permitted shall only process waste wood

Reason:

In the interests of local amenity, given that the technical equipment is capable of processing alternative fuels, the impact of which has not been considered through the environmental submission accompanying this application, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

22. Deliveries to the site, and all other external operations, shall be restricted to the following hours: - Monday to Saturday : 07:00 - 19:00; and Sunday /Bank/Public holidays 08:00 - 16:00.

Reason:

In the interests of local residential amenity, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

23. The internal plant noise shall be restricted to a maximum of 85 dBA to include a 5 dBA tonal penalty (with every opportunity to reduce this level explored and demonstrated prior to final construction) and a report shall be submitted within one month of the plant commencing operation to demonstrate compliance with such restrictions.

Reason:

See Encl

In the interests of local residential amenity, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

24. There shall be no open storage of materials of any kind outside any approved buildings on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of local visual amenity, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

25. Foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

26. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

27. Prior to the first beneficial use of the development hereby approved, a Green Travel Plan (which will include details relating to proposals for minimising the use of staff car journeys to and from the site and measures to control the plan shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:

In the interest of minimising vehicular movements and sustainability in compliance with Policy ENV27 'Design of New Developments' of the Unitary Development Plan.

28. The roller shutter doors in the feedstock building shall be kept closed at all times other than when deliveries are being received.

Reason

To protect residential amenity, complying with the requirements of ENV27 and COMM 8 of the Adopted UDP 1996-2011

29. Within 9 months ^{of a new} of the Energy Plant being fully operational, the applicant shall carry out an Air Quality Assessment through monitoring at the nearest residential property locations:

- i. 57 Dock View Road
- ii. Cory Way
- iii. Estrella House, Cei Dafydd

led to being attended

The assessment should be completed and submitted to the LPA within 3 months of starting the assessment.

The AQ assessment should identify that the development is complying with predicted process concentrations as set out in the updated Air Quality Assessment document submitted on 12th June 2015. Should it be identified within the AQ assessment that the predicted process concentrations do not achieve the required standards set out in the approved AQA document, the applicant shall carry out an investigation to assess the nature and extent of any exceedences; this shall be in conjunction with Natural Resources Wales as permitting authority. The investigation should supplement an action plan that includes mitigation methods in reducing the levels to those predicted. Results of such investigation shall be produced as soon as possible to the LPA, preferably within 2 weeks of submitting the Air Quality Assessment.

Should the LPA decide that emissions are prejudicial to health, the stack releasing such emissions shall cease operating until an appropriate action plan is in place to mitigate the harm.

NOTE:

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

APPENDIX A

201500031OUT

52 Enfield Drive
Hunters Ridge
Barry
CF62 8NU

5 June 2015

The Planning Department
Dock Offices
Barry
Valc of Glamorgan

Dear Sirs

Ref: 201500031/OUT

I would like to object to the proposed building of an incinerator at the east end of Barry Docks.

What is this Council thinking? Haven't we enough industry producing lots of toxic gases and waste here already? Why haven't you looked at the fact that Aberthaw Power Station is just down the road and could be used to burn rubbish at high temperatures and even produce electricity while doing so. I do believe that the power station actually came up with this idea some years ago and it was blocked, so why not look at it again?

Barry is trying desperately to regenerate and building affordable housing so very close to the proposed site, I wonder how many houses the building companies will be able to sell should the TV carry a story on their evening news about this. Then would we get the hoped for surge in tourists into Barry? I think not.

Again the worst part about all of this is that just so much information is given out but not enough to let us all really know exactly how much pollution this incinerator will produce. So spare a thought for those who already live on the docks and those living on Dock View Road, not to mention the rest of Barry!

I do hope that you refuse this application for the incinerator although I have little hope as this is the second time this has been proposed! Barry Council listened then to its people and refused permission for the building of this eyesore.

Yours sincerely

P J Long

16 CHURCHILL TERR.
CADOXTON
BARRY
CF63 2QX
2.6.15

Dear Mr Howell

RE: APPLICATION N^o 2015/00031/OUT/RL
(outline application for Wood fired)
renewable energy plant.

I have been passed information in respect of the above Planning application and must express my concern regarding the Health & Safety risk of hazard materials being released into the atmosphere.

As a long time resident of the Cadoxton area I know that the wind direction is predominately from the west therefore any hazard compounds released to the atmosphere will certainly contaminate the "Cadoxton" areas.

We on Cardiff Road have already seen Dow Corning Chemical Plant grow and grow and grow which we have to live with. However any further possible contamination of the atmosphere with dangerous hazardous substances would be totally unacceptable.

In my view the Planning Community should reject the proposals entirely

Yours faithfully

~~XXXXXXXXXX~~
(Local Resident)

Payne, Adrienne J

From: Max Wallis <[REDACTED]>
Sent: 27 May 2015 16:32
To: Contact OneVale
Cc: keith stockdale; Mahoney, Kevin P (Cllr); Johnson, Ian J (Cllr); Elmore, Christopher (Cllr);
Planning & Transportation (Customer Care)
Subject: For Chief Planning Officer: re. Environmental Impact Assessment Regs 1999
Importance: High

Chief Planning Officer,
Vale of Glamorgan Council

Dear Sir

Environmental Impact Assessment Regs 1999 (as amended) 2015/00031/OUT
OUTLINE APPLICATION FOR A WOOD FIRED RENEWABLE ENERGY PLANT - SUNRISE RENEWABLES (BARRY) LTD

The case-file for this major application appears very incomplete. We asked the NRW for their views on aspects of this application, but I see nothing of their views in the case-files on the web-site.

The NRW replied to my first, basic question – As the plant would burn over 100 tonnes waste wood per day, is this a Schedule 1 development under the EIA Regulations?

NRW answer: A plant of this capacity would appear to fall under a Schedule 1 development, Category 10, however this is a decision that would be made by the Local Authority.

Please state and justify your decision on this basic point, noting the application is a new one and independent of previous checkered decisions.

Second, the plant appears to have low energy efficiency so the description “Renewable Energy Plant is false; it is really a waste-wood-fired disposal plant. Will you change the title-descriptor or ask the applicants to justify their description?

Third, please say whether you have sought the views of the NRW on this application, in view of their responsibility for waste management planning as well as statutory consultee on EIA-developments.

Fourth, I submitted questions requesting information from the applicants via the web-site on 7 April, but see no evidence that these requests have been transmitted to the applicants as a Section 19 request for further information or otherwise. Please explain what action has been taken over these requests (copied below).

We look forward to your answers within days, as this application has been on the stocks for too long. We and the public need to know answers to these basic questions.

Max Wallis [REDACTED]
pp. Barry & Vale Friends of the Earth
14 Robert Street, Barry

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28 MAY 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

D.E.E.R
RECEIVED
ACTION BY: MPHILK
NO: 3
ACK:

Objection submitted 7 April

Large tonnages of toxic ash, over 10 tonnes per day (3700 tonnes pa) would be produced. As it derives from burning coated, treated and used wood, including MDF, it is likely to be hazardous waste, so the answer is given to the Q24 on the application form: “is any hazardous waste involved in the proposal” would be false.

Can the applicant supply any information that none of the ash from this plant, both flyash and bottom ash, under all likely combustion conditions, will not be classed as hazardous waste?

If some could be hazardous waste, how do they propose to test it ?

This is an objection that that application is inadequate as to the composition of the ash and probably misleading as to its character and therefore to possible disposal routes.

quotes the South East Wales Waste Group, Regional Waste Plan 1st Review, 2008, but the Welsh Government revoked this under the new TAN21 and Planning Policy Wales 2013. Will the VoG Council tell the applicant that use of the 'revoked' document is inadequate as justification of their claim to Advanced Conversion Technology and Gasification?

Quotes policy to include 'local use of the output heat' and 'potential to use the syngas', but the proposal meets neither of these

Is it 'gasification' ?

2012 review by Mott Macdonald questioned that the Outotec system could be termed 'gasification' in the EU definition of the

technology. https://www.whatdotheyknow.com/request/mott_macdonald_technical_review Surrey CC. carried out a 'due diligence' check.

107 Dock View Road,
Barry,
CF63 3QQ.

25th March, 2015

Mr M Goldsworthy,
Operational Manager,
Development and Building Control,
Vale of Glamorgan Council,
Dock Office, Barry,
CF63 4RT.

Dear Sir,

Town and Country Planning Application
No. 2015/00031/OUT/RL
David Davies Road, Woodham Road, Barry
Outline application for a wood fired renewable energy plant

I refer to the above and would like to **raise serious concern** over the impact of this application in terms of public health, quality of life, environmental issues & visual impact.

The planning application states the site is predominantly an industrial site, located away from neighbours and from the Waterfront Development. The fact that 2000 homes are being built, Asda, primary school & cafe quarter wholly negates the ethos that the waterfront site and adjacent land is 'industrial'. The waterfront project is a catalyst to improve the economic prosperity of the town. This application threatens to damage the environmental outlook for the area, threatens to damage air quality & will impact on current & future generations in terms of long term health. This will also massively impact on future possibilities for expansion of the waterfront development.

Large tonnage of toxic ash will be generated, increasing the likelihood of harmful fumes emanating throughout the area. The plan to burn 72,000 tons per annum of wood; not fresh wood – but chipped up building waste including items that are either painted or chemically treated. There are significant risks of fire hazards, potential for combustion of materials stored. There is high likelihood of fumes reaching the properties in all surrounding areas; including Castleand ward. The height of the stack will ensure that the fumes are pumped higher, which will ultimately reach the land of my property. I am very concerned that the planning application consultation was not extended across all neighbouring, including all of the properties overlooking or adjacent to the site.

Small particles of NOx can penetrate deeply into sensitive lung tissue and damage it, causing premature death in extreme cases. Inhalation of such particles may cause or worsen respiratory diseases, such as emphysema or bronchitis, or may also aggravate existing heart disease. The plan refers to comprehensive flue gas treatment that will be in place however, there will still be **residual emissions** which need to be discharged via an

RECEIVED

26 MAR 2015

elevated stack to ensure resulting pollutant concentrations are acceptable by the time they reach ground level at sensitive receptor locations. Any emissions from the site are very concerning for myself, my family, my neighbours and my town as a whole. The visible vapour plume and the buildings / stack will be unsightly, will impact on the visual appearance of the land; will impact on views from residents situated above the land; Dock View Road and adjacent areas.

Scientists have recently discovered that the pollutants in wood smoke, notably particulate matter, are harmful to human health. In fact, wood smoke has become the most serious kind of air pollution, causing more illness and deaths than smog does. Additionally, the fine particulates in smoke are very effective at reducing visibility. Smoke can also blot out the view, making it difficult for residents and tourists alike to enjoy the scenery, or even travel by road or air. This, in turn, can cause economic losses.

Wood combustion products can include toxic and carcinogenic substances. Generally, the heartwood of a tree contains the highest amounts of toxic substances, and precautions should be taken when burning wood of an unknown nature, since some trees' woodsmoke can be highly toxic and can endanger human health. Burning wood will also produce tons of fine particulate matter, a pollutant associated with asthma, heart disease, and cancer for which no safe level is known.

I would suggest that **additional local publication** of the application is absolutely essential, prior to any decision being made. Local councillors should also be seeking constituent views and the council itself should be very concerned over the health of all residents in Barry, as we are relying on the council to represent our views effectively.

This planning application is illogical, in terms of the benefits to the local community and should not be progressed. We, as the community of Barry are wholly relying on the local council to make the best decisions for our future and for our health, for our children's health and for the future prosperity of the town. Who would look to purchase a house on the new waterfront development when just over 0.3km along the way there could potentially be **an industrial site emitting dangerous toxic particles into the atmosphere.**

Have the builders of the new properties, Asda store and school been privy to the information contained in this planning application? I would suggest that they would also strongly object to the plans, as they could impact massively on the attractiveness of purchasing a home on the new waterfront development site.

This application must be strongly objected on all grounds. I urge you to expand the consultation, **take on board the public views seriously and support the public** by realising the potential impact this application will have on the future of Barry.

Yours faithfully,

Mrs Maria Spence

Payne, Adrienne J

From: [REDACTED]
Sent: 06 May 2015 10:16
To: Planning & Transportation (Customer Care)
Subject: RE: Comments acknowledgement

Thank you for accepting my Objection to the biomass incinerator plant that I entered on, 29 April 2015. I have sat at the computer for several hrs & the more i read about these biomass plants, the more Danger it would be bringing to the Population of Barry Town. The USA & Europe realize the true cost's of the Unacceptable (risk) to the Public's Health by increasing Air Pollution. Medical & Health associations are all Opposed to Biomass incinerators which Will produce hundreds of tons of Nitrogen Oxides, (Nox.) Sulfur Dioxide & Particulate air Pollution of which is Unacceptable, is associated with increased Cardiopulmonary symptoms, Asthma & Respiratory disease ending in Hospitalization, obviously increasing Healthcare cost's, Sadly some cases ending in their Mortality. Added HGV traffic using the already well worn roads in this area. Dangerous Emissions, & Unacceptable levels of Contamination in the Air that " WE " breath. I could go on & on all day every day about the DANGERS of this Application 2015/0031/out. I beg you Please DO NOT ALLOW the Biomass Incinerator to built anywhere, especially in Barry Town. Regards J.M.Hopkins.

> From: Planning&Transport@valeofglamorgan.gov.uk
> To: [REDACTED]
> Date: Wed, 29 Apr 2015 14:01:13 +0100
> Subject: Comments acknowledgement

> Dear Mr John Hopkins.,

> Town and Country Planning Act 1990 (as amended)

> Application Number: 2015/00031/OUT

> Location: David Davies Road, Woodham Road, Barry

> Proposal: Outline application for a wood fired renewable energy plant

> I hereby acknowledge receipt of your representations on the above planning application. These have been forwarded onto the planning officer dealing with this application, who will take your views into consideration when considering this application. We are sorry but owing to workload, the planning officer will not be able to respond to any questions which you may have raised in your correspondence.

> Please note that when a decision is made on this application, the Council's on line register will be updated.

> Thank you for taking the time and trouble to let us have your views on this planning application.

> MJ Goldsworthy

> Operational Manager Building & Development Control

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06 MAY 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

DEER
RECEIVED
ACTION BY: MAH/IR
NO: 36
ACK:

Payne, Adrienne J

From: CAIRNS, Alun <alun.cairns.mp@parliament.uk>
Sent: 11 June 2015 10:53
To: Planning & Transportation (Customer Care)
Cc: PEARCE, Katharine
Subject: Proposed Wood Gasification Facility: 2015/00031/OUT

RE: Proposed Wood Gasification Facility: 2015/00031/OUT

My purpose in writing is to highlight concerns that have been raised with me about the outline planning permission to change the existing planning consent for a waste wood pyrolysis plant at Woodham Road, Barry.

It has been suggested that there are contradictions in the planning documents that need clarification in order for the proposals to be properly considered to ensure that a full response can be submitted.

I understand that there are discrepancies between the stated efficiency of the current proposals and the previously consent pyrolysis plant and that the proposed development would require an increase in the amount of waste wood to be sourced for the plant. In addition, the Air Quality Assessment suggests that the technology would not reduce emissions of air pollutants as stated in the plans.

It has also been highlighted to me that a similar proposal was submitted by the developers in Barrow-in-Furness, Cumbria which included an explicit request to increase tonnage of feedstock.

It is important that the developer clearly sets out the needs of the new plant and clarifies the efficiency data before the proposals can be fully considered. The current application does not include sufficient information for a fully informed decision to be made at this stage.

I therefore hope that you will consider requesting further details on these points before the permission is changed.

Yours,

Alun



Alun Cairns MP
Vale of Glamorgan



RECEIVED

11 JUN 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION



Alun Cairns MP AS
 Vale of Glamorgan / Bro Morgannwg
alun.cairns.mp@parliament.uk
 House of Commons, London, SW1A 0AA
 T: 0207 219 7175
 29 High Street / 29 Y Stryd Fawr, Barry / Y Barri, CF62 7EB
 t: 01446 403814
www.aluncairns.co.uk

D.E.E.H
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ACTION BY: MPHIR
NO: 16
ACK:

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S/S
AB
Alun Cairns MP
Vale of Glamorgan



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr M Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

16 March 2015

Ref: VoG

Dear Mark

Planning Application 2015/00031/OUT/RL
Outline application for a wood fired renewable energy plant

I am extremely concerned by the prospect of this application being granted. As you may remember, I was actively involved in the campaign to oppose this development several years ago and spoke at length during the Welsh Planning Inspectorate's assessment.

I was extremely disappointed that the planning inspector overturned the Vale of Glamorgan Council's decision, and would ask again that the Council reject this application.

My original objections to the facility remain, such as the height of the development, the effect that it will have on congestion and residential amenity, and the impact that it will have on local businesses, but these concerns are given added weight because the proposed application is for a development several times bigger than the previous one. Again, I have serious concerns about the effect that this development will have on the future regeneration of Barry, specifically the Waterfront.

The Vale of Glamorgan Council rejected this application on the grounds that the proposal is considered to be unacceptable, and would result in adverse impacts on local residential amenity (noise, traffic, and pollution) and on the character of the area. The Council also objected to the application because of the effect that it would have on the Barry Waterfront development – I would ask again that the Council reject this application.

29 High Street
Barry
CF62 7FB

Alun Cairns MP
www.aluncairns.co.uk
alun.cairns.mip@parliament.uk
☎ 0207 219 5232 ☎ 01446 403814

29 Y Stryd Fawr
Y Barri
CF62 7EB

Alun Cairns MP
Vale of Glamorgan



HOUSE OF COMMONS
LONDON SW1A 0AA

Thank you for your consideration in this matter and I do hope that the Council takes into consideration local opinion when debating this application.

Yours sincerely

ALUN CAIRNS MP
Vale of Glamorgan

29 High Street
Barry
CF62 7EB

Alun Cairns MP
www.aluncairns.co.uk
alun.cairns.mp@parliament.uk
☎ 0207 219 5232 ☎ 01446 403814

29 Y Stryd Fawr
Y Barri
CF62 7EB

Eluned Parrott

Aelod Cynulliad dros
Ganol De Cymru

Assembly Member for
South Wales Central



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Planning Officer
Vale of Glamorgan Council
Dock Office
Barry

Our Ref: 131531/Vale/Planning

Date: 1st April 2015

RECEIVED

15 APR 2015

D.E.E.P.
RECEIVED
ACTION BY
NO: 2 IR / MPH.
ACK:

Dear Sir

APPLICATION: 2015/00031/OUT
PROPOSED BARRY INCINERATOR

I am writing to object to the above application as one of the Regional Assembly Members for South Wales Central, although I also live in neighbouring Rhoose.

