

Lambert, Fiona

From: Feist, Sarah J
Sent: 16 August 2021 19:10
To: Darren Atkinson
Cc: Randall Smith; Joanna.Fox@ashurst.com; Charlie.Reid@ashurst.com; steve.butler@sol-environment.co.uk; Goldsworthy, Marcus J; freddy@MRYRenewables.co.uk; Docherty, James; ian.shervell@avivainvestors.com; Richard Frearson; Robinson, Victoria L; Robinson, Ian; charles.herriott@avivainvestors.com
Subject: RE: Barry Biomass - Planning Permission 15/00031/OUT

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr Atkinson,

Thank you for your further email and having noted your comments, I have set out my response below (in bold):

You refer to our letter dated 17 February 2021. In that letter we carefully identified the differences between the as-built scheme and the approved drawings. We explained that within the context of the Outline Planning Permission, the six differences under scrutiny had no significant environmental impacts. This has now been confirmed by the voluntary Environmental Statement and the recent conclusions of the Welsh Minister. **The fact that this conclusion has been reached does not mean that the differences do not need to be regularised through a further planning application and these may be considered to be different to what was approved in 2015.**

We also explained that the differences between the approved plans and the as-built scheme are de minimis within the wider context and do not change in any materially impactful way the form of the Development controlled by condition 5 of the Outline Planning Permission. We noted that that the Council also considered a number of the differences to be non-material. We suggested that the differences "were capable" of being addressed through non-material amendment applications, PD Rights or individual s.73A applications if that was agreeable to the Council. **It has previously been confirmed that the differences between the approved and as-built schemes were more than de minimis and whilst these are capable of being addressed through Section 73A, none have been regularised.**

You did not respond to our letter. The Council's position (as we understood it from your letter dated 12 January 2021 and your email dated 19 January) was that it recommended a comprehensive s.73A application for the entire development to be submitted to the Welsh Ministers as a Development of National Significance. Indeed, this remained evident in the non-validation notice we received in June in response to our s.73A application for the fire water tank that has since been quashed on appeal. Given that the Council has been resistant to receiving NMA applications to regularise the differences (and has sought to obstruct the s.73A submitted to regularise the fire water tank), no further applications have been submitted, nor do we consider them to be necessary in view of the non-materiality of the differences concerned. Given this non-materiality, and in the absence of any serious harm to amenity, public safety or the environment attributable either to the differences or the development as a whole (a view supported by the Welsh Minister), we also do not consider that it would be expedient, reasonable or proportionate for the Council to take enforcement action to stop operations and to do so would cause Projectco to incur significant costs. **The need to regularise the development undertaken is not dependent on the non-materiality (or otherwise) of the identified differences. The fact remains that there is a very high likelihood that what is constructed, as a whole, does not have a formal planning permission given the changes referred to above and as such, the Council is in the difficult position of possibly needing to take enforcement action to ensure matters are actually regulated.**

If the Council's position has changed and it would now be willing to receive NMA applications in respect of the other differences under scrutiny then we would be willing to discuss this further with you. However, there seems little point in ProjectCo submitting applications if they are only going to be obstructed by the Council. **I do not believe that the**

Council has expressed that it would be unwilling to accept NMA applications, however as confirmed in my letter of 12th January 2021, the reason why a Section 73A application was recommended is that whilst technically it may be possible for certain discrepancies to be regularised through the Non-Material Amendment (NMA) procedure, there is no guarantee that any such application would be approved and there is no right of appeal against any resulting refusal.

