

Rees, Gail

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**From:** Moon, Clive R  
**Sent:** 03 July 2018 13:50  
**To:** Howell, Morgan P  
**Subject:** RE: Barry Port Biomass planning reference 2017/01080/FUL

Morgan,

If you are satisfied that the site only has a 25yr design life then the 20% climate change allowance would become acceptable in principle. However this does not address the following points raised in the last response:

"The drainage statement provided states that the system was designed to prevent any flooding of manholes for a 1:30 return period, and to prevent any flooding from the site for a 1:100 return period. Design of the ACO drainage inlets was undertaken using a 1 in 30yr design event and 20% climate change allowance. No information has been provided on the return period used to design the roof drainage, which is intended to be a syphonic rainwater collection system. The hydraulic modelling outputs supplied to support the design of surface water network assume that all flows from the contributing area enter the system during the 100yr return period storms. The developer should provide additional information demonstrating the capacity of the roof drainage and how any exceedance flows resulting from the critical 100yr +30% rainfall event falling on the site would be managed within the site before entering the surface water network for pumped discharge offsite. Proposed levels across the site, particularly the hardstanding areas, should be provided to enable the assessment of any potential exceedance flow paths offsite. This additional information is required to satisfy Section 8 of TAN15 in demonstrating no detriment to the adjacent road which is identified by NRW as being at medium risk of surface water flooding (each year the area has a chance of flooding between 1 in 100 (1%) and 1 in 30 (3.3%)."

Are you going to request anything further with regard to point 1 below?

Regards,

**Clive Moon**  
Engineering Manager – Environment / Rheolwr Peirianeg - Amgylchedd

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**From:** Howell, Morgan P  
**Sent:** 03 July 2018 12:15  
**To:** Moon, Clive R  
**Subject:** FW: Barry Port Biomass planning reference 2017/01080/FUL

Hi Clive,

The agent has come back to me on the drainage observations at the above mentioned site.

The agent has indicated a 25 year life time of the plant and not 75 year. Does this change your view on the matter?

Kind regards

**Morgan Howell**  
Senior Planner (Development Control) / Uwch Gynllunyydd  
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**From:** Douglas Wardle [<mailto:douglas@powerconsultingmidlands.com>]

**Sent:** 01 July 2018 09:42

**To:** Howell, Morgan P

**Subject:** RE: Barry Port Biomass planning reference 2017/01080/FUL

Morgan, thanks for forwarding this information which we are reviewing with our advisers. However, in the first instance we do have some questions for you to consider:

1. **Drainage:** there seems to be some confusion on the part of the responding officer as to what he is commenting on. As you know, the drainage discussion thread arises in connection with application 2015/00031/2/CD being the application to discharge Condition 13 of Consent 2015/00031/OUT. It is nothing to do with the current application 2017/01080/FUL for the firewater tank even though the response heading states that it is a response to such application. I would be grateful if you could advise the responding officer accordingly and ask him to re-issue his advice.
2. **Drainage:** the responding officer cites a January 2014 letter to all Chief Planning Officers in Wales clarifying Natural Resources Wales advice that the lifetime for non-residential development is considered to be 75 years. A copy of the letter he is referring to is attached; however, he omits to mention the subsequent clarification issued by Natural Resources Wales in March 2015 in which they provide further clarification as to the applicability of the 75 years to developments with a shorter lifetime. You should note the underlined wording:

**"Lifetime of Development**

The period for which climate change has been considered should be specified in the Flood Consequence Assessment (FCA). This is commonly known as the 'lifetime of development'.

The 9th January 2014 CPO letter refers to our recommendation that the lifetime of development for residential development is 100 years, and for other development it is considered to be 75 years. We therefore advise and expect, that a FCA considers the potential impact of climate change for the appropriate period, as set out in the CPO letter. However, we recognise that there may be circumstances where the lifetime of development considered in the FCA is shorter than the values set out in the CPO letter e.g. planning applications solely for temporary development.

