



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

DNS: EIA Scoping Direction

3253154: Llynfi Energy Recovery Facility

29 April 2021

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This Scoping Direction is provided on the basis of the information submitted to the Planning Inspectorate on 26 February 2021, in addition to consultation responses received. The contents do not prejudice any recommendation made by an Inspector or any decision made by the Welsh Ministers in relation to the development, and does not preclude the Inspector from subsequently requiring further information to be submitted with the submitted DNS application under Regulation 24 of [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#) (as amended) ("The 2017 Regulations").

1. Introduction

The Planning Inspectorate ("the Inspectorate") received a request under [Regulation 33](#) of the 2017 Regulations for a Scoping Direction in relation to the construction and operation of a Energy Recovery Facility (ERF) with associated ancillary facilities and infrastructure on land off the A4063 formerly occupied by the Llynfi coal power station by Cenin Renewables Ltd.

The request was accompanied by a Scoping Report (SR) [[2021-02-26 – Scoping Report](#)] that outlines the proposed scope of the Environmental Statement (ES) for the proposed development.

This Direction has taken into account the requirements of the 2017 Regulations as well as current best practice towards preparation of an ES. In accordance with the 2017 Regulations the Inspectorate has consulted on the SR and the responses received from the consultation bodies have been taken into account in adopting this Direction.

The Inspectorate is authorised to issue this Scoping Direction on behalf of the Welsh Ministers.

2. Site Description

The Site is located within the former Llynfi power station site in Cwm Llynfi; a valley orientated north to south between Maesteg and Junction 36 of the M4. Bridgend lies some 7.5 km to the south and Maesteg lies around 4.7 km to the north. The Site extends to around 8.1 ha located immediately to the north-east of a single railway line and south and north-west of the Afon Llynfi. The north-western boundary is formed by a former substation associated with the previous use of the site (as a coal fired power station) with the southern boundary being an arbitrary line within woodland / scrub that bounds the site. The site also extends in a southerly direction along the line of the access road into the site, to form a triangular parcel of land and includes part of the A4063. Further information is provided in Section 8 of the SR.

3. Proposed Development

The ERF would house the waste reception and processing equipment, facilities for maintenance, administration, welfare and the visitor area. This would include:

- Gatehouse and weighbridges;
- Manoeuvring areas and roadways.
- Materials Recycling Facility (MRF) and Reception Hall: The MRF allows vehicles to tip feedstock onto the floor of the MRF where it would be inspected. Pre-treated feedstock would then be transferred using front end loader to the designated storage area whereas other (un-treated) waste would be loaded into the pre-treatment plant. In order to minimise dust and odour release, the MRF is a fully enclosed space. The height of this building is determined by the requirement for vehicles to tip.
- Feedstock Bunker: The feedstock bunker provides a storage area for feedstock prior to treatment.
- Boiler Hall: The boiler hall houses the equipment required for feedstock combustion, water demineralisation, steam generation, primary/secondary air systems and ash collection.
- Flue Gas Treatment Area: The gaseous emissions from the combustion process need to be cleaned before being released into the atmosphere. The Flue Gas Treatment (FGT) area contains the consumables silos (for example ammonia, lime, activated carbon etc depending on the final choice of the process manufacturer), flue gas cleaning equipment needed for the treatment of the emissions from the incineration process, Air Pollution Control Residue (APCR) silos, and an associated emissions monitoring equipment. The overall dimensions of the FGT area are determined by the sizes of the equipment and their requirements for access and maintenance.
- Turbine Hall: The turbine hall would house the equipment necessary to generate electricity from steam.
- Air Cooled Condensers: The steam exiting the turbine is condensed in the air cooled condensers (ACC) before returning to the process.
- Emergency Diesel Generator.
- Substation: The substation houses the electrical equipment required to export the electricity produced on-site.
- Incinerator Bottom Ash (IBA) handling area: IBA from the combustion process is quenched and transferred to the IBA handling area by a covered conveyor. The IBA is held in hoppers/silos pending loading onto HGVs for onward transfer to a suitable recycling facility.
- Administration Building.

Access to the ERF would be off the A4063 Bridgend Road, extending in a northerly direction to cross the railway line via an existing bridge before turning south-eastwards into the main body of the site. It is anticipated that the ERF would receive up to 200,000 t of residual waste per annum.

Further information on the above elements can be found in section 3 of the SR.

The scope of the EIA should include all elements of the development as identified in the SR, both permanent and temporary, and this Scoping Direction is written on that basis.

In line with the requirements of [Regulation 17](#) and [Schedule 4](#) to the 2017 Regulations, any reasonable alternatives considered should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made.

4. Consultation

In line with [Regulation 33\(7\)](#) of the 2017 Regulations, formal consultation was undertaken with the following bodies:

- Bridgend County Council [relevant Local Planning Authority] (BCC)
- Natural Resources Wales (NRW)
- Cadw
- Dŵr Cymru
- Health & Safety Executive (HSE)

Responses received are included in **Appendix 1**.

5. Environmental Impact Assessment Approach

The Applicants should satisfy themselves that the ES includes all the information outlined in [Schedule 4](#) of the 2017 Regulations. In addition, the Applicant should ensure that the Non-Technical Summary includes a summary of all the information included in Schedule 4. Consider a structure that allows the author of the ES and the appointed Inspector and Decision Maker to readily satisfy themselves that the ES contains all the information specified in [Regulation 17](#) and Schedule 4 of the 2017 Regulations. Cross refer to the requirements in the relevant sections of the ES and include a summary after the Contents page that lays out all the requirements from the Regulations and what sections of the ES they are fulfilled by.

As the assessments are made, consideration should be given to whether standalone topic chapters would be necessary for topics that are currently proposed to be considered as part of other chapters, particularly if it is apparent that there are significant effects and a large amount of information for a particular topic.

There may also be topic areas scoped out of the ES where the developer may wish to include application documents that sit outside of the ES and provide information that will support their consultation(s) and the decision-making process. The developer is encouraged to liaise with key consultees regarding non-ES application documents which are not a legislative requirement of the DNS regime. If agreement cannot be reached over non-ES application documentation, then the developer may wish to explore whether the Inspectorate can help provide clarity via its statutory pre-application advice service.

The ES should focus on describing and quantifying significant environmental effects. Policy considerations / arguments relating to those impacts should be addressed in other documentation supporting the application (e.g. a Planning Statement), which cross references the ES where necessary.

The Inspectorate notes that the SR submitted does not include paragraph numbers. It is advice that the ES should be prepared using paragraph numbers to allow for easier referencing.

It is also noted that the SR at page 6 refers to English legislation such as the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG). It is recommended that the ES will refer to the relevant policy framework.

5.1 Baseline

[Schedule 4](#) of the 2017 Regulations states that the 'baseline scenario' is "A description of the relevant aspects of the **current** state of the environment" (emphasis added). The baseline of the ES should reflect actual current conditions at that time.

5.2 Reasonable Alternatives

In line with the requirements of [Regulation 17](#) and [Schedule 4](#) to the 2017 Regulations, any reasonable alternatives studied by the Applicant should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made.

It is worth bearing in mind that under the [Conservation of Habitats and Species Regulations 2017](#) ("the Habitats Regulations") unless it can be clearly shown to the Welsh Ministers that the project would have no adverse effect on the integrity of any designated sites, it would have to be shown that there is no feasible alternative solution (see advice note from [IEMA](#)). Further advice regarding the Habitats Regulations is provided in the final chapter of this Scoping Direction.

5.3 Currency of Environmental Information

For all environmental aspects, the applicant should ensure that any survey data is as up to date as possible and clearly set out in the ES the timing and nature of the data on which the assessment has been based. Any study area applied to the assessments should be clearly defined. The impacts of construction, operation and decommissioning activities should be considered as part of the assessment where these could give rise to significant environmental effects. Consideration should be given to relevant legislation, planning policies, and applicable best practice guidance documents throughout the ES.

The ES should include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters. Where professional judgement has been applied this should be clearly stated.

The ES topic chapters should report on any data limitations, key assumptions and difficulties encountered in establishing the baseline environment and undertaking the assessment of environmental effects.

5.4 Cumulative Effects

Effects deemed individually not significant from the assessment, could cumulatively be significant, so inclusion criteria based on the most likely significant effects from this type of development may prove helpful when identifying what other developments should be accounted for. The criteria may vary from topic to topic.

Best practice is to include proportionate information relating to projects that are not yet consented, dependent on the level of certainty of them coming forward.

All of the other developments considered should be documented and the reasons for inclusion or exclusion should be clearly stated. Professional judgement should be used to avoid excluding other development that is close to threshold limits but has characteristics likely to give rise to a significant effect; or could give rise to a cumulative effect by virtue of its proximity to the proposed development. Similarly, professional judgement should be applied to other development that exceeds thresholds but may not give rise to discernible effects. The process of refinement should be undertaken in consultation with BCC and other consultees, where appropriate.

The scope of the cumulative assessment should be fully explained and justified in the ES.

Although intended for larger schemes, the Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 17: Cumulative Effects Assessment](#) sets out a staged process for assessing cumulative impacts that may be of relevance to the Applicant.

5.5 Mitigation

Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should provide reference to how the delivery of measures proposed to prevent/ minimise adverse effects is secured (through legal requirements or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

5.6 Population and Human Health

The Applicant should ensure that the ES addresses any significant effects on population and human health, in light of the EIA Regulations 2017. This could be addressed under the separate topic chapters.

5.7 Transboundary Effects

[Schedule 4 Part 5](#) of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The ES should address this matter as appropriate.

6. Environmental Impact Assessment Aspects

This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. Environmental topics or features are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the Inspectorate. In accordance with Regulation 17(4)(c) the ES should be based on this Scoping Direction in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report.

