

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

**DEVELOPMENT CONTROL
COMMITTEE**

16 OCTOBER 2014

**REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES**

Agenda Item No.5(b)

**SITE MEETING
APPLICATION NO. 13/0416 – CHANGE
OF USE AND DEVELOPMENT OF THE
EXISTING B2 INDUSTRIAL UNIT INTO A
RENEWABLE ENERGY GENERATION
PRODUCTION FACILITY. AMENDMENTS
TO THE SCHEME TO REDUCE THE
OUTPUT FROM 8MW TO 4MW, A
CONSEQUENTIAL REDUCTION IN TE
NUMBER OF STACKS FROM 6 AOD 3
AND AN INCREASE IN HEIGHT FROM
25M TO 30M. ALL INCORPORATED
WITHIN A REVISED PLANNING
STATEMENT, ENVIRONMENTAL
STATEMENT ADDENDUM, REVISED
PLANS AND EMAILS SUBMITTED 2 & 27
JUNE AND 19 JULY 2014) A WASTE
PLANNING ASSESSMENT HAS ALSO
BEENS UBMITTED ON 2 JUNE 2014) –
UNIT 43-44 SEVENTEENTH AVENUE,
HIRWAUN INDUSTRIAL ESTATE,
ABERDARE**

Author: Mrs.Z.Maisey, Principal Officer, Committee Services

1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director, Planning.

3. BACKGROUND

- 3.1 In accordance with Minute No.75(2) (Development Control Committee, 18 September 2014) a site inspection was undertaken on Friday, 26 September 2014 to consider the impact of the proposed development on the surrounding area with particular reference to the food producing factory located nearby.
- 3.2 The meeting was attended by the Chairman of the Development Control Committee (County Borough Councillor R.B.McDonald) and Committee Members - County Borough Councillors M.Griffiths, S.Rees, G.Smith and G.P.Thomas (also the Local Member).
- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors (Mrs) L.De Vet, P.Jarman, R.Lewis, G.Stacey, (Mrs) M.Tegg, (Mrs) J.S.Ward, E.Webster and W.D.Weeks.
- 3.4 The Development Control Officer outlined the application as set out in Appendix 1 and Members noted that the main consideration in the determination of the application was whether the principle of the proposed renewable energy facility was acceptable in this location and conformed to national planning policy. Further important considerations included whether the renewable energy facility would have any adverse impacts on the surrounding area in terms of landscape and visual impact, impact on the environment, the effect of the development on residential amenity, transport/highway considerations and the effect on the setting of the Brecon Beacons National Park. All of these issues had been considered by Officers in assessing the application and complied with the relevant policies of the Rhondda Cynon Taf Local Development Plan and national planning guidance.
- 3.5 The Local Member questioned the impact of the proposal on the food producing factory and the Public Health Officer informed Members that the three flue stacks would be 30m high which was the optimum height for dispersion and mitigation of any impacts. It was noted that the number of stacks had been reduced from 6 to 3 in the amended proposal to meet landscape and ecology requirements and not public health requirements. The Public Health Officer did not consider there would be any impact upon the food factory but stated that prior to the application being reported back to the Development Control Committee for determination, he would visit the premises in question to ensure this would be the case.
- 3.6 The Local Member highlighted concerns expressed by residents of Hirwaun regarding the cumulative effect of such facilities being located in their community and in response, the Development Control Officer stated that the location of the proposed facility was acceptable in planning terms

and the Public Health Officer stated that safeguards were in place to protect public health and the environment at existing or future facilities.

- 3.7 The Transportation Officer confirmed no objection to the proposal subject to conditions.

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APPENDIX 1

APPLICATION NO: 13/0416/10 (DB)
APPLICANT: Premier Green Energy Ltd
DEVELOPMENT: Change of use and development of the existing B2 industrial unit into a renewable energy generation production facility. Amendments to the scheme to reduce the output from 8MW to 4MW, a consequential reduction in the number of stacks from 6 to 3 and an increase in height from 25m to 30m. All incorporated within a Revised Planning Statement, Environmental Statement Addendum, Revised Plans and emails submitted 2nd, 27th June and 19 July 2014. A Waste Planning Assessment has also been submitted on 2nd June 2014.
LOCATION: UNIT 43 - 44 SEVENTEENTH AVENUE, HIRWAUN INDUSTRIAL ESTATE, HIRWAUN, ABERDARE, CF44 9UP
DATE REGISTERED: 17/05/2013
ELECTORAL DIVISION: Rhigos

RECOMMENDATION: Approve

REASONS:

The proposed renewable energy production facility on the existing unit on the Hirwaun Industrial Estate has been considered and it is considered that it would does not have such an effect that would warrant a refusal and it would assist in the provision of renewable energy production. It is in compliance with the relevant polices of the Local Development Plan in respect of its impact on landscape importance, nature conservation, public health and residential amenity.

APPLICATION DETAILS

This is a detailed (full) planning application for the construction of a renewable energy production facility on land at the eastern end of the Hirwaun Industrial Estate.