I understand a previous application for a wood fired renewable energy plant was rejected by the Council but granted on appeal and the applicants have submitted an amended application for a bigger plant and new technology.

As such, it is my understanding that this new development, which is both bigger in size and scope, is being treated as a new application and is not restrained by the previous application and permission, although the principle of an incinerator may have been established.

The 43m increased height of the stack will be a carbuncle on the local landscape and its emissions will be wide and far reaching. They will extend over a population which is greater in density than the Wales average and, if not properly treated, they may contain copper, chrome, arsenic (CCA) and creosote.

Although it is intended to increase the dispersal range of the 10 tonnes of ash that will be generated every day from the daily incineration of 200 tonnes of "treated" wood chips, residents are obviously concerned that their homes, communities and local environment are within the emissions range and at risk from potentially "contaminated" ash particles.

Whilst Eluned Parrott AM will treat as confidential any personal information which you pass on, she will normally allow staff and authorised volunteers to see if this is needed to help and advise you. The AM may pass on all or some of this information to agencies, such as the DWP, the Inland Revenue or the local Council if this is necessary to help with your case. Eluned Parrott AM may wish to write to you from time to time to keep you informed on issues which you may find of interest. Please let her know if you do not wish to be contacted for this purpose.

Cynulliad Cenedlaethol Cymru
38 Y Parêd, Y Rhath,
Caerdydd, CF24 3AD
Eluned.Parrott@cymru.gov.uk
www.ElunedParrott.com
T +44 (0)29 2046 2326

National Assembly for Wales
38 The Parade, Roath,
Cardiff, CF24 3AD
Eluned.Parrott@wales.gov.uk
www.ElunedParrott.com
T +44 (0)29 2046 2326

Concerns have been expressed as to the public cost of fighting the previous appeal but what about the cost of this new "industrial" development in relation to the existing communities and proposed nearby £230m Barry Waterfront scheme of 2,000 homes, new business and a waterfront sports activity centre.

The additional traffic generation will also impact upon all routes in and out of Barry and exacerbate existing congestion problems.

Yours sincerely,


ELUNED PARROTT AM
Welsh Liberal Democrat Assembly Member for South Wales Central

Whilst Eluned Parrott AM will treat as confidential any personal information which you pass on, she will normally allow staff and authorised volunteers to see if this is needed to help and advise you. The AM may pass on all or some of this information to agencies, such as the DWP, the Inland Revenue or the local Council if this is necessary to help with your case. Eluned Parrott AM may wish to write to you from time to time to keep you informed on issues which you may find of interest. Please let her know if you do not wish to be contacted for this purpose.

Cynulliad Cenedlaethol Cymru
Bae Caerdydd
Caerdydd CF99 1NA
www.cynulliad.cymru

National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA
www.assembly.wales

Our ref: JH/CB/

Mark Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Rd
Barry
CF63 4RU

FAO: Cllr Lis Burnett

25 March 2015

Dear Lis

Re: 2015/00031/OUT Wood Fired Renewable Energy Plant Barry

I have been contacted by a number of Barry residents with concerns regarding the above application from Sunrise Renewables Ltd.

I understand that an application was originally submitted 5 years ago for a wood fired renewable energy plant on Woodham Rd Barry, but this latest application contains amendments which have drawn considerable local concern.

It appears that the scale of the plant has been significantly increased-with a bigger wattage and 23m tall building and 43m chimney which would detrimentally affect the view line of nearby houses.

Local residents are very concerned about the visual, public health and environmental impact of this proposal and feel that this application, far from amending the original application, actually plans for a much bigger proposal.

I would be grateful if their concerns could be accorded due attention.

Bae Caerdydd
Caerdydd
CF99 1NA
Cardiff Bay
Cardiff
CF99 1NA

Ffôn / Tel: 0300 200 7110
E-bost / Email: jane.hutt@assembly.wales

With very best wishes

Yours sincerely



JANE HUTT AM (VALE OF GLAMORGAN)





Andrew RT Davies AM/AC

Leader of the Opposition
Arweinydd yr Wrthblaid
Welsh Conservative Member for
South Wales Central
Aelod y Ceidwadwyr Cymreig dros
Ganol De Cymru

RECEIVED

11 JUN 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Mr M Petherick
Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

Please reply to:
Cardiff Bay, Cardiff, CF99 1NA
Bae Caerdydd, Caerdydd, CF99 1NA
Ffon/Tel: 029 20 898523
Ffacs/Fax: 029 20 898371
AndrewRT.Davies@wales.gov.uk

Ein cyf/Our Ref: **AD/VB**
Eich cyf/ Your Ref: **Planning**

11th June 2015

Dear Mr Petherick,

In recent months I have received a number of letters and calls from constituents who have expressed their concerns over the proposed wood fire incinerator in Barry and similar concerns regarding this application and the impact that it could have on future efforts to regenerate the Barry area, specifically the Waterfront.

For my part this application raises the question of what kind of waterfront we want to see in Barry? Is a development of this kind in keeping with wider plans to generate tourism in the area? I would argue that these plans are completely out of character.

Not only am I also concerned about the impact of the plans on the local residential area (due in no small part to the height of the development), it is clear that it could have a sizeable impact upon local businesses due to increased traffic flow - leading to heavy congestion in the locality.

I would strongly urge the Vale of Glamorgan council to take into consideration the views of local residents when debating these proposals and find against the application.

Kindest regards,



Andrew RT Davles AM
Leader of the Welsh Conservatives



Plaid Cymru | Party of Wales

Plaid Cymru – The Party of Wales

Leanne Wood AC/AM

Arweinydd Plaid Cymru / Leader of Plaid Cymru

Aelod Cynulliad Canol De Cymru / South Wales Central Assembly Member

Mr. Morgan P. Howell
The Vale of Glamorgan Council,
Development Control,
Dock Office,
Barry,
CF63 4RT

Our Ref: LW/hp/150424/BarryIncinerator

24th April 2015

Dear Mr. Howell

Re: Planning Application reference 2015/00031/OUT

I have been contacted by a number of constituents who have raised concerns about the proposed Waste Wood incinerator by Sunrise Renewables, in Barry Dock.

I understand that the location for the proposed incinerator is in relatively close proximity to the houses on Dock View Road. I understand further that the proposed incinerator relies on new and largely untested gasification processes and that residents are, therefore, naturally concerned about the potential negative effects on their health and the air quality in the surrounding area.

Furthermore, it has been indicated that the plant's energy efficiency would be around 20%, making it a waste disposal facility, not an energy recovery plant, under EU law. There also appears to be a lack of information available as to the disposal of the ash produced by the incinerator, which would presumably need to be taken off-site and transported elsewhere.

As this proposal could have significant effects on the environment and health, further testing of the gasification process is needed to monitor the impact on the environment and local residents and, in light of the reasons outlined above, it should be subject to a full Environmental Impact Assessment.

I therefore request that the application is deferred until such a time that adequate information is available to ensure that the proposal can be assessed with proper consideration of the facts.

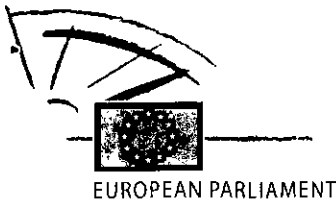
Yours sincerely,


Leanne Wood AC

Cynulliad Cenedlaethol Cymru, Bae Caerdydd • National Assembly for Wales Cardiff Bay CF99 1NA
☎ 0300 200 7202

Swyddfa Ranbarthol • Regional Office
32 Heol Gelliwastad, Pontypridd, Rhondda Cynon Taf CF37 2BN ☎ ☎ 01443 480291

leanne.wood@cynulliad.cymru • leanne.wood@assembly.wales



Member of the European Parliament

45 Gelligaled Road,
Ystrad,
Rhondda,
CF41 7RQ.

Mr. Morgan P. Howell
The Vale of Glamorgan Council,
Development Control,
Dock Office,
Barry,
CF63 4RT

16th of April, 2015.

Dear Mr. Morgan P. Howell,

I am writing with regard to the proposed Waste Wood incinerator by Sunrise Renewables (ref 2015/00031/OUT).

I ask that the application is deferred for the following reasons.

This proposal could have significant effects on the environment and health, and as such should be subject to a full Environmental Impact Assessment. The proposed incinerator relies on new and largely untested gasification processes, and the plant's energy efficiency would be around 20%, making it a waste disposal facility, not an energy recovery plant, under EU law. Further testing of the gasification process is needed to monitor the impact on the environment and local residents.

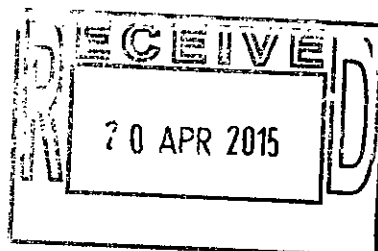
Burning contaminated wood chips would produce toxic ash which would have to be taken off-site and transported elsewhere for specialist disposal. And with inadequate information available regarding the proposal, residents are worried about their health and air quality.

I believe that the Vale of Glamorgan Council needs a great deal more information from the developers before this application can be determined.

Yours sincerely,



Jill Evans ASE/MEP
Plaid Cymru - The Party of Wales.



D.E.E.R
RECEIVED
ACTION BY: IR-MPH
NO: 7
ACK:

Howell, Morgan P

From: Barratt, Melinda <Melinda.Barratt@cyfoethnaturiolcymru.gov.uk>
Sent: 01 July 2015 13:35
To: Howell, Morgan P
Subject: David Davies Road - 2015//00031/OUT
Attachments: FW: NRW comments on queries dated 8th April 2015 re Sunrise Renewables Planning Application

Hi Morgan,

Please see below advice forwarded to me from Gwyn Jones.

Also please see attached our previous correspondence from Friend of the Earth.

Any queries give me a ring.

Kind regards,

Lindy

Melinda (Lindy) Barratt

Ymgynghorydd Cynllunio Datblygu(2) / Development Planning Advisor (2)
Cyfoeth Naturiol Cymru / Natural Resources Wales
Ffôn/Tel: (0300) 0653091
Gwefan / Website: www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

From: Jones, Gwyn (Cardiff)

Sent: 01 July 2015 12:32

To: Barratt, Melinda

Cc: Willey, David

Subject: FW: R1

Hi Lindy,

Morgan (VoG CC) may find the comments put forward by my colleague (Dave Willey) helpful.

Dave Willey is half day AL this afternoon.

Happy to discuss.

Thanks

Gwyn

From: Willey, David

Sent: 01 July 2015 12:14

To: Jones, Gwyn (Cardiff)
Subject: R1

Sorry for the rushed e-mail – essentially R1 only applies to incinerators burning municipal waste. As you know municipal waste are defined by relevant EWC codes.

Qualify as an R1 recovery operation

An incinerator that can generate energy with high efficiency can qualify as a recovery operation. Performance is measured using the R1 Energy Efficiency formula in Annex II of the Waste Framework Directive 2008/98/EC (WfD).

The incinerator must be:

- regulated by the Environment Agency / NRW
- dedicated to municipal waste (MWI) or automotive shredder residues (ASR)

This approach applies only to incineration plant as defined by the Environmental Permitting (England and Wales) Regulations 2010 (EPR). In the future other types of incinerator may be included - the Environment Agency will consider proposals from industry.

Why apply

If you want your incinerator to be classed as an energy recovery plant under the Waste Hierarchy (Waste (England and Wales) Regulations) you must justify to us that it is an R1 recovery operation. Otherwise, by default, it is a disposal activity (D10 in Annex 1 of the WfD) and at the bottom of the waste hierarchy. ASR incinerated in plant with R1 status qualifies as recovered for the purposes of the End of Life Vehicles Directive.

Waste incinerators dedicated to the incineration of municipal waste are waste incinerators which have the permit and are technically designed in a way so that they are capable to incinerate mixed municipal solid waste.

The R1 formula does not apply to co-incineration plants and facilities dedicated to the incineration of hazardous waste, hospital waste, sewage sludge or industrial waste.

David Willey
Industry and Regulation Team - Usk and Wye
Cyfoeth Naturiol Cymru / Natural Resources Wales Internal: 3372
Ffôn/Tel: 03000 653372
Mobile 07867 140033

E-bost/E-mail:

david.willey@cyfoethnaturiolcymru.gov.uk / david.willey@naturalresourceswales.gov.uk

Gwefan / Website:

www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

Howell, Morgan P

From: Richards, Gareth (Rivers House) <Gareth.Richards2@cyfoethnaturiolcymru.gov.uk>
Sent: 30 April 2015 15:47
To: Barratt, Melinda
Subject: FW: NRW comments on queries dated 8th April 2015 re Sunrise Renewables Planning Application

Lindy,

As requested,

Gareth

From: Richards, Gareth (Rivers House)
Sent: 20 April 2015 16:41
To: 'WallisMK@cardiff.ac.uk'
Subject: NRW comments on queries dated 8th April 2015 re Sunrise Renewables Planning Application

Ref. PLANNING APPLICATION NO. 2015/00031/OUT - OUTLINE APPLICATION FOR A WOOD FIRED RENEWABLE ENERGY PLANT - SUNRISE RENEWABLES (BARRY) LTD

Dear Mr Wallis,

Please see our comments below in respect of the queries you raised in your Email dated 8th April 2015. Please note that NRW has not received an EPR application for the above installation at present.

1. As the plant would burn over 100 tonnes waste wood per day, is this a Schedule 1 development under the EIA Regulations?

A plant of this capacity would appear to fall under a Schedule 1 development Category 10, however this is a decision that would be made by the Local Authority.

2. Is there any evidence that the efficiency would be high enough for an 'energy recovery' plant, rather than a waste disposal plant under the EU law on waste incineration?

NRW would consider these aspects upon receipt of an application for an environmental permit. New requirements arising from implementation of the Energy Efficiency Directive will drive the adoption of economic energy recovery measures for new developments such as this.

3. Is the claimed output of 10MW from 72 000 tonnes waste wood pa a reasonable figure?

This will depend upon the calorific value of the waste wood and NRW would assess this aspect during determination of an application for an environmental permit as explained above.

4. Is it acceptable for the company to waste the heat output and not consider its beneficial use, or should they consider alternative siting near suitable heat user(s)?

Location is an aspect covered by the planning regime. See also the answer to question 2 above.

5. What types of waste wood should be excluded, in addition to CCA-treated and creosote-treated wood mentioned by the Public Health Wales response?

If the plant is to be built and operated to be compliant with the requirements of Chapter IV of the Industrial Emissions Directive then potentially all waste wood types could be permitted provided that the specific requirements of Chapter IV for the particular waste type are achieved. Exclusion of unsuitable wastes would be implemented through any environmental permit issued. NRW would consider these aspects upon receipt of an application for an environmental permit.

6. Are there chip suppliers in the UK who say they will exclude CCA etc. chipped wood and how reliable are they? (we've heard of Plevins who promised but didn't sort out excluded wood)

Waste acceptance procedures and testing would be implemented through any environmental permit issued. NRW would consider these aspects upon receipt of an application for an environmental permit.

7. Does the high fraction of plastic in some wood composites exclude them as 'biomass' sources of 'renewable energy'; if so, how is this issue controlled?

Only the biomass fraction of a mixed waste stream would be considered to be renewable.

8. On the air pollution assessment, taking background levels from Cwm Parc, elevated position 2.4km away, well outside the town centre, appears unsatisfactory. Would you advise or require more appropriate background data?

NRW would consider these aspects upon receipt of an application for an environmental permit. In general the background air quality concentrations should be representative of the locality where data are available, or use of alternative locations justified.

9. Emissions to air from dock-based activities have been ignored in the background level. Is there any evidence that such emissions, particularly from moored and moving ships, are negligible?

Any information on these aspects is likely to be available from the Local Authority. NRW would consider these aspects upon receipt of an application for an environmental permit.

10. Do you consider that the applicant should give data on the Outotec 'gasifier fluidised bed' technology and operational record, being new to the UK.

Technology selection would be considered upon receipt of an application for an environmental permit. A permit would only be granted if the technology is able to meet all best available techniques (BAT) requirements and associated emissions levels, unless a detailed cost benefit analysis were to show that a derogation from meeting BAT requirements was justified and no significant pollution would be caused.

11. Are you aware of the 2012 review by Mott MacDonald that questions whether the Outotec system could be termed 'gasification' in the EU definition of the technology, and what is the EA/NRW view on this point.

The environmental permitting regime does not seek to specify particular technology options. See also the answer to question 10.

12. Does the ash from waste wood combustion potentially qualify as hazardous waste and is the low (5%) estimate of 3700 tonnes pa. reasonable. Should the applicant provide evidence on toxicity and quantity, on using tests for its hazardous nature, and on disposal routes?

NRW would consider these aspects upon receipt of an application for an environmental permit. Appropriate waste assessment and recovery and disposal options would be expected to be included in any application made.

13. On "due diligence" checks, does the NRW have any guidance for checking such a company, which lacks operational history or expertise?

NRW would consider these aspects upon receipt of an application for an environmental permit. Evidence of appropriate policies, management systems, resources and competencies would be expected to be included in any application made.

Regards,

Gareth Richards

Dr Gareth Richards
Arweinydd Gweithredol y Tim Atal a Rheoli Llyredd (ARhLi)
Acting PPC Team Leader
Cyfoeth Naturiol Cymru / Natural Resources Wales
Ffôn/Tel: 03000 65 3123

E-bost/E-mail:
gareth.richards2@cyfoethnaturiolcymru.gov.uk
gareth.richards2@naturalresourceswales.gov.uk

Gwefan / Website:
www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

Howell, Morgan P

From: Howell, Morgan P
Sent: 25 June 2015 09:16
To: 'Max Wallis'
Cc: Goldsworthy, Marcus J
Subject: RE: Sunrise application and EIA regulations 1999, 2015/00031/OUT

Dear Mr. Wallis,

You are not a consultee on this application so it is not reasonable to delay the process of the application by requiring your formal response. You may provide comments or representations that could be put forward as late representations to the proposal.

The notice served on the land owner is not defective, the applicant has served on the owner and they are aware of the application being submitted. The form is the same, the important matter is that the owner was served within an appropriate time period.