The Inspectorate has set out in this Direction where it has/ has not agreed to scope out matters on the basis of the information available at this time. The Inspectorate is content that the receipt of a Scoping Direction should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that

the matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

6.1 Aspects Scoped In

Subject to the comments provided at Table 1, the following aspects are scoped into the ES:

Landscape and Visual Impacts

Air Quality

Cultural Heritage

Ecology and Biodiversity

Traffic and Transport

**Hydrology and hydrogeology (including contamination and Flood
Consequence Assessment)**

Human Health (could be included within other aspects)

Noise

Waste

Climate Change

Cumulative Effects

7. Table 1: The Planning Inspectorate's Comments

ID	Reference in Scoping Report	Issue	Comment
	Description of the Development		
ID.1	Page 26	Materials Recycling Facility (MRF) and Reception Hall	The SR states that the height of the buildings is determined by the requirement of the vehicles to tip. The ES should include a detailed description of the elements of the proposal, including the parameters used in the assessment to establish the worst-case scenario. These parameters cannot be exceeded.
ID.2	Page 26	Feedstock bunker	ERF are subject to programmed maintenance works. The ES should explain in detail the frequency and duration of the maintenance and whether waste deliveries will continue as required. As it is assumed that during maintenance air extraction used in combustion processes will cease, the ES should also explain how odour will be contained in the reception hall and feedstock bunker. This should be addressed in the Air Quality assessment.
ID.3	Page 27	Flue Gas Treatment	The ES should include the final stack height and ensure that a consistent approach is used in the technical assessment.
ID.4	Page 27	Incinerator Bottom Ash (IBA) Handling	The ES should include details of how IBA will be handled and where it will ultimately be deposited. It is assumed traffic generated by HGV movements will be accounted for in the traffic assessment.
ID.5	Page 30	Heavy Goods Vehicles (HGV) Movements and sidings	The SR does not contain much information at this stage regarding the intention of using the existing rail infrastructures as part of the delivery / export strategy. If this option is pursued, it will need to be assessed in detail in the ES, not just as part of the air quality assessment, but also ecology and noise assessments. The parameters used in the assessment will need to be fully explained in the ES.

ID	Reference in Scoping Report	Issue	Comment
ID.6	Page 31	Ancillary developments	The SR does not include much information on the ancillary developments such as electrical substations and grid connection. These will need to be fully described and assessed in the ES, even in the event that the grid connection will be pursued by a different party.
ID.7	Page 30 - 31	Development components	The SR does not contain detail of the amount of land take for the elements of the proposal. The ES should provide enough detail to inform the decision maker as to the nature, area and duration of changes to land due to this proposal. The ES should clarify the lifetime of the various elements of the proposal. Decommissioning of the different components should also be clearly described in the ES, irrespective of whether these components will be subject to a different consenting regime.
Applicant's proposed Aspects proposed to be scoped out			
ID.8	Table 1	Cultural Heritage	The Inspectorate draws the applicant's attention to the comments received by the consultees at Appendix 1. The LPA requests that Archaeology be included within the ES. However, they do not provide any details to support this position. Given the history of the site, the Inspectorate agrees that, archaeology can be scoped out of the assessment. However, based on the concerns raised by Cadw the ES should include address the impacts on the identified historic environment assets. The Historic Environment is therefore scoped in to the ES.
ID.9	Table 1	Accidents, Natural Disasters and Hazards	Although the Inspectorate agrees that disaster can be scoped out of the ES, the potential for contaminated land to be present on site is noted and thus it is not possible at this stage to exclude hazards . See comments below on Hydrology and Hydrogeology. A Construction and Environmental Management Plan (CEMP) should be submitted as part of the ES. Whether this is considered separately or as part of another aspect, it is left to the

ID	Reference in Scoping Report	Issue	Comment
			Applicant.
ID.10	Table 1	Population	The Inspectorate agrees that this aspect can be scoped out.
ID.11	Table 1	Human Health	The Inspectorate does not agree to scope out Human Health. It may be necessary to address potential impacts on human health in relation to construction and operation of the ERF, in terms of traffic, noise, air quality, odour, pollution, etc. Whether this is addressed within a stand-alone chapter or within other aspects it is at the Applicant's choice. However, the ES should be clear where potential human health impacts are considered and which mitigation measures, if required, are proposed. Human Health is therefore scoped into the ES.
	Waste		
ID.12	Page 38	Waste Management Disposal	Waste is not addressed at Table 1 of the SR, therefore it is unclear whether it is proposed to be scoped out of the ES. For the purpose of this Scoping Direction, it is assumed that it is proposed to be scoped out. The SR states at Page 38 that a Site Waste Management Plan (SWMP) would be prepared before construction.. an outline of the SWMP should be included in the ES, unless addressed in the CEMP. The inspectorate notes that the ERF will generate waste once operational but no much information is provided in the SR regarding disposal. This will need to be addressed in the ES. Waste is scoped into the ES.
	Landscape and Visual Impacts		
ID.13	Page 51	Approach to LVIA	The Inspectorate welcomes the approach outlined in the SR. The Applicant's attention is drawn to the comments from BCC at Appendix 1. The Applicant should also investigate whether there are other applications that should be

ID	Reference in Scoping Report	Issue	Comment
			considered in a proportional fashion, depending on their status at the time of this application, such as the construction of the WEPA junction on the A4063. The comments in relation to this aspect of the environment should also be considered alongside those relating to the Historic Environment to ensure there is a joined up approach between the LVIA and the assessment of impacts on Historic Assets.
ID.14	Air Quality		
ID.15	Table 1	Emissions from HGV	The SR refers to DMRB Vol 11 Section 3 HA207/07; this has been superseded by LA 105 .
ID.16	Page 30	Rail transportation	As mentioned above, if a rail transportation strategy is pursued, this should be assessed as part of the Air Quality aspect. See also BCC comments at Appendix 1.
ID.17	Page 61	Fugitive Emission Assessment	As mentioned above, the ES should include in the qualitative assessment the potential for odour impact during programmed maintenance works.
	Biodiversity		
ID.18	Page 11- 17	Surveys recommendations	It is understood that pages 11 to 17 of the SR contains the recommendations provided by MKA ecology. At this stage, the level of information provided is not enough to allow detailed comments. However, the approach is noted and agreed with. The Inspectorate agree in particular that invertebrates surveys should be included in the ES. As no standard methodology is provided, the surveys should be discussed and agreed with the LPA ecologist. The Inspectorate also notes that, due to the nature of the site, reptiles surveys are required. The Applicant's attention is drawn to NRW and BCC comments at Appendix 1.
ID.19	Page 11- 17	Invasive species	The presence of invasive species is noted. Due to the extent of the issue, the ES should include a detailed management plan including eradication measures, timing and monitoring. As the potential presence of protected and notable species on Site is noted, the eradication programme should take into account potential effects on protected and notable species, including

ID	Reference in Scoping Report	Issue	Comment
			invertebrates. The ES is expected to provide assurance that the eradication will not harm sensitive receptors. Potential effects to the Llynfi River and other water bodies within and near the Site should also be considered. See also BCC comments.
	Hydrology and hydrogeology		
ID.20	Table 1	Risk of flooding	The Applicant's attention is drawn to NRW and BCC comments regarding the risk of flooding and the use of Sustainable Drainage Systems. The Inspectorate will not repeat the comments here but agree with the issues raised.
ID.21	Page 65	Site investigation and water sampling	It is not agreed at this stage that site investigation and water sampling can be scoped out of the assessment. The Site has been formerly used as a coal power station and there is potential for contaminated land to be present on site. This may have implications during extensive excavation works during construction and during the establishment of a sustainable drainage system such as the attenuation pond discharging into the River Llynfi, as stated at Page 31. The ES should investigate the hydrological and hydrogeological links and potential pathways between the proposal and the water environment, including the potential for water pollution. It is noted that NRW has requested that the aquatic habitats and invertebrates present within the River Llynfi should be investigated. In order to understand whether the construction works and invasive species eradication programme has the potential to pollute the River Llynfi, the baseline condition of that stretch of the river should be fully understood. As such, a water monitoring method statement should be included in the ES, including baseline conditions, monitoring timing, triggers and measures to prevent pollution, if necessary.
	Climate Change		
ID.22	Table 1	Climate Change	It is not clear from the SR whether it is proposed to scope Climate Change into the ES. Table 1 seems to suggest that the ES will include consideration on Climate Change but this is not mirrored in the ES structure presented in Section 5. The Inspectorate would welcome the inclusion of a specific

ID	Reference in Scoping Report	Issue	Comment
			chapter. The approach presented in Table 1 is considered appropriate.
	Traffic and Transport		
ID.23	Page 63	Transport Assessment	The Applicant's attention is drawn to the concerns raised by BCC. The applicant is strongly encouraged to liaise with the Local Authority regarding the safety of the proposed roundabout and to agree the methodology for the Transport Assessment.
ID.24	Page 14	Movements generation	The Applicant's attention is drawn to the concern raised by BCC in terms of impact on the highway network and the increase of traffic within a network already at overcapacity during peak times. Further discussion with BCC will be required ahead of the submission to clarify whether the proposal will give rise to a major significant adverse impact.
	Noise		
ID.25	Page 62	Noise Assessment Approach	The Applicant's attention is drawn to BCC comments at Appendix 1
	Cumulative Effects		
ID.26	Section 5	Cumulative Effects	The Inspectorate notes that Cumulative Impacts is considered as a separate chapter in Section 5 of the SR but there is no approach described. The Applicant should liaise with BCC in line with our advice in Section 5.4 of this Scoping Direction. Existing developments that have completed construction may also need to be considered; while forming part of the baseline conditions, they may still have cumulative effects with the proposed development. The applicant should liaise with BCC to help identify an up to date list of projects that should be included in the cumulative assessment. The applicant should also review the DNS Portal website to check whether any other DNS proposals for the area have been published between the issuing of this Scoping Direction and the ES being finalised.