An Environmental Statement (ES) accompanies the application. This is part of the Environmental Impact Assessment (EIA) Regulations. A Transport Assessment and an Air Quality Assessment also accompany the application.

Since the original submission of the application, the application details have been amended to effectively half the original proposal in order to address air quality considerations. The further information is incorporated within a Revised Planning Statement, Environmental Statement Addendum, Revised Plans and emails submitted on 2nd June, 27th June and 19th July 2014. The amendments have essentially reduced the proposals to a single pyrolysis plant from the originally proposed two phases of pyrolysis plant, consequential reductions in the number of stacks from 6 to 3 and an increase in their height from 25 metres to 30 metres and a reduction in the number of gas engines from five to two. A Waste Planning Assessment as required by TAN 21 was also submitted on 2nd June 2014.

The full description of the development as included within the ES, the ES Addendum, revised planning statement and waste planning assessment provides the following details of the application:-

The renewable energy facility would involve the provision of an advanced conversion technology plant (ACT) using pyrolysis (a form of advanced thermal treatment) in conjunction with gas engines and ancillary plant to produce up to 4 MW of exported renewable electricity.

The development would comprise of a bespoke energy recovery facility which has been designed to recover a maximum of 44,000 tonnes of non hazardous mixed waste wood per annum. However, the minimum quantity that the facility could process and remain operational would be 22,000 tonnes. The facility would be operated in one module which would be capable of coping with between 2 to 4 tonnes of the pre treated wood waste per hour. The wood waste would be delivered to the site by local waste contractors, in 15-20 tonne loads and would be dried, pre-treated and shredded before entering the site.

On site the mixed wood waste would be stored in a new purpose built, open-sided storage bay. It would then be transferred via a conveyor to the drier plant where it would be dried to ensure the optimum moisture content (approximately 5%) to meet the feed requirements of the pyrolysis plant. The drier plant would be able to process up to four tonnes of the pre-treated waste per hour which would be fed into the pyrolysis plant continuously. The drier plant would be heated using the waste heat generated by the pyrolysis process. Material would be transferred to the pyrolysis plant by enclosed conveyor systems into a feed hopper. Within the pyrolysis plant the wood waste would be subject to heat in an oxygen free environment to produce clean synthesis gas (syngas). Any bio char (charcoal) produced by this process would be utilised as the primary heat source for the pyrolysis plant. Any remaining ash would be vitrified and used as an inert aggregate fill road stone material. The pyrolysis process uses waste heat and by products for the generation of heat and hot water/steam. The gas treatment comprises of a wet gas quench, wash and scrubbing process to produce clean synthetic gas. The syngas is subsequently combusted within the five gas engine

generators to produce electricity. This would be connected to the Hirwaun 132 kv substation approximately 400 metres to the south west of the site by an underground cable.

The site would also produce approximately 4MWth of high grade thermal energy, the majority of which would be used for the thermal drying process. Any excess would be made available for export to local industry.

The existing industrial unit would accommodate the single pyrolysis plant and its associated plant. The alterations to the building would involve enlarging the existing doors and fitting them with fast acting vehicle access doors and also alterations to the rear elevation to accommodate the belt dryer plant. An open sided storage bay would be constructed to the northern end of the building which would measure 9.3 metres x 16.3 metres with a single sloping roof with a maximum height of 9.429 metres. At the rear of the existing unit new plant comprising of two gas engines generator sets, cooling plant and the installation of five external flue stacks would be installed on concrete pad foundations and provided in dedicated enclosures. The three flue stacks associated with the pyrolysis plant and associated engine plant would all be approximately 30 metres high above the existing ground level, approximately 1.0 meter in diameter and finished in a standard grey metallic colour. The stack height has been determined through the use of detailed air quality modelling to identify the optimum height for dispersion and mitigation of any impacts. All new buildings and plant are proposed to be finished externally in materials to match the existing building.

Externally the existing ground levels are not proposed to be altered. A security fence would be erected around the perimeter of the site to security lighting is proposed. The site access and land to the rear would be upgraded to enable vehicular and maintenance access and a weighbridge and wheel washing facilities would be provided. A water treatment plant is proposed in order to recycle all water used during plant operations in order to reduce the demand on the mains water supply.

The existing landscaping within the site is mostly to be retained and the landscaping within the embankment to the rear is not proposed to be affected. Additional tree planting proposed along the southern boundary of the site.

The electricity generation would take place 24 hours a day 365 days per year, although deliveries would take place Monday to Saturday. The site would operate on a 3 eight hour shift pattern which would be likely to be 7am, 3pm and 11pm.

Subject to necessary consents, the proposed scheme is scheduled to commence in the last quarter of 2014 and would take five months to construct. The

proposed construction hours would be 07:00 to 19:00 Hours Monday to Saturday and :09:00 to 16:00 Hours on Sunday.

It is expected that the proposed development would employ the equivalent of 15 full time employees working over a 24/7 shift pattern. At any one time it is anticipated that there would be 4-5 staff during the daytime and 8 staff at all other times.

