

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017:

**DEVELOPMENT CONTROL
COMMITTEE
1 DECEMBER 2016**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.8
APPLICATION NO: 16/0603/10 THE PROPOSED DEVELOPMENT IS A GAS FUELLED POWER PLANT WHICH MAY INCLUDE AN ELEMENT OF ENERGY STORAGE TO BE LOCATED ON LAND WITHIN THE HIRWAUN INDUSTRIAL ESTATE (AMENDED DETAILS RECEIVED 2/9/2016), UNIT O, HIRWAUN HOUSE WALTERS GROUP. HIRWAUN INDUSTRIAL ESTATE, HIRWAUN, ABERDARE	

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given

3. BACKGROUND

This application was reported to the 6th October 2016 Development Control Committee meeting with a recommendation that the application was approved subject to conditions (report attached as **APPENDIX A**). At that meeting, Members resolved to defer the application for a Committee Site Inspection to consider the cumulative effect of the development with other developments in the area (Minute no. 58 refers).

The Site Inspection took place on 18th October 2016, and following this the application was reported back to the Development Control Committee of 3rd November 2016 (report attached as **APPENDIX B**). At that meeting Members were minded to refuse the application, contrary to the recommendation of the Service Director Planning, as they considered that the cumulative effect of the

proposal with other developments in the area, the operating hours proposed and the noise generated by the proposal would have an adverse impact on the residential amenity of the area. As a consequence it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to the above recommendation (Minute no. 76 refers).

4. PLANNING ASSESSMENT

The considerations regarding the impact of the proposal and how the recommendation was reached are outlined in the original report, however, a summary is provided below:

The principle of locating this type of development on an industrial estate is considered acceptable. However, there are a number of residential properties located around the edges of Hirwaun Industrial Estate and the impact on their amenity needs to be considered. The principle consideration in this is the impact from noise.

The original sound assessment suggested the development would have a an "adverse" impact on neighbouring residential properties during the day and would have a "significant adverse" impact at night. Following discussions it came to light the providers of the plant were able to supply appropriate mitigation that would reduce the impact of the noise during both the day and the night.

A revised Sound Assessment was submitted on this basis which concluded that the development would have a low impact on surrounding residential properties. During the day time it was predicted that the levels of noise would be significantly below the background noise level. During the night time it was predicted that noise levels on Halt Road would be significantly below background noise level as well. In relation to Halt Close and Rhigos Road at night time, there would be a small increase in noise level of +2 and +4 decibels respectively.

However, the applicant has advised that there is an uncertainty in the calculated noise level of up to +3 decibels so the noise levels could be 3 decibels higher than this, which would lead to an increased noise level of up to +5 and +7 decibels in these locations at night. These levels would be classed as adverse impact. Due to this uncertainty a condition for operating hours is considered appropriate and Public Health and Protection have no objection subject to this. This would not allow operations beyond 23:00 at night, except for in an emergency situation.

Therefore, while the concerns raised in respect of cumulative impact, operating hours and noise are acknowledged, the proposed development is

not considered to have an adverse impact on residential properties, subject to the condition proposed on operating hours, (condition 15, wording as set out in the Site Visit Report attached as **APPENDIX B**). The application was therefore recommended for approval as set out in the original report attached as **APPENDIX A**. In addition, to provide some further assurance on noise, the updated report within **APPENDIX B**, recommended a further condition for a further sound assessment within one month of the start of the operation of the plant, with further mitigation measures to be provided if necessary (condition 17).

If, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that following reason for refusal would be appropriate:

1. The proposed development, by virtue of its cumulative impact with other energy developments in the area, the noise it would generate and its potential operating hours, is considered to have an unacceptable impact on the amenity of surrounding residential properties, contrary to Policies AW10 and AW12 of the Rhondda Cynon Taf Local Development Plan.