ID	Reference in Scoping Report	Issue	Comment

8. Other Matters

This section does not constitute part of the Scoping Direction, but addresses other issues related to the proposal.

8.1 Habitats Regulation Assessment

[The Conservation of Habitats and Species Regulations 2017](#) require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). The competent authority in respect of a DNS application is the relevant Welsh Minister who makes the final decision. It is the Applicant's responsibility to provide sufficient information to the competent authority to enable them to carry out an AA or determine whether an AA is required.

When considering whether or not significant effects are likely, applicants should ensure that their rationale is consistent with the [CJEU finding](#) that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an AA and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site when determining whether an AA is required ('screening'). The screening stage must be undertaken on a precautionary basis without regard to any proposed integrated or additional avoidance or reduction measures. Where the likelihood of significant effects cannot be excluded, on the basis of objective information the competent authority must proceed to carry out an AA to establish whether the plan or project will affect the integrity of the European site, which can include at that stage consideration of the effectiveness of the proposed avoidance or reduction measures.

Where it is effective to cross refer to sections of the ES in the HRA, a clear and consistent approach should be adopted.

The Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 10: Habitat Regulations Assessment relevant to Nationally Significant Infrastructure Projects](#) may prove useful when considering what information to provide to allow the Welsh Ministers to undertake AA.

8.2 SuDS Consent

Whilst a separate legislative requirement from planning permission, the Applicant's attention is drawn to the statutory SuDS regime that came into force in Wales in January 2019. The requirement to obtain SuDS consent prior to construction may require iterative design changes that influence the scheme that is to be assessed within the ES and taken through to application. As such, it is recommended that the applicant contact the local SuDS Approval Body early on.

8.3 The National Development Framework (Future Wales: the national plan 2040), Planning Policy Wales (PPW) 11, and the revocation of TAN 8

On [24 February 2021](#), the Welsh Government published the [National Development Framework](#) (NDF). The NDF has development plan status, forming the highest tier of the development plan hierarchy in Wales. Planning Policy Wales has been updated to [edition 11](#). TAN 8 was revoked on the same date.

8.4 The Welsh Ministers' Moratorium on Energy From Waste Developments over 10 MW

Please note that on 24 March 2021 the Minister for Environment, Energy and Rural Affairs issued a Written Statement that brought into immediate effect a moratorium on "on new large scale energy from waste plants... of 10MW or greater".

<https://gov.wales/written-statement-taking-action-make-circular-economy-reality>

The Written Statement is supported by a Strategic Assessment.

<https://gov.wales/strategic-assessment-future-need-energy-waste-capacity-wales>

Any queries about the contents of the supporting Strategic Assessment should be directed to the Planning Directorate of the Welsh Government (planning.directorate@gov.wales).

These matters will need to be addressed in any application, preferably in the Planning Statement.

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Bridgend County Borough Council

Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB



Planning Inspectorate,
Crown Buildings,
Cathays Park,
Cardiff,

fao Mr R Sparey
dns.wales@planninginspectorate.gov.uk

Grwp Datblygu

Ebost / Email:

Deialu uniongyrchol / Direct Line:

Gofynnwch am / Ask for: **Hayley Kemp**

Ein cyf / Our ref: **P/21/173/ESO**

Eich cyf / Your ref:

Dyddiad / Date: 12 April 2021

Dear Sir,

Town and Country Planning Act 1990

The Developments of National Significance (Procedure) (Wales) Order 2016 (As Amended)

Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

Project Name: Llynfi Energy Recovery Facility

Site Address: Land at Llynfi Power Station north of Bridgend

Proposed Development: Energy Recovery Facility and ancillary infrastructure

I write with reference to your letter received on the 1st March 2021 requesting the Local Planning Authority advice on the scope of the Environmental Impact Assessment (EIA) submitted to you by Morgan Credit Limited regarding the proposed development at the above-mentioned site.

Bridgend County Borough Council are aware of the Ministers recent advice regarding this type of development in terms of a moratorium on large-scale waste energy from waste plants. However, notwithstanding this, the Councils comments are as follows:

Morgan Credit Limited has commissioned SRL Consulting Ltd to undertake an Environmental Impact Assessment (EIA) for the construction and operation of an Energy Recovery Facility (ERF) and associated ancillary infrastructure located on vacant land off the A4063 formerly occupied by the Llynfi coal fired power station.

From the information submitted, it is noted that, due to the indicative size and scale of the project (i.e. greater than 10MW), this means that it will be a Development of National Significance (DNS) to be determined by the Welsh Ministers. As such, a planning application will be submitted to the Planning Inspectorate for Wales (PINS) for consideration by an appointed Planning Inspector. PINS examine the application and make a recommendation to

Ffôn/Tel: 01656 643643

Negeseuon SMS/ SMS Messaging:

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Ebost/Email:

Gwefan/Website: www.bridgend.gov.uk

Cyfnwidi testun: Rhwng 18001 o flaen unrhyw un o'n rhifau ffôn ar gyfer y gwasanaeth troglwyddo testun

Text relay: Put 18001 before any of our phone numbers for the text relay service

Rydym yn croesawu gohebiaeth yn Gymraeg. Rhwng wybod i ni os mai Cymraeg yw eich dewis iaith

We welcome correspondence in Welsh. Please let us know if your language choice is Welsh

the Welsh Minister based on planning merits and national priorities. The Minister then decides whether or not to grant permission.

Morgan Credit Limited have submitted a request for a 'scoping direction' to the Planning Inspectorate under Regulation 30 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 and this in turn has been forwarded to this Council as consultees to the process. The report is structured into five sections detailing, 'the project', the 'Environmental Impact Assessment Methodology for each environmental discipline, topics that have been scoped out, and a summary of the proposed EIA Scope.

The purpose of the scoping report is to define the environmental effects which will need to be assessed as part of the EIA, to establish the availability of baseline data, to define a survey and assessment framework for the EIA and to allow the relevant parties to comment on the proposed methodology for each topic to be considered and provide any relevant environmental information relating to the project and the surrounding area.

RELEVANT HISTORY

P/19/275/RLX - Vary condition 22 of P/11/21/FUL to replace wood chip with RDF (refuse derived fuel) – Invalid Application – 16/07/2019.

P/15/807/FUL - Temporary Delivery & Permanent Storage Of Up To 15,000 Tonnes Of Uncovered Clean Wood Chip – Refused – 11/02/2016.

P/11/21/FUL - Biomass Power Station Of 25Mw Electric Output – Approved (with conditions) – 08/05/2015.

P/10/674/ESO - Screening & Scoping Opinion For Proposed Biomass Power Plant – ESO provided – 22/10/2010.

P/05/364/FUL - Biomass Power Regeneration Plant - Approved (with conditions) – 19/10/2009.

A copy of the Planning Committee report for P/11/21/FUL has been attached as Appendix 1 for information and ease of reference.

PUBLICITY

No publicity is undertaken in connection with requests for a 'Scoping Opinion'. Consultations have however been undertaken. The time period for consultees to respond expired on 7 April 2021. The consultation responses have been included within the appraisal section below.

APPRAISAL AND CONCLUSION

The submitted scoping report provides a general overview of the project and its location but it is noted that the scheme is likely to evolve through the EIA process.

BRIDGEND COUNTY BOROUGH COUNCIL requests that the following observations in respect of the key topic areas be considered in the Planning Inspectorate's review of the EIA Report: -

Section 5 of the submitted report includes details of what the developers consider should be included within an Environment Statement (ES) and this includes:

- Introduction;
- Development Scheme and Alternatives;

- EIA Methodology;
- Summary of relevant Planning Policy;
- Landscape and Visual Impact;
- Air Quality;
- Noise;
- Traffic;
- Ecology;
- Water Environment;
- Topics scoped out of the EIA; and
- Cumulative Impact.

In addition to the above, the LPA would suggest that the following details also be included within the ES:

- Archaeology;
- Soils, geology and hydrogeology;
- Sustainability appraisal;
- Social-Economic impact;
- Economic development, social justice and inclusion.

The responses to consultations from the statutory consultees have highlighted the topics, which should be included within an ES, and in general, they follow the topics suggested in the developer's report. However, the statutory consultee's responses have been included in full under each topic heading.

Natural Resources Wales (NRW) have provided comments on the submitted information, however they have advised that they have already received a consultation for this development from The Planning Inspectorate and have responded accordingly. Therefore, they will not be providing a formal response directly to Bridgend County Borough Council and a copy of their response is attached as Appendix 2 for your information.

Dwr Cymru/Welsh Water have confirmed that they have no comments to make regarding the Scoping Report for the above proposed development site at this time, however, kindly request to be consulted should the developer choose to submit a planning application in the near future.

Ecology - The Council's Ecologist has reviewed the Scoping Report submitted with this application and generally agree with the recommendations relating to the ecological issues identified. These recommendations, such as the numerous taxa surveys, should be acted upon as they would address the ecological issues and provide further detail.

The site contains Japanese knotweed (*Fallopia japonica*) which is a non-native invasive plant species, as well as other non-native invasive plant species such as Rhododendron (*Rhododendron ponticum*). These species are listed under Part II of Schedule 9 of the Wildlife & Countryside Act 1981 which makes it an offence to deliberately cause (Invasive Species listed under Part II of Schedule 9) to grow in the wild. These species are also subject to Section 34 of the Environmental Protection Act (1990) and are classed as 'Controlled Waste'. Consequently, they should be disposed of at a licensed landfill site under the EPA (Duty of

Care) Regulations (1991) and by a licensed carrier. There are no such licensed sites within Bridgend County Borough.

Given the above, and on the basis that spoil material may be moved around and/or off site, it is recommended that the applicant submit an invasive species management methodology for approval by the Local Planning Authority before being implemented. This methodology should also include, how the works will be mitigated for the invasive species at the site, monitoring to ensure that the invasive species do not spread and recolonise at the site and what remedial works will be undertaken if these species are found to be spreading.

