

Rees, Gail

From: Howell, Morgan P
Sent: 13 July 2018 16:30
To: 'Douglas Wardle'
Subject: RE: Barry Renewable Energy Project

Good Afternoon Douglas,

I refer to you email below.

This is a Section 73A application as you have started the works and the development does not accord with the 2015 permission. As such, It is not really possible to revert back to your 2015 permission and in my view it would be pointless to reinstate the condition discharge applications as they would be discharging conditions attached to a permission that you do not want or cannot implement. For your reference, I attach the email where I considered that you had agreed to conditions and originally documents to be considered under the one application. I do not think that they applications could be reinstated but I will look to see if it is possible if you want?

With respect to drainage I have received this response from Clive Moon who is happy to accept the principle of design life for the project but he outlines that you would still have to provide the information he has requested in the attached email.

With respect to noise, I am of the view that planning applications can consider issues of noise from development and their impact upon amenity despite there being an environmental permit. I do think that it would be possible to amend the conditions in this manner unless there was updated noise information that the council officer considered satisfactory and the Council could amend the noise conditions to comply with the updated noise information.

I am waiting on highway responses but this is due to a lack of resources within that department at the moment.

Kind regards

Morgan Howell
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From: Douglas Wardle [mailto:douglas@powerconsultingmidlands.com]
Sent: 04 July 2018 08:37
To: Howell, Morgan P
Subject: RE: Barry Renewable Energy Project

Morgan, thanks for the full response as to which I have the following comments:

1. **Open Issues:** As far as I understand it, the only 'open issues' are the drainage and the noise matters discussed below?
2. **Discharge Applications:** I appreciate the rationale for combining the applications. However, given the unpredictable timetable for resolution of the Environmental Statement matter, it did seem to me that the Conditions which are the subject of the present discharge applications could proceed, especially given that it is a realistic scenario that the Section 73 application may not be determined. I'm not aware of any that are affected by the Section 73 application. Incidentally, I am not aware that we have agreed to withdraw the Condition Discharge applications 2015/00031/3/CD or 2015/00031/3/CD or 2015/00031/4/CD although the Portal shows their status as "Application Withdrawn". Could I ask that this be corrected.
3. **Drainage:** In terms of the specific points, the point about the design life of the Project is back with Clive Moon for consideration as to how this would impact the views he has set out in his penultimate paragraph.
4. **Noise:** In respect of the potential noise issues, I agree re para 4: it looks to me like this report was originally prepared back in September and this paragraph has since been overtaken by events. As to the content, it cannot be right that separate regulatory processes are being followed on the matter of noise, one being the official one conducted by Natural Resources Wales, the other being an informal one via the Planning Process. As you are aware, planning authorities are not permitted to duplicate matters that are separately regulated and so these comments should be disregarded. I note that the Vale of Glamorgan was consulted on such matters by Natural Resources Wales as part of what was a very thorough consultation process. I therefore suggest that the Planning Conditions be adjusted so that they do not conflict with the equivalent provisions regulated by Natural Resources Wales. The normal approach to such matters in our experience would be to remove references to noise from the planning conditions and impose a condition requiring the operator to file a copy of the environmental permit with the planning authority.

I look forward to hearing from you.

Kind regards

Douglas

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From: Howell, Morgan P <MPHowell@valeofglamorgan.gov.uk>

Sent: 02 July 2018 12:14

To: Douglas Wardle <douglas@powerconsultingmidlands.com>

Subject: RE: Barry Renewable Energy Project

Hi Douglas,

With respect to Annex 3 drawing, if it does not add anything more than the other two annex drawings then we can supersede the drawing and not replace.

With respect to the Noise and drainage, there is some confusion in respect the application. While this application is a Section 73 application to the original 2015 application, it will be a stand-alone consent (if agreed) and therefore

everything (whether different or not) must be reassessed. In most Section 73 cases the only issues that would be reconsidered would be the changes but in reality the whole application is reconsidered as a new application.

As such, if the 2017 application was approved it would supersede the 2015 permission and all of the conditions attached to the original consent would be attached to the new 2017 application. This is why I requested that all the drainage, highways information etc from the CD applications that had not yet been agreed be moved to the Section 73 application. This was to ensure that these matters would be considered and hopefully agreed under the current application rather than a condition discharge application that could become outdated when the new application is determined. As such, Drainage and Environmental Health must consider the information under the new application, which includes all of the original 2015 information, the amendments to the scheme and the Condition discharge information. As a consequence, Clive is commenting on the drainage information (submitted as part of the CD) but would be agreed as part of the 2017 application. For example, rather than reapplying the 2015 drainage condition, the condition would be reworded to a compliance condition that ensures the scheme submitted and agreed as part of the application was maintained on site.

The noise report attached to the original consent would also be included with the Section 73 application and while it has not be altered, the Environmental Health section are within their rights to reconsider the noise report and the potential noise issues.

I will make the drainage engineers aware of the lifetime of the development point you highlighted and find out whether this would alter his observations on the sustainable drainage scheme.

With respect to Point 4, notwithstanding the trigger point, I agree that a condition would not be appropriate in this instance. This is why I requested that any scheme of works to reduce noise is submitted for consideration prior to the determination of the application. I would not be happy for this condition to be attached to any application going to planning committee.

I hope this is clear,

Kind regards

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From: Douglas Wardle [<mailto:douglas@powerconsultingmidlands.com>]
Sent: 02 July 2018 09:34
To: Howell, Morgan P
Subject: Barry Renewable Energy Project

Morgan,

Separately from the correspondence concerning the feedback from your colleagues on Noise and Drainage, I am not sure whether the question in my attached email remains open or not?

Aside from the above, I am not aware of any other open questions, either in relation to the various applications to discharge planning conditions in respect of Consent 2015/00031/OUT or in respect of the current application 2017/01080/FUL but perhaps you could confirm?

Kind regards

Douglas

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