The need for an EIA was considered prior to the application being submitted and noted on part 1 of the file with a screening opinion sheet that has been used by the Council for a number of years. Following your concerns and after speaking with my line manager I double checked the EIA screening form carried out and then filled out the EIA screening proforma, which could be saved to the system and exported to the external website. I have checked the system and it was not exported, as such, I have now exported it to the external website.

I am not sure why Public Health wales comments have been exported and not NRW, however, it should be outlined that National Resource Wales did not object to the proposal following the submission of the updated Air Quality Assessment. I have now exported the comments from NRW.

All your other comments can be considered at Planning committee and you are obviously welcome to attend and now speak at the upcoming planning committee on 3rd July.

Kind regards

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704743
e-mail / e-bost: MPHowell@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
Ewch i'n gwefan yn www.bromorgannwg.gov.uk

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Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

From: Max Wallis [REDACTED]
Sent: 24 June 2015 19:29
To: Howell, Morgan P
Cc: Keith Stockdale; Planning & Transportation (Customer Care)
Subject: Re: Sunrise application and EIA regulations 1999, 2015/00031/OUT

Dear Mr Howell,

We have looked at the applicant's responses to FoE's questions/points of last week (18 June) and find them in error in some respects. You would surely want to take our rebuttal into account before finalising your report to committee, so will you allow us reasonable time to check the points?

In the interim we make three formal points:

1. The applicants' Article 11 Notice is defective. That on the website dated 19 December 2014 applies under planning law in England only. Therefore the Applicant is required to serve notice on the landowner or tenant under Planning law in Wales before the application can be approved.

2. From the applicants' responses their application is faulty in their answer "no" to the Q24 on the application form: "is any hazardous waste involved in the proposal".

This is false as they now write "1464 tonnes of hazardous fly ash" per year.

They say bottom ash is non-hazardous, but give no data. Also "Bottom ash will be disposed of separately for use in the construction industry" but there's no evidence this is feasible in the UK or the practice elsewhere. The Wikipedia article https://en.wikipedia.org/wiki/Wood_ash has nothing on use in the construction industry, such as for ash from normal waste incinerators. The chemical composition of wood-ash is quite different and this would contain unwelcome nails and metal fragments.

3. You wrote 1st June that the NRW is considering the air pollution assessment. Their response (unlike the Health Board's) is not posted up; could you please supply a copy (by email) and post it up on the website?

On the outstanding EIA screening point (if Schedule 2))

you wrote on 3rd June that you would check with your line manager once he has returned regarding the assessment of the need for an EIA but the Council is of the opinion that an EIA was not required to register the application. I'm unclear you did this, finding nothing on the website, so could you please supply documents showing the basis for this "opinion". The public inquiry evidence showed high (night-time) noise levels and large quantities of hazardous ash produced. Both are environmentally significant and the Inspector imposed a strong mitigation condition on noise. Can you show the Council took this information into account ?

The applicants supply no information on supply of woodchips by other means than lorry, though rail and boat are feasible for this location. Their mention of shipping gives no detail. As these transport modes are considered to be more 'sustainable', does the Council not have a duty to check these alternatives have been considered and shown to be not practical if there's no intention to use either?

Regards,
Max Wallis [REDACTED]

From: Max Wallis
Sent: 03 June 2015 09:45
To: Howell, Morgan P
Cc: keith stockdale
Subject: Re: EIA regulations 1999 2015/00031/OUT queries

Dear Mr Howell,

Thank you for your reply below.

I remember too that the Inspector decided he did not need to decide the screening issue as the applicant had submitted an ES as part of the appeal. He did see there was an arguable issue over the Council's screening opinion.

This is a different plant with a new planning application, which includes no evidence that the plant would meet the newer R1 standard for energy recovery. We wish to clarify what consideration the previous officer gave to making a screening decision for this application.

As I state, your screening opinion was certainly outdated in asserting the plant was not likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location. The Welsh Government letter likewise considered 'unlikely to have significant effects on the environment', uninformed about the defective information on noise. The Inspector devoted a lot of attention to the likely noise disturbance, accepted that the applicant's nighttime noise data was questionable, at variance with other data, and imposed a strong mitigation condition. The new application repeats the questionable noise data and does not show mitigation is feasible for a plant not within a noise-insulated building.

I did not write that the planning permit is outdated. A screening decision can in any case be issued at any time, on the receipt of further information, without awaiting expiry of the planning consent.

Thank you for the information that the NRW is considering the air pollution assessment. Can you therefore confirm that Council officers are assessing other environmental aspects including noise, dust, fire-risk, energy efficiency etc.? Will you be obtaining information on environmental impacts from potential supply of wood-chips by boat as well as lorry?

Regards,
Max Wallis [REDACTED]
Barry & Vale Friends of the Earth

From: Howell, Morgan P <MPHowell@valeofglamorgan.gov.uk>
Sent: 01 June 2015 15:25
To: Max Wallis
Subject: RE: EIA regulations 1999 2015/00031/OUT queries

Dear Mr. Wallis,

I did not personally register this application or discuss the submission prior to it being submitted to the Council. Due to a change in personnel I have taken on this application in the last few months. As such, I will check with my line manager regarding any discussions prior to the submission when he returns from leave in a week. Notwithstanding this, any correspondence with NRW or the applicant will be on the file.

With regards to the Screening opinion, you are incorrect in suggesting the inspector dismissed the Councils screening opinion. If you read the decision notice for the appeal, he quite clearly outlines that the Welsh Assembly and the Council considered that an EIA was not required but the applicant had submitted an ES as part of the appeal anyway. Therefore, there was no reason for him to consider whether it was necessary or not. In addition, the applicant has submitted documents on noise, ecological issues, transport, an updated air quality assessment, flood risk assessment, a stack height assessment, visual impact analysis, exactly the same information that was outlined and submitted as part of the ES statement at the 2010 appeal. It is not correct to say that 2008 permission is outdated as the permission is still live and could be implemented at any time. The permission was granted consent in 2010 and could still be implemented if commenced this year.

The updated air quality assessment was requested by NRW and is currently being considered. The email I sent to the applicant's agent regarding your queries are on the file and so will his response once I receive it.

Regards

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704743
e-mail / e-bost: MPHowell@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
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From: Max Wallis [REDACTED]
Sent: 01 June 2015 12:58
To: Howell, Morgan P
Cc: keith stockdale
Subject: Re: EIA regulations 1999 2015/00031/OUT queries
Importance: High

Dear Mr Howell,
Thank you for your reply below.

The application is clearly for waste disposal with energy recovery. All incinerator proposals include energy recovery, some try and meet defined energy standards. This one doesn't. The plant is defined as a waste incineration plant under the Directive (WID) and has to meet emission standards of the Waste Incineration Regs.

There have been arguments and test cases on the point since 2008. So please supply evidence of recent discussions with the company (even a screening decision) for the Council saying "not waste disposal" in this case. Evidence of your informing them that you would accept simple re-submission of the previous case and environmental information would be relevant.

The Council's 2008 screening opinion was shown to be defective at the 2009 public Inquiry. In particular, noise from the planned plant was found likely to be very significant and the Sunrise evidence on nighttime noise shown to be anomalous, at variance with other data. Secondly, the residents in the now-permitted Quays development would be much closer receptors than considered earlier. As the 2008 decision is outdated, please say what the Council has done to review it.

You mention NRW, so could you please clarify if all documents on discussions of the Council and the applicant with National Resources Wales are in the case-file on deposit? Likewise, is your letter to the applicants regarding my questions on the file? If not, please place all copies there, available for viewing.

Regards,
Max Wallis [REDACTED]
Barry & Vale Friends of the Earth

From: Howell, Morgan P <MPHowell@valeofglamorgan.gov.uk>
Sent: 01 June 2015 11:14
To: Max Wallis
Subject: EIA regulations 1999-2015/00031/OUT queries

Dear Mr. Wallis,

Further to your emails regarding the above mentioned application.

Firstly, it is the Councils view that the proposal is an energy recovery plant and not a waste disposal, therefore, it would be a schedule 2 development and not a schedule 1 development. A screening opinion was carried out on this proposal in 2008 and it was not considered that an EIA was required. National Resource Wales have of course been consulted on this matter and have been in discussion with the Council and the applicant regarding the submissions.

Your questions have been forwarded to the applicants agent for comments and I will await reply in respect to your questions regarding hazardous waste.

Regards

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704743
e-mail / e-bost: MPHowell@valeofglamorgan.gov.uk

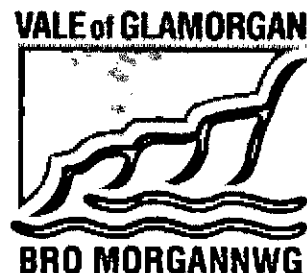
Visit our Website at www.valeofglamorgan.gov.uk
Ewch i'n gwefan yn www.bromorgannwg.gov.uk

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MEMORANDUM / COFNOD

The Vale of Glamorgan Council
Public Protection Services
Legal, Public Protection and Housing Services Directorate
Civic Offices, Holton Road
BARRY, CF63 4RU



To:	Mr Morgan Howell
Dept / Adran:	
Date/Dyddiad:	
Your Ref / Eich	Docks Office, Subway
Cyf:	Road, Barry, CF63 4RT

From /	Rebecca Athay
Oddi Wrth:	Pollution Section
My Ref/Cyf	REA/286856
Tel / Ffôn:	01446 709105
Fax /	01446 709449
Ffacs:	

Subject / Testyn: **Re: Planning Application No - 2015/00031/OUT
Sunrise Renewables Ltd, Street Record, David Davies Road, Barry, Vale Of Glamorgan.
Outline application for a wood fired renewable energy plant**

I refer to your memorandum received by this department on 19 February 2015, this department has Comments to make regarding the above application:

Air Quality

Based on the modelled data provided, there appears to be no evidence of the Renewable Energy Plant (REP) breaching the relevant ambient air quality objectives (Nitrogen Dioxide, Sulphur Dioxide, PM₁₀, Carbon Monoxide). Specific stack emissions have also been modelled and indicate that they would comply with imposed permit conditions as set by Natural Resources Wales.

However, reference has not been made to other approved sites (that may not yet be in operation) that could have a contributing/cumulative pollutant factor which may adversely affect the air quality.

Due to the topography of the local area, the height of the stack may be level with sensitive receptor locations, subject to planning approval that are yet to be constructed. The air quality assessment has not considered sensitive receptor locations yet to be constructed, including their relative elevations to the proposed stack.

Appendix F and Appendix G are missing from the Report.

The Local Planning Authority (LPA) should ensure that the air quality assessment is updated to reflect and consider the above. This is to verify that the REP will not lead to any Process Environmental Concentrations (PECs) breaching any relevant Environmental Assessment Levels or local air quality objectives.

Recommendation:

- That the source material (i.e. wood chip) be properly, quality controlled to ensure the absence of copper/chrome/arsenic (CCA) and creosote treated wood.

Reason: To ensure predicted emissions including Chromium VI can be achieved in-line with the submitted air quality assessment.

Noise

The noise impact assessment and predictions are based on background noise measurements and locations as identified in a previous application. We do not believe that background noise levels within the area have increased. However, reference has not been made to other approved sites that are yet to be constructed as they may impact on background levels.

The noise impact assessment and predictions indicate no adverse impact upon amenity from the REP. Nevertheless the process will need to demonstrate Best Available Technique for noise control during the permitting process. This will offer further opportunity to limit impacts and will be for discussion with Natural Resources Wales.

It is advised that the operators of mobile plant within and outside curtilage of the facility use reversing safeguards that have low off site impact. For example, bleeper alarms are omnidirectional and can be audible over a large distance – alternatives to be used, for example directional sound or white noise.

Construction Phase

Prior to this phase, a Construction Environment Management Plan (CEMP) should be submitted to and agreed with the LPA. This must detail the control of noise and dust etc. prior to works commencing.

Odour

There should be no odour from the REP as it works on negative pressure.

Lighting

Exterior lighting should be installed in accordance with the Institute of Lighting Engineers guidelines for the control of obtrusive light.

Reason: to avoid negative impact upon amenity by obtrusive light.

Ground Conditions

The submitted report includes a recommendation for further gas monitoring. This is recommended. A detailed ground investigation will be required to ensure that any contamination does not impact upon the end use.

Environmental Permitting Regulations

It is essential to note that the operation of this process cannot legally operate until it benefits from an Environmental Permit issued by Natural Resources Wales.

Rebecca Athay
Environmental Health Officer



GIG
CYMRU
NHS
WALES

Iechyd Cyhoeddus
Cymru
Public Health
Wales

Tim Amddiffyn Iechyd

Iechyd Cyhoeddus Cymru, Y Deml Iechyd a Heddwch
Parc Cathays, Caerdydd, CF10 3NW

Health Protection Team

Public Health Wales, Temple of Peace and Health
Cathays Park, Cardiff CF10 3NW

Ffôn/Tel: 029 2040 2478 · Ffacs/Fax: 029 2040 2503

Gwefan/Web: www.iechydcyhoedduscymru.org

www.publichealthwales.org

02nd June 2015

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council

MPHowell@valeofglamorgan.gov.uk

Hello Morgan

**Re 2015/00031/OUT Wood fired renewable energy plant, David Davies
Road, Woodham Road, Barry – Air Quality**

● **PHW references (ENQ 399 & A8BQ64)**

Thank you for the opportunity to comment on the updated Air Quality Assessment (AQA). Based upon the information provided by the applicant, there is limited potential for risk to public health from the proposed process itself.

However, we understand that similar processes in the vicinity of this proposal may already be subject to planning permission (i.e. a wood pellet plant at Dow Corning and a residual waste gasification plant at Atlantic Way). We also understand that multi-storey residential properties may have permission approximately west of the proposal. If the above is the case, then the AQA does not appear to acknowledge the additional emission sources and sensitive receptors.

We therefore refer to our previous recommendations (below) with regard to the assessment of cumulative impacts of emissions upon sensitive receptors.

● **"Operation Phase Air Quality**

- *That the LPA requires that the air quality assessment (AQA) considers the additional contributions of relevant pollutants from sources already approved (but may not as yet be operational). The AQA also considers any sensitive receptor locations subject to planning approval but yet to be constructed including their relative elevations to the proposed stack.*

Reason: to confirm that the additional process contributions (PC) will not lead to any process environmental concentrations (PECs) breaching any relevant Environmental Assessment Levels (EALs) or local air quality objectives."

Yours sincerely,

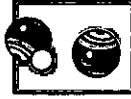


Kristian James

**Prif Arbenigwr Iechyd Cyhoeddus Amgylcheddol / Principal Environmental
Public Health Specialist**



HOWARD AND MARILYN HELLYAR
21 CHURCHILL TERR.
CADOXTON
BARRY
CF63 2QX



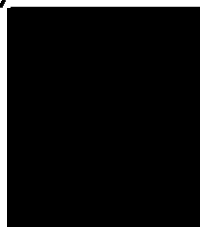
Re: Application no. 2015/00031/out/rl

Dear Mr Howell,

I cannot believe that once again the east end of the town is threatened with another firm who wants to pollute our air. Although Castleand ward is closer to the preferred site, it's Cadoxton Moors who will get the dust from the storage of the piles of 'FUEL' not to mention the dust from the chimney on the prevailing wind.

We already have heavy industry on our doorstep and , until quite recently, Health of the locals was not a priority. I hope that common sense prevails and this dirty, unhealthy proposition is kicked into touch.

Yours sincerely,



Payne, Adrienne J

From: Planning&Transport@valeofglamorgan.gov.uk
Sent: 14 June 2015 21:54
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00031/OUT

New comments have been received for application 2015/00031/OUT at site address: David Davies Road, Woodham Road, Barry

from Mrs Julie Inker [REDACTED]

Address:
6 Beatrice Road, Barry, CF633QF

Comments:

Inadequate information is given on a hugely important development that could seriously impact my environment and quality of life. You the council should demand that the company give full information and hold a public session where we can put questions. In the meantime put the application on hold and tell the company to fully comply with environmental impact assessment laws.

I also object to the height of the proposed chimney and buildings, the store of flammable and toxic fuel, and the production of large tonnages of hazardous ash.

Case Officer:
Mr. Morgan P. Howell

RECEIVED

15 JUN 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

D.E.E.R
RECEIVED
ACTION BY: <i>mp/hlr</i>
NO: <i>20</i>
ACK:

Howell, Morgan P

From: Goldsworthy, Marcus J
Sent: 03 June 2015 10:13
To: Ceri.Litherland@Wales.GSI.Gov.UK
Cc: Howell, Morgan P
Subject: Woodham Rd. David Davies Road , Barry Docks application for wood fired renewabel energy plant

Ceri,

Apologies for contacting you directly but we currently have a new application for the above site which was previously considered at appeal (decision letter enclosed). The council has screened this new application and has decided that an EIA is not required. However the case officer is getting bombarded by correspondence regarding the need for an EIA from FoE and others.

Is there any way that WG can give us a second opinion on the need for EIA or not? as the case officer is finding that this is like wading through treacle and I know your section should be able to assess the need very quickly and easily.

● Thanks

Marcus Goldsworthy
Operational Manager Development Control
Director's Office - Development Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704661
mob / sym: 07976112326
e-mail / e-bost: MJGoldsworthy@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
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Payne, Adrienne J

From: [REDACTED]
Sent: 23 June 2015 13:10
To: ian.johnson@plaidcymru.org
Cc: R Fowler
Subject: development woodlands road-valeofglamorgan

RECEIVED

23 JUN 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

D.E.E.R
RECEIVED
ACTION BY: MPTHR
NO: 24
ACK:

Dear Sir/Madam

RE DEVELOPMENT WOODLANDS ROAD (NEAR COURT ROAD)

I am writing to you as a resident of Woodlands Road, where I have lived with my family for over 19 years. We are rising our family on a street

where a lot of our neighbours have actually grown up and stayed on to live and raise their own families, this means something to us, we are a

residential street which is very much a family environment.

I am writing to object to the current planning application for the following reasons

Woodlands Road is for the most part a family community. We were under the impression from the original proposal that unit development

was for 1 and 2 bedroom flats, suggesting small families, retired couples/people, with ample car parking facilities for the new units on the development it

self.

This would be in keeping with the existing area, with the existing residents, with families and as I mentioned earlier some older residents' who have

have lived most if not their whole lives in this street.

The new proposal does not seem to appear to indicate that the new units will be retirement flats or for small families as the units are for 1 bedroom

apartments, in this scenario it is very much indicative that they will not be long term lets and will be less likely to show any consideration for the area or the

other residents in the area.

Why has this change from the original proposal?