Policy ENV5 and ENV6 of the Bridgend LDP, PPW 5.2.8 and guidance in TAN 12, encourage and favour development opportunities that enhance biodiversity; should the application be granted, it is recommended that consideration be given to the provision of nest boxes within the development for bat and bird species. Suitable bird species include house sparrow, swift and house martin, species which are declining in number due to a reduction in suitable nest sites. Further information can be found on page 55 section 16.0 in the SPG: [Biodiversity and Development Supplementary Planning Guidance \(SPG\): A Green Infrastructure Approach](#).

The incorporation of bat bricks, bat tiles and bat boxes into the development, would provide summer roosting opportunities for bats and would contribute to the environmental sustainability of the development. Further information can be found on page 46 section 7.0 of the above SPG. Incorporation biodiversity enhancements will help contribute to the environmental sustainability of the development. Such enhancements will demonstrate local authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. Details on any biodiversity enhancements in line with the above Section 6 Duty should be provided to the Local Planning Authority for approval.

Land Drainage - The proposed development site is located within flood risk zone C2 and is located within 20m of the River Llynfi. The applicant shall liaise with NRW to determine whether a flood consequence assessment is required and to determine whether a Flood Risk Activity Permit is required.

No information is provided in relation to foul water disposal from the development. No foul drainage layout has been provided. No public sewers are located within the immediate vicinity of the proposed development, therefore the applicant shall investigate an alternative method of foul water disposal such as a private treatment works and obtain a registration document from NRW.

The Scoping Report states "Surface water runoff would be managed in accordance with the principles of SuDS so that the rate of runoff would be no greater than the existing (pre-development) situation. Clean surface water (rainwater) from roofs would be captured and stored in tanks for use in the process. Water from roadways would be passed via silt and oil interceptors to a surface water attenuation pond, prior to discharge from the application site (with consent from NRW).

It is proposed that surface water runoff from the proposed application site would be routed to a new attenuation pond on the southern part of the site. This pond would be landscaped to afford biodiversity enhancements. The pond would discharge into the Afon Llynfi, with a shut-off valve installed into the outlet from the surface water attenuation lagoon". No surface water drainage

layout was provided. The development footprint is in excess of 100 sq. m., therefore a sustainable drainage application is required.

From 7 January 2019, new developments of 2 or more properties or development over 100 sq. m. of construction area require sustainable drainage to manage on-site surface water. The surface water drainage systems must be designed and built in accordance with standards for sustainable drainage. These systems must be approved by the SuDS Approving Body (SAB) before construction work begins. The applicant shall submit a sustainable drainage application form to the Bridgend County Borough Council SAB. Further information in relation to the new legislation including the sustainable drainage application forms can be obtained from the following link:

<https://www.bridgend.gov.uk/residents/recycling-waste-and-environment/environment/flooding/sustainable-drainage-systems/>

No surface water is allowed to discharge to the public highway.

No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

The applicant shall provide the following information to progress the planning/sustainable drainage application (if the application is progressed):

- Provide an agreement in principle from NRW for the Flood Consequence Assessment and floor risk activity permit (if required);
- Confirm proposed foul and surface water disposal methods;
- Provide foul and surface water drainage layouts;
- Provide an agreement in principle from DCWW for the proposed connection to the foul sewer (if required);
- Provide an agreement in principle from NRW for private treatment works(if required);
- Provide details of the foul water disposal unit including proposed maintenance plan;
- Provide hydraulic calculations to confirm the site does not flood during a 1 in 100yr + 30%CC event;
- Submit a Sustainable Drainage Application to the Bridgend SAB – SAB@bridgend.gov.uk (the applicant is advised to contact the Bridgend SAB prior to the formal submission to discuss the application should they proceed).

Please note the scoping opinion comments above have been provided as a guide only and shall not be taken as approval for the current drainage proposals. Additional comments may be identified once the formal planning/sustainable drainage application for the site has been received by the Land Drainage Team.

Landscape and Visual Impact - It is noted that the Scoping report refers to a Landscape Visual Impact Assessment to be undertaken. This should be carried out using information from the LANDMAP database, which includes categories covering geological, habitat, historical, visual, sensory and cultural landscape. The assessment should also include a photographic

viewpoint section showing views of the site from various locations during both summer and winter periods. The impact of the different phases of the development namely the construction, operational and decommissioning phases should also be considered and addressed within the report.

The main visual impact from the proposed plant would be from elevated areas to the west and east of the site especially Ty Isaf Farm some 300m to the east. Long distance views of the site would also be available from parts of Bettws to the east of the site. The site would also be seen from adjacent public footpaths, especially the Garw Valley Footpath GWV/32/1 to the east of the site and Llangynwyd Lower footpath LDL/3/2 to the west of the site. The site would also be visible from the Bridgend to Maesteg railway line. It is requested that consideration be given to these locations in any future assessment.

Traffic and Transport - The Council's Transportation Officer has assessed the submitted information and it is noted that the scoping opinion is supported by an EIA which details how the site will be accessed and serviced throughout the life of the facility.

The Highway Authority has serious concerns with the proposal for an energy recovery from residual waste facility at this location for the following reasons. The assessment shows that the facility will be accessed initially from the existing access on the A4063 during the construction phase and via a new roundabout to be constructed on the A4063 for the operational phase. Section 13 on page 24 details the access arrangements, however this section has minimal detail to allow the Highway Authority to make a full and robust assessment and does not seem to have acknowledged the new signalised junction, located some 25 metres north of this site entrance.

As detailed above, the report states that the construction of a new three armed roundabout on the A4063 will be required to provide access to the development. **It should be noted that due to the ongoing construction of the signalised junction serving the adjacent WEPA development, immediately to the north of this proposal site, means that in highway design and safety terms, the construction of the proposed roundabout will not be acceptable.** As a result of the above concerns, the proposal would not be able to provide a safe means of access from the A4063 during its operational lifetime. In addition, the intensification of the existing access would not be acceptable, due to its narrow bell mouth and close proximity to the new signalised junction being constructed on the A4063.

With regard to the vehicle movements generated by the proposal, it is noted that in section 14 of page 24, 100% of waste will be delivered via the highway network. It should be noted that the trips generated by this proposal would be considered 'new' additional trips on the network as there is no extant or fall-back position of the site in traffic generation terms. It is considered by the Highway Authority that without a significant volume of waste arriving at the site via Rail, then there would be a material impact on the highway network especially the signalised interchange at Tondu to the south of the site. Recent analysis has shown that the signalised interchange at Tondu is over capacity during the peak AM and PM traffic hours.

As a result, the proposal would likely result in highway safety concerns and detrimental to the free flow of traffic along the A4063 corridor. Further to this, the EIA does refer to the potential use of the rail line, but agrees that this would require significant investment and agreement by

third parties, such as Railtrack and is therefore not considered by the HA as a viable option for the initial use of the site.

Finally, it is recognised by the HA that the recycling of waste materials for energy is a meaningful enterprise in and of itself, however this has to be balanced by the 100% reliance on using the highway network to deliver those materials. This increase in vehicular traffic is considered contrary to the Welsh Government's ambition and legislation to reach net zero carbon emissions by 2050.

In addition the facility anticipates the acceptance of residual waste from the '*South and West of Wales region*'. It is noted that PPW 11 para 5.13.11 discusses the 'Nearest Appropriate Installation' concept and the principle of self-sufficiency regarding the treatment of waste. Given that the residual waste is being transported from South and West Wales, the Highway Authority has significant concerns that a facility in Bridgend could not be classed as self-sufficient if it serves Pembrokeshire and Ceredigion, given the distance the waste would be transported resulting in increased carbon emissions for the Bridgend area.

To summarise, I would advise that the observations of the Highway Authority are that the development, as proposed, cannot provide a safe and adequate means of access from the A4063 due to the construction of the signalised junction. It will also materially increase the volume of traffic on the local highway network to the detriment of highway safety and the free flow of traffic on the A4063. Furthermore, the proposal is contrary to Planning Policy Wales 11, the Wellbeing of Future Generations Act and the thrust of local and national policy regarding net zero carbon reduction by 2050.

Noise - The Council's Shared Regulatory Services Officer has examined the Scoping Opinion for the above application. In terms of noise, the scoping opinion states that it will examine the impact of noise and vibration during both the construction phase using 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise and Part 2 – Vibration and the operational phase will be assessed in accordance with relevant guidance using BS4142 and include will include updated baseline monitoring. These are the correct standards to assess the respective noise impacts. It is requested that the consultants consult with Shared Regulatory Services prior to monitoring being undertaken to agreed representative locations.

During the operational phase, all aspects of the noise must be considered including:

- the processing of RDF and the generation of electricity that will be experienced at surrounding noise sensitive premises.
- The assessment shall include every aspect of the process, including the process of cleaning out the pipes , noise from deliveries by trains (including timings of train movements and assessments at receptors closest to any new rail heads and track and increase in noise to residents that are facing onto the main line at Heol Felyn Fach, Tondy) HGV's, noise from any abatement techniques, and from any fixed plant and machinery
- Any increase noise levels at receptors due to the transportation of waste by road due to increased HGV movements along the A0463

- The assessment shall demonstrate that the rating level of noise from all the processes when operating cumulatively shall be 10dB below background at all closest residential receptors to avoid background creep and safeguard the amenities of the existing residents
- The assessment shall include any proposed mitigation, including details of any enclosures/ silencers that are to be installed and mitigation from the deliveries and unloading of goods and shunting of trains.

Air Quality - BCBC adopts a number of key policies and commitments outlined within its Local Development Plan (2006- 2021) which promotes development that should not potentially impede on health or the environment;

Strategic Policy 4 (SP4); promotes the conservation and enhancement of the natural environment. SP4 illustrates that development proposals will not be permitted where they have an adverse impact upon the quality of natural resources, including water air and soil.