Finally, I note what you say about the limited circumstances in which compensation is payable under s.171H of the Town and Country Planning Act 1990. ProjectCo reserves its position in this regard. For reasons previously set out in correspondence, as a matter of fact the plant does benefit from a lawfully implemented planning permission authorising operations. Four out of six of the differences under scrutiny are non-essential to operations but increase efficiency. The remaining two relate to fire safety and increase public safety. It seems irrational to us that the Council is suggesting it would require operations to cease because of enhanced fire prevention measures being in place, especially when those measures cause no harm, are a requirement of the environmental permit and have been the subject of ongoing attempts to 'regularise' at a planning-level since 2017. **The main concerns of the Council is that no application has been made for the development with the differences identified by both parties and as such, there remains a very real risk that the development as a whole is not formally authorised by the 2015 permission. Irrespective of the conclusions reached in relation to the voluntary Environmental Statement submitted to the Welsh Government, that situation must be resolved either by the submission of formal applications or by enforcement action which would hopefully end in the submission of the correct applications.**

Kind regards,

Sarah Feist
Principal Planner - Appeals and Enforcement
Regeneration and Planning
Vale of Glamorgan Council / Cyngor Bro Morgannwg
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mob / sym:
e-mail / e-bost: sjfeist@valeofglamorgan.gov.uk

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From: Darren Atkinson <atkinson@powerconsultingmidlands.com>
Sent: 13 August 2021 20:07
To: Feist, Sarah J <sjfeist@valeofglamorgan.gov.uk>
Cc: Randall Smith <randall@powerconsultingmidlands.com>; Joanna.Fox@ashurst.com; Charlie.Reid@ashurst.com; steve.butler@sol-environment.co.uk; Goldsworthy, Marcus J <MJGoldsworthy@valeofglamorgan.gov.uk>; freddy@MRYRenewables.co.uk; Docherty, James <jdocherty@valeofglamorgan.gov.uk>; ian.shervell@avivainvestors.com; Richard Frearson <rf@powerconsultingmidlands.com>; Robinson, Victoria L <VLRobinson@valeofglamorgan.gov.uk>; Robinson, Ian <IRobinson@valeofglamorgan.gov.uk>; charles.herriott@avivainvestors.com
Subject: RE: Barry Biomass - Planning Permission 15/00031/OUT

Dear Ms Feist,

Thank you for your email.

I can confirm that the voluntary Environmental Statement considered by the Minister for Climate Change, and referred to in her letter dated 29 July 2021, has assessed the as-built scheme. We understand that the Welsh Government intends to publish the voluntary Environmental Statement next month for public consultation and we are checking with them if they are willing for us to share a copy of the statement with you in advance.

You refer to our letter dated 17 February 2021. In that letter we carefully identified the differences between the as-built scheme and the approved drawings. We explained that within the context of the Outline Planning Permission, the six differences under scrutiny had no significant environmental impacts. This has now been confirmed by the voluntary Environmental Statement and the recent conclusions of the Welsh Minister.

We also explained that the differences between the approved plans and the as-built scheme are de minimis within the wider context and do not change in any materially impactful way the form of the Development controlled by condition 5 of the Outline Planning Permission. We noted that that the Council also considered a number of the differences to be non-material. We suggested that the differences "were capable" of being addressed through non-material amendment applications, PD Rights or individual s.73A applications if that was agreeable to the Council.

You did not respond to our letter. The Council's position (as we understood it from your letter dated 12 January 2021 and your email dated 19 January) was that it recommended a comprehensive s.73A application for the entire development to be submitted to the Welsh Ministers as a Development of National Significance. Indeed, this remained evident in the non-validation notice we received in June in response to our s.73A application for the fire water tank that has since been quashed on appeal. Given that the Council has been resistant to receiving NMA applications to regularise the differences (and has sought to obstruct the s.73A submitted to regularise the fire water tank), no further applications have been submitted, nor do we consider them to be necessary in view of the non-materiality of the differences concerned. Given this non-materiality, and in the absence of any serious harm to amenity, public safety or the environment attributable either to the differences or the development as a whole (a view supported by the Welsh Minister), we also do not consider that it would be expedient, reasonable or proportionate for the Council to take enforcement action to stop operations and to do so would cause Projectco to incur significant costs.

If the Council's position has changed and it would now be willing to receive NMA applications in respect of the other differences under scrutiny then we would be willing to discuss this further with you. However, there seems little point in ProjectCo submitting applications if they are only going to be obstructed by the Council.