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APPENDIX A

APPLICATION NO: 16/0603/10 (HW)
APPLICANT: Enersyst Ltd
DEVELOPMENT: The proposed development is a gas fuelled power plant which may include an element of energy storage to be located on land within the Hirwaun Industrial Estate (amended details received 2/9/2016).
LOCATION: UNIT O, HIRWAUN HOUSE WALTERS GROUP.
 HIRWAUN INDUSTRIAL ESTATE, HIRWAUN,
 ABERDARE CF44 9UL
DATE REGISTERED: 02/09/2016
ELECTORAL DIVISION: Rhigos

RECOMMENDATION: Approve

REASONS: The proposed gas fuelled power plant is to be located on an Industrial Estate which in principle is considered a suitable location for such development. The main issue in considering this application is the potential for the power plant to emit high levels of noise when it is operating, and the impact on residents living around the edges of the Industrial Estate. Following amendments to the scheme, the revised Sound Assessment submitted has concluded that the noise levels have a low impact on residential properties, both in the day and at night.

REASON APPLICATION REPORTED TO COMMITTEE

The application is being reported to the Development Control Committee as more than three objections to the scheme have been received. In addition, the local member has requested that the scheme is considered by the Committee due to concerns regarding the potential impact of noise, particularly in accumulation with past and present proposals/ developments in the area.

APPLICATION DETAILS

The application is for a “peaking plant”, or “short-term operation reserve” (STOR). This is a small power plant which is designed to generate electricity for the grid in peak times. This proposal consists of five gas fuelled turbines to generate electricity within a compound measuring 57 x 31 metres. Each turbine is in a container-type structure with access doors for maintenance. Each container has a footprint of 12 metres x 3.2 metres, and is 3.5 metres high. A vertical exhaust with a height of 3.5 metres is mounted on the roof of each container. A radiator will be mounted on the ground adjacent to each. All plant equipment on the site will be painted dark green.

The turbines would have a total capacity of 9.25 megawatts. They are proposed to connect to the gas network in the adjacent Main Avenue.

As well as the turbines, there is a transformer, gas kiosk and other associated plant within the compound. There is also a gated vehicular access proposed directly from Main Avenue for maintenance purposes.

It is understood that the proposal is actually for a maximum of five turbines with the potential for some or potentially all of them to be replaced with batteries, which would store electricity from the grid and release it back into the grid at peak times.

The site is proposed to be unmanned with a visit by a maintenance engineer once a month. The facility would be operated and controlled remotely. The hours of operation are unknown at present as the owners have not yet bid for a specific contract to provide energy to the grid. It is understood that they are unable to do so until they have planning permission.

As well as the plans, a Planning Statement, Sound Assessment, Air Quality Impact Assessment and Coal Mining Risk Assessment have been submitted as part of this application.

SITE APPRAISAL

The proposed compound containing the plant is to be located in the storage yard at the Pennant Walters Headquarters on Hirwaun Industrial Estate. The compound is along the eastern boundary of the yard, and is about 100 metres from the main car park for the headquarters building. The compound is adjacent to Main Avenue in the north, and there are other industrial uses to the north, on the opposite site of Main Avenue. To the east is an earth bund and the south is a steep bank. To both the east and south there are a number of mature trees which form a buffer between the Industrial Estate and Rhigos Road.

Around the edges of the Industrial Estate are a number of residential properties in Halt Close, Halt Road and Rhigos Road. The nearest is the Fairways, which is at a distance of 201 metres from the site. The Blaencynon Special Area of Conservation (SAC), which is a European Protected Site is approximately 830 metres north of the proposed power plant.

PLANNING HISTORY

None relevant.

PUBLICITY

Site notices were placed in the vicinity of the site and letters were sent directly to neighbouring properties.