Policy ENV 7 (Natural Resource Protection and Public Health): “Development proposals will only be permitted where it can be demonstrated that they would not cause a new, or exacerbate an existing, unacceptable risk of harm to health, biodiversity and/or local amenity due to: air pollution”

Therefore, whilst it is appreciated that an Environmental Permit will be required to operate the facility which will consider Air Quality, It is important that these policies are adhered to and considered during the planning application process.

The applicant makes it clear that the site will be regulated by Natural Resources Wales (NRW) via the implementation of an Environmental permit which will include a stringent Emissions to Air schedule and as part of the environment permitting process air quality modelling would be a mandatory requirement. The new scoping opinion does clarify that dispersion modelling will be undertaken and therefore:

‘A detailed Air Quality Assessment shall be has been undertaken and submitted to the Local Planning Authority to quantify the impact of the development and its effects upon sensitive receptors. The scope of the Air Quality Assessment shall be submitted to and agreed with the Local Planning Authority prior to the assessment undertaken. Any mitigation measures recommended in the report, shall be implemented in full prior to the development being brought into beneficial use. If the report concludes that there will be an unacceptable impact which cannot be mitigated, no development shall take place’.

Advisory Notes

As the applicant will also need an environmental permit to operate the proposed plant, any air quality assessment should also satisfy NRW’s requirements

Stack emissions:

An assessment will need follow the Environment Agency online guidance (referenced by NRW) ‘Air emissions risk assessment for your environmental permit’ (the AERA guidance), available at <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit> .

The AERA guidance requires assessment of potential short-term and long-term impacts on both human and ecological receptors (such as SSSIs within 2km and SACs/SPAs within 10km). Impacts will be assessed against relevant Environmental Assessment Levels (EALs) for the protection of human health and against Critical Loads (CLo) and Critical Levels (CLe) for the protection of vegetation and ecosystems.

The assessment of emissions from the site would be undertaken using the staged approach as defined in the AERA guidance, i.e. a screening assessment (known as Stage 1 and 2) to identify those emissions that can be considered insignificant and the requirement (if any) for detailed dispersion modelling. The assessment would entail:

- a review of air quality standards and guidelines of relevance to the additional emission sources;
- a review of the existing air quality in the area on the basis of monitoring data obtained from the local authority and other national networks (no site-specific monitoring is proposed);
- derivation of emission source term for the emissions sources based upon 'manufacturer standard', published emissions factors and any available test data
- followed if necessary by detailed dispersion modelling of the emissions;
- assessment of predicted ground level impacts against Environmental Assessment Levels (EALs); and
- comparison of predicted ground level concentrations and deposition with critical levels and critical loads for protection of sensitive ecological receptors.

Odour - The assessment will be undertaken qualitatively on the basis of the source-pathway-receptor conceptual model following IAQM 'Guidance on the assessment of odour for planning', i.e. the magnitude of odour emissions will be qualitatively assessed, and the potential dispersion considered on the basis of prevailing meteorological conditions, combined with the sensitivity of receptors address the likely magnitude of impact and significance of effect.

Traffic Emissions - The applicant has confirmed that there will be no additional impact from the traffic as the same modes of transports are proposed to be adopted as per the current approval for burning woodchip. However, should there be any change from this scenario in the circumstances that the required agreements cannot be reached with Network Rail to bring the fuel into the plant by that method, an additional traffic assessment would be required. I would therefore request the following condition to address this:

In the event that the biomass fuel will not be brought to site by rail, a detailed Air Quality Assessment shall be undertaken to assess the impact of all traffic movements, including deliveries and HGV movements associated with the development. The air quality assessment shall consider the impacts to NO₂ & PM₁₀ and look to include the existing residential receptors along the A4063 up to the turning of the biomass plant. The air quality assessment and any proposed mitigation scheme will need to be submitted and approved by the Local Planning Authority. If appropriate mitigation measures to protect existing residents along that route

cannot be implemented to ensure compliance with existing national air quality objectives then the development must not proceed.

Therefore, the advice to the scoping opinion in respect of air quality, is that they liaise with the Specialist Officer - Air Quality prior to undertaking the actual assessment.

I trust this information is of assistance.

Yours sincerely,

A black rectangular box redacting the signature of Mr. Rhodri Davies.

Mr. Rhodri Davies BA, BTP, MRTPI
DEVELOPMENT AND BUILDING CONTROL MANAGER

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use of a display panel for public purposes.

c. The developer is advised to secure the necessary advertisement consents for the display panels and any other signs needing the approval of the Local Planning Authority before displaying such advertisements.

d. The Local Planning Authority is unlikely to look favourably upon the installation of additional portable type structures on the car parking area in order to protect the visual amenities of the area.

e. The developer is advised to liaise with the Environment Agency to safeguard the integrity of the flood defence wall.

ITEM:

4

RECOMMENDATION: SECTION

106

REFERENCE:

P/11/21/FUL

APPLICANT:

**MORGAN CREDIT ENERGY (WALES) LTD
C/O MR ISSA SAWABINI WEBB & CO 1 NEW STREET WELLS,
SOMERSET**

LOCATION:

LLYNFI BIOMASS POWER NR LLANGWYNVD MAESTEG BRIDGEND

PROPOSAL:

**SITE TO BE REDEVELOPED INTO A BIOMASS POWER STATION OF
25MW ELECTRIC OUTPUT**

RECEIVED:

14th January 2011

SITE INSPECTED: 29th June 2011

TOWN/COMMUNITY COUNCIL OBSERVATIONS

Notified on 18th January 2011

In view of past and current concerns the application should go to Committee.

The current application increases the volume of fuel delivery over the previous. Unless the planning authority imposes a condition upon the consent that the rail link is reinstated and used for delivery of raw materials the developer will transport via the A4063 which runs through the village of Coytrahen and further:-

i) Traffic to and from the site in order to transport biomass fuel and subsequent by-products. Traffic volumes, and the associated noise may increase with the introduction of a large biomass power facility, as the scheme will require a continuous fuel supply; and,

ii) Visual intrusion. The plant is an industrial feature with a chimney. In certain weather conditions a plume may be evident from the chimney and/or drying equipment depending upon the design of the equipment.

APPLICATION/SITE DESCRIPTION

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The application site is located on the valley bottom on the site of the former Llynfi coal fired power station to the north of Coytrahen. The site, which covers an area of 8.8 hectares, is orientated along its long access in an approximate north west-south east direction. The Bridgend to Maesteg railway line passes to the west of the site while the River Llynfi flows to the east of the site. To the north of the site is located an electricity substation which includes pylons within its complex which distribute electricity. Other larger, 400 KV pylons cross the valley to the north and west of the site. To the north of the site is the Georgia Pacific paper mills. To the south an area of woodland separates the site from the community of Shwt.

The buildings of the former power station have been partially demolished.

The application has been supported by an Environmental Statement which describes the proposal as follows.

Proposals

The proposed development involves the construction of a biomass-burning power (BPS) station that would produce 25MW of electricity a year, sufficient to power about 53,000 homes. The BPS would use approximately 300,000 tonnes annually of clean waste wood (i.e. untreated, uncontaminated wood, primarily sourced locally from the construction industry) and clean biomass (i.e. wood from forest management, sawmills, etc.) possibly sourced from Latvia. These products are collectively referred to as biomass. The biomass material would be processed (i.e. chipped and dried) before being delivered to site, there would be no wood shredding, or chipping activities undertaken on-site as part of the proposed development.

Plant

The main plant building would have dimensions of 93m x 65m with a flat roof reaching a height of 30m. This building would house the 2 furnaces. Positioned to the front of it would be a fuel storage facility having dimensions of 93m x 24m with a flat roof reaching a height of 24m. An office block would be positioned on the north west corner of the complex.

In addition, the development would include a generator and turbine hall with associated air cooled condensers, a new sub station and an exhaust filtering system to the rear of the main plant building. An ash silo would also be provided in this area.

An area for unloading fuel transported to the site by lorry would be constructed at the northern end of the main plant building with conveyors to transport the fuel into the building.

A new railhead unloading facility would also be constructed to accept fuel transported to the site by rail which would also have a conveyor system to transport fuel to the main plant building. The unloading facility would be enclosed by a barn like structure having dimensions of 30m x 20m with a pitched roof reaching a height of 12m.

Two exhaust stacks would be positioned to the rear of the main plant building extending for a height of 70m.

Fuel delivery

Delivery of fuel by rail would be the preferred option and it is proposed to re-establish the former rail sidings infrastructure at the site. This would involve the installation of a new rail junction and signalling works to allow access to the re-instated railhead from the existing rail line. The prepared fuel would be loaded onto a train originating in Newport for transportation to the site for

unloading at the new rail head unloading facility.

Fuel would be unloaded into a reception bunker located within the barn like enclosure. The delivered fuel would be transferred from the fuel reception bunker via a network of elevated conveyors to the main fuel storage facility within the main processing building. The conveyors would be elevated to take account of the higher ground elevation at the railhead compared with the site and to enable vehicle movements on site. It is estimated that approximately 5 trains per week would be sufficient to meet the fuel supply needs of the BPS.

The delivery of fuel to the site by rail is the preferred option. Network Rail has carried out a feasibility study which confirmed that the rail link will be in place before the proposed biomass plant is commissioned. If this doesn't occur for any reason, all fuel will be delivered by road. However, until the railhead is completed, any operation of the biomass plant would be restricted to 50% of its capacity. It is estimated that any fuel delivered to site would be undertaken in HGVs in loads of approximately 22 tonnes. The fuel would be transported from Newport Docks via the M4 motorway, exiting at Junction 36 and continuing to the site via the A4063. Fuel delivery by road will only take place between 7am and 7pm Monday to Friday, and between 7am and 1pm on Saturdays. At 100% maximum capacity, the total daily HGV delivery would be 52 two way movements, i.e. 52 incoming and 52 outgoing, based on a worst case assuming that the intended railhead serving the site is not available. This means there will be, at most, 4 lorries an hour delivering biomass. Once the railhead is in operation, the total number of daily HGV movements will be reduced to a maximum of 10 as all clean biomass (90% of total) would arrive on-site via the rail facility. This will include HGVs delivering fuel and HGVs removing bottom ash and fly ash from the site. However, it may be possible for ash to be removed from the site by rail

Access to the site is currently taken off the A4063 and this will continue to be used but would be improved by the construction of a roundabout.