I believe the initial occupants would be vetted by Newydd Housing for 6 months approx. short term lets, and at the end of this short term let/period, they

would be either offered a longer term or if proved unsuitable, their let/period would not be renewed. If the latter proposal proceeds priority would go

to homes 4 u , where people applying would not go through the same vetting process and would include high levels of people who would be

more likely come from a background such as ex cons, and general people who would have very little regard to our community.

The units on the development would only have access from the woodlands road with not direct access from the rear car park., This will cause a huge

increase in danger to our road. The area is already dangerously over used, by the parents of school children in local schools, by patients of the 2

local doctors surgeries near by, and by people parking in our street to go into town. The residents have worked hard to make the already over used road

work and to keep it safe as much as we are able, but by adding such a volume of traffic, parking etc would lead to catastrophe waiting to happen.

The current proposed development will cause a huge amount of disturbance and hardship on both the local environment and our local communities both

physically and mentally by the new proposal.

Myself and my family care very deeply about our local area/ street and hope that you may be able to help us with our very real concerns.

Yours Faithfully

Mrs C Fowler
35 Woodland Road

Howell, Morgan P

From: Goldsworthy, Marcus J
Sent: 08 June 2015 15:24
To: Howell, Morgan P
Subject: FW: Incinerator/ Ash plant at Wimbourne Road

Marcus Goldsworthy
Operational Manager Development Control
Director's Office - Development Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704661
mob / sym: 07976112326
e-mail / e-bost: MJGoldsworthy@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
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From: Christopher Elmore [REDACTED]
Sent: 05 June 2015 09:44
To: Goldsworthy, Marcus J
Cc: Thomas, Rob
Subject: Fwd: Incinerator/ Ash plant at Wimbourne Road

Both

Please see below.

I'd appreciate a full answer each question, so I can go back to Mr Wallis.

Look forward to hearing from you.

Chris

Sent from my iPad

Begin forwarded message:

From: Max Wallis <[REDACTED]>
Date: 5 June 2015 08:59:48 BST
To: Christopher Elmore [REDACTED]
Cc: keith stockdale <[REDACTED]>, "Kieth Lewis" <[REDACTED]>, Jeff James <[REDACTED]>, "alun@aluncairns.com" <alun@aluncairns.com>, "alun.cairns.mp@parliament.uk" <alun.cairns.mp@parliament.uk>, BARRIE EVANS [REDACTED], Ian Johnson [REDACTED], "PDrake@valeofglamorgan.gov.uk" <PDrake@valeofglamorgan.gov.uk>, "BPenrose@valeofglamorgan.gov.uk" <BPenrose@valeofglamorgan.gov.uk>

<BPenrose@valeofglamorgan.gov.uk>, "RJBertin@valeofglamorgan.gov.uk"
<RJBertin@valeofglamorgan.gov.uk>, "STWiliam@valeofglamorgan.gov.uk"
<STWiliam@valeofglamorgan.gov.uk>, Kevin Mahoney
<KPMahoney@valeofglamorgan.gov.uk>, Chris Franks <[REDACTED]>
Subject: Re: Incinerator/ Ash plant at Wimbourne Road

Application for Incinerator Ash plant in the Castleland Ward

Chris Elmore,

Councillor for Castleland ward.

Dear Chris,

There are questions about the Incinerator ash plant being proposed for Wimborne road, but not in the way Barry Evans puts it, in suggesting an alternative site in the Castleland ward.

One question is why was the company told by the Council in pre-application discussions that the Wimborne road site was "suitable", in view of

IBA processing being an inherently dirty activity, with significant dust

previous history of using this site for metals and coal proved that dust reaches homes around, causing significant nuisance

incinerator ash (IBA) dust being toxic due to metals in soluble compounds, unlike inert coal dust and iron-rust dust, so harmful to health and the environment

your development plan is claimed to want clean light industry on the Dock.

The LDP is still uncertain, but your chief officer denied in the Gem that the Docks area would be assigned for "waste management". Was your planning officers' advice that the area was "suitable" for IBA perhaps based on the attached plan from the earlier LDP version (below as well as attached) and can you assure us that this has been withdrawn?

The applicants imply the VoG Council has some obligation to find a site for IBA processing**, because of your sending municipal waste to the Viridor incinerator under the Prosiect Gwyrdd contract (approved of course by Rob Curtis and your whole cabinet). Do you accept that ?

If not, will you tell your officers to reject the application out-of-hand, on the basis that lorry transport of huge tonnages of IBA for 20-30 years from the Viridor site is environmentally damaging and contrary to sustainability?

We look forward to your replies as Cabinet member as well as Castleland ward member.

Regards,

Max Wallis

Docks Incinerator Action Group (DIAG) and Barry & Vale FoE

Facebook: *Stop the Barry Town Incinerator*

**** Cardiff had the duty to consider an IBA processing site in granting consent to the Viridor plant, while Viridor gave assurances they would find an IBA site in Cardiff within a few miles of their incinerator, failing that would send the IBA to one of their existing permitted sites in England.**



From: BARRIE EVANS <[REDACTED]>
Sent: 04 June 2015 22:28
To: Christopher Elmore
Cc: keith stockdale; Barry Shaw; Max Wallis; jeffrey francis; Kieth Lewis; Jeff James; alun@aluncairns.com; alun.cairns.mp@parliament.uk
Subject: Incinerator/ Ash plant at Wimbourne Road

Dear Councillor Elmore

I would be very much obliged if you could please inform me why there is an area at Wimbourne Road on Barry Docks which is earmarked and preferred for the Barry Incinerator/ Ash Plant. Surely there are much safer alternative locations away from the residents and businesses in the Castleland Ward of which you are the elected council member for along with Councillor Pam Drake. Many much safer locations spring to mind and for example the old Ranks Flour Mill or the Atlantic Trading Estate where the Civic Amenity site is located. It would be of benefit to your constituents can if you could think of safer and more suitable sites for this Plant

which is regarded to have possible and probable health implications to the people of your ward and surrounding areas . Given that your home on the Waterfront could also be at risk from the relevant and probable pollution issues I request you will inform me and your ward constituents of your objections to this Planning Application and how you may propose to halt this application.

I'm sure you will agree that the protection of your interests and the residents in the Castleland Ward should be at the forefront of your mind.

I look forward in anticipation of your comments and objections at your earliest convenience

Barrie V Evans
Coordinator
Barry First Group.

Howell, Morgan P

From: Max Wallis [REDACTED]
Sent: 03 June 2015 09:46
To: Howell, Morgan P
Cc: keith stockdale
Subject: Re: EIA regulations 1999 2015/00031/OUT queries

Dear Mr Howell,

Thank you for your reply below.

I remember too that the Inspector decided he did not need to decide the screening issue as the applicant had submitted an ES as part of the appeal. He did see there was an arguable issue over the Council's screening opinion.

This is a different plant with a new planning application, which includes no evidence that the plant would meet the newer R1 standard for energy recovery. We wish to clarify what consideration the previous officer gave to making a screening decision for this application.

As I state, your screening opinion was certainly outdated in asserting the plant was not likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location. The Welsh Government letter likewise considered 'unlikely to have significant effects on the environment', uninformed about the defective information on noise. The Inspector devoted a lot of attention to the likely noise disturbance, accepted that the applicant's nighttime noise data was questionable, at variance with other data, and imposed a strong mitigation condition. The new application repeats the questionable noise data and does not show mitigation is feasible for a plant not within a noise-insulated building.

I did not write that the planning permit is outdated. A screening decision can in any case be issued at any time, on the receipt of further information, without awaiting expiry of the planning consent.

Thank you for the information that the NRW is considering the air pollution assessment. Can you therefore confirm that Council officers are assessing other environmental aspects including noise, dust, fire-risk, energy efficiency etc.? Will you be obtaining information on environmental impacts from potential supply of wood-chips by boat as well as lorry?

Regards,
Max Wallis [REDACTED]
Barry & Vale Friends of the Earth

From: Howell, Morgan P <MPHowell@valeofglamorgan.gov.uk>
Sent: 01 June 2015 15:25
To: Max Wallis
Subject: RE: EIA regulations 1999 2015/00031/OUT queries

Dear Mr. Wallis,

I did not personally register this application or discuss the submission prior to it being submitted to the Council. Due to a change in personnel I have taken on this application in the last few months. As such, I will check with my line manager regarding any discussions prior to the submission when he returns from leave in a week. Notwithstanding this, any correspondence with NRW or the applicant will be on the file.

With regards to the Screening opinion, you are incorrect in suggesting the inspector dismissed the Councils screening opinion. If you read the decision notice for the appeal, he quite clearly outlines that the Welsh Assembly and the Council considered that an EIA was not required but the applicant had submitted an ES as part of the appeal anyway. Therefore, there was no reason for him to consider whether it was necessary or not. In addition, the applicant has submitted documents on noise, ecological issues, transport, an updated air quality assessment, flood risk assessment, a stack height assessment, visual impact analysis, exactly the same information that was outlined and submitted as part of the ES statement at the 2010 appeal. It is not correct to say that 2008 permission is outdated as the permission is still live and could be implemented at any time. The permission was granted consent in 2010 and could still be implemented if commenced this year.

The updated air quality assessment was requested by NRW and is currently being considered. The email I sent to the applicant's agent regarding your queries are on the file and so will his response once I receive it.

Regards

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704743
e-mail / e-bost: MPHowell@valeofglamorgan.gov.uk

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From: Max Wallis [REDACTED]
Sent: 01 June 2015 12:58
To: Howell, Morgan P
Cc: keith stockdale
Subject: Re: EIA regulations 1999 2015/00031/OUT queries
Importance: High

Dear Mr Howell,
Thank you for your reply below.

The application is clearly for waste disposal with energy recovery. All incinerator proposals include energy recovery, some try and meet defined energy standards. This one doesn't. The plant is defined as a waste incineration plant under the Directive (WID) and has to meet emission standards of the Waste Incineration Regs.

There have been arguments and test cases on the point since 2008. So please supply evidence of recent discussions with the company (even a screening decision) for the Council saying "not waste disposal" in this case. Evidence of your informing them that you would accept simple re-submission of the previous case and environmental information would be relevant.

The Council's 2008 screening opinion was shown to be defective at the 2009 public Inquiry. In particular, noise from the planned plant was found likely to be very significant and the Sunrise evidence on nighttime noise shown to be anomalous, at variance with other data. Secondly, the residents in the now-permitted Quays development would be much closer receptors than considered earlier. As the 2008 decision is outdated, please say what the Council has done to review it.

You mention NRW, so could you please clarify if all documents on discussions of the Council and the applicant with National Resources Wales are in the case-file on deposit? Likewise, is your letter to the applicants regarding my questions on the file? If not, please place all copies there, available for viewing.

Regards,
Max Wallis [REDACTED]
Barry & Vale Friends of the Earth

From: Howell, Morgan P <MPHowell@valeofglamorgan.gov.uk>
Sent: 01 June 2015 11:14
To: Max Wallis
Subject: EIA regulations 1999 2015/00031/OUT queries

Dear Mr. Wallis,

Further to your emails regarding the above mentioned application.

Firstly, it is the Councils view that the proposal is an energy recovery plant and not a waste disposal, therefore, it would be a schedule 2 development and not a schedule 1 development. A screening opinion was carried out on this proposal in 2008 and it was not considered that an EIA was required. National Resource Wales have of course been consulted on this matter and have been in discussion with the Council and the applicant regarding the submissions.

Your questions have been forwarded to the applicants agent for comments and I will await reply in respect to your questions regarding hazardous waste.

Regards

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704743
e-mail / e-bost: MPHowell@valeofglamorgan.gov.uk

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Howell, Morgan P

From: Howell, Morgan P
Sent: 03 June 2015 11:03
To: Goldsworthy, Marcus J; Litherland, Ceri M (NR - Planning Directorate)
Subject: RE: Woodham Rd. David Davies Road , Barry Docks application for wood fired renewabel energy plant

Dear Marcus/Ceri,

Yes, no problem. The major changes that the applicant suggests in para 1.4 of the planning statement are as follows approved in 2010 and now are as follows: -

1.4 In summary, the changes, relative to the 2010 Permission, are as follows:

1.4.1 Technology: a change in the manufacturer of the advanced conversion technology (ACT) from gasification based on pyrolysis to one based on a fluidised-bed. The proposed technology is more fuel efficient and will improve the average annual power output to 10 MWe compared to 9.0 MWe in the 2010 Permission.

1.4.2 Layout: accommodation of the proposed technology at the Project site requires a different configuration of the buildings housing the various components – the 2010 Permission contemplated a single connected structure while the revised layout breaks this up into three separate but functionally interconnected buildings. The footprint of these buildings is 7.5% less than under the 2010 Permission.

1.4.3 Elevations: the revised layout comprises two buildings that are lower than the building height in the 2010 Permission and one that is higher. The average building height of the 2010 Permission is 14m while the average building height of the revised layout is 16.3m. In order to meet emissions requirements, the stack height will be increased to 43m. This is less than the stack height approved for the waste-energy plant already approved for construction at Atlantic Way on the opposite side of the dock.

The objectors of FoE and Biofuelwatch seem to suggest that the energy efficiency of the current proposed plant means it is no longer an energy recovery plant but a waste disposal plant. I have queried this with the applicant and I am awaiting a reply. But as a proposal it has been considered as a Schedule 2 development (energy recovery plant) and based on the changes above, it was considered that the changes did not significantly alter the Councils screening opinion from 2008 and therefore an EIA was not required.

I hope this of some assistance,

Kind regards

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704743
e-mail / e-bost: MPHowell@valeofglamorgan.gov.uk

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From: Goldsworthy, Marcus J
Sent: 03 June 2015 10:51

To: Litherland, Ceri M (NR - Planning Directorate)

Cc: Howell, Morgan P

Subject: RE: Woodham Rd. David Davies Road , Barry Docks application for wood fired renewabel energy plant

Sorry Ceri,

Now attached.

Morgan are you able to spell out the differences to Ceri between this and what has now come in?

Marcus Goldsworthy
Operational Manager Development Control
Director's Office - Development Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704661
mob / sym: 07976112326
e-mail / e-bost: MJGoldsworthy@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
Ewch i'n gwefan yn www.bromorgannwg.gov.uk

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From: Litherland, Ceri M (NR - Planning [REDACTED] <mailto:Ceri.Litherland@Wales.GSI.Gov.UK>)

Sent: 03 June 2015 10:27

To: Goldsworthy, Marcus J

Subject: RE: Woodham Rd. David Davies Road , Barry Docks application for wood fired renewabel energy plant

Marcus

There was no enclosure.

Ceri

REGARDS

Ceri Litherland (Mr)

Decisions Branch - Cangen Benderfyniadau

Planning Directorate - Y Gyfarwyddiaeth Gynllunio

Department for Natural Resources - Adran Cyfoeth Naturiol

Cathays Park - Parc Cathays

Cardiff, CF10 3NQ - Caerdydd, CF10 3NQ

e-mail/e-bost: Ceri.Litherland@Wales.gsi.gov.uk

Tel: 029 20823489 GTN: 1208 3489

Fax: 029 20825622

From: Goldsworthy, Marcus J [\[mailto:MJGoldsworthy@valeofglamorgan.gov.uk\]](mailto:MJGoldsworthy@valeofglamorgan.gov.uk)

Sent: 03 June 2015 10:13

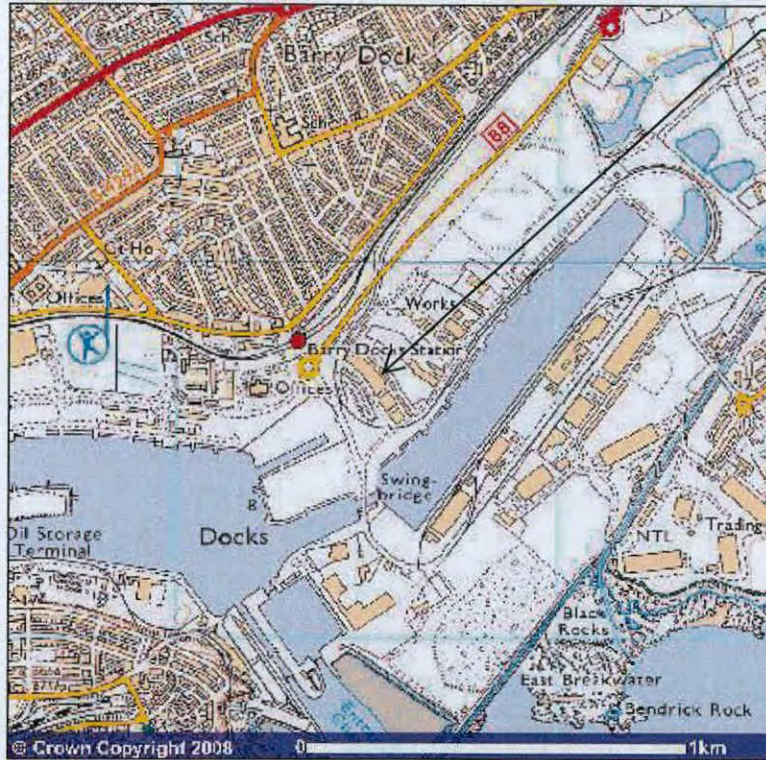
To: Litherland, Ceri M (NR - Planning Directorate)

Cc: Howell, Morgan P

Subject: Woodham Rd. David Davies Road , Barry Docks application for wood fired renewabel energy plant

Ceri,

RECEIVED
- 9 FEB 2015



Site Location

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Drawing No.	SRB/01	Date	06 August 2008	
Revision	A	Prepared by	IH	
Title	Site Location Map			
Scale	as shown			
Client	Sunrise Renewables			
Site	Barry Docks, Barry			
<p><i>Oaktree Environmental Ltd</i> Unit 5, Oasis Park, Road One, Winsford Industrial Estate, Winsford, Cheshire CW7 3RY Tel: 01606 558833 Fax: 01606 861182 e-mail: sales@oaktree-environmental.co.uk</p>				
<p>Reproduced with the permission of the controller of H.M.S.O. Crown copyright licence No. 100015148</p>				

15 00 03 1 OUT

Apologies for contacting you directly but we currently have a new application for the above site which was previously considered at appeal (decision letter enclosed). The council has screened this new application and has decided that an EIA is not required. However the case officer is getting bombarded by correspondence regarding the need for an EIA from FoE and others.

Is there any way that WG can give us a second opinion on the need for EIA or not? as the case officer is finding that this is like wading through treacle and I know your section should be able to assess the need very quickly and easily.