SITE APPRAISAL

The application site lies within the eastern end of the Hirwaun Industrial Estate.

It is an irregular shaped site and measures approximately 0.81 hectares. It comprises of the existing vacant single unit (43-44) of an approximate footprint of 2,000 square metres and its existing parking and access areas. The site is a level site lying at approximately 210m A.O.D. The existing building measures approximately 29.5m x 58m x 9.1m high with two pitched roofs and is finished externally predominantly in profiled metal sheeting coloured light grey. The parking and turning areas are located to the front and sides of the existing unit together with landscaping areas. The site is surrounded by 2m high palisade fencing.

The western and southern boundaries of the site adjoin the industrial estate. The eastern boundary adjoins a belt of woodland vegetation which adjoins a noise bund of the coal conveyor presently being used by the Tower Surface Coal Mine Site. The northern boundary adjoins woodland vegetation and the elevated A465 Heads of the Valley Trunk Road.

It is understood that the previous use of the Unit, which ceased in September 2012, was for architectural stainless steel fabrication. There are no surface water drainage features on the site, the nearest feature, known as Hirwaun Ponds, is located some 67m to the northeast of the site.

Access to the site is gained from the A465 via the A4061 that leads onto Fifth Avenue and then onto Seventeenth Avenue. The application site has two existing road accesses to/from Seventeenth Avenue.

The nearest residential properties are located to the south of the site along the A4061 near the entrance to Tower Colliery Site, approximately 220 metres from the site. The majority of the village of Hirwaun lies approximately 1.4 km to the south-east with the village of Rhigos being located approximately 1.5 km to the south-west.

The Hirwaun Industrial Estate as a whole occupies a generally level area of land. The established uses in the locality are diverse featuring a variety of manufacturing, storage and waste reclamation activities taking place on the

industrial estate itself with a large area to the south-east occupied by the workings of Tower Colliery. There are a small number of residential properties near the industrial estate as well as a modestly sized hotel, the Ty Newydd Hotel

To the north of the application site is the Penderyn Reservoir, which is characterised by high embankments. This reservoir is used to supply (drinking quality) water to tens of thousands of homes and is also used for fishing by the Mountain Ash Fly Fishing Association. In addition to the reservoir, there is an operational pumping station and treatment facilities at the northern end of Ninth Avenue and on both sides of Fifth Avenue.

While the application site itself does not contain any environmentally protected areas, within 2 km of the site there are several areas of land that are protected for nature conservation purposes. These include:

- Brecon Beacons National Park situated approximately 750m to the northeast
- Blaen Cynon Special Area of Conservation (SAC), which encompasses the Cors Bryn-y-Gaer Site of Special Scientific Interest (SSSI), situated 120m of the site
- Woodlands Park and Pontpren SSSI, situated 900m to the north east,
- Coedydd Nedd a Mellte SAC, which encompasses the Coedydd Nedd a Mellte SSSI, approximately 1.9 km to the north

PLANNING HISTORY

While there are applications that relate to the Industrial Estate as a whole, there is no relevant history pertinent to the consideration of this proposal relating to the application site itself.

PUBLICITY

As part of the application process formal notices were placed both in the local press (Western Mail) and at various locations in the village of Hirwaun and on the Hirwaun Industrial Estate. For the convenience of local residents and to assist them in making any comments, a copy of the application (including the Environmental Impact Assessment) was placed in Hirwaun Library. Individual letters were also sent to those occupiers of the adjacent units to the application site and to the nearest residential properties.

Three letters have been received raising the following comments:-

- Proposed incineration would expel unpleasant odours which could be harmful to health and the environment,
- No evidence of pollution control,

- Air pollution and any smells not conducive to the production and storage of nearby food businesses,
- Concerned about odours and emissions which might significantly affect the quality of liquid products stored on the Hirwaun Industrial Estate, which are sensitive to the environment.

These questions are addressed in the "Planning Considerations" section of this report.

CONSULTATION

As part of the application process a number of statutory and non-statutory consultations with both internal sections within the Council and external organisations have been undertaken. A summary of the responses is provided below.

Hirwaun and Penderyn Community Council – raises concerns that proper consideration should be made for the safety and the proper management of waste.

Welsh Government Transport Division – as Highway Authority for the motorway and trunk roads raises no objection but advises that there should be no interference with the trunk road boundary and wheel washing facilities should be maintained at the site exit to avoid the deposit of material on the trunk road.

Transportation Section (RCT) – no objections raised following a review of the Transport Assessment. It is considered that the proposed scheme would generate a lesser trip generation along the highway network than the existing use. It is on this basis that no highway objection is raised subject to conditions relating to the provision of access, parking and circulation, surface water drainage, wheel washing facilities and a Section 106 Agreement regarding the implementation of a travel plan. Raises no further comments or amendments regarding the amended proposal.

Drainage/Land Reclamation (RCT) – no objection subject to the inclusion of appropriate drainage conditions.

Brecon Beacons National Park Authority – no objection but requests due consideration to controlling traffic movements to and from the site, along the A4059 through the National Park. Raises no further comments or amendments regarding the amended proposal.