Fuel Feed and Combustion

From the storage bunker, the fuel will be conveyed to a hopper for feeding into the primary combustion chamber. It is proposed that the process will be based on conventional combustion technology which has a long track record of use in the UK and overseas. The hot gases from the process will pass through the secondary combustion chamber. To comply with the Waste Incineration Directive the process will be designed to ensure that the combustion gases within the secondary combustion chamber exceed 850°C for more than 2 seconds (required from the combustion of non-hazardous waste materials).

As the fuel burns, the heat energy, in the form of hot gases, enters the heat exchanger section of the water tube boiler. A series of heat exchangers maximise the conversion of heat energy into dry superheated steam which in turn will drive steam turbines to generate electricity. The steam exhausted from the turbines will be condensed in an air-cooled condenser and the water returned to the boiler.

The electricity will be distributed to the local grid network via a new substation to be constructed as part of the development. The electricity will be exported from the site via existing overhead power cables.

Alternatives for the re-use of heat generated within the process have been considered. These include use in the adjacent paper mill, use in a district heating system and use in agricultural/horticultural activities. However, these proposals do not form part of this planning application.

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Air Pollution Control

The gases produced during the combustion process would be cleaned to ensure that the emissions from the stack comply with the Waste Incineration Directive (WID). The cleaning process would comprise the dosing of reagents to remove acid gases (such as sulphur dioxide (SO₂) and oxides of nitrogen (NO_x), including nitrogen dioxide (NO₂) and nitrogen oxide (NO), generated during the combustion process, and the removal of particulates via bag filters, prior to discharge from the stack. The air pollution control system will also work to remove potential dioxins from the flue gas.

Waste Management

The bottom ash, which would be generated from the primary combustion chamber, would be non-hazardous in nature and would be comprised of wood ash collected following complete combustion of the fuel material within the primary combustion chamber. Options for re-using this bottom ash material have been evaluated and include use as a fertiliser or as an aggregate fill material. Solid waste generated within the air pollution control system could potentially be contaminated with pollutants including particulates, dioxins and heavy metals. Consequently this material would be classified as hazardous and will need to be disposed of accordingly to a licensed landfill site.

Employment

Although local contractors may be used for the construction phase of the development, no employment figures have been given for this element. However, between 18-20 workers are likely to be employed at the plant when it becomes operational.

At this point it is worth comparing the details of the former coal fired power station (CFPS) with that of the proposed biomass power station (BPS) as follows:-

Feature	Old CFPS	Proposed BPS
Water from river	250,000 gallons per hour	No water to be abstracted from river
Electricity Generating capacity	60MW in first phase, 120MW in second phase	25MW
Ash disposal	Valley to west of site	Reuse or disposal to licensed facility
Raw materials	Coal - 20 collieries within 5 miles of site	Biomass and waste wood (local and international sources)
Plant capacity	120 tonnes of coal per hour	800 tonnes wood per day
Stack	Height - 84m	Height - 70m
Cooling tower	Height - 67m	None

RELEVANT HISTORY

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CC

09-1111-92

RE-DEVELOPMENT OF FORMER POWER STATION FOR INDUSTRIAL USAGE UNDER
CLAS B1.B2 & B8 - OUTLINE APPLICATION.

+conditions

10MW EMBEDDED ELECTRICITY GENERATING PLANT

+conditions

BIOMASS POWER REGENERATION PLANT

+conditions

COGENERATION SCHEME COMPRISING

2 GAS TURBINES.2 FIRED

BOILERS, 2 STACKS OF 37M. AND

ANCILLARY PLANT (0.2 HA.)

+conditions

REDEVELOPMENT OF FORMER

RAILWAY SIDINGS FOR

INDUSTRIAL USAGE UNDER CLASS

B1, B2 AND B8

PUBLICITY

The application has been advertised in the press and on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 14 February 2011.

NEGOTIATIONS

Extensive discussions have been held with the applicant and his agent regarding the proposed development and the likely impact on the area. The discussions have covered all the main issues that have been raised especially in respect of traffic movements and the implementation of a new rail link into the site to transport fuel.

Discussions have also taken place between the applicant and the Environment Agency and Countryside Council for Wales.

CONSULTATION RESPONSES

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Councillor M Winter

Councillor Winter has requested that the application be referred to the Committee for the following material planning consideration:-

Increase of traffic on A4063.

Councillor Winter has also requested to speak at Committee.

Head Of Street Scene (Highways)

No objection subject to the applicant entering a Section 106 Legal agreement to provide a contribution of £23,340 towards highway improvements along the A4063 within Coytrahen and Tondy and subject to conditions.

Head Of Street Scene (Drainage)

No objection subject to a condition requiring the submission of a scheme for the comprehensive and integrated drainage of the site.

Group Manager Public Protection

Regulation of the power station during its operational life will fall to the Environment Agency Wales (EAW). This will involve the issuing of a permit under the Environmental Permitting Regulations (England & Wales) 2010. The permitting regime will cover the regulation of emissions to land, air and water and will also deal with issues in relation to waste and noise.

However, noise and vibration control during the construction phase will be regulated by Public Protection. Should planning consent be granted, liaison will take place with those engaged in the construction work to introduce control measures based on the Construction Environmental Management Plan as proposed in para 13.5.1 of the Environment Statement.

An area of land to the south west of the application site was used to deposit a large quantity of pulverised fuel ash (PFA) during the life of the Llynfi Power Station. An incident occurred in 2002 involving slippage of a quantity of the PFA and its eventual deposition in the River Llynfi. There have been no further occurrences to date but the applicant should be advised that should pile driving be involved during construction, careful consideration must be given to any potential effects on the stored material.

Whilst some information has been provided based on available data and the industry profile of the site's previous use, a further ground investigation survey and risk assessment must be carried out to determine the suitability for the proposed end use. Should the survey and risk assessment identify unacceptable levels of contamination, a suitable remediation scheme shall be designed and implemented prior to the land being developed.

Network Rail (Western Region)

No objection in principle provided there is no increase in HGV traffic over any level crossing. Additional comments have been made in relation to safety, abnormal roads, fencing, drainage, ground levels, site layout and plant and equipment.

Countryside Council For Wales

Subject to the implementation of the mitigation and recommendations set out in the submitted biodiversity studies we do not consider the proposed development will result in detriment to the favourable conservation status of European protected species. Therefore, should your Authority

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be minded to grant planning permission, we advise that suitable conditions be attached to the permission to address the provision of bat mitigation measures, namely the construction and retention of an alternative bat roost on the site.

We also advise that a European Protected Species licence is obtained from the Welsh Government under Regulation 53(1)e of The Conservation of Habitats and Species Regulations 2010 prior to works commencing.

Police Architectural Liaison Officer

Advises that adequate security measures should be provided on the site.

Glamorgan Gwent Archaeological Trust

We do not object to the positive determination of the current application, but given that archaeological features could be revealed during the construction work we re-iterate our previous advice for a condition to be attached to any consent granted by your Members to ensure that any archaeological features or finds that are located are properly investigated and recorded. We, therefore, recommend that a condition requiring the applicant to submit a detailed programme of investigation for the archaeological resource should be attached to any consent granted by your Members. This will ensure that there are sufficient resources available to allow for the investigation and recording of any archaeological material impacted upon by the development, and the production of a report containing the results of the work.

Health And Safety Executive

No comments but make the following observations:-

- i) The proposed development attracts general duties under the Health and Safety at Work etc. Act 1974 and more specific duties under its supporting Regulations.
- ii) It is foreseeable that the process described gives rise to the presence of wood dust which is flammable and explosive and will be subject to specific duties under the Dangerous Substances and Explosive Atmospheres Regulations 2002.

REPRESENTATIONS RECEIVED

Judith Morgan, Cefn Ydfa Farm House

Object for the following reasons:-

- i) Application should not be granted unless grampian conditions can be applied.
- ii) A public meeting should be held in Coytrahen.
- iii) There is an impact on the communities of Shwt and Bettws.
- iv) Angling Association should be consulted due to the increase in water temperature.
- v) Community Council should be consulted due to impact on road.
- vi) Construction of roundabout would be on land that I own and I do not wish to sell it.

Diana Mcdougall, The Old Council School

I am a director of the Youth of Bettws, a registered charity involved with local young people. The Youth of Bettws is in the process of building a forty person bunkhouse, funded by the Big Lottery and CFAP to promote outdoor activities amongst a variety of youth groups and bring tourism and employment to the community. I am concerned that the fumes from the Biomass Power Station

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will have a detrimental effect on our new outdoor venture.

Bethan Jenkins Am, 75 Briton Ferry Road

As an Assembly Member for South Wales West, I am objecting for the following reasons:

1. I do not think the economic case has been made for this station or for biomass in general. Biomass fuel is traded as a commodity and, although Morgan Credit Energy (Wales)'s consultants, Sustainable Direction, have assured me that it has a 10-year deal with a Latvian biomass supplier, sourcing fuel will become ever more difficult as more and more biomass stations are completed - and there are several hundred currently under construction in the US alone.

If Morgan Credit Energy (Wales) was to lose its contract, it could find itself competing for materials at a cost beyond the point at which the station could continue as a viable business. At this point, it would run the risk of becoming a white elephant or becoming reliant upon public subsidy. Neither are desirable outcomes for the county borough.