Finally, I note what you say about the limited circumstances in which compensation is payable under s.171H of the Town and Country Planning Act 1990. ProjectCo reserves its position in this regard. For reasons previously set out in correspondence, as a matter of fact the plant does benefit from a lawfully implemented planning permission authorising operations. Four out of six of the differences under scrutiny are non-essential to operations but increase efficiency. The remaining two relate to fire safety and increase public safety. It seems irrational to us that the Council is suggesting it would require operations to cease because of enhanced fire prevention measures being in place, especially when those measures cause no harm, are a requirement of the environmental permit and have been the subject of ongoing attempts to 'regularise' at a planning-level since 2017.

I look forward to hearing from you.

Regards
Darren

Darren Atkinson
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From: Feist, Sarah J <sjfeist@valeofglamorgan.gov.uk>
Sent: 12 August 2021 14:05
To: Darren Atkinson <atkinson@powerconsultingmidlands.com>
Cc: Randall Smith <randall@powerconsultingmidlands.com>; Joanna.Fox@ashurst.com; Charlie.Reid@ashurst.com; steve.butler@sol-environment.co.uk; Goldsworthy, Marcus J <MJGoldsworthy@valeofglamorgan.gov.uk>; freddy@MRYRenewables.co.uk; Docherty, James <jdocherty@valeofglamorgan.gov.uk>; ian.shervell@avivainvestors.com; Richard Frearson <rf@powerconsultingmidlands.com>; Robinson, Victoria L <VLRobinson@valeofglamorgan.gov.uk>; Robinson, Ian <IRobinson@valeofglamorgan.gov.uk>
Subject: RE: Barry Biomass - Planning Permission 15/00031/OUT

Dear Mr Atkinson,

Thank you for your email providing further confirmation regarding the proposed performance testing and I would confirm that since receiving your email, the Council has received confirmation that performance testing has been taking place. In response to the points you have raised, I have set out my response in bold:

- 1) I can confirm that the proposed performance testing comprises commissioning and completion (including operating the plant on waste wood fuel) in readiness for continuous operation and has been included within the voluntary Environmental Statement submitted to the Welsh Government in April 2021. In addition, we have also engaged with NRW who have recently visited site and been taken through our site procedures. The Plant will be operating in line with our February 2018 approved Environmental Permit.

Whilst noting your confirmation that the performance testing has been included within the voluntary Environmental Statement submitted to the Welsh Government in April 2021 and operating in line with a NRW environmental permit, it remains the Council's position that as the development undertaken does not accord with the outline consent and the discrepancies identified have failed to be regularised, the current facility constitutes unauthorised development. In previous correspondence from your company (letters from Richard Frearson dated 17th February 2021 and 12th May 2021) it was confirmed that all of the 'differences between the Approved Layout Plan and the as-built scheme' were capable of being addressed through either non-material amendment applications or retrospective S73A applications, however with the exception of the recently submitted S73A application for the fire water tank (2021/00695/FUL), none of the remaining items /structures have been regularised and the 'as-built scheme' therefore remains at variance with that approved under the outline application 2015/00031/OUT.

- 2) In the Council's view, "it is not considered that the current development as constructed has the benefit of planning permission". With respect, we explained previously why we disagree with this position. As explained in our letter dated 12th May 2021, Project Co considers that it has taken all steps it can be reasonably expected to take to address outstanding planning matters and has received no response from you in this regard.

I have noted your position that you have taken all steps that you can be reasonably expected to take to address the outstanding planning matters, however in the absence of any planning consent which regularises the remaining unauthorised structures which you have acknowledged constitute 'differences' between the Approved Layout Plan and the as-built scheme, I would ask you to confirm exactly the means

by which you consider that these items, and the development as constructed, have now become regularised? As identified above, in your letter of 17th February 2021 your company sets out how the additional structures could be addressed through further applications and it is essentially for you, as the developer, to decide how you wish to apply for these items.