Dwr Cymru/Welsh Water - (DCWW) raises no objections and requests conditions and advisory notes to ensure no detriment to existing residents or the environment and to DCWW's assets. Advises on the location of the nearby public sewer which should be protected. DCWW have considered the impact on

Penderyn Reservoir from the development's stack emissions and have concluded these effects are unlikely to have any adverse impact .

Countryside, Landscape and Ecology Section (RCT) – raises no objections subject to the imposition of appropriate conditions to safeguard the boundary along the rear of the site. Advises that NRW should confirm acceptance of predicted emissions and the implementation of air quality mitigation measures to ensure the favourable conservation status of the nearby Blaen Cynon SAC.

Public Health and Protection Section (RCT) – no objection subject to the inclusion of appropriate conditions.

Natural Resources Wales (NRW) – withdraws its holding objection and raises no objections to the proposal as does not consider that the proposal will have a Likely Significant Effect on the Blaen Cynon SAC. Raises no objections on landscape grounds or to the TAN 21 Waste Planning Assessment, but raises issues regarding the potential "over provision" of similar facilities and the destination of the residue material.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is outside of the settlement boundary of Hirwaun and falls within the boundary of the Hirwaun Industrial Estate, which is allocated under Policy CS 9.2 (Waste Management) as a Regional Site, being able to accommodate a range of waste management options, including recycling and composting (in-building processes only).

The accompanying guidance for Policy CS9 advises that in accordance with National Planning Guidance and the Regional Waste Plan (RWP), the Council will seek to promote the reduction, re-use and recycling of materials in order to reduce land take-up for waste facilities. Advances in technology and the introduction of new practices mean that many in-building modern waste management/resource recovery facilities on the outside look no different to any other industrial building and on the inside, they contain processes and activities that are no different to many other modern industrial processes in terms of their operation and impact. Furthermore, Paragraph 4.88 advises that waste management development in Hirwaun Industrial Estate will be limited to in-building facilities to minimise visual and ecological impact.

Policy CS1 - promotes development in the north of the County Borough, which builds strong sustainable communities, including the reuse of previously developed land and promoting commercial development in locations which will support and reinforce the roles of Principal Towns and Key Settlements.

Policy CS8 - Safeguards and provides land for the improvement of the strategic highway network including development of the A465 Abergavenny/Hirwaun Dualling.

Policy AW2 - development proposals will only be supported in sustainable locations, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and is required to be well related to existing water, sewerage, waste, electrical, gas and telecommunication infrastructure.

Policy AW5 - requires the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area, retain existing features of the natural environment and have no significant impact on the amenities of neighbouring properties. Development should be compatible with other uses in the locality, be sustainable, have safe access and not cause traffic congestion. Car parking should be provided in accordance with the Council's Supplementary Planning Guidance (SPG).

Policy AW6 - outlines the types of development criteria that will be supported, including the following:

1. A high standard of design;
2. Appropriate to the local context;
3. An efficient use of land;
4. A high level of connectivity and accessibility to existing centres;
5. The design protects and enhances the landscape and biodiversity;
6. The development promotes energy efficiency and the use of renewable energy;
7. The design promotes good water management.

Policy AW8 - only permits development where it would not cause harm to features of the natural environment, special designated sites, or could reasonably be located elsewhere. The policy requires proposed development to demonstrate what measures are proposed for the protection, management and mitigation of potential impacts on species and habitats of ecological importance.

Policy AW10 - refers to Environmental Protection and Public Health and advises that development will not be permitted where it would cause or result in a risk of unacceptable harm to health or local amenity due to pollution, contamination, instability or flooding, or any other identified risk to the environment, local amenity and public health or safety.

Policy AW11 permits development proposals promoting alternative uses for existing employment sites subject to criteria.

Policy AW12 - advises that development which promotes the provision of renewable and non-renewable energy will be permitted where there is no unacceptable impact on the interests of soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage, landscape importance, public health and residential amenity.

Policy NSA22.1 and 3 safeguards land for the provision of rail network improvements along the route of the former freight line between Aberdare and

the former Tower Colliery and for the provision of station improvements at the former Freight head Hirwaun.

NSA23.3 states that the existing network of cycle paths and community routes will be extended, improved and enhanced to include schemes at the Heads of the Valley Cycleway & Links to Hirwaun Industrial Estate.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales (PPW) Chapter 3 (Making and Enforcing Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the coast) Chapter 7 (Economic Development), Chapter 12 (Infrastructure and Services) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Planning Policy Wales Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)

This provides advice on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. It advises on the consideration of applications affecting a Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSI) – as well as other sites of nature conservation interest. Tan 5 states that development proposals likely to affect a SAC or SSSI must be subject to special scrutiny.

Planning Policy Wales Technical Advice Note (TAN) 8: Planning for Renewable Energy (2005)

Paragraph 3.8 and section 14 within Annex C.14 provides advice on energy from waste.