I am also concerned about forested land on the other side of the A4063 from the proposed site. It is my understanding that this land was used for fly ash and as a consequence could be unstable. I would want to know if this has been included in planning deliberations and taken account of.

Paul Hardwick, R P S Planning And Development

Expresses concern about the possible increase in flooding at the Western Power Distribution electricity substation as a result of the proposed development.

Objections Have Been Received From The Occupiers Of, . the following properties:-

3 Greenfield Terrace, Shwt.
24 Maesteg Road, Tonu.
13 Llynfi Street, Tondu.
Bridgehouse, Llangynwyd.
Tredeon, Maesteg Road, Tondu.
Ty Isaf Farm, Coytrahen.
Gelli Las Farm, Coytrahen; and
Home Farm, Coytrahen.
Longacre, Coytrahen.

Their objections can be summarised as follows:-

- i) Impact on properties from noise, smells, smoke and other chemical pollutants and particulate emissions.
- ii) Impact on rural and tranquil setting.
- iii) Impact of extra traffic whether generated by road or rail.
- iv) Visual impact.
- v) Plant is not economically, environmentally or socially acceptable to the area.
- vi) Wood source is not sustainable.
- vii) Impact on wildlife.
- viii) Woodchip is susceptible to spontaneous combustion.
- ix) Impact on local tourism.
- x) Few jobs created.

xi) Noise nuisance created by movement of trains to site.

An objection has also been submitted by the Llynfi Environmental Action Forum (LEAF). The submitted letter contains detailed comments on the proposed development and is reproduced in full as Appendix A to this report.

Additional Representations Have Been Received From The, .

Occupiers of the following properties:-

Heol Coed Leyshon, Coytrahen - Nos. 6-9, 17, 18, 27, 28, 34 and 36.

Heol Cefn Ydfa, Coytrahen - Nos. 2, 3, 7, 8, 16 and 36.

Heol Treharne, Coytrahen - Nos. 1, 2, 8, 9, 12 and 18.

Nicholls Road - Nos. 1, 4 and St Arvans.

Oak Terrace, Coytrahen - Nos. 3 and Heronswood.

Victoria Building, Coytrahen - No.12.

Greenfield Terrace, Shwt - No. 3.

Park Terrace, Tondy - No.47.

The representations have been submitted on a standard form prepared by the Community Council and is reproduced in full below:-

Past objections have centred on the increased volume of traffic and previously a Section 106 agreement was made for traffic calming and a sum of £15,000 was mooted which has increased to £23,000, under the current proposals.

Moving on to the current application which increases the volume of fuel delivery for a 25 MW station, 800 tons per day, and a suggestion by the developer ie:-

. Environmental Sustainability is inherent in the project type, i.e. low carbon renewable energy from Biomass, but more is expected and therefore the project will help environmental sustainability via:

- . Reusing a brown field site;
- . Reinstating a rail transport link for raw material delivery for an adjacent paper mill.

Unless the planning authority imposes a condition upon the consent that the rail link is reinstated and used for delivery of raw materials the developer will transport via the A4063 which runs through the village of Coytrahen and further:-

- . Traffic to and from the site in order to transport biomass fuel and subsequent by-products. Traffic volumes, and the associated noise may increase with the introduction of a large biomass power facility, as the scheme will require a continuous fuel supply; and,
- . Visual intrusion - the plant is an industrial feature with a chimney. In certain weather conditions a plume may be evident from the chimney and/or drying equipment depending upon the design of the equipment.

Dr. John Henry-Looney, Sustainable Direction, stated at the Community Meeting, the power station will not be opened till the rail link is in place (subject to the Planning Authority and Network Rail). An assessment of the noise pollution must be considered and appropriate steps taken.

A Community meeting took place on Friday 1, July, 2011, and the two main concerns were:-

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- i) Highways and the impact of increased vehicular traffic on the busy A4063.
- ii) Rail link must be in place before the plant opens and noise assessment.

COMMENTS ON REPRESENTATIONS RECEIVED

- i) Grampian style conditions can be attached to any consent granted to control various aspects of the development.
- ii) Public meetings were organised by the applicant and were held in Coytrahen in July 2011.
- iii) The proposed biomass plant would not extract any water from the River Llynfi or discharge any water used in the plant into the River Llynfi or any other nearby water course.
- iv) Llangynwyd Community Council has been consulted on the application. Their observations are reproduced at the beginning of this report.
- v) The proposed roundabout is to be constructed on land entirely under the control of the applicant.
- vi) With regards the concerns about highway safety there is no objection from the Highways Section. As the majority of fuel would be imported to the site by rail the impact on communities adjacent to the A4063 would be minimal.
- vii) The concern about a decrease in property value is not a material planning consideration.
- viii) The controls over the operation of the biomass plant would ensure that there would be no significant impact on adjoining communities from noise, smells and smoke.
- ix) Impact on wildlife - see Appraisal section - Policy EV20.
- x) Light pollution - see Appraisal section - Policy EV30.
- xi) Impact on rural setting - see Appraisal section - Policy EV45.
- xii) With regards the concern about the possible spontaneous combustion of the chipped wood fuel, the Health and Safety Executive has advised that the plant would need to comply with the Dangerous Substances and Explosive Atmospheres Regulations 2002.
- xiii) Tourism issues - see Appraisal section - Policy EV45.
- xiv) The possible impact of the development, especially any piling operations, on the fly ash previously deposited in the valley to the west of the site has been assessed by Public Protection They have advised that the developer must assess any impact on this area as part of their Environmental Management Plan.
- xv) The Environmental Statement submitted by the applicant indicates that even with the biomass fuel being imported from sustainable forests in Latvia the carbon footprint of the proposed biomass plant would be less than a comparable sized one fuelled by either natural gas

or LPG.

APPRAISAL

The application is reported to Committee at the request of the Local Member and due to the number of objections received.

Planning consent was granted in July 2000 to construct a 10MW biomass plant on the adjacent paper mill site while a 10MW plant was approved on the former Llynfi Power station site in October 2009. The smaller plant approved in 2009 was proposed to be fuelled by clean wood waste obtained from sawmill discard and other discard from forestry clearance works. The fuel would have been transported to the site by road. The power station would include buildings up to 20m in height with a 30m high chimney.

The consent is still valid and can be implemented and, therefore, should be taken into consideration as a 'fall back' option in assessing the current application. This 'fall back' option is a material planning consideration.

1. National Policy

Planning Policy Wales Edition 4 - February 2011 - Chapter 4 Planning for Sustainability advises:

Para 4.1.6 - 'The planning system has a fundamental role in delivering sustainable development in Wales. It must help in the process of balancing and integrating these objectives in order to meet current development needs while safeguarding those of the future. In particular the planning system, through both development plans and the development control process, must provide for homes, infrastructure, investment and jobs in a way which is consistent with sustainability principles and the urgent need to tackle climate change'.

Para 4.2.1 - 'Tackling climate change is a fundamental part of delivering sustainable development. Climate change is one of the most important challenges facing the world and the Welsh Government has made a commitment to tackling climate change, resolving that the Government and people of Wales will play the fullest possible part in reducing its carbon footprint. Our commitment to action on climate change is based on a scientific imperative to act and to act urgently to reduce greenhouse gas emissions and deal with the consequences of climate change'.

Para 4.2.2 'The Assembly Government has set out to achieve annual carbon reduction-equivalent emissions reductions of 3 per cent per year by 2011 in areas of devolved competence, which include land use planning. We are also committed to achieving at least a 40% reduction in all greenhouse gas emissions in Wales by 2020 against a 1990 baseline. This will assist in making a significant contribution to the UK Carbon Budgets. The Climate Change Strategy for Wales and associated Delivery Plans on Emission Reduction and Adaptation set out how we intend to limit greenhouse gas emissions and adjust to changes in our climate. This includes a specific action to ensure that land use and spatial planning promote sustainable development and enable a move towards a low carbon economy which takes account of future climate impacts'.

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Para 4.8.1 'Previously developed (or brown field) land should, wherever possible, be used in preference to green field sites, particularly those of high agricultural or ecological value.

Technical Advice Note 8 (TAN 8)- Planning for Renewable Energy and TAN 11 - Noise is also relevant. As part of the site is located within an area identified at risk of flooding TAN 15 - Development and Flood Risk is also relevant.

2. Local Policy - Bridgend Unitary Development Plan

Part 1 Policy 19 of the adopted Bridgend Unitary Development Plan (BUDP) states that development for exploitation of renewable energy sources will be favoured where it can be demonstrated that any adverse effect on the best and most sensitive environments (in terms of landscape and scenic architectural and historic, and nature conservation value) would be minimal.

The site is located outside any designated settlement boundary and as such is in the countryside. However, being previously developed, the site is recognised as a 'brown field' site and is allocated for employment purposes (B1 and B2 uses) under Policy E3(16) of the BUDP. A wood burning power station (which is essentially what is proposed), is classed as a B2 use under the Town and Country Planning (Use Classes) Order 1987. The proposed use of the site, therefore, accords with the Development Plan.

Furthermore, there are a range of policies in the UDP which are relevant to the proposed development and which deal with particular issues arising. Some of these policies are criterion based and the proposed development will be assessed against these.

Policy EV7 - of the BUDP - New Development Design, states:-

WHERE DEVELOPMENT IS ACCEPTABLE IN PRINCIPLE IN THE COUNTRYSIDE, IT MUST HAVE A SCALE, SITING, LAYOUT, DESIGN AND EXTERNAL APPEARANCE WHICH WILL:-

1. BE COMPATIBLE WITH THE LANDSCAPE, AND ANY EXISTING RELATED STRUCTURE;
2. MAINTAIN OR ENHANCE, THE QUALITY OF THE ENVIRONMENT; AND
3. SUSTAIN THE BIODIVERSITY OF THE COUNTRYSIDE.

