

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

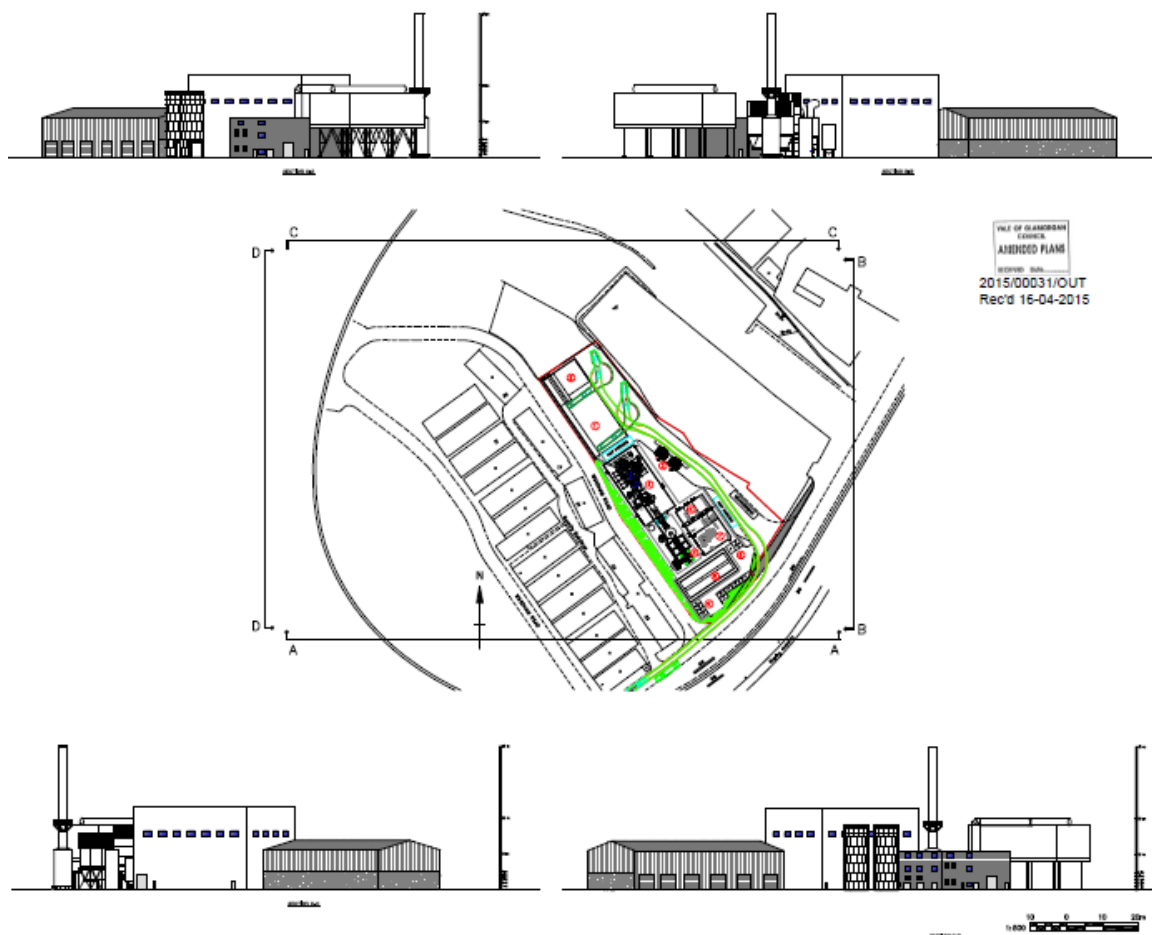
Main process building: This is the largest building and will comprise of the gasification equipment (41.4m x 20.4m x 23m high). This will significantly improve containment of the process as a whole.

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 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 plant 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 13 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.

Update from Previous committee report

Since the report was drafted for the committee on 2 July, the Council have received another 4 letters of representation regarding the proposal. Three 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 (WPA), this was requested by the officer directly as it can be 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 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 Officers' understanding of the plant being a combined heat and power facility, the statement quoted in the FoE representation is taken from the description of development section of the report and not the further analysis of the information submitted. The description of the development will outline the developers 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 6 July 2015' and 'Waste Disposal Status of the Project'.

The first document addresses those recent matters raised by Friends of the Earth while the other document 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.

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 be 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

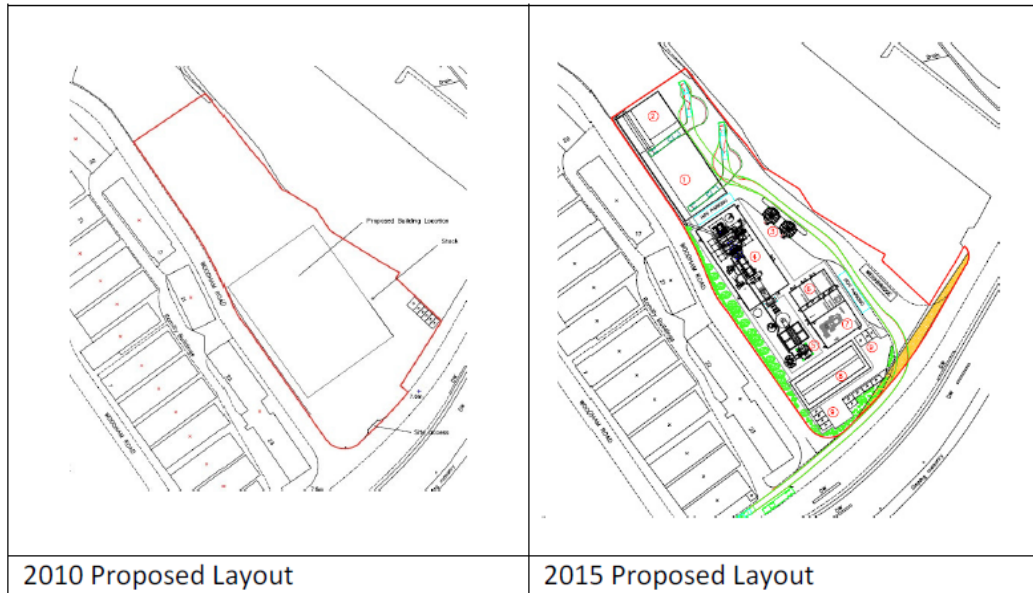
Background to the Proposal

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 40m. 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.



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 13 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 21 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 13 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 and have advised that they 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 40m 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.

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 advise 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

The applicants 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 stored in sealed silo and then 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 220 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 to a regulated land fill location.

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.

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. Approval of the landscaping of the development (hereinafter called `the reserved matters`) shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

The application was made for outline planning permission and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- (a) The expiration of five years from the date of this permission.
- (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

5. 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, dated 16 April 2015 and 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 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.

6. No development shall take place until details of a scheme for the management of fly ash and bottom ash 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.

7. No development shall take place until full details, including 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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 services by an appropriate Sustainable Urban Drainage Scheme, and to ensure compliance with the terms of Policies ENV7 and ENV27 of the Unitary Development Plan.

15. 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.

16. 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.

17. 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.

- 18. 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.

- 19. 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.

- 20. 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.

21. 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.

22. The total tonnage of wood waste treated at the plant hereby approved shall not exceed 72,000 dry 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.considerateconstructorsscheme.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.

29. 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 measure to control the plan along with agreed haul routes for the delivery of waste wood feed stock and the removal of ash from the site shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be operated in accordance with the agreed details.

Reason:

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

30. 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

31. 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.