Planning Policy Wales Technical Advice Note (TAN) 11: Noise (1997)

This provides advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restriction on development however, Local Planning Authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance.

Planning Policy Wales Technical Advice Note (TAN) 21: Waste - (Feb 2014)

This revised TAN 21 sets out the national waste strategy which should be taken into account by Local Planning Authorities in Wales. This includes the Welsh Government's overarching waste strategy for Wales 'Towards Zero Waste - One Wales: One Planet' (TZW) and confirms that Planning Policy Wales, the new TAN 21, Local Development Plans and TZW, comprise the overall waste management plan for Wales, as required by EU law under the Waste Framework Directive (rWFD). It also confirms the commitment of the Welsh Government to the implementation of a number of European Directives regarding the management of waste.

Chapter 4 deals with Development Management and Paragraph 4.1 states that *decisions in relation to waste management facilities should be taken in accord with the relevant development plan for the area and take into account national waste policy...the principles outlined in PPW, Chapter 2 and Annex C of the TAN* should also be taken into account. Paragraph 4.2 states that *a Waste Planning Assessment should be submitted with all applications for a waste facility...and ...should be appropriate and proportionate to the nature, size and scale of the development proposed.*

Chapter 4 sets out the needs and considerations of different types of Waste Infrastructure proposals. In relation to Energy from Waste, paragraph 4.31 states that it can offer a suitable technique for maximising the social, environmental and economic benefits from the management of residual wastes (that waste remaining after reuse, preparation for reuse and recycling actions has been undertaken) Paragraph 4.33 states that it should be carried out at a high level of energy efficiency and Paragraph 4.34 advises that combined heat and power should be considered favourably where they meet high energy efficiencies.

Planning Policy Wales Technical Advice Note (TAN) 23: Economic Development (Feb 2014)

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

The main consideration in the determination of this application is whether the principle of the proposed renewable energy facility is acceptable in this location and conforms to national planning policy. Further important considerations

include whether the renewable energy facility will have any adverse impacts on the surrounding area in terms of landscape and visual impact, impact on the environment (with specific regard to the impacts on the Penderyn reservoir, SSSI and SAC and other habitats in the area), the effect of the development on residential amenity, transport/highway considerations and the effect of the development on the setting of the Brecon Beacons National Park.

Principle of Renewable Energy Facility

The application constitutes a waste management facility on the established Hirwaun Industrial Estate and, as such, is compatible with the local development plan allocation, Policy CS9.2 which allocates the Estate as a Regional Site suitable to accommodate a range of waste management solutions.

The sustainability of the proposed location of this renewable energy facility, is a further important consideration in assessing whether the principle of the development is acceptable. Both local and national planning policy support a presumption in favour of sustainable development and see the planning system as the key to providing for society's future needs. In identifying sites in sustainable locations, Policy AW2 sets out a number of criteria to be taken in account including sites that would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options and has good access to key services and facilities.

It would not normally be expected for this type of waste facility to be located within the settlement boundary and its separation from settlements is considered to be an overriding sustainability and amenity consideration. The site is easily accessible from the A4061 and A465 Heads of the Valley Trunk Road and the future dualling of the A465 (Policy CS8), should provide even better access to the site from Merthyr and Neath directions. In addition the renewable energy facility proposes to be provided at a high level of energy efficiency in accordance with national guidance.

The proposed development would largely be contained within the existing industrial unit and therefore would comply with the terms of Policy CS9.2 which limits waste management facilities to an in building facility to minimise visual and ecological impact.

The principle of the proposal is therefore in accordance with the LDP i.e. Policy CS9.2 and the facility is located in a sustainable location, in accordance with Policy AW2.

Furthermore, the applicant has clarified that the proposal would fall under the description of an energy from waste facility as set out in Section 14 of TAN 8 and meet the requirements of such a proposal as set out in Section 14.3. for the following reasons:-

1. The material is not easily recycled or composted. The mixed wood waste contains contaminants from treatments such as resins, glues and preservatives. A majority of the waste is currently landfilled, incinerated or exported for incineration and would not contain any recyclable or compostable materials.
2. Low grade mixed waste wood is a problem waste identified by the Regional Waste Plan as needing treatment solutions. The waste is commercial and industrial derived (i.e. not from a municipal source and therefore not subject to the Municipal Waste Management Strategy.
3. The treatment solution is regarded as the Best Practical Environmental Option, as it is locally derived and is currently either exported or disposed via landfill or incineration.
4. The facility would not inhibit recycling or composting at a later date.
5. The proposal includes combined heat and power facilities. The energy would be recovered in the form of gas and charcoal. The thermal energy of these fuels would then be used to provide the necessary heat for the process and to generate electricity. The plant would provide the equivalent electricity of 7,673 households based on using the DECC 2013 figures for average household usage.

NRW consider that there may be "over provision" of similar facilities. However, whilst the 'Enviroparks Scheme' has been granted for a waste sorting facility, the site is neither in construction nor in operation.

NRW also query the destination of the residue material from the site processes. However, this material relates to a small quantity of material and would need to be treated accordingly depending on whether it is inert or not.