In your email, you refer to the possibility of the Council considering whether it would be expedient to issue a Temporary Stop Notice. I understand that the Vale of Glamorgan Planning Authority will have received a copy of the letter dated 29 July 2021 from the Minister for Climate Change to DIAG following her careful consideration of ProjectCo's voluntary Environmental Statement. The Minister's conclusion was that it would not be expedient to discontinue operations while public consultation on the voluntary Environmental Statement is carried out:

"(93). The evidence before me shows that the plant is not likely to have significant effects on the environment while an EIA process carried out and I have concluded the benefits of suspending operations while undertaking EIA do not outweigh the costs. This leads me to conclude it is not expedient to order discontinuance of the use of the plant while EIA is undertaken."

I would confirm that the Council has received a copy of the letter dated 29 July 2021 from the Minister for Climate Change to DIAG and has noted its contents. Whilst the Minister's conclusions based on her consideration of the voluntary Environmental Statement (ES) are acknowledged, the voluntary ES has not been submitted to the Council and it has not therefore been confirmed whether this covers the approved or as-built scheme, although I am aware that the Council has recently requested its submission in relation to the S73A application for the fire water tank (2021/00695/FUL). The Council has been corresponding with your company for some time regarding the need to regularise the unauthorised structures and whilst I appreciate that there has been some disagreement over the way in which these could be regularised, the need for regularisation has not been disputed. Until such time as the as-built development has been fully regularised, it is the Council's view as the enforcing authority, that it may be expedient to stop the development from becoming fully operational in order to protect its position in relation to any further enforcement action that may be required in the future.

I note that a temporary stop notice's requirements should prohibit only what is essential to safeguard amenity or public safety in the neighbourhood; or to prevent serious or irreversible harm to the environment in the surrounding area. The Welsh Government is plainly of the view that operations at the Plant would not have any such effect.

In the absence of a fully consented scheme, it is the Council's view that it may be expedient to take action to protect its position in relation to any further enforcement action that may be required in order to safeguard amenity or public safety in the future.

If the Council is committed to further considering the possibility of a temporary stop notice then it should include in its consideration the significant foreseeable costs to ProjectCo as well as any benefit likely to result from the temporary stop notice. I also note that service of a temporary stop notice brings with it an ability to claim compensation.

Section 171H of the Town and Country Planning Act 1990 confirms that compensation would only be payable under a limited set of circumstances, none of which are considered to apply in this case including part (a), which specifies that the activity which is specified in the notice is authorised by planning permission.

I trust this clarifies the Council's position and would suggest that further testing is stopped until there is clarity over the planning position.

Kind regards,

Sarah Feist
Principal Planner - Appeals and Enforcement

Regeneration and Planning
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From: Darren Atkinson <atkinson@powerconsultingmidlands.com>
Sent: 09 August 2021 17:59
To: Feist, Sarah J <sjfeist@valeofglamorgan.gov.uk>
Cc: Randall Smith <randall@powerconsultingmidlands.com>; Joanna.Fox@ashurst.com; Charlie.Reid@ashurst.com; steve.butler@sol-environment.co.uk; Goldsworthy, Marcus J <MJGoldsworthy@valeofglamorgan.gov.uk>; freddy@MRYRenewables.co.uk; Docherty, James <jdocherty@valeofglamorgan.gov.uk>; ian.shervell@avivainvestors.com; Richard Frearson <rf@powerconsultingmidlands.com>; Robinson, Victoria L <VLRobinson@valeofglamorgan.gov.uk>; Robinson, Ian <IRobinson@valeofglamorgan.gov.uk>
Subject: RE: Barry Biomass - Planning Permission 15/00031/OUT

Dear Sarah,

Thank you for your email below to my colleague Richard Frearson. I set out within this email a response on behalf of Biomass UK No.2 Ltd (Project Co) to each of the points you have raised.