Thanks

Marcus Goldsworthy
Operational Manager Development Control
Director's Office - Development Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704661
mob / sym: 07976112326
e-mail / e-bost: MJGoldsworthy@valeofglamorgan.gov.uk

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Mae'n bosibl bod y neges hon yn cynnwys deunydd sy'n freiniol, yn gyfrinachol neu wedi'i warchod gan hawlfraint. Gan hynny, nid oes hawl i chi ei defnyddio o gwbl onibai ei bod wedi'i bwriadu ar eich cyfer, neu eich bod yn gyfrifol am ei throsglwyddo i'r sawl y'i bwriadwyd ar ei gyfer. Byddech yn torri rheol petaech yn gwneud hynny, a gallai hefyd fod yn erbyn y gyfraith. A fyddech gystal felly, â dileu'r neges, a rhoi gwybod i'r sawl a'i hanfonodd drwy anfon ateb ato. Ni chewch fod yn hollol sicr na chaiff eich neges ei chodi gan rywun arall pan fyddwch yn cyfathrebu â neges e-bost arferol ar y rhyngwrdd. Gan hynny, byddem yn eich cynghori'n daer i beidio ag anfon unrhyw wybodaeth mewn neges e-bost a allai eich blino petai'n cael ei datgelu. Cymerir yn ganiataol nad oddi wrth y Cyngor nac â sêl ei fendith ychwaith y cafwyd unrhyw farn, casgliad na gwybodaeth arall yn y neges hon nad yw'n berthnasol i waith swyddogol Cyngor Bro Morgannwg.

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On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwrwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

PERSONS
APPEAR.

Howell, Morgan P

From: Howell, Morgan P
Sent: 13 March 2015 15:16
To: 'Douglas Wardle'
Subject: RE: 2015/00031/OUT - David Davies Road, Woodham Road,

Dear Douglas,

Headings for committee

It's up to you whether you want to address the headings I gathered from the objections but there is no specific requirement. I just tried to provide you with an extensive list from the objections received. From reading the objections the main issues the residents highlighted regularly were the emissions from the site impacting the air quality, health, noise within 300m of their homes, visual impact upon the regeneration of Barry dock waterfront (values of properties) and the impact of the vehicle movements.

Untrustworthy objection

In the objection, it is substantiated somewhat, the person clarifies that: -

Initially it was proposed that only unpolluted waste wood would be burned, while an amendment in 2010 attempted to introduce other types of waste wood 'under the radar', whereas the present application proposes to incinerate contaminated waste from the construction industry.

It would appear that the view is that the company is incrementally gaining permission for more hazardous wastes.

I hope this clarifies the matter,

Kind regards

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704743
e-mail / e-bost: MPHowell@valeofglamorgan.gov.uk

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From: Douglas Wardle [REDACTED]
Sent: 13 March 2015 14:27
To: Howell, Morgan P
Subject: RE: 2015/00031/OUT - David Davies Road, Woodham Road,

Thanks very much Morgan. We'll put something together under the headings mentioned which could also be used for the purposes of the planning committee, if appropriate.

I wonder why someone thinks Sunrise is 'untrustworthy' – was there anything to substantiate this or was it just someone just being slanderous?

Kind regards

Douglas

Douglas Wardle

[REDACTED]
[REDACTED]
[REDACTED]



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From: Howell, Morgan P [<mailto:MPHowell@valeofglamorgan.gov.uk>]
Sent: 13 March 2015 14:22
To: Douglas Wardle
Subject: RE: 2015/00031/OUT - David Davies Road, Woodham Road,

Dear Douglas,

Thank you for the additional information and just to confirm I am in receipt of your email and I will await the additional information for highways.

With regard to the neighbour's concerns, I would agree that your graph does address the majority of the issues that have been raised by neighbouring properties. The main concerns of the residents identified from representations are as follows: -

- Impact visually on the regenerated Barry waterfront area
- Proximity to houses
- Air quality and pollution
- Heavy haulage vehicles congesting the roads to the site from M4 and creating noise and pollution
- Fire hazard
- Effect on values of properties
- Noise from plant
- Dust and toxins from the plant and from left over toxic bottom ash
- Hazardous waste burning
- Effect on their businesses
- Level of carbon emissions from the use and operation will do nothing to support targets for carbon reduction
- The company involved is untrustworthy
- An EIA is needed
- No benefit to Barry having the development located at this site

You also have a letter of support from someone with a Geoscience background who suggests that most do not understand the submissions and it may be beneficial to provide an easy to understand summary for the general public.

I hope this of some assistance,

Kind regards

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704743
e-mail / e-bost: MPHowell@valeofglamorgan.gov.uk

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From: Douglas Wardle [REDACTED]
Sent: 13 March 2015 13:07
To: Howell, Morgan P
Cc: [REDACTED]
Subject: RE: 2015/00031/OUT - David Davies Road, Woodham Road,

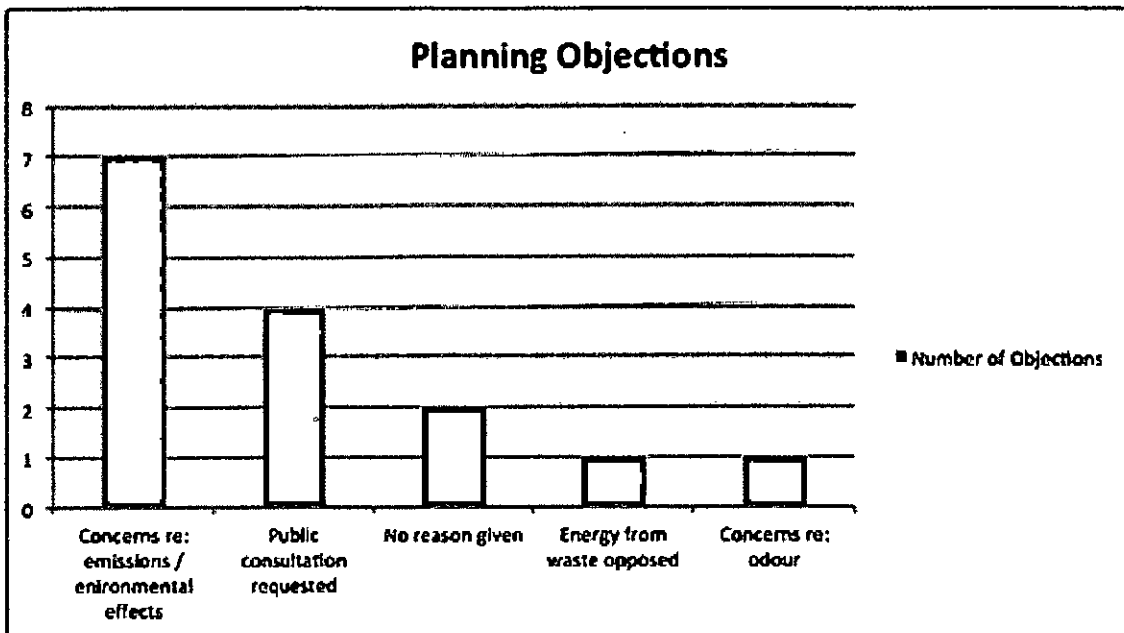
Dear Morgan

Just following up Rob's email below, I am attaching the supporting data requested in relation to the noise report (the spreadsheet is the raw data just in case some wants to see this).

The only other item where additional information was requested were some updated vehicle movement plans (larger scale and showing Access) for the Highways Department. I understand we will have these on Monday and I'll send them through.

Aside from this, I wanted to let you know we have received no engagement from the local community despite our inviting all neighbour consultees included in the VoG consultation to contact us with questions in response to the attached letter.

Finally, now that the neighbour consultation period has expired, I was wondering if we could have sight of some representative comments as Rob suggested? We would like to put together an explanation dealing with the various issues raised – this is something we have done on our other projects elsewhere and we are happy to do here. For example, the chart below shows the sort of concerns expressed in connection with our plant at Hull – I imagine the concerns are pretty well the same?



I look forward to hearing from you

Kind regards

Douglas

Douglas Wardle

[Redacted]
[Redacted]
[Redacted]



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From: Lankshear, Robert F [mailto:rflankshear@valeofglamorgan.gov.uk]
Sent: 05 March 2015 10:57
To: [Redacted]
Cc: Howell, Morgan P
Subject: Woodham Road site

Dear Douglas,

Further to our discussion this morning, I neglected to mention that my colleague Morgan Howell will be taking over this application so please could you direct any further correspondence to him. I have copied him into this email for information.

Kind regards

Robert Lankshear
Senior Planner

Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704659
e-mail / e-bost: rflankshear@valeofglamorgan.gov.uk

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Howell, Morgan P

From: Douglas Wardle [REDACTED]
Sent: 13 March 2015 13:07
To: Howell, Morgan P
Cc: [REDACTED]
Subject: RE: 2015/00031/OUT - David Davies Road, Woodham Road,
Attachments: Barry_Noise Background Survey Letter 13.03.15.pdf; HA Noise Report 05.03.15
15.3679_Results.xlsx; Letter to Neighbours (Barry).pdf

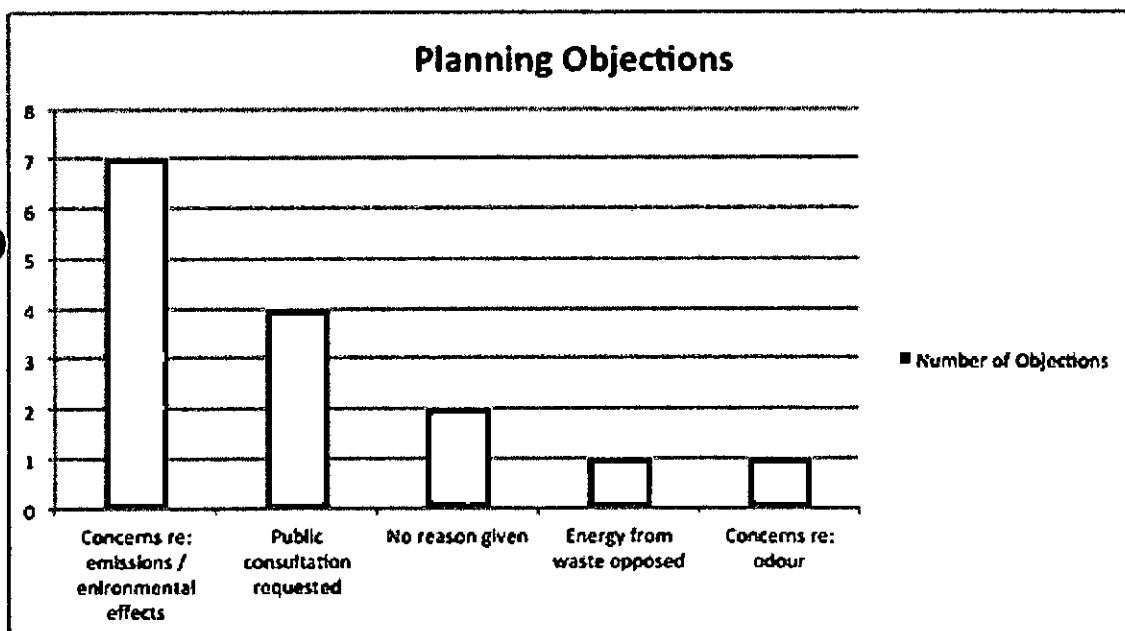
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Howell, Morgan P

From: Douglas Wardle [REDACTED]
Sent: 05 March 2015 11:06
To: Lankshear, Robert F
Cc: Howell, Morgan P
Subject: RE: Woodham Road site

OK Rob and many thanks for your help on this to date

Kind regards

Douglas

Douglas Wardle
[REDACTED]
[REDACTED]
[REDACTED]



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Subject: Woodham Road site

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- * Properties appearing on the World Heritage List
- * Scheduled Ancient Monuments
- * Areas of Outstanding Natural Beauty
- * European sites within the meaning of regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994

No

Yes

- INDUSTRIAL - POWER CREATION

If yes, go to question 5

If no, go to question 4

4. Is any corresponding applicable threshold or criterion (Schedule 2, column two of the EIA regulations) exceeded or met?

No

Yes

If no, an EIA is not required.
If yes, go to question 5

↳ EXCEEDS 0.5 ha site
area ≥ 0.77

5. Is the development likely to have significant environmental effects due to its characteristics, location and the nature of the potential impact (see Schedule 3 of the regulations for guidance)?

- Having considered 2008 screening opinion + development - changes include change in technology from 9 MW (2010 permit) 10 MW. Change in boiler + stack height. - No increase in tonnage
- Residual dev on Phase 2 considered under 2008 screening - no additional dev/development
- TRANSPORT requirements not significant (changes)
- Submissions with all over sensitive aspects i.e.
 - ↳ Noise assessment
 - TRANSPORT
 - ECONOMIC
 - UPDATED O & A
 - Stack height assessment
 - Air quality assessment
 - Flood risk etc.
 - All considered at 2010 appeal as per statement

**Town and Country Planning (Environmental Impact Assessment)
(England and Wales) Regulations 1999**

Screening Opinion

Application No. 15/00031/007
Location: DAVID AVNER, WOODHAM ROAD
Proposal: WOOD FLED RENEWABLE ENERGY PLANT

Schedule 1 Developments

1. Does the nature and scale of the proposed development fall within Schedule 1 of the EIA Regulations ?

No

Yes

If yes, an EIA is a mandatory requirement to accompany an application.

If No, an assessment needs to be undertaken as to whether the development fall within Schedule 2 ?

Schedule 2 Developments

2. Is the development of a description mentioned in Schedule 2 of the regulations?

No

Yes

- Unlike 2008 - it would be 11(b) of EIA
withholding for disposal of waste.

If no, an EIA will not be required.

If yes, go to question 3

3. Is any part of the development to be carried out in a "sensitive area"

In terms of the EIA regulations "sensitive area" means any of the following:

* Sites of Special Scientific Interest

* Land to which sub-section (3) of section 29 (nature conservation orders) of the Wildlife and Countryside Act 1981 applies.

* Areas to which paragraph (u)(ii) in the table in article 10 of the Town and Country Planning (General Development Procedure) Order 1995 applies (within an area which has been notified to the local planning authority by Countryside Council for Wales, and which is within two kilometres of a site of special scientific interest of which notification has been given or has effect as if given as aforesaid)

* National Parks

* The Broads

No - INDUSTRIAL LOCATION (EMPLOYMENT
DOCK SITE)

EIA ANALYSIS AND SCREENING PROFORMA

For guidance see:

<http://planningguidance.planningportal.gov.uk/blog/guidance/environmental-impact-assessment/screening-schedule-2-projects/>

ANALYSIS

1	Case Details	
a	Applicant/Agent	
	Sunrise Renewables (Barry) Ltd, Gilbert Wakefield House, Bewsey Street, Warrington WA2 7JQ	
b	Vale of Glamorgan reference Received	
	2015/00031/OUT 5 February 2015	
c	WG case reference – If Applicable	
d	Site Address	
	David Davies Road, Woodham Road, Barry	
e	Brief description of development	
	Outline application for a wood fired renewable energy plant	
f	Approval of reserved matters?	
	Yes	
	No	No
	Approval of conditions?	
	Yes	No
	No	No
If Yes, enter the description of development subject of the related planning permission		
g	Area of development/works/new floorspace (as appropriate)	
	0.77Ha	
2	EIA details	
A	Schedule 1	
(i)	Is the proposed development Schedule 1 development as described in Schedule 1 of the EIA Regulations?	
	Yes	
	No	No
(ii)	If YES, under which description of development i.e. Nos. 1-21?	

B	Schedule 2	
(i)	Is the proposed development Schedule 2 development as described in Column 1 of Schedule 2 of the EIA Regulations?	
	Yes	Yes
	No	
(ii)	If YES, under which description of development in Column 1 i.e. Nos. 1-13?	
	11 (b)	
(iii)	Is the development within, partly within, or near a 'sensitive area' as defined by Regulation 2 of the EIA Regulations?	
	Yes	
	No	No
(iv)	If YES, which area?	
(v)	Are the applicable thresholds/criteria in Column 2 exceeded/met?	
	Yes	Exceeded 0.5ha site
	No	
(vi)	If yes, which applicable threshold/criteria?	
3	LPA/WG Screening	
	All applications inc reserved matters/conditions	
(i)	Has the VoG issued a Screening Opinion (SO)?	
	Yes	Yes- in 2008 for previous app approval
	No	
(ii)	Has the WG issued a Screening Direction (SD)?	
	Yes	
	No	no
(iii)	If yes, is a copy of the SO/SD on the file?	
	Yes	Yes- 2008 screening on file
	No	
(iv)	If yes, is the SO/SD positive?	
	Yes	No EIA required
	No	

Reserved matters/conditions applications only		
(i)	Was original PP subject to EIA screening?	
	Yes	
	No	
(ii)	Was a SO/SD issued for the original PP?	
	Yes	
	No	
(iii)	If yes, is a copy of the SO/SD for the original PP on file?	
	Yes	
	No	
4	Environmental Statement (ES)	
	Has the applicant supplied an ES for the current or previous (if reserved matters or conditions) application?	
	Yes	One was supplied for 2010 appeal but not issued as requirement by LPA or Welsh Assembly
	No	
Name	Mr. Morgan P. Howell	
Date	11 June 2015	