Therefore, as the proposal involves the provision of a new energy from waste facility it would comply with the principles of the national waste policy as set out in PPW, the revised TAN 21 and TAN 8. It is also considered that the proposed development would not prejudice the future implementation of the planned improvements to the rail network or community routes in the vicinity of the site.

Landscape and Visual Impact.

The main components of the proposed renewable energy plant would be located within the existing industrial unit. The new external parts of the plant consisting of the gas engines, generator sets and cooling plant would be located to the rear of the existing unit and below the eaves level of the existing unit. The new open-sided storage facility would be sited at the side of the existing unit and 300 mm above the roof line of the existing building. The proposed three new flue stacks would have maximum heights of 30 metres, which would project significantly above the level of the roofline of the existing building. The applicant has provided detailed plans and illustrative photomontages to enable an informed

decision to be made about any potential impact on the visual amenities of the area. Members are advised that the height of the flues would be the most prominent feature, however they would be lower than the adjacent electricity pylons and masts.

It is considered that the exhaust flue element of the proposal would not be out of place in an industrial surrounding and their height would not have any significant impact on the amenities of the area. Whilst they would be visible immediately adjacent to the site, and from higher elevations, the landscape and visual assessment accompanying the application indicates that the visual impact of the new buildings, plant and flues would be negligible due to the surrounding adjacent tree cover, existence of other major industrial activities in the area, additional planting proposed along the southern boundary of the application site and the neutral colour of the proposed flues. It is considered that these broad conclusions are sound and that the nature of the development, its size, location and consequent visibility from relevant viewpoints is unlikely to be significant and that the planned additional screening would further reduce these impacts. NRW have not raised any objections on landscape grounds and suggest that the additional plantings for screening the development should be broadleaved trees of certified local provenance.

Rhondda Cynon Taff Council, as Local Planning Authority, is required to have regard to any potential effect on the Brecon Beacons National Park. It is considered that the standards of design of the buildings and associated landscaping would be an appropriate form in this location and any impact from the flues is considered not to be unduly prominent. The BBNP Authority have raised no objections to the application.

It is accepted that it would not be possible to screen the development totally, due to the scale of the proposed facility, however it is considered that the proposed mitigation would significantly reduce its visual impact on the wider landscape.

The proposed facility is therefore considered to comply with Policies AW5, AW6 and AW12 of the LDP.

Residential Amenity

With regard to residential amenity, there are a small number of isolated residential properties along Rhigos Road in close proximity to the Industrial Estate. However they are significantly detached from the application site itself such that the buildings and associated apparatus would not have any effect on the amenity standards of these properties.

There will be an increase in traffic during the construction phase, however, given their proximity to an existing established industrial estate, any resulting increase would be well within the capacities expected in this location. It is therefore

considered that such increases would be unlikely to constitute any material harm to the standards of amenity that can reasonably be expected to be enjoyed. During the operation of the proposed development the traffic levels are expected to be well below that which would be expected from the operation of the existing industrial unit.

Those properties within the main village of Hirwaun itself would be largely unaffected by any aspect of the proposal, other than an associated increase in traffic when travelling within the vicinity of the entrance to the application site during the construction phase, however, any such traffic would not have any need to enter the village making any encounter relatively brief and not impinging upon the standard of amenity currently enjoyed.

Given the proximity of any residential property from the application site and their proximity to the A465 and other surrounding industrial activity, it is unlikely that there would be any material affect in the standards of amenity occupiers of properties in this area could reasonably expect to enjoy as a result of this development. However conditions are recommended regarding noise and dust minimisation schemes in order to secure impacts are minimised.

With regard to the hours of operation which are proposed for 24 hours a day on 7 days per week, such activity will be fully enclosed and would not have any significant affect on residential amenity. Conditions are recommended in order to restrict the hours of lorry movements and to restrict the hours of the construction phase in order to avoid any impact on residential amenity.

The Public Health and Protection Division have reviewed the air quality and noise assessment matters within the Environmental Statement and have raised no objection subject to the inclusion of appropriate conditions to limit the hours of construction works and the deliveries of waste to the site, during the operational life of the development. These conditions are recommended to be imposed in order to ensure that these matters are not a source of nuisance to nearby residential properties.

The proposed facility is therefore considered to comply with Policies AW2, AW10 and AW12 of the LDP.

Highway considerations

As part of the Environmental Statement, the applicant has submitted a Transportation Assessment outlining the potential impact of the development. The “worst case” scenario was applied in order to provide a robust assessment with data being provided for the single pyrolyser and the originally submitted second pyrolyser unit. The Assessment concluded that there would be a net reduction in vehicular movements per day to and from the unit compared to the extant B2 use.

The Assessment has advised that there would be (estimated) a total of 32 HGV vehicular trips per day, depending on the capacity of the vehicles of between 15 to 20 tonne capacity and a maximum of 34 vehicular trips per day by the staff over the three shift patterns, operating 24 hours a day, 365 days of the year. The HGV vehicular trips are expected to take place between the hours of 7am and 4pm over 6 days a week.