- 1) I can confirm that the proposed performance testing comprises commissioning and completion (including operating the plant on waste wood fuel) in readiness for continuous operation and has been included within the voluntary Environmental Statement submitted to the Welsh Government in April 2021. In addition, we have also engaged with NRW who have recently visited site and been taken through our site procedures. The Plant will be operating in line with our February 2018 approved Environmental Permit.
- 2) In the Council's view, "it is not considered that the current development as constructed has the benefit of planning permission". With respect, we explained previously why we disagree with this position. As explained in our letter dated 12th May 2021, Project Co considers that it has taken all steps it can be reasonably expected to take to address outstanding planning matters and has received no response from you in this regard.

In your email, you refer to the possibility of the Council considering whether it would be expedient to issue a Temporary Stop Notice. I understand that the Vale of Glamorgan Planning Authority will have received a copy of the letter dated 29 July 2021 from the Minister for Climate Change to DIAG following her careful consideration of ProjectCo's voluntary Environmental Statement. The Minister's conclusion was that it would not be expedient to discontinue operations while public consultation on the voluntary Environmental Statement is carried out:

"(93). The evidence before me shows that the plant is not likely to have significant effects on the environment while an EIA process carried out and I have concluded the benefits of suspending operations while undertaking EIA do not outweigh the costs. This leads me to conclude it is not expedient to order discontinuance of the use of the plant while EIA is undertaken."

I note that a temporary stop notice's requirements should prohibit only what is essential to safeguard amenity or public safety in the neighbourhood; or to prevent serious or irreversible harm to the environment in the surrounding area. The Welsh Government is plainly of the view that operations at the Plant would not have any such effect.

If the Council is committed to further considering the possibility of a temporary stop notice then it should include in its consideration the significant foreseeable costs to ProjectCo as well as any benefit likely to result from the temporary stop notice. I also note that service of a temporary stop notice brings with it an ability to claim compensation.

Please direct further correspondence on this matter to me going forwards.

Thanks
Darren

Darren Atkinson
Operations Director
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From: Feist, Sarah J <sjfeist@valeofglamorgan.gov.uk>
Sent: 06 August 2021 14:19
To: Richard Frearson <rf@powerconsultingmidlands.com>
Cc: Randall Smith <randall@powerconsultingmidlands.com>; Darren Atkinson <atkinson@powerconsultingmidlands.com>; Charlotte.Goosey@ashurst.com; Charlie.Reid@ashurst.com; steve.butler@sol-environment.co.uk; Goldsworthy, Marcus J <MJGoldsworthy@valeofglamorgan.gov.uk>; freddy@MRYRenewables.co.uk; Docherty, James <jdocherty@valeofglamorgan.gov.uk>; ian.shervell@avivainvestors.com; Robinson, Victoria L <VLRobinson@valeofglamorgan.gov.uk>; Robinson, Ian <IRobinson@valeofglamorgan.gov.uk>
Subject: RE: Barry Biomass - Planning Permission 15/00031/OUT

Dear Richard,

Further to our previous correspondence regarding the above site, the Council has been made aware of the letter to residents dated 28th July 2021, that has been recently posted on the Barry Biomass website.

The letter refers to the voluntary retrospective Environmental Impact Assessment (EIA) that was submitted to the Welsh Government by Biomass UK No. 2 Ltd and that the Welsh Government were intending to carry out a public consultation on the EIA later in the year. It is also confirmed however that 'after a period of voluntary downtime, Biomass UK No. 2 now intends to resume performance testing in August 2021'.

I would therefore appreciate if you could urgently confirm exactly what that the proposed performance testing consists of and whether the details of this testing is included within the EIA submitted to the Welsh Government?

As previously identified, it is not considered that the current development as constructed has the benefit of planning permission and has not been regularised and therefore, if further performance testing resumes, the Council will need to consider whether it would be expedient to issue a Temporary Stop Notice, which will require the performance testing to immediately cease.