For such applications we expect your Authority to confirm to us in writing that you are satisfied a shorter lifetime of development is appropriate and commensurate to the nature and scale of the proposal. We will review such proposals on a case by case basis where the agreed timescales are reflected in the supporting FCA."

In the case of the Barry development covered by Consent 2015/00031/OUT it should be noted that the design life of the renewable power plant is 25 years, also reflected in the term of the lease granted for the site. The plant is therefore scheduled to cease operating in 2040 with decommissioning during 2041. Such lifecycle was notified to Vale of Glamorgan as part of the planning application (for example see para 3.3 on page 6 of the Waste Planning Assessment dated 17 June 2015, a copy of which appears on the planning portal). It is therefore not at all clear why the responding officer is citing a 75 year lifetime for the plant when it comes to considering the appropriate climate change allowance for this development. Based on the actual, notified design life it should be 20%, as previously explained.

3. **Noise:** there seems to be some confusion in respect of the responding officer's comments on the current application 2017/01080/FUL. As you are aware, that application relates to a firewater tank and car-park since these result in minor layout changes. The documentation that was submitted in support of that application does not include any report on noise so we are not sure why the responding officer is commenting on documentation not forming part of the application (as far as we can gauge, she is referring to a submission forming part of the environmental permit application to Natural Resources Wales). By doing so, the responding officer appears to contravene the rules relating to consultation of planning applications and her comments are not relevant to the planning application. Were the Planning Committee to have any regard to such comments then it appears to us that this would be prima facie a ground for an appeal but again I would be grateful if you could check with your colleagues in legal whether they concur.
4. **Noise:** finally, I note the paragraph at the end of the responding officer's response which states:

"Prior to full commissioning of the site, the developer shall provide the local planning authority with a scheme of works, agreed by the authority, identifying the above concerns and how they will mitigated. Once all works have been completed and agreed by the authority, can full commissioning commence."

We are somewhat perplexed here since the commissioning is now substantially complete and the responding officer was closely consulted on this throughout; indeed her department issued advice to the public as to what to expect during such commissioning. Presumably this is an error?

I look forward to hearing back from you on this.

Kind regards

Douglas

**Douglas Wardle**

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**From:** Howell, Morgan P <[MPHowell@valeofglamorgan.gov.uk](mailto:MPHowell@valeofglamorgan.gov.uk)>

**Sent:** 29 June 2018 17:34

**To:** Douglas Wardle <[douglas@powerconsultingmidlands.com](mailto:douglas@powerconsultingmidlands.com)>

**Subject:** Barry Port Biomass planning reference 2017/01080/FUL

Hi Douglas,

Sorry for the delay but I have been in and out of the office since my return from paternity leave and I have been trying to catch up on a number of cases.

With respect to the application, I have received comments from the Drainage engineer on the drainage scheme and the Environmental Health officer on the noise impact assessment. Both officers have raised some issues in respect to the proposed drainage information and the noise assessment, please find observations attached.

I think the Drainage engineer's response would be expected in that he maintains an objection as there is a requirement for a 30% climate change allowance on this development and the applicants have only applied a 20% allowance. You also make reference to English guidance rather than Welsh Guidance on this matter and this needs to be amended. Clive has indicated in his comments what information would need to be provided in order to

overcome his objection to the proposed surface water drainage scheme. If you could look at his comments and contact Clive if any further advice or guidance is required in this matter.

With respect to Environmental Health comments, the officers observations do indicate that there are underestimations in respect to noise in Section 6.0 of the report resulting in concerns over the noise break out and in particular low frequency noise impacting upon amenity. While the officer does indicate that they do not object subject to a scheme of works being submitted that would mitigate the noise impact prior to the commissioning, I would be concerned that the committee would reject any application that did not have this scheme submitted prior to its determination. As such, it is advised to consider the officer's concerns over the noise assessment and provide information that details a scheme of works she has requested for the Environmental Health department to consider. If we do not have this detail agreed prior to the application going to committee I would be concerned that committee would not be satisfied that they could determine the application.

I hope this of some assistance,

Kind regards

Morgan Howell  
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