The industrial site is served by a 7.3m carriageway with continuous 1.8m footways and the proposed level of car parking and hgv circulation and parking provision are considered adequate to serve the proposed development.

The Transportation Section have not raised any objection to the development subject to the imposition of appropriate conditions and a Section 106 Agreement to secure the provision of a Travel Plan to encourage the workers at the facility to arrive by means other than the private car. It is considered that as the proposed development would be a small employer, employing 15 full time equivalent employees, this provision could be secured by means of a condition. The BBNP Authority have requested a condition to secure route management of hgv's to avoid use of the A4059 through the National Park. However it is considered that conditions cannot control the right of passage over the public highway and it is considered not necessary as the expected vehicular movements would be less than the extant use.

Accordingly it is considered that the application is in accordance with Policy AW5 of the LDP.

Ecology and Nature Conservation

A principal issue in the consideration of this application has been the potential for the development to impact on the nearby Cors Bryn y Gaer Site of Special Scientific Interest (SSSI) and the Blaen Cynon Special Area of Conservation (SAC), and the need to safeguard the quality/purity of the water in the DCWW Penderyn reservoir, which is located immediately north of the application site.

NRW's principal concerns are in respect of potential atmospheric emissions and the effects on the sensitive sites referred to above.

NRW have reviewed the Environmental Statement: Addendum dated May 2014 which includes an updated Air Quality Assessment, undertaken in light of the amendments that have been made to the scale and nature of the proposals. The amended Air Quality Assessment demonstrates that modelled emissions to air from the scheme fall under the 1% of "Critical Load" threshold of significance which is outlined within the (former) Environment Agency's standard Air Emissions guidance (H1 Guidance, Annex F Air Emissions).

NRW have welcomed the amendments to the scheme and can confirm that in light of these changes and the clarification provided within the updated AQ assessment, NRW do not consider that the proposal will have a Likely Significant Effect on the Blaen Cynon SAC. NRW therefore has removed its holding objection and raised no objection to the proposal.

DCWW have considered the impact on Penderyn Reservoir from the development's stack emissions and have concluded that on the basis of the information provided, these effects will be negligible and unlikely to have any adverse impact on the reservoir, DCWW have therefore raised no objections to the application on this basis.

Given that all consultees have raised no objections to the proposed development, it is considered that the proposal is compliant with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Water Quality, Hydrology and Flood Risk

The water quality, hydrology and flood risk assessment considers the potential effects of the proposed development on the water environment in the local area. The Assessment concludes that the impacts of the proposed development would be negligible following the implementation of the proposed mitigation measures which include the preparation of a Construction Environmental Management Plan, attenuation of surface water run-off, storage of oils in bunded tanks, and recycling of water usage. As the lead Local Flood Authority, in respect of surface water and groundwater management, the Council's Drainage Section has advised that these are key issues in the assessment of the application as the area has intermediate susceptibility to surface water and ground water flooding. However, no objections are raised subject to a number of conditions to ensure the proposed development would not cause or exacerbate any adverse conditions regarding future flood risk. A condition regarding the bunding of the storage of oils would also be required to prevent pollution of the water environment. In terms of the local sewerage system, the loading is expected to be similar to the previous land use. DCWW have raised no objection regarding the likely impacts on the public sewerage system subject to conditions.

Conclusion

Having regard to the consideration outlined above, it is considered that the proposed energy facility complies with the relevant policies of the Rhondda Cynon Taf Local Development Plan and national planning guidance and is recommended for approval subject to the following conditions:

RECOMMENDATION: Grant

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

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The external finishes of the buildings, flues and other external plant forming part of the development hereby permitted shall be finished in strict accordance with details of colour and texture to be submitted to and approved in writing by the Local Planning Authority, prior to their construction on site. The buildings, flues and other external plant shall thereafter be maintained in the approved colour and finish, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

3. The materials and method of construction including finished levels of the rear parking areas forming part of the development hereby permitted, shall be carried out in strict accordance with full details which shall be submitted to and approved in writing by the Local Planning Authority, prior to its construction on site.

Reason: In the interests of visual amenity in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Construction works on the development shall not take place other than during the following times:

1. Monday to Friday 0800 to 1800 hours;
2. Saturday 0800 to 1300 hours;
3. Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. Deliveries of waste to the site shall not take place other than during the following times:

1. Monday to Friday 0700 to 1900 hours
2. Saturday, Sundays, Bank or Public holidays (except

Christmas Day and Boxing Day) 0900 to 1600 hours, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. There shall be no outside open storage of waste or any other materials whatsoever on the site, nor external shredding of material during the operational phases of the development. Any storage or shredding of material shall take place solely within the buildings on site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to minimise noise and dust and in the interests of the amenities of the area in accordance with policies AW5 and AW6, of the Rhondda Cynon Taf Local Development Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) no external lighting equipment shall be erected or installed until details, including its location, size, design and intensity have been submitted to and approved in writing by the Local Planning Authority. The lighting installed shall be carried out and retained in accordance with the approved details, unless otherwise agreed by the Local Planning Authority.