Kind regards,

Sarah Feist
Principal Planner - Appeals and Enforcement
Regeneration and Planning
Vale of Glamorgan Council / Cyngor Bro Morgannwg
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mob / sym:
e-mail / e-bost: sifeist@valeofglamorgan.gov.uk

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From: Richard Frearson <rf@powerconsultingmidlands.com>
Sent: 12 May 2021 13:03
To: Feist, Sarah J <sifeist@valeofglamorgan.gov.uk>
Cc: Randall Smith <randall@powerconsultingmidlands.com>; Darren Atkinson <atkinson@powerconsultingmidlands.com>; Charlotte.Goosey@ashurst.com; Charlie.Reid@ashurst.com; steve.butler@sol-environment.co.uk; Goldsworthy, Marcus J <MJGoldsworthy@valeofglamorgan.gov.uk>; freddy@MRYRenewables.co.uk; Docherty, James <jdocherty@valeofglamorgan.gov.uk>; ian.shervell@avivainvestors.com; Robinson, Victoria L <VLRobinson@valeofglamorgan.gov.uk>; Robinson, Ian <IRobinson@valeofglamorgan.gov.uk>
Subject: Re: Barry Biomass - Planning Permission 15/00031/OUT

Dear Sarah

Please see attached the attached letter.

Kind regards

Richard

Richard Frearson
Managing Director
Power Consulting Midlands Ltd

Mobile : [+44 \(0\) 7734 128145](tel:+44(0)7734128145)
Email : rf@powerconsultingmidlands.com

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From: Richard Frearson <rf@powerconsultingmidlands.com>
Date: Wednesday, 17 February 2021 at 11:58
To: "Feist, Sarah J" <sjfeist@valeofglamorgan.gov.uk>
Cc: Randall Smith <randall@powerconsultingmidlands.com>, Darren Atkinson <atkinson@powerconsultingmidlands.com>, "Charlotte.Goosey@ashurst.com" <Charlotte.Goosey@ashurst.com>, "Charlie.Reid@ashurst.com" <Charlie.Reid@ashurst.com>, "steve.butler@sol-environment.co.uk" <steve.butler@sol-environment.co.uk>, "Goldsworthy, Marcus J" <MJGoldsworthy@valeofglamorgan.gov.uk>, "freddy@MRYRenewables.co.uk" <freddy@MRYRenewables.co.uk>, "Docherty, James" <jdocherty@valeofglamorgan.gov.uk>, "ian.shervell@avivainvestors.com" <ian.shervell@avivainvestors.com>, "Robinson, Victoria L" <VLRobinson@valeofglamorgan.gov.uk>, "Robinson, Ian" <IRobinson@valeofglamorgan.gov.uk>
Subject: FW: Barry Biomass - Planning Permission 15/00031/OUT

Dear Sarah

Please find the attached follow up letter re. our correspondence below.

Kind regards

Richard

Richard Frearson
Managing Director
Power Consulting Midlands Ltd

Mobile : [+44 \(0\) 7734 128145](tel:+4407734128145)
Email : rf@powerconsultingmidlands.com

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From: RICHARD FREARSON <rf@powerconsultingmidlands.com>
Date: Friday, 29 January 2021 at 17:42
To: "Feist, Sarah J" <sjfeist@valeofglamorgan.gov.uk>
Cc: Randall Smith <randall@powerconsultingmidlands.com>, Darren Atkinson <atkinson@powerconsultingmidlands.com>, "Charlotte.Goosey@ashurst.com" <Charlotte.Goosey@ashurst.com>, "Charlie.Reid@ashurst.com" <Charlie.Reid@ashurst.com>, "steve.butler@sol-environment.co.uk" <steve.butler@sol-environment.co.uk>, "freddy@MRYRenewables.co.uk" <freddy@MRYRenewables.co.uk>, "ian.shervell@avivainvestors.com" <ian.shervell@avivainvestors.com>, "Goldsworthy, Marcus J" <MJGoldsworthy@valeofglamorgan.gov.uk>, "Docherty, James" <jdocherty@valeofglamorgan.gov.uk>, "Robinson, Victoria L" <VLRobinson@valeofglamorgan.gov.uk>, "Robinson, Ian" <IRobinson@valeofglamorgan.gov.uk>, RICHARD FREARSON <rf@powerconsultingmidlands.com>
Subject: RE: Barry Biomass - Planning Permission 15/00031/OUT

Dear Sarah

Thank you for your email.