Eight letters of objection have been received to this proposal, as well as a petition of 31 signatures. The concerns raised are summarised as follows:

- Noise levels of the turbines when in operation, both in the day and at night;
- Noise mitigation may not be adequate and may not be provided;
- The methodology for the sound assessment;
- When the facility might operate as the hours are not clear;
- Air pollution due to the exhausts and how it will impact on health and wellbeing and the nearby reservoir;
- The development will have an unacceptable visual impact;
- The safety of such an installation, particularly due to surrounding land uses and that it will be unmanned;
- Potential odour;
- The impact of this proposal in accumulation with other developments on the Industrial Estate;
- Control of waste;
- Increase in traffic;
- No proposals for the disposal of surface water or foul sewage;
- Lack of details in the planning application;
- Lack of consultation of the neighbours and community prior to submission;
- Impact on house prices.

CONSULTATION

Public Health and Protection - initially raised concerns regarding noise and lack of detail of mitigation measures. However, following revised details and revised sound assessment, no objection has been revised subject to conditions.

Highways Development Control - no objection raised subject to conditions.

Land Reclamation and Engineering - no objection, subject to a condition for drainage details.

Countryside - NRW's comments need to be sought over the air quality implications for the Special Area of Conservation.

Brecon Beacons National Park Authority- no objection, subject to conditions.

Wales and West Utilities - the developer must not build over any of their plant or enclose their apparatus.

Natural Resources Wales - no objection, following further information.

Health and Safety Executive - HSE do not need to be consulted as the site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline.

Coal Authority - no objection, subject to condition.

Rhigos Community Council - object, on the grounds of noise pollution.

Western Power Distribution - no comments made.

National Grid - no comments made.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan (LDP)

The site is located on Hirwaun Industrial Estate, which under Policy CS9.2 is seen as a suitable location for “in-building” waste management facilities.

The following policies are considered relevant to this development:

Policy AW5- New Development

Policy AW8- Protection and Enhancement of the Natural Environment

Policy AW10- Environmental Protection and Public Health

Policy AW12- Renewable and Non-renewable Energy

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.

Chapter 7- Economic Development, Chapter 13 - Infrastructure and Services, and Chapter 13- and Managing Environmental Risks and Pollution are considered to be relevant to this development.

REASONS FOR REACHING THE RECOMMENDATION

It is important to note that this is a small power plant and is significantly smaller than the 299 megawatt Hirwaun Power Plant that has already been permitted on Hirwaun Industrial Estate via a Development Consent Order (application ref 14/0527/04).

The principle of locating the type of development subject of this application on an industrial estate is considered acceptable due to the plant having a similar character to the surrounding industrial uses. However, it is acknowledged there are a number

of residential properties located around the edges of Hirwaun Industrial Estate and the impact on their amenity from this proposal needs to be considered. The principle consideration in this is considered to be the impact from noise.

The original sound assessment suggested the development would have a an "adverse" impact on neighbouring residential properties during the day and would have a "significant adverse" impact at night. There was also was concern raised by Public Health that there were insufficient details of mitigation measures to prevent this. Following discussions it came to light the providers of the plant were able to supply appropriate mitigation that would reduce the impact of the noise during both the day and the night.

A revised Sound Assessment has therefore been submitted on this basis which was concluded that the development would have a low impact on surrounding residential properties in Halt Close, Halt Road and Rhigos Road. During the day time it is predicted that the levels of noise would be significantly below the background noise level. During the night time it is predicted that noise levels on Halt Road would be significantly below background noise level as well. In relation to Halt Close and Rhigos Road at night time, there will be a small increase in noise level of +2 and +4 decibels respectively. However, the applicant has advised that there is an uncertainty in the calculated noise level of up to ± 3 decibels so the noise levels could be 3 decibels higher than this, which would lead to increased noise level of up to +5 and +7 decibels in these locations at night. These levels would be classed as adverse impact. Due to this uncertainty a condition for opening hours is considered appropriate and Public Health and Protection have no objection subject to this. This would not allow operations beyond 23:00 at night. Allowance has however been made in the condition for an emergency situation.

In regard to the potential for battery storage, while it is unknown at present whether the compound would contain these batteries, each battery would be a replacement for one of the turbines. As five gas turbines would have the greatest level of impact, particularly in terms of noise, it is considered appropriate to assess the proposal on the basis of this "worst case scenario".