SCREENING

A. CHECKLIST			
Questions to be considered		Likely/Unlikely - briefly describe	Is this likely to result in a Significant effect? Yes/No - why?
1	Will construction, operation or decommissioning of the Project involve actions which will cause physical changes in the locality (topography, land use, changes in waterbodies, etc)?	No	
2	Will construction or operation of the Project use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or in short supply?	No- Produce electricity energy through gasification of waste wood.	
3	Will the Project involve use, storage, transport, handling or production of substances or materials which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health?	Yes-	No. No change in level of waste since 2010 appeal approval
4	Will the Project produce solid wastes during construction or	Yes	No- Mostly energy recovery

	operation or decommissioning?		
5	Will the Project release pollutants or any hazardous, toxic or noxious substances to air?	Yes	No- Previous approval identified that the emissions were acceptable. No significant change to the amount of waste to be used.
6	Will the Project cause noise and vibration or release of light, heat energy or electromagnetic radiation?	Yes	No- Previous approval issued no concerns over noise and light
7	Will the Project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Possibly	No- These matters can be regulated by Permits and NRW
8	Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected by the project?	Not sure- Dow corning (Barry Chemical complex) nearby	No knowledge of environ standards being breached.
9	Will there be any risk of accidents during construction or operation of the Project which could affect human health or the environment?	Possibly	Possible effects no greater than other construction projects and industrial sites
10	Will the Project result in social changes, for example, in demography, traditional lifestyles, employment?	No	
11	Are there any areas on or around the location which are protected under international or national or local legislation for their ecological, landscape, cultural or other value, which could be affected by the project?	Severn Estuary (designated as a Special Area of Conservation (SAC), Special Protection Area (SPA) and a RAMSAR site) and is also within proximity of Hayes Point to Bendrick Rock (a Site of Special Scientific Interest (SSSI)) and Barry Island SSSI	No. Previous EIA consulted CCW (now NRW) who outlined that an EIA was not needed provided information on the impacts can be provided
12	Are there any other areas on or around the location which are important or sensitive for reasons of their ecology e.g. wetlands, watercourses or other waterbodies, the coastal zone, mountains, forests or woodlands, which could be affected by the project?	Severn Estuary (designated as a Special Area of Conservation (SAC), Special Protection Area (SPA) and a RAMSAR site) and is also within proximity of Hayes Point to Bendrick Rock (a Site of Special Scientific Interest (SSSI)) and Barry Island SSSI	NO. Previous EIA consulted CCW (now NRW) who outlined that an EIA was not needed provided information on the impacts can be provided
13	Are there any areas on or around the location which are used	No	

	by protected, important or sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected by the project?		
14	Are there any inland, coastal, marine or underground waters on or around the location which could be affected by the project?	Coastal location	No- within industrial dockland location
15	Are there any areas or features of high landscape or scenic value on or around the location which could be affected by the project?	No	
16	Is the project in a location where it is likely to be highly visible to many people?	Yes	Within an existing industrial location
17	Are there any routes on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the project?	No	
18	Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	
19	Are there any areas or features of historic or cultural importance on or around the location which could be affected by the project?	No	
20	Is the project located in a previously undeveloped area where there will be loss of greenfield land?	No	
21	Are there existing land uses on or around the location e.g. homes, gardens, other private property, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, mining or quarrying which could be affected by the project?	Other industrial and employment uses on the dock land. Mainly B1, B2 and B8 uses	No
22	Are there any areas on or around the location which are	An industrial location- around 300-500m from nearest	No

	densely populated or built-up, which could be affected by the project?	dwelling on dock view road.	
23	Are there any areas on, or around, the location which are occupied by sensitive land uses e.g. hospitals, schools, places of worship, community facilities, which could be affected by the project?	No- Industrial	
24	Are there any areas on or around the location which contain important, high quality or scarce resources e.g. groundwater, surface waters, forestry, agriculture, fisheries, tourism, minerals, which could be affected by the project?	No	
25	Is the project location susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions e.g. temperature inversions, fogs, severe winds, which could cause the project to present environmental problems?	Flood damage from 2001-2002 and just outside flood zone	No. A FCA was submitted within this application and the previous approval and it was not seen as a significant issue.
26	Are there any plans for future land uses on or around the location which could be affected by the project?	Possibly	These factors have been considered previously and have not been considered harmful
27	Are there any other factors which should be considered, such as consequential development which could lead to environmental effects, or the potential for cumulative impacts with other existing or planned activities in the locality?	Yes- Possible previous approvals of energy recovery units within locality and residential development approved within a short distance from the application site.	These factors have been considered previously and have not been considered harmful

B. CONCLUSIONS	
(i)	Schedule and category of development Schedule 2- 11(b)
(ii)	Summary of features of project and of its location
	a Characteristics of development Waste disposal- resulting in energy recovery
	b Location of development Docks- Industrial location on employment land
	c Characteristics of the potential impact Visual impact, Highway and transport impacts and emissions from the technological process to generate electricity releasing
(iii)	If a SO/SD has been provided do you agree with it?
	Yes Yes- Screening opinion issued in 2008- changes to development are not significant to alter opinion on need for EIA No
(iv)	Is it necessary to issue a SO/SD?
	Yes No
(v)	Is an ES required?
	Yes No No

C. SCREENING DECISION (Indicate below which assessment applies)					
Assessment		Action (produce model letter 'x')	<input checked="" type="checkbox"/>	Response due from	Date response due
Sch 1 development	ES required	Issue positive or negative SO/SD	<input type="checkbox"/>		
Sch 2 development - threshold exceeded/criterion met/sensitive area and likely to have significant effects on the environment	ES required	Issue positive or negative SO/SD	<input type="checkbox"/>		
Sch 2 development - not likely to have significant effects on the environment	ES not required	Issue positive or negative SO/SD	X		
Sch 2 development but effects not clear at this stage - file to be reviewed at a later stage	N/K	Review when appropriate - new info/case progresses	<input type="checkbox"/>		
Sch 2 but not EIA development - negative screening opinion - SoS agrees	ES not required	No action required	<input type="checkbox"/>		
Sch 2 but not EIA development - positive screening opinion - SoS disagrees	ES not required	Issue negative SO/SD	<input type="checkbox"/>		

Name	Mr. Morgan P. Howell
Date	11 June 2015

OMDC	Marcus Goldsworthy
Date	11 June 2015

Payne, Adrienne J

From: Rob W [REDACTED]
Sent: 24 February 2016 21:42
To: Planning
Subject: Sunrise Renewables Plant

2015/00051/007. →

Dear Sir/madame

I would be grateful if you could provide me with details of the pollutants that my 2 year old daughter will be breathing in from the sunrise renewable plant barry docks that the vale of glamorgan council approved, having read some of the documents i gather that one of the pollutants that will be produced and inhaled by my daughter while she plays in the garden at her home in cyril street barry due to the south westerly prevailing winds is No2 Nitrogen dioxide, a substance which if I read correctly can cause reduced lung function?. If you are unable to help me with my request would you please provide me with details of who else to contact about this very worrying concern

Thank You
Robert White

- SCAN + FILE ON ABOVE REFERENCE.

RECEIVED
24 FEB 2016
Regeneration
and Planning

D.E.E.R
RECEIVED
ACTION BY: IR
NO: 14
ACK:

Howell, Morgan P

From: Howell, Morgan P
Sent: 26 February 2016 09:51
To: [REDACTED]
Subject: Sunrise renewables Plant

Dear Mr. White,

I refer to your email received on 24th February 2016 regarding the above mentioned planning permission for the sunrise renewable plant at Barry Docks.

While I note your concerns regarding the above mentioned planning approval, it should be understood that the process of determining such a planning application requires the Council to consult all relevant internal and external consultees on matters of public health. These consults will assess the information submitted by the applicant and provide observations on the possible impacts and whether the development is considered acceptable or not on the basis of the information submitted to do with the processes and emissions at the plant. In this instance, the relevant consultees, such as National Resource Wales, Public Health Wales, the Councils Environmental Health Department and the Councils Ecology officer were consulted on the proposed development and the emissions produced by the process.

The consults considered all of the relevant information on Nitrogen dioxide emissions and has concluded that, while any process of this kind will generate emissions to the atmosphere, the key issue is to assess whether these emissions significantly impact upon health or the environment both in the immediate vicinity and further afield. It was confirmed that based on the modelled data provided, there appears to be no evidence of the Renewable Energy Plant (REP) breaching the relevant guidelines for ambient air quality objectives (Nitrogen Dioxide, Sulphur Dioxide, PM₁₀, Carbon Monoxide). Specific stack emissions have also been modelled and indicate that they would comply with imposed permit conditions that would be set by Natural Resources Wales. Furthermore, conditions have been included with the outline planning permission to require the developer to carry out further emissions tests following the plant being operational to ensure that they do not breach the permit conditions set out by National Resource Wales.

In advising you further on this matter, you could contact Public Health Wales who would be able to give you general advice, National Resource Wales who may advise you on the permits granted for these sorts of operations and our Environmental Health Officers could provide you with some expertise on the matter.

The details of the planning application and what was submitted for the assessment can be viewed on the Councils online planning register under the documents tab by following the link below

<http://vogonline.planning-register.co.uk/Plastandard.aspx>

I hope this of some assistance,

Kind regards

Morgan Howell
Senior Planner (Development Control)
Regeneration and Planning
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704743
mob / sym: 07976112329
e-mail / e-bost: MPHowell@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
Ewch i'n gwefan yn www.bromorgannwg.gov.uk

Find us on Facebook / Cewch ddod o hyd i ni ar Facebook
Follow us on Twitter / Dilynwch ni ar Twitter

Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg.

Consider the environment. Please don't print this e-mail unless you really need to.
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.

19 August 2008
Administration
(01446) 704657
(01446) 704843

15 00 03 1 OUT

P/DC/2008/00828/SC1

Planning&Transport@valeofglamorgan.gov.uk

Oaktree Environmental Limited,
North West Office,
Unit 5 Oasis Park,
Road One,
Winsford Industrial Estate,
Winsford,
Cheshire.
CW7 3RY

Dear Sir,

**Town and Country Planning (Environmental Impact Assessment)
(England and Wales) Regulations 1999 : Part II Screening Paragraph 5
Proposed industrial building and installation of 9MW Biomass Gasification
Plant to generate electricity from reclaimed timber
at Land at Woodham Road, Barry Docks**

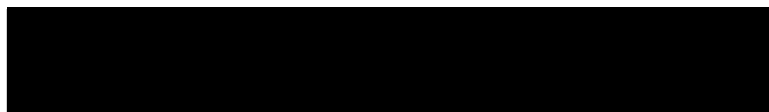
The Council has considered the details of the proposed scheme as detailed in the information submitted with the request for a screening opinion as to the requirement for an Environmental Impact Assessment received 18 June 2008.

The Local Planning Authority would advise that in their opinion an Environmental Impact Assessment is not required for the following reason(s):

1. Having regard to Schedule 3 of the Regulations, the Local Planning Authority is of the view that the characteristics of the development, the location of the development and the characteristics of the potential impact as outlined in the supporting documentation to the request are such that an Environmental Impact Assessment is not required.

It is recommended, however, that the applicants are made aware of the need for any application to be supported by the submission of details on environmental issues, particularly concerning traffic impact, noise and air quality (including a study to establish the potential impacts that emission to air may have on statutorily designated ecological sites) as well as the need for submission of an appropriate design statement/ visual assessment and sustainability assessment of any proposals as part of any application.

Yours faithfully,



Head of Planning and Transportation

Sunrise Renewables Limited, C/o Agent
Oaktree Environmental Limited, North West Office, Unit 5 Oasis Park, Road One,
Winsford Industrial Estate, Winsford, Cheshire, CW7 3RY

Proposed industrial building and installation of 9MW Biomass Gasification Plant
to generate electricity from reclaimed timber

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT
ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999 (as amended)

REGULATION 5 – REQUEST FOR SCREENING OPINION

Land at Woodham Road, Barry Docks

Background

The Council has received a formal request from Oaktree Environmental Limited, on behalf of 'Sunrise Renewables', for a formal screening opinion under the above regulations for a "proposed industrial building and installation of 9MW Biomass Gasification Plant to generate electricity from reclaimed timber" .

The proposal is as described in their original submissions, and as supplemented by the additional information received on 9th July 2008 following a formal request for more in-depth details of the proposal and processes involved.

On examination, it is considered that the proposal falls to be considered for EIA under Schedule 2 Part 3a of the Regulations as an energy industry development with a site area exceeding the 0.5 hectares threshold (the site being 0.77 Ha in area).

In assessing a development as to whether an Environmental Impact Assessment is needed WO Circular 11/99 advises that the basic question to be asked is "would this particular development be likely to have significant effects on the environment"(para. 32). Similarly the nature and type of development needs to be considered to assess whether it falls within the remit of the regulations.

SITE DESCRIPTION

The site is located in the Barry Docks area, off Woodham Road, and is 0.77 hectares in area.

DESCRIPTION OF DEVELOPMENT

This relates to a proposed industrial building and installation of 9MW Biomass Gasification Plant to generate electricity from reclaimed timber.

The plant will be capable of pyrolysing up to 72000 tonnes of wood per annum, equating to 216 tonnes per day, which will be sourced from wood recycling operations locally under a fuel agreement.

The proposed plant would have an electrical output of 9MW and would operate and provide electricity to the national grid 24 hours per day, although receipt of fuel and all other external operations would be restricted to between the hours of 0700 to 1900 (Mon – Sat) and 0800 – 16.00 (Sundays and Bank Holidays).

External plant and equipment on site will be minimal and will consist of an exhaust stack for the gas engine exhaust, to a maximum 6m height above ridge line (i.e. 20 metres maximum).

In summary, the main emissions / outputs are ash / char; condensate; filtration solids similar to ash; steam / heat; exhaust gases.

Full details of the process / proposal have been provided in a planning statement and associated documentation.

PLANNING HISTORY

The planning history of the site is not relevant to a Screening Opinion but is noted below:

1987/00821/FUL : Woodham Way, Barry Docks - Construction of plant store.
Approved 17 November 1987.

CONSULTATIONS

Countryside Council for Wales

They are principally concerned about the potential effects that emissions to air arising from the proposed gasification plant may have, either directly or indirectly, on the features for which a number of quoted statutory nature conservation sites are notified. CCW therefore recommend that, although a full EIA may not be required, at the very least a study be undertaken to establish the potential impacts that emissions to air may have on the listed designated sites which are within a 10km radius of the site (see detailed comments at Appendix A).

They also provide advice on oxides of Nitrogen (NOx) assessments, and advise that the current trend for biomass units in South Wales may lead to similar proposals in the Cardiff Docks area, this would be relevant to the need to consider in combination effects as part of any assessment of likely significant effect.

The Head of Visible Services (Highways) has advised that any submission should include a traffic Assessment to examine any potential adverse impact on the existing local highway network during both construction and operational phases.

Head of Legal, Public Protection and Housing Services (Environmental Health) advises that a full EIA is not required but comprehensive surveys are required as detailed below: -

Environmental Permitting Regs

The proposal will require appropriate permitting from the Environment Agency prior to beneficial use. In this process we (the Council) will be statutory consultee. The permit will cover elements of noise and other emissions to land water and air. Therefore evidence of noise levels, emission concentrations and their mitigation will be required. The fuel source will determine the emission – much detail will be required on the nature and quality monitoring of fuel sources.

Air Quality Assessment

An air quality impact assessment will be required. This assessment will need to determine that stack and any fugitive emissions will not compromise air quality standards / objectives.

NB there appears to be a number of similar proposals for the docks area. Their combined effect will need to be considered.

Lighting

To avoid adverse amenity form the effect of obtrusive lighting. Any external lighting scheme should be designed with regard to the Institution of Lighting Engineers Guidance for the avoidance of nuisance form lighting.

Land Contamination

Section 3.0 of the planning statement concludes that there is 'no potential for infilled or made ground is shown in the historical maps for the site'. However, the site has been subject to several potentially contaminative past uses such as coal dock, railway sidings and locomotive repair yard, and timber works.

Therefore we require a ground investigation to be carried out comprising the following elements in order to assess the risk posed by the site and any future operations to human health and the environment. The required information can be submitted with a detailed planning application or can be condition as part of any planning permission.

Ground Conditions

A full contaminated land assessment and associated remedial strategy should be submitted with the Environmental Statement to be approved by the LPA. The assessment should contain the following elements and follow the guidance contained in 'Contaminated Land: A Guide for Developers' available from the LPA:

A Phase I Preliminary Risk Assessment (Desk Study) should be submitted to the LPA for approval. The desk study shall detail the history of the site uses and identify and evaluate all potential sources and impacts of land and/or groundwater contamination;

Where the preliminary risk assessment identifies potentially unacceptable risks at the site, a suitably qualified and accredited person shall carry out a site investigation, including relevant soil, soil-gas, surface and groundwater sampling in accordance with a quality assured sampling and analysis methodology. The requirements of the LPA and Environment Agency must be fully established before any site surveys are commenced.

A site investigation report detailing all investigative works and sampling on site, together with the results of any analysis, risk assessment to any receptors and a proposed remediation strategy should be submitted to the LPA. The LPA and Environment Agency must approve any such remedial works as required, prior to any remediation commencing on site. The remedial works must render harmless the identified contamination given the proposed end-use of the site and the surrounding environment including any controlled waters.

The approved remediation works should be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed.

Upon completion of the works, a verification report must be submitted to and approved by the LPA. The verification report should include details of the completed remediation works and include quality assurance certificates to show that the works have been carried out in full and in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

The EHOs response is attached at Appendix B.

Glamorgan Gwent Archaeological Trust advises that there is not an archaeological restraint to the proposed development and that they will not be seeking any additional information on the archaeological resource prior to the determination of the application (see response at Appendix C).

Environment Agency Wales were notified of the proposal but have provided no representations.

REPORT

Issues

In reaching a screening opinion, the Council must have regard to the matters listed in Schedule 3 of the Regulations, which sets out the 'selection criteria' which must be taken into account in determining whether a development is likely to have significant effects on the environment.

It identifies three broad criteria which should be considered: the characteristics of the development (e.g. its size, use of natural resources, quantities of pollution and waste generated); the environmental sensitivity of the location; and the characteristics of the potential impact (e.g. its magnitude and duration).

Welsh Office Circular 11/99 states that EIA will usually only be needed for Schedule 2 developments in three main types of case: a) for major developments which are of more than local importance; b) for developments which are proposed for particularly environmentally sensitive or vulnerable locations); and c) for developments with unusually complex and potentially hazardous environmental effects. It also states that the number of cases of such development will be a very small proportion of the total number of Schedule 2 developments.

From a consideration of the proposal in the context of the site, and on the basis of the information provided by the applicants, the following conclusions are reached in relation to the Schedule 3 issues.

Characteristics of Development

Annex B: Selection Criteria for Screening Schedule 2 Development – of the regulation advises that the characteristics of development must be considered having regard, in particular, to:

- (a) the size of the development;
- (b) the cumulation with other development;
- (c) the use of natural resources;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of accidents, having regard in particular to substances or technologies used.

In terms of its size, the plant would not appear to be likely to have significant environmental effects within this location, although it is to be noted that there have been a number of discussions in recent months for similar developments in the Docks area, including a formal screening Opinion on land to the south east for "construction of a gasification facility" by Biogen power, such scheme to process approximately 80,000 tpa of waste including municipal solid waste, commercial, industrial and construction and demolition wastes; generating approximately 7MW_e (gross) electricity for distribution to the local grid network, and including generation of steam and heat available for export to local users and opportunities for its use within existing or new facilities locally.