We have noted your concerns and set out our initial response in our letter dated 15 January. As explained, we have now instructed Leading Counsel and are awaiting his advice. We will respond substantively when we are in receipt of this advice.

Leading Counsel is currently engaged in a major public inquiry concerning Stansted Airport (<https://programmeofficers.co.uk/ssairport/>) which is not due to finish until 9 March. Counsel has suggested that he could provide advice in the week that the inquiry closes or during a programmed adjournment during the period 15-19 February.

However, we are mindful of the common desire to achieve a timely resolution to planning matters and so have pressed Counsel to advise sooner. Counsel has suggested he could advise so that we are in a position to respond fully during the week beginning 8 February and so we are proceeding on this basis.

Kind Regards
Richard
Richard Frearson
Managing Director
Power Consulting Midlands Ltd

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From: Feist, Sarah J <sjfeist@valeofglamorgan.gov.uk>
Sent: 19 January 2021 13:25
To: Richard Frearson <rf@powerconsultingmidlands.com>
Cc: Randall Smith <randall@powerconsultingmidlands.com>; Darren Atkinson <atkinson@powerconsultingmidlands.com>; Charlotte.Goosey@ashurst.com; Charlie.Reid@ashurst.com; steve.butler@sol-environment.co.uk; freddy@MRYRenewables.co.uk; ian.shervell@avivainvestors.com; Goldsworthy, Marcus J <MJGoldsworthy@valeofglamorgan.gov.uk>; Docherty, James <jdocherty@valeofglamorgan.gov.uk>; Robinson, Victoria L <VLRobinson@valeofglamorgan.gov.uk>; Robinson, Ian <IRobinson@valeofglamorgan.gov.uk>
Subject: RE: Barry Biomass - Planning Permission 15/00031/OUT

Dear Richard,

Thank you for your email and I note that you are proceeding to obtain Counsel's advice. Although you have confirmed that it will not be possible to provide a substantive response by 22nd January 2021, I would ask that you confirm as soon as possible, a date when a response might be provided and remedial action taken to resolve the identified breaches?

Whilst noting your comments, the development that has been undertaken does not accord with the details approved under application 15/00031/OUT and is not therefore considered to benefit from planning permission. As confirmed in my letter, it is considered that the submission of a S73A application would be the most appropriate way forward to enable the current discrepancies to be regularised. In the absence of planning permission, the development remains unauthorised and in such circumstances, it would be expedient to take enforcement action, particularly if it is your intention for the facility to become operational.

Your continued co-operation in securing a timely resolution of the identified breaches would therefore be appreciated, to avoid the need for formal enforcement action to be taken.

Kind regards,

Sarah Feist
Principal Planner - Appeals and Enforcement
Regeneration and Planning
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704690
mob / sym:
e-mail / e-bost: sjfeist@valeofglamorgan.gov.uk

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

From: Richard Frearson <rf@powerconsultingmidlands.com>
Sent: 15 January 2021 18:58
To: Feist, Sarah J <sjfeist@valeofglamorgan.gov.uk>
Cc: Randall Smith <randall@powerconsultingmidlands.com>; Darren Atkinson <atkinson@powerconsultingmidlands.com>; Charlotte.Goosey@ashurst.com; Charlie.Reid@ashurst.com; steve.butler@sol-environment.co.uk; freddy@MRYRenewables.co.uk; ian.shervell@avivainvestors.com; Richard Frearson <rf@powerconsultingmidlands.com>
Subject: Barry Biomass - Planning Permission 15/00031/OUT

Dear Sarah,

Please find the attached letter.

Kind Regards
Richard
Richard Frearson
Managing Director
Power Consulting Midlands Ltd

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