OTHER ISSUES

In respect of air pollution, an assessment has been submitted regarding the impact on the SAC, and NRW have not objected following the clarification of some details. Concern has not been raised by Public Health and Protection in this regard, nor in regard of any odour.

In respect of safety, the site does not fall into a zone where a consultation with the Health and Safety Executive is required. Although the site is unmanned, it will be monitored and controlled remotely and the applicant has stated there will be regular maintenance visits and the appropriate Health and Safety regulations will be followed in its operation.

In respect of highways issues, as the site is unmanned there is not considered to be a significant increase in traffic from this development, nor issue in respect of waste.

It is considered the disposal of surface water can be dealt with via conditions. There are no proposals for foul flows from the site.

There was no statutory requirement on this proposal to consult neighbours prior to submission and impact on house prices is not considered a relevant planning issue in itself in the determination of an application.

COMMUNITY INFRASTRUCTURE LEVY (CIL) LIABILITY

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014. The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

CONCLUSION

The proposed gas fuelled power plant is considered to be acceptable for the reasons above and therefore it is recommended that planning permission is granted.

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 development hereby approved shall be carried out in accordance with the approved plan(s) no(s) Figure 1, Figure 2, Figure 3 and Sound Assessment received by the Local Planning Authority on 2nd September 2016, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to the beneficial use of the power plant, the existing lamp post in front of the proposed access shall be moved in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority.

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

6. 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.

7. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a

desk-top study has been agreed in writing with the Local Planning Authority.

3. A written method statement for the remediation of contamination affecting the site

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. The development, hereby permitted, shall not be brought into beneficial use until the measures approved in the scheme (referred to in Condition 7) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to the development being brought into use, a vehicular footway crossing shall be provided in accordance with details to be submitted to and approved in writing by the Local planning Authority prior to any development on site commencing.

Reason: In the interests of pedestrian safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. No development shall take place, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for;

- a) The means of access into the site for all construction traffic,

- a) The parking of vehicles of site operatives and visitors,
- a) The management of vehicular and pedestrian traffic,
- a) Loading and unloading of plant and materials,
- a) Wheel wash facilities,
- b) The sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the construction process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic, and in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. The plant shall be finished in RAL 6007 "bottle green" unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the appearance of the industrial estate, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. No plant shall be operated until the drainage works have been completed in accordance with the approved plans.

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

14. Should any of the turbines be replaced with batteries, this shall be done on a one-for-one basis and a plan of the details of the batteries and revised layout plan shall be submitted to and approved by the Local Planning Authority prior to their installation.

Reason: To clarify how the site is being developed, and ensure no additional impacts.

15. The power plant shall only operate during the following times:

Monday to Saturday 08:00 to 23:00
Sunday and Bank Holiday 10:00 to 23:00

The only exception to this shall be in the case of an emergency due to a power shortage in the grid, in which case the operator shall write to the Local Development Authority to advise them of the incident and reason

prior to the incident occurring, or if not practicable, as soon as is practicable following the incident.

Reason: To ensure no disturbance due to noise, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

16. If the plant ceases to be in use for 12 months, then within a further 6 months the plant and equipment shall be completely removed from the site.

Reason: In the interests of the appearance of the industrial estate, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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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

17 NOVEMBER 2016

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 16/0603/10
THE PROPOSED DEVELOPMENT
IS A GAS FUELLED POWER PLANT
WHICH MAY INCLUDE AN
ELEMENT OF ENERGY STORAGE
TO BE LOCATED ON LAND WITHIN
THE HIRWAUN INDUSTRIAL
ESTATE (AMENDED DETAILS
RECEIVED 2/9/2016), UNIT O,
HIRWAUN HOUSE WALTERS
GROUP. HIRWAUN INDUSTRIAL
ESTATE, HIRWAUN, ABERDARE**

OFFICER TO CONTACT

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See Relevant Application File

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