Taking into account the above, together with other likely similar proposals in and around the area, it is noted that the cumulation of such development has the potential to have a sizeable impact. Nevertheless, on the basis of the submissions, I am satisfied that the development of this site can reasonably be considered separately to such wider development, insofar as it would not have any characteristics which would warrant an Environmental Impact Assessment.

In considering the potential impacts, however, it is acknowledged below that there are a number of matters that will require submission of detailed surveys which, in turn, will require consultation at application stage with appropriate bodies, including the Environment Agency and the EHO of the Council.

Location of development

The site lies within an established industrial area which is not considered to be particularly environmentally sensitive to the extent that its location would not result in a need for formal submission of an Environmental Statement.

Characteristics of the Potential Impact

The potential significant effects of development must have particular regard in particular to:

- (a) the extent of the impact (geographical area and size of the affected population);
- (b) the transfrontier nature of the impact;
- (c) the magnitude and complexity of the impact;
- (d) the probability of the impact;
- (e) the duration, frequency and reversibility of the impact.

In considering the potential impacts, and following consultation, potential issues are considered below: -

Ecological Issues

The Countryside Council for Wales have expressed concern about the potential effects that emissions to air arising from the proposed gasification plant may have, either directly or indirectly, on the features for which a number of quoted statutory nature conservation sites are notified. CCW therefore recommend that, although a full EIA may not be required, at the very least a study be undertaken to establish the potential impacts that emissions to air may have on the listed designated sites which are within a 10km radius of the site.

In addition, they provide advice on oxides of Nitrogen (NO_x) assessments, and advise that the current trend for biomass units in South Wales may lead to similar proposals in the Cardiff Docks area, which would be relevant to the need to consider in combination effects as part of any assessment of likely significant effect.

Accordingly, it is concluded that while no formal ES is required on such matters, there is a need for any subsequent submission to include full details of an assessment of in-combination effects taking into account future proposals for gasification plants in the Barry Docks area, as well as potential developments in the Cardiff Docks area.

Transportation / Highways

The preferred payload for lorry deliveries is 15 tonnes, which would require on average 15 deliveries per day to achieve the 216 ton fuel requirement. Additional deliveries will be required during commissioning of the plant to achieve the required 3 days storage, after which deliveries will return to normal.

The Head of Visible Services (highways) has advised that any submission should include a Traffic Assessment to examine any potential adverse impact on the existing local highway network during both construction and operational phases.

Given the above, it is considered that the nature of the development proposals would not require a formal ES, but it will be necessary for any development proposal to be accompanied by a comprehensive Traffic Assessment.

Air quality

The submissions state that the site will not impact upon local air quality because its emissions must meet the limits set out in the Environmental permit. While this is noted, it is considered that, while no formal ES is required on such matters, it will be necessary for any application to be accompanied by an air quality impact assessment, which will need to determine that stack and any fugitive emissions will not compromise air quality standards / objectives. In this respect it is again emphasised that the combined effect with other similar proposals in the area will need to be considered.

Land Contamination

Although section 3.0 of the planning statement concludes that there is 'no potential for infilled or made ground is shown in the historical maps for the site', the site has been subject to several potentially contaminative past uses such as coal dock, railway sidings and locomotive repair yard, and timber works. Accordingly, it is noted that a ground investigation will need to be carried out comprising the elements noted in the EHO's memorandum. There is not, however, any need for a formal ES on such matters.

Heat Distribution

Although no EIA is considered to be required on such matters, it is emphasised that any application should be accompanied by a detailed examination of the options available for heat distribution, including the means of, and potential routes for, connecting to the national grid and possible environmental impacts thereof;

It is also emphasised that there is an expectation that any application will provide detailed supporting evidence concerning the amount of waste heat that can be utilised, since this should be a key part of the planning process, with such details also including (where applicable) details of provisional agreements with nearby businesses/ developers.

Overall Amenity Issues

Although not requiring a formal EIA, any application should be accompanied by submissions covering detailed consideration of potential impacts on neighbourhood amenities from noise impact, light, dust, transport and traffic, taking into account that the nearest (potential) residential receptor will be within 150 metres (at East Quay, Barry Waterfront 2 development).

The cumulative effect with similar biomass proposals for the docks area should also be addressed.

CONCLUSION

In the absence of any overriding reason on the above or any other grounds, therefore, it is concluded that an Environmental Impact Assessment in this instance is not considered a requirement. Other than normal development issues during and post development the scheme is not considered to have potential for significant environmental effects, albeit it is acknowledged that the nature, scale and intensity of the development proposals will require very careful consideration.

Conclusions

Welsh Office Circular 11/99 states that EIA will usually only be needed for Schedule 2 developments in three main types of case: a) for major developments which are of more than local importance; b) for developments which are proposed for particularly environmentally sensitive or vulnerable locations); and c) for developments with unusually complex and potentially hazardous environmental effects. It also states that the number of cases of such development will be a very small proportion of the total number of Schedule 2 developments.

In this respect, and taking into account each of the above, it is concluded from the information submitted that, whilst information regarding certain environmental issues, such as traffic impact, noise and air quality (including a study to establish the potential impacts that emission to air may have on statutorily designated ecological sites) will be required for any application on this site, there is not considered to be a requirement for a formal Environmental Impact Assessment to be submitted.

RECOMMENDATION – OFFICER DELEGATED

An Environmental Impact Assessment is not required subject to the following condition(s) (if any):

1. Having regard to Schedule 3 of the Regulations, the Local Planning Authority is of the view that the characteristics of the development, the location of the development and the characteristics of the potential impact as outlined in the supporting documentation to the request are such that an Environmental Impact Assessment is not required.

It is recommended, however, that the applicants are made aware of the need for any application to be supported by the submission of details on environmental issues, particularly concerning traffic impact, noise and air quality (including a study to establish the potential impacts that emission to air may have on statutorily designated ecological sites) as well as the need for submission of an appropriate design statement/ visual assessment and sustainability assessment of any proposals as part of any application.



Penderfyniad ar yr Apêl

Ymchwiliad a gynhaliwyd ar 8, 9 & 10 /06/10
Ymweliad â safle a wnaed ar 10/06/10

Appeal Decision

Inquiry held on 8, 9 & 10 /06/10
Site visit made on 10/06/10

gan/by Mr A Thickett BA(Hons) BTP MRTPI DipRSA

**Arolygydd a benodir gan Weinidogion
Cymru**

**an Inspector appointed by the Welsh
Ministers**

Dyddiad/Date 02/07/10

Appeal Ref: APP/Z6950/A/09/2114605

Site address: Land at Woodham Road, Barry, CF63 4JE

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Sunrise Renewables Limited against the decision of The Vale of Glamorgan Council.
- The application Ref 2008/01203/FUL, dated 5 September 2008, was refused by notice dated 31 July 2009.
- The development proposed is the erection of a new industrial building and the installation of a 9MW wood fuelled renewable energy plant.

Summary of Decision

1. The appeal is allowed and planning permission granted subject to the conditions set out in the schedule attached to this decision.

Procedural matter

2. At the Inquiry an application for costs was made by Sunrise Renewables Limited against the Vale of Glamorgan Council. This application is the subject of a separate Decision.

Environmental Impact Assessment (EIA)

3. The Assembly Government and the Council are satisfied that the development does not require an EIA as is the appellant although an Environmental Statement (ES) was submitted in support of the appeal. Friends of the Earth challenged this view at the Inquiry. I have considered the arguments but given that an ES has been submitted, I do not consider it necessary to make a judgement regarding the need for an EIA.
4. The Council, Barry Town Council and statutory bodies were consulted on the ES and I heard that it was advertised. The ES includes assessments of noise, air quality, traffic, ecology, landscape and ground conditions. I consider that the aspects of the environment that are likely to be significantly affected are adequately described as are the significant effects of the development on the environment. The ES also includes details of prevention and mitigation measures.

5. The Council have granted planning permission for a gasification plant at Atlantic Way which is also within the Docks. The ES includes an assessment of the cumulative impact of both schemes on noise and air quality. The report includes a non technical summary and I consider that it satisfies the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for developments where EIA is required.

Main Issues

6. The main issues are:
- the effect of the proposed development on the character and appearance of the area
 - whether the proposal would conflict with the Council's aspirations for Barry Waterfront
 - the impact of the proposal on the living conditions of nearby residents with regard to noise, traffic and pollution
 - whether the proposal should contribute to public transport and public art

Reasons

Character and appearance

7. The site comprises a flat open, area of land within Barry Docks. It was previously used for the storage and breaking of containers but now lies vacant. The land to the east is also open beyond which are large modern warehouse/industrial buildings and a scrap yard. Further east is a large chemical factory and on the opposite side of the Dock an 8 storey grain store. Immediately to the west is a series of large Nissen Huts which house a range of uses including a taxi firm, car repairs and welders. To the south, the site is bordered by David Davies Road and a railway track which serves the Docks. To the north is Ffordd Y Milleniwm, a busy distributor road and the Barry to Cardiff railway line. The land rises steeply to the north of the railway line to Dock View Road and the town.
8. Local residents may wish otherwise but the site lies in an industrial area. The Council conceded at the Inquiry that it had no objection to the appearance of the proposed building. Looking down from Dock View Road the new building would be seen in the context of the development within the Docks and, in my view, would sit comfortably in its industrial surroundings.
9. Residents argue that the area may be designated for light industrial use in the emerging Local Development Plan (LDP). However, the Council did not consider that the LDP was sufficiently advanced to be a material consideration in this appeal. The lawful use of the site is general industrial (Class B2 of the Town and Country Planning (Use Classes) Order 1987). Policy WAST 1 of The Vale of Glamorgan Unitary Development Plan 1996-2011, adopted 2005 (UDP) directs waste management facilities to, amongst other places, existing B2 employment sites. The Nissen Huts are occupied by small businesses and the Council argues that the proposed use would be of a different character. However, by implication, WAST 1 accepts that the existing and proposed uses can cohabit and, although on a bigger scale, I consider that the proposed development would be compatible

with surrounding industrial uses. I conclude, therefore, that the proposal would not have an adverse impact on the character and appearance of the area and that it complies with Policy ENV 27 of the UDP.

Barry Waterfront

10. The Barry Waterfront Regeneration Area lies to the west of the Docks. The regeneration of the Waterfront is promoted through supplementary planning guidance and the Council are currently processing an outline application for a comprehensive redevelopment including housing, offices and leisure. The Council argue that prospective occupiers may be put off by the development subject to this appeal. However, the consortium behind the regeneration scheme expresses no concerns regarding the impact of the proposal on its development.
11. Other than deliveries, the operation would be carried out wholly within the building. There are plenty of stacks visible to the east and they are not unusual features in an industrial landscape. The proposed development would be partly screened by the Nissen Huts. As stated above, the Huts accommodate a range of commercial and industrial activities. The majority of these units face the Waterfront area and I do not consider that the proposal would have any greater impact on its regeneration than the activities taking place to the front of and within the Nissen Huts. I am not persuaded, therefore, that the proposal would have a detrimental impact on the Council's aspirations for Barry Waterfront and conclude that the proposal does not conflict with Policy ENV 25 of the UDP.

Living conditions

12. The appellant's propose to generate 9MW of electricity per annum through the burning of gas produced by subjecting waste wood to pyrolysis (the decomposition or transformation of a compound caused by heat). Around 216 tonnes of waste wood would be processed each day (about 72,000 tonnes pa). The waste wood would be chipped elsewhere and about 3 days supply stored on site. There would be 11 deliveries each day by road unless feed stock is delivered by sea. Feed stock arriving by sea would be stored elsewhere in Barry Docks and transported to the site as required. The wood fuel would be manufactured from clean wood, pallets, and wood taken from construction and demolition.
13. The Council is satisfied that, subject to the imposition of a condition controlling noise levels, operations within the building would not have an adverse impact on existing or prospective residents. Despite its doubts, Friends of the Earth accepted at the Inquiry that a condition would safeguard the amenity of residents of Dock View Road. I agree and will impose a condition to that effect and to require the deletion of rooflights from the proposed design (necessary to ensure noise attenuation). I shall also require the roller shutter doors to be closed other than when deliveries are being received.
14. Deliveries would take place between 07.00 and 19.00 hours Monday to Saturday and 08.00 to 16.00 on Sundays. The Council provide no technical evidence to support its assertion that noise generated by lorries using Woodham Road would cause a nuisance to existing or prospective residents. The Inquiry was held a short distance from the appeal site and noise from vehicles passing along Ffordd Y Milleniwm was constantly in the background. Woodham Road is unadopted and has some daunting speed humps but I have neither seen nor heard anything to

show that noise generated by vehicles associated with the proposed use would be noticeable above existing noise levels.

15. The Council provide no comparison with the vehicle movements generated by the previous use. Further, should this development not proceed, the landowner has a commercial interest in seeking a beneficial use for the site. As stated above, the site benefits from a lawful B2 use and the operator of the Docks enjoys extensive permitted development rights. Reversing movements are also likely to have occurred previously and are likely to be a feature of any use requiring goods to be delivered. All vehicle movements would take place to the south of the building and would be over 370m from Dock View Road. The building, would, therefore, act as a barrier as would the Nissen Huts. The sound of reversing alarms may carry to Dock View Road but there would only be 11 deliveries a day at most and I do not consider that such activity would have an unacceptable impact on residents. For this reason, I do not consider it necessary to impose a condition regarding reversing alarms.
16. The transport assessment submitted by the appellant (accepted by the Highway Authority) records around 469 HGV movements on Cardiff Road each day. The Highway Authority is satisfied that the road network has the capacity to accommodate the proposed development and no technical evidence is submitted to lead me to a different view. With regard to the impact of these additional movements on residents of Cardiff Road, I can put it no better than officer's did in their report to committee; *'The amount of traffic generated by this process, in comparison with the existing local and industrial traffic on the network (particularly Ffordd Y Milleniwm) is not considered to be great, and in this respect there are not considered to be any substantive reasons to object to the proposal on the grounds that there would be an unacceptable increase in noise or activities from lorry movements, not least because the site is located in an industrial area (notwithstanding proximity to dwellings) where such activities are not uncommon.'*
17. The ES includes an air quality assessment which concludes that emissions would be within acceptable parameters (independently and in combination with the plant at Atlantic Way). Neither the Council's experts nor the Environment Agency dispute these findings. In a letter of March 2009 to the Council, the Environment Agency states; *'The new information provided by the applicant shows a good understanding of potential air impacts to the environment'*.
18. The process will require a permit under the Environmental Permitting Regulations (England and Wales) 2010. In response to the planning application the Council's Environmental Health Officer said: *'It is important to note that the issue of planning permission is not sufficient to enable the process to legally operate. The process must first apply for and obtain a permit from the Environment Agency. The operators must ensure that they are able to meet the strict requirements of the Environmental Permitting Regulations and the Waste Incineration Directive. The application process will examine in detail any possibility of significant environmental or health impact'*. Local residents and the Friends of the Earth have little confidence in the Environment Agency but I am entitled to assume that the relevant pollution control regime will be properly applied and enforced.

19. Friends of the Earth are concerned that treated timber and wood contaminated by plastics will find its way into the feed stock. I heard that the Environment Agency either has or is to produce testing kits and, in any event, emissions would be controlled by the Environmental Permitting Regulations. Friends of the Earth accepted at the Inquiry that abatement technology exists to control NO₂. I note the concerns of Friends of the Earth but the Council's 'Air Quality Review and Assessment Round 4, Update and Screening 2009', finds that ozone levels do not exceed the relevant standards in the towns in the Vale.
20. All activities will be contained within the building, the doors of which will remain closed other than to accept deliveries. Consequently, there is unlikely to be any significant amount of dust blowing around and the proposal includes dust suppression measures. Vehicles bringing in fuel and removing ash would be sheeted.
21. Friends of the Earth produce no evidence to counter the results of air dispersion modelling carried out by the appellant's consultants which identified the magnitude of impact of plume visibility to be zero. The impact of plume visibility is dependant on the number of events and their magnitude. In the absence of any technical evidence to the contrary, I see no reason to doubt the consultant's findings that the visible impacts of any plume are not anticipated to be significant.
22. The appellant does not wish to be limited to processing 72,000 tonnes of waste wood per anum. This figure forms the basis for the analyses in the ES and, whilst I do not say that any greater amount would lead to a material change in its conclusions, I cannot be certain that it would not do so. I shall, therefore, limit the amount to 72,000 tonnes pa in order to safeguard the amenity of existing and prospective residents. For the same reasons, I shall impose a condition limiting the feed stock to waste wood.
23. I do not make light of residents' fears and acknowledge them to be a material consideration. However, the weight to be attached to public concern depends on the degree to which it can be substantiated by evidence. For the reasons given above, I consider that, subject to conditions and controls under other legislation, the proposed development would not have an unacceptable impact on the living conditions of existing or prospective residents. I conclude, therefore, that the proposal complies with Policies WAST 2, COMM 8, EMP 2, ENV 29 and TRAN 11 of the UDP.

Public transport and public art

24. The Council's supplementary planning guidance relating to Planning Obligations was adopted following public consultation and, consequently, I give it considerable weight. However, it does not outweigh the guidance in Circular 13/97, Planning Policy Wales (PPW) or the law as set out in the Community Infrastructure Levy Regulations 2010.
25. Employees would have to walk around 600m to reach Barry Dock railway station which provides regular services within the Vale of Glamorgan, Bridgend and Cardiff. The Council seek a contribution towards a new bus stop on Ffordd Y Milleniwm opposite its Dock Office. The nearest bus stop to the site is over 700m away. This exceeds the distance the Council say people will walk to catch a bus but the same can be said for existing employees in the units on Woodham Road.

Further, it could be argued that the Council's own employees at the Dock Office do not have convenient access to bus stops on Ffordd Y Milleniwm. The Barry Waterfront development would also generate demand for public transport.

26. The Council's supplementary planning guidance states; '*developers will not be expected to pay for facilities that are needed solely in order to resolve existing deficiencies*'. I acknowledge that the proposed bus stop would facilitate the use of public transport which is to be encouraged and that prospective employees would benefit. However, it would clearly also address a current deficiency. The Council is seeking a contribution from the appellant of £10,000 which is almost two thirds of the cost of providing the proposed bus shelter. In light of the above I do not consider this to be a) proportionate and b) that it has been shown that the contribution sought is fairly and reasonably related in scale to the proposed development.
27. The Council accepted at the Inquiry that, should I determine that the proposed development would not have a detrimental impact on the character and appearance of the area, a contribution to public art would not be necessary in order to enable the development to proceed. Whether public art is desirable in this industrial location is, in my view, open to debate but, given the conclusions set out above, I do not consider it to be necessary. For the reasons given above, I do not consider that the requested contributions satisfy the regulations.