Reason: To prevent light pollution and to afford protection to animal species in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

8. The development hereby approved shall not be beneficially occupied until details of the proposed enhancement of the existing landscaping along the southern boundary of the site adjacent to the access track has been submitted to and approved in writing by the Local Planning Authority. The enhancement works shall thereafter be carried out in accordance with the approved scheme, unless the Local Planning Authority gives written consent to its variation.

Reason: To enhance that the new development will be visually attractive in the interests of amenity, in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:

1. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
2. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts on retained habitats and features during construction;
3. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season, amphibians and reptiles, etc.)
4. Details of specific mitigation strategies for bats, reptiles, badger, breeding birds, great crested newt, Japanese Knotweed and pollution controls.
5. Persons responsible for:
 - a) Compliance with legal consents relating to nature conservation;
 - b) Compliance with planning conditions relating to nature conservation;
 - c) Installation of physical protection measures during construction;
 - d) Implementation of sensitive working practices during construction;
 - e) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - f) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To afford protection to animal and plant species in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted,

shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. The best practicable means shall be used to restrict the generation of dust during the construction phase of the development, to include measures set out in Para 8.7.14 of the accompanying Environmental Statement.

Reason: To ensure dust emitted is not a source nuisance, so as to protect the local amenity, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Prior to the commencement of the development, a noise management scheme shall be submitted to and approved in writing by the Local Planning Authority, to include the measures set out in Paragraph 9.6.4 of the accompanying Environment Statement. All site operations shall be carried out in accordance with the approved scheme, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that noise emitted is not a source of nuisance in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. Any facilities for the bulk storage of fuel, oils and chemicals, including their emptying and filling points, shall be located within a sealed bunded area, details of which shall be submitted to and approved in writing by the Local Planning Authority before installation.

Reason: To prevent pollution of nearby watercourses and drainage systems in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. No part of the development hereby permitted shall be occupied until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall conform to the following criteria:-

- i) Land drainage or surface water run-off shall not discharge onto the public highway, public sewerage system or connect to any highway drainage system unless otherwise agreed in writing by the Local planning Authority,
- ii) Foul water and surface water discharges shall be drained separately from the site.

- iii) The inclusion of sustainable drainage principles where practicable.
- iv) The infiltration methods of drainage procedures as stated in BRE 365.
- v) Surface water sewerage system to provide for a 1 in 100 year return period storm and a climate change allowance of + 30%.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

15. No part of the development hereby permitted shall be occupied or the use commenced until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

16. The buildings and external plant shall be constructed in accordance with the locations shown on the approved plan reference 102-HIR-LO-01, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenity of the area in accordance with policies AW5 and AW6, of the Rhondda Cynon Taf Local Development Plan.

17. The development shall not be brought into use until the means of access, parking and circulation areas have been laid out within the site in accordance with the approved plans.

Reason: To ensure that adequate on-site access, turning and parking facilities are provided in the interests of road safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

18. Prior to the commencement of development, facilities for wheel cleansing shall be provided on site in accordance with details submitted to and approved in writing by the Local Planning Authority. Wheel cleaning shall be carried out in accordance with the approved details prior to any construction works commencing.

Reason: In the interests of road safety.

19. At such time as the energy facility hereby approved ceases to be used, all buildings, tanks, plant and equipment used in connection with the use shall be removed from the site and the land shall be restored in accordance with

a scheme of restoration, including a timetable of works and persons responsible for carrying out the works. The scheme of restoration shall be submitted to and approved in writing by the Local Planning Authority, within one month following the energy facility use ceasing and shall be implemented thereafter in accordance with the approved details.

Reason: To ensure that the external appearance of the site will be in keeping with the character of the area in the interests of visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

LOCAL GOVERNMENT ACT 1972

As amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

16 OCTOBER 2014

REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES

SITE MEETING

APPLICATION NO. 13/0416 – CHANGE OF USE AND DEVELOPMENT OF THE EXISTING B2 INDUSTRIAL UNIT INTO A RENEWABLE ENERGY GENERATION PRODUCTION FACILITY. AMENDMENTS TO THE SCHEME TO REDUCE THE OUTPUT FROM 8MW TO 4MW, A CONSEQUENTIAL REDUCTION IN THE NUMBER OF STACKS FROM 6 AOD 3 AND AN INCREASE IN HEIGHT FROM 25M TO 30M. ALL INCORPORATED WITHIN A REVISED PLANNING STATEMENT, ENVIRONMENTAL STATEMENT ADDENDUM, REVISED PLANS AND EMAILS SUBMITTED 2 & 27 JUNE AND 19 JULY 2014) A WASTE PLANNING ASSESSMENT HAS ALSO BEEN SUBMITTED ON 2 JUNE 2014) – UNIT 43-44 SEVENTEENTH AVENUE, HIRWAUN INDUSTRIAL ESTATE, ABERDARE

Minute No. 75(2) (Development Control Committee, 18 September 2014)

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