Other matters

28. The reasoned justification to Policy WAST 1 requires regard to be had to the Council's Waste Management Strategy. Policy WAST 2(i) of the UDP requires waste management facilities to conform to the principles of the waste hierarchy and regional self sufficiency. Although at the start of the process the wood would be classed as waste, it would be turned into fuel to produce a valuable commodity, renewable energy. The Waste Management Strategy is 6 years old and neither it nor the UDP anticipated the technology that would be involved here or the latest challenging national targets for producing energy by renewable means.
29. The appellant proposes that the operation would utilise waste wood sourced locally but, in order to avoid problems regarding supply, does not wish to be tied to using waste wood from the SE Wales region only. The Council propose a condition that would allow fuel to come from farther afield provided it comes in by sea. However it arrives, importing waste wood from outside the region would not accord with the proximity principle and this seems to me to be an acceptance by the Council that it is important to ensure a reliable supply of fuel. I am persuaded by the appellant's argument that the cost of transportation will weigh towards the use of local material but acknowledge that, without a condition, it cannot be guaranteed.
30. The Assembly's Energy Policy Statement of March 2010 promotes renewable energy and the use of waste wood in the generation of electricity to prevent negative impacts on the environment and food security. The Statement also recognises that by 2020, 50% of the biomass used to generate electricity will be imported, an acknowledgement, in my view, that waste used to generate electricity may need to come from outside the region and outside Wales.

31. I heard that the nearest disposal facility for hazardous waste is in Gloucestershire. Although transporting waste outside Wales does not comply with the aims of national policy, provided only clean waste wood is used, the ash should not be hazardous. If it is necessary to transport waste outside the region, I consider this to be outweighed by the national drive to produce renewable energy.
32. The South East Wales Waste Group, Regional Waste Plan 1st Review, 2008, identifies residual waste managed by high levels of pyrolysis as the best practicable environmental option (BPEO). Friends of the Earth argue that a better alternative would be carbon sequestration but are not able to identify anywhere where this is available. Waste wood is currently sent to landfill outside the Vale. The appellant submits a site specific BPEO analysis which concludes that pyrolysis and direct combustion both represent the best practicable environmental option for waste wood. Having considered the appellant's analysis, I concur with its conclusion that pyrolysis should be preferred as it has a greater potential for electricity generation.
33. There are no firm proposals at this time to utilise the heat generated by the process but the appellant will seek to market the heat as soon as there is certainty regarding supply. The June 2010 edition of PPW was not available at the Inquiry but its advice regarding combined heat and power is not markedly different from that in Ministerial Interim Planning Policy Statement 01/2005, 'Planning for Renewable Energy' or Technical Advice Note 8, 'Planning for Renewable Energy'. PPW states that, where possible, heat and power systems should be combined, it does not rule out the generation of electricity only.
34. A letter from the consortium developing Barry Waterfront indicates that its initial interest in the waste heat generated by the operation has cooled. However, it is not ruled out and the Council conceded that, in the interests of sustainability, it would be encouraging the consortium to utilise the heat generated by the appellant. I heard that interest in similar plant elsewhere did not materialise until there was certainty that heat could be provided. It is in the appellant's interest to sell the waste heat produced and there is potential to provide heat to existing uses and to new development that may occur in the Docks or the Waterfront. I acknowledge that without the use of waste heat the process is not as efficient as it could be but do not consider this justifies withholding planning permission. Nor, for the same reasons, do I consider it necessary to impose a condition requiring a feasibility study in relation to the use of waste heat.

Conditions

35. I have considered the suggested conditions in light of the advice in Circular 35/95. I consider it necessary, in the interests of the visual amenity of the area to impose conditions relating to materials, fencing, landscaping and storage. In addition to the conditions referred to in my consideration of the main issues, I shall, in order to safeguard the living conditions of nearby residents, impose conditions regarding waste disposal, dust, deliveries and lighting.
36. At the site visit it became apparent that it may not be possible to achieve the required visibility splays at the proposed access and a condition requiring further detail is necessary. Given the position of the building and the prohibition of

external storage, I see no need to require details of circulation space or parking. However, it is necessary to encourage the use of sustainable transport, to require cycle storage and that the submitted Green Travel Plan is implemented.

37. In the absence of anything to indicate a lack of capacity with regard to foul sewers, I consider it unnecessary to duplicate the controls set out in the Building Regulations. However, I shall, in the interests of achieving sustainable development, impose conditions relating to the provision of a sustainable surface water drainage system. In light of the Dock's history it is necessary to impose a condition regarding contaminated land. I see no need to require an area to be reserved for the relocation of Rough marsh-mallow as none has been found on the site.

Conclusions

38. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.

[REDACTED]

[REDACTED]

Schedule

Formal Decision

I allow the appeal, and grant planning permission for the erection of a new industrial building and the installation of a 9MW wood fuelled renewable energy plant at land at Woodham Road, Barry, CF63 4JE in accordance with the terms of the application, Ref 2008/01203/FUL, dated 5 September 2008, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) No development shall take place until details of a scheme for the management of waste emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The disposal of waste shall be carried in accordance with the approved scheme.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building and stack hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until:
 - i) details of a scheme to assess the nature and extent of any contamination on the site has been submitted to and approved in writing by the local planning authority;
 - ii) the results of the survey carried out under condition 4 (i) above have been submitted in writing to the local planning authority
 - iii) a scheme to deal with any contamination identified by the survey has been submitted to and approved in writing by the local planning authorityDevelopment shall be carried out in accordance with the approved details.
- 5) Should contamination not previously identified be found through the course of development it must be reported immediately in writing to the local planning authority. An investigation shall be carried out to assess the nature and extent of any contamination and the contamination shall be dealt with in accordance with a scheme to be submitted to and approved in writing by the local planning authority before the building hereby permitted is occupied.
- 6) The rooflights shown on drawing number SRB/04 shall not be installed and no development shall take place until a plan showing revised elevations has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until details of the finished colour of the palisade fencing proposed to enclose the site has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until details of a scheme to control dust emanating from site has been submitted to and approved in writing by the local

- planning authority. Dust emanating from the site shall be controlled in accordance with the approved scheme.
- 9) No development shall take place until details of external illumination have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as approved.
- 10) The building hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 11) The building hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
- 12) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 13) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 14) Notwithstanding the submitted site layout plan, details of the proposed access to the site, including the position of gates and the provision of a 4.5m by 70m visibility splay shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the visibility splays shall be maintained free of any
-

obstruction exceeding 0.6m in height for as long as the development hereby permitted remains in existence.

- 15) No development shall take place until there has been submitted to and approved in writing by the local planning authority details of secure parking on site for bicycles. The bicycle parking spaces shall remain available for their designated use for as long as the development hereby permitted remains in existence.
- 16) No development shall take place until details of a scheme to measure background noise levels in the following locations has been submitted to and approved in writing by the local planning authority:
 - i. 57 Dock View Road
 - ii. Cory Way
 - iii. Estrella House, Cei Dafydd

The survey shall be implemented as approved and the results submitted to and agreed in writing with the local planning authority before the development hereby permitted is brought into use. At no time shall noise attributing from the site exceed the agreed background noise levels.

- 17) The plant hereby permitted shall only process waste wood.
- 18) The total tonnage of wood waste treated at the plant hereby permitted shall not exceed 72,000 tonnes per annum. Records of the amount of fuel processed shall be retained and made available to the local planning authority on request.
- 19) The measures incorporated into the Green Travel Plan accompanying the application shall be implemented when the development is brought into use and thereafter monitored and reviewed in accordance with the Green Travel Plan.
- 20) Deliveries to the site, and all other external operations, shall not take place outside the hours of 07.00 to 19.00 Monday to Saturday and 08.00 to 16.00 on Sundays, Bank and Public Holidays.
- 21) The roller shutter doors in the south-facing elevation of the building shall be kept closed at all times other than when deliveries are being received.
- 22) There shall be no storage of materials outside the building.

PLANS SUBMITTED TO THE INQUIRY

- A Site Location Map Dwg No. SRB/01
- B Site Location Plan Dwg No. SRB/02
- C Site Layout Plan Dwg No. SRB/03
- D Building Elevations Dwg No. SRB/04
- E Bundle of plans including internal layout, process diagram and historic maps
- F Plan showing the location of the proposed bus shelter

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Lambert, Fiona

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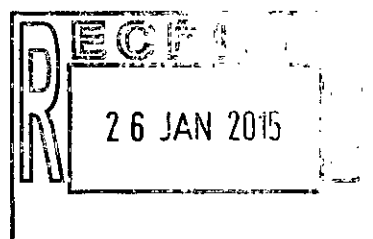
From: Robinson, Ian
Sent: 10 November 2014 09:50
To: 'Douglas Wardle'
Subject: RE: Port of Barry Project

Morning douglas- I would have thought that some of the docs that you intend submitting the 2010 version for would need amending- transport assessment? Noise assessment? DAS? Etc Ecology may need updating given the length of time that has elapsed- please feel free to speak to our ecologist Erica Dixon on 01446 704855 for an informal discussion.

I expect we can live without the mass and energy flow diagram and frequently asked questions- at least at registration- if we need them later we can request them- but may well not need to.

Regards

Ian Robinson
Principal Planner
Planning and Transportation Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
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From: Douglas Wardle [mailto:douglas.wardle@ukpdp.co.uk]
Sent: 07 November 2014 10:09
To: Robinson, Ian
Subject: RE: Port of Barry Project

Ian, we've gone through the 'shopping list' of reports, and these are our thoughts ('To be Submitted'). Your feedback/guidance would be very much appreciated (I've added a column for you in case that's easiest):

Report	To be Submitted	Ian's Feedback
Planning statement	New statement	
Application forms	New Forms	
Location plan	2010 Location Plan	
Layout plan, elevations etc	New Plan/Elevations	
DAS	2010 Version but with new vehicle traffic movement plans added	
Mass and energy flow diagram	Is this essential? We have it but I don't believe we have had to submit it elsewhere and the equipment suppliers are very touchy about details concerning their technology/performance going into the public domain	

Policy review	2010 Version	
Waste audit and facilities strategy	2010 Version	
EA (albeit now obsolete-replaced by NRW) position strategy	2010 Version	
Groundsure report maps	2010 Version	
Groundsure geology and stability report	2010 Version	
Groundsure environmental data report	2010 Version	
Wood recycling report	2010 Version	
Flood risk assessment	2010 Version	
Air quality assessment	New Version reflecting changes	
Ecology report	2010 Version	
Noise assessment	2010 Version	
Transport assessment	2010 Version	
Letter re combined heat and power	The new plant converts all available heat to electricity (which is why it's more efficient) so there is no separate heat supply. This is touched on in the Planning Statement	
Frequently asked questions	Do we need this one or is it effectively covered by the Planning Statement?	

Kind regards

Douglas

Douglas Wardle

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From: Robinson, Ian [<mailto:IRobinson@valeofglamorgan.gov.uk>]
Sent: 05 November 2014 09:18
To: 'Douglas Wardle'
Subject: RE: Port of Barry Project

Morning Douglas,

Ive just checked the previous outline, and the following documents that were submitted with that would appear still relevant and necessary now (updated where necessary of course):

(I was hoping to provide you with a link to all these documents on our website but for some reason the link to that application (and seemingly only that application) is corrupted- I have our IT working on it, and when it is working I will send you the link)

Planning statement
Application forms
Location plan
Layout plan, elevations etc
DAS
Mass and energy flow diagram
Policy review
Waste audit and facilities strategy
EA (albeit now obsolete- replaced by NRW) position strategy
Groundsure report maps
Groundsure geology and stability report
Groundsure environmental data report
Wood recycling report
Flood risk assessment
Air quality assessment
Ecology report
Noise assessment
Transport assessment
Letter re combined heat and power
Frequently asked questions

Regards

Ian

Ian Robinson
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From: Douglas Wardle [REDACTED]
Sent: 05 November 2014 08:52
To: Robinson, Ian
Subject: FW: Port of Barry Project

Hi Ian – sorry to chase (!) but we're keen to get going on this. Any chance you could give it a quick look over so we can determine which reports to include and which to leave out (my assumption is that people just prefer to have reports that are directly relevant to the matter in hand).

Kind regards

Douglas

Douglas Wardle
[REDACTED]
[REDACTED]
[REDACTED]



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From: Douglas Wardle [REDACTED]
Sent: 03 November 2014 10:42
To: Robinson, Ian (IRobinson@valeofglamorgan.gov.uk)
Subject: Port of Barry Project

Dear Ian

Just following up our correspondence from last week, I'm attaching the draft application and also the related draft Planning Statement (minus the attachments at this point).

I'd be most grateful if you could take a quick look to see whether anything occurs to you – you'll see I have set it up as an outline application but by reference to the original application.

I'm in two minds about the attachments – obviously we have the full suite from the original application so at this point I was thinking the thing to do would be to limit it to those items that are relevant to the new application ie where something has changed.

I look forward to your views – we'd like to get it submitted this week if possible.

Kind regards

Douglas

Douglas Wardle
[REDACTED]
[REDACTED]
[REDACTED]



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Sunrise Renewables (Barry) Ltd - Renewable Power Plant at David Davies Road, Barry ("Project")

Responses to questions raised by Friends of the Earth ("FoE")

1. Is the Project a waste disposal facility? Is it a Schedule 1 Development under the EIA Regulations?

Answer: No it is not. Attached below is the 'R1 Calculation' for the Project showing that it comfortably exceeds the 0.65 threshold required under the "Guidance on applying the Waste Hierarchy", issued by Defra June 2011. As such it is to be considered a 'power generation facility' as opposed to a 'waste disposal facility' and it is not therefore a Waste Disposal Facility for the Incineration of hazardous or non-hazardous waste under Schedule 1 Development of the EIA Regulations.

2. Is the Project Advanced Conversion Technology? Is the technology gasification?

Answer: Yes it is. In the United Kingdom the person who determines whether technology is or is not Advanced Conversion Technology is the Office of Gas and Electricity Markets – Ofgem. According to Ofgem's Renewables Obligation: Guidance for Generators (April 2015):

"2.105. Gasification and pyrolysis are examples of advanced conversion technologies (ACTs). These technologies use waste and biomass feedstocks to produce either a synthesis gas (syngas) and / or liquid fuels (bio-oils) which can be used to generate electricity."

The technology selected by the Applicant for the Project is based on gasification:

"For gaseous fuels produced by gasification or pyrolysis, eligibility for the standard gasification and pyrolysis bonds in any month is dependent on the fuel having a minimum GCV of 2 MJ/m³."

Under its supply contract the manufacturer is warranting to the Applicant that it will meet Ofgem's requirements for gasification:

"Syngas CV value: the System shall meet at design capacity a minimum gross calorific value of the produced syngas (as shown within the Firing Diagram conditions as attached hereto) of 2 MJ/m³ measured at 25 degrees Celsius and 0.1 megapascals measured at a point to be jointly determined over the bed and under the overfire and which has been approved by Ofgem. The syngas calorific value will be determined from a minimum of 3 separate gas samples during the Performance Test."

The Project therefore plans to use technology which meets Ofgem's requirements for an Advanced Conversion Technology using gasification.

3. Is the plant a Renewable Energy Plant? How will the syngas be used?

Answer: Yes it is – it generates electricity from a renewable fuel. In the United Kingdom the organisation regulating power generation is the Office of Gas and Electricity Markets – Ofgem. According to Ofgem's Renewables Obligation: Guidance for Generators (April 2015):

"The Renewables Obligation (RO), the Renewables Obligation (Scotland) (ROS) and the Northern Ireland Renewables Obligation (NIRO) are designed to incentivise large-scale renewable electricity generation in the UK and help the UK meet its requirements for 15 per cent of energy to be sourced from renewable sources by 2020."

As an Advanced Conversion Technology (see Answer 3 below) the plant is eligible for Renewable Obligation Certificates under the RO scheme. As such, Ofgem considers it to be "large-scale renewable electricity generation", as stated above.

This is in part because the chosen technology takes the biomass – here waste wood – and instead of simply burning it like an incinerator, it 'boils off' synthetic gas (called "syngas" which is not dissimilar to natural gas) and uses that as the fuel. The result is that the emissions from the process are much cleaner than an incineration where the products of combustion go straight out with the exhaust: for a gasifier, the vast majority of the combustion products drop out with the ash, making it a much simpler job to clean the emissions before they meet the regulated standards required for release into the atmosphere.

Under its supply contract the manufacturer is warranting to the Applicant that it will meet the applicable requirements for combustion and emissions laid down in the Industrial Emissions Directive:

"Combustion: the System shall meet at design capacity a minimum flue gas temperature of 1562°F (850°C) for at least 2 seconds residence time after introduction of last combustion air in accordance with the Industrial Emissions Directive (Directive 2010/75/EU of The European Parliament and of The Council on industrial emissions (integrated pollution prevention and control))."

"Emissions: Emissions from the System when firing feedstock that meets the Fuel Specification will comply with the requirements of Annex VI, Parts 3 and 4 of the Industrial Emissions Directive (Directive 2010/75/EU of The European Parliament and of The Council on industrial emissions (integrated pollution prevention and control))"

Just to emphasise: gasification is not the same as incineration which is often misunderstood.

4. Will the ash produced be hazardous?

Answer: each year the plant will produce approximately 2208 tonnes of non-hazardous bottom ash and 1464 tonnes of hazardous fly ash. The two types of ash are produced in different sections of the plant boiler and are collected separately for storage in separate silos pending disposal. Specialist disposal contractors using sealed powder trucks will handle disposal of the hazardous fly-ash. This will be disposed of at a regulated landfill location specialising in the disposal of fly ash in accordance with applicable law and regulation. Bottom ash will be disposed of separately for use in the construction industry.

5. Is the plant a low-energy efficiency facility? Can the heat output be used?

Answer: The plant is not a combined heat and power plant since there is no viable adjacent heat offtaker. The plant is therefore a dedicated renewable power plant and as such the input energy is converted as efficiently as possible to electricity for use in the locality. The previous selected technology pyrolised 72,000 tonnes of dried wood to produce 9MWe export capacity. In comparison the proposed technology will convert the same amount of dry wood into 10MW export capacity. Therefore it is more efficient