(See assessment under Policy EV45 below)

Policy EV16 - Development in Areas of Flood Risk. This policy states:-

NEW DEVELOPMENT IN AREAS IDENTIFIED AS BEING LIABLE TO FLOODING WILL NOT BE PERMITTED, UNLESS IT CAN BE DEMONSTRATED THAT:-

1. THEY CAN BE PROPERLY PROTECTED BY APPROVED ENGINEERING WORKS AND/OR BY OTHER FLOOD PROTECTION MEASURES;
2. SUCH REMEDIAL MEASURES WILL NOT PUT OTHER AREAS AT RISK FROM FLOODING; AND
3. THE DEVELOPMENT, INCLUDING ANY REMEDIAL MEASURES, CAN BE SYMPATHETICALLY ASSIMILATED INTO THE ENVIRONMENT IN TERMS OF ITS SITING,

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SCALE, DESIGN AND LANDSCAPING, WITHOUT ANY DETRIMENTAL IMPACT ON ACKNOWLEDGED SITES OF ARCHAEOLOGICAL OR HISTORIC INTEREST, AND HABITATS AND SPECIES OF IMPORTANCE TO BIODIVERSITY CAN BE SAFEGUARDED.

A large proportion of the application site lies within zone C2 as defined by the development advice map (dam) referred to under TAN 15 Development and Flood Risk (July 2004). TAN 15 is a guidance document providing technical advice on flooding and development within Wales. TAN 15 advises that development in C2 areas should be restricted to less vulnerable development and that highly vulnerable development should not be considered. TAN 15 identifies power stations as highly vulnerable development.

A Flood Consequence Assessment (FCA) has been carried out to review the consequences of flooding and included a hydraulic modelling study. The study concluded that the site was vulnerable to flooding due to surface water run-off principally in the north western part of the site but also in the vicinity of the south western boundary of the site. A high water table in the area also contributes to surface water flooding. Some flooding from the Nant Cefnydfa to the north of the site was also recorded.

Extensive discussions have been held between the applicant's agents/consultants and the Environment Agency (EA) in respect of the possible flood consequences.

The conclusions reached suggested that site levels should be raised to 68.7m Above Ordnance Datum (AOD) to ensure that vital areas of the plant, including the access road, would not be affected by flooding. The submitted plans show some items of plant that are located within the flood plain being raised on stanchions. The site levels would be raised using the existing waste/demolition materials on the site and as such the impact on flooding would not be increased.

With regards the concerns about an increase in flooding to the adjacent electricity sub-station, the EA has advised that there would not be an increased risk of flooding at the site as a result of the proposed development.

Following adjustment to the FCA as recommended by the EA, the EA has offered no objection to the proposed development subject to 10 conditions, which in addition to flooding also cover groundwater contamination, biodiversity, waste management and water management.

Policy EV20 states:- PROPOSALS FOR DEVELOPMENT OR REDEVELOPMENT WILL BE REQUIRED TO:-

1. RETAIN WHEREVER POSSIBLE AND/OR TRANSLOCATE OR REPLACE WHERE APPROPRIATE EXISTING WOODLAND, TREES, HEDGEROWS, WETLANDS, WATERCOURSES, PONDS, GREEN LANES, GEOLOGICAL FEATURES AND OTHER NATURAL FEATURES OR HABITATS OF NATURE CONSERVATION INTEREST, AND SAFEGUARD THEM DURING ANY DEVELOPMENT WORKS;
2. CONSERVE THOSE HABITATS LISTED IN (1) ABOVE OR, WHERE NECESSARY, PROVIDE FOR MITIGATION OR COMPENSATORY MEASURES IN ORDER TO SECURE BIODIVERSITY, IN ACCORDANCE WITH ANY APPROPRIATE PLANNING CONDITIONS/OBLIGATIONS REGARDING THEIR FUTURE MANAGEMENT;
3. INCORPORATE APPROPRIATE NATIVE VEGETATION IN ANY LANDSCAPING OR PLANTING SCHEME, EXCEPT WHERE SPECIAL REQUIREMENTS IN TERMS OF THEIR PURPOSE OR LOCATION DICTATE OTHERWISE;

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4. MAXIMISE THE POSSIBLE AREA OF PERMEABLE GROUND SURFACE TO ASSIST PROPER SURFACE WATER DRAINAGE, WHILST SUPPORTING THE PLANTING OR REPLACEMENT OF EXISTING HABITATS; AND

5. AVOID OR OVERCOME HARM TO ANY ADJACENT NATURE CONSERVATION RESOURCE, AND/OR SPECIES OF WILDLIFE WHICH MAY BE EITHER RESIDENT IN-SITU OR WHICH CAN BE DEMONSTRATED TO HAVE FREQUENTED HABITATS WITHIN THE SITE ON A MIGRATORY BASIS.

The application site, which was previously occupied by a coal fired power station, includes a series of partially derelict buildings and underground coal bunkers. Piles of rubble cover most of the central part of the site while the disused rail head is located at the south west part of the site. The boundaries of the site grade into woodland and scrub cover extending away from the site on all sides.

The habitat survey undertaken identified seven habitat types on the site including broad leafed semi natural woodland, dense/continuous scrub, improved grassland, spoil, tall ruderal (herb based plants), running water, buildings and bare ground and hard standings. From these, the most ecologically significant are the broad-leaved, semi-natural woodland and running water (River Llynfi). The trees on site are mainly naturally regenerated birch and alder, and are mostly relatively young at perhaps 12-15 years old. The understorey and ground flora is sparse and, in many places, is overgrown with dense stands of Himalayan balsam and Japanese knotweed. In several areas the woodland contains pools of standing water and such areas have been assessed as qualifying as wet woodland.

The presence of the extensive and abundant cover of the invasive alien weed species, Himalayan Balsam and Japanese Knotweed is an undesirable characteristic of the site. The EA have recommended a condition requiring a method statement to be agreed on how to deal with these weeds.

There is also some known contamination at the site consisting of hydrocarbon oils remaining from the former power station and again the EA has suggested appropriate conditions to deal with this.

The proposal would result in the removal of approximately 62% of the trees present on the site for the construction of the plant, the rail head facility and the access road/roundabout. Woodland areas adjacent to the River Llynfi would be retained and managed to improve their habitat value. The submitted landscape assessment has suggested mitigation measures which include additional tree planting and enhancement of retained woodland areas.

Surveys were undertaken to assess the presence of a range of species on the site and in the adjoining River Llynfi. These species included bats, dormice, otter, crayfish and breeding birds. The results of these surveys were discussed extensively with the Countryside Council for Wales (CCW) and the EA.

Bats

Bats were found to be present in the buildings on the site, using them as roosts, although evidence shows that some buildings have the potential for bats to hibernate in them. The woodland and woodland edge areas are potential foraging areas for bats although as the site lacks mature trees there was no evidence of bat roosts in trees.

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In order to demolish the remaining buildings on site a licence has been granted to the applicant by the Welsh Government to deal with the bats before demolition continues. As a mitigation measure it is proposed to construct a bat roost building on the site which can also be used as a winter hibernation roost.

Dormice

The Phase 1 habitat survey has indicated that the woodlands within the development site have the potential for dormice. Dormice surveys were undertaken during the summer of 2011, however, no dormice nests or small mammal nest of any type were recorded.

Otter

Otter has been previously recorded along the lower reaches of the River Llynfi. Otter surveys were carried out in September/October 2010 confirming otter presence on the river although no holts (ie resting and breeding places) were found.

Crayfish

The River Llynfi provides habitat that appears suitable for the native white clawed crayfish, a species of high conservation interest. Surveys in October 2010 did not find any evidence of crayfish.

Birds

The Llynfi Valley is particularly important for birds of prey while the river is known to support dippers, kingfishers and grey wagtails. Swallows are known to nest within the buildings on site. Other birds recorded during the habitat survey included dunnoek, green woodpecker and song thrush.

A breeding bird survey was undertaken during the period April to June 2010 and 40 species were recorded overall. Relatively few species were recorded nesting within the application site but swallows and song thrush were recorded.

Mitigation measures suggested to reduce any possible impacts on these identified habitats and species include retention of as much woodland as possible, landscaping, prevent any development within 8m of the River Llynfi, ensure illumination on the site does not excessively illuminate woodland areas and design in measures to plant and equipment to reduce noise levels.

Policy EV27 of the BUDP states:-

DEVELOPMENT PROPOSALS WHICH ARE LIKELY TO GENERATE SIGNIFICANT LEVELS OF NOISE, OR WHICH WOULD RESULT IN THE EXPOSURE OF A NOISE-SENSITIVE DEVELOPMENT TO AN EXISTING SOURCE OF NOISE, SHALL:-

- 1. BE ACCOMPANIED BY APPROPRIATE AND INDEPENDENT NOISE IMPACT ASSESSMENTS UPON EXISTING AND/OR PROPOSED DEVELOPMENT; AND**
- 2. INDICATE THE MEASURES WHICH ARE PROPOSED TO MITIGATE THE IMPACT OF EXISTING AND PROPOSED NOISE GENERATION.**

Policy EV28 of the BUDP states:-

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DEVELOPMENT PROPOSALS WHICH, EVEN AFTER MITIGATION MEASURES ARE TAKEN INTO ACCOUNT, WOULD STILL HAVE AN UNACCEPTABLY NOISY IMPACT, OR WHICH WOULD, THEMSELVES, SUFFER FROM UNACCEPTABLE EXPOSURE TO NOISE, WILL NOT BE PERMITTED.

TAN 11 - Noise is also relevant.

Regulation of the proposed power station during its operational life will fall to the EA via an Environmental Permit. However, noise and vibration control during the construction stage will be regulated by Public Protection. This would require liaison between those engaged in the construction work to introduce control measures based on the Construction Environmental Management Plan contained in the Environmental Statement.

The Environmental Statement included a noise assessment. The existing noise levels in the area were measured at 4 locations in September and October 2010 both during the day and night and predictions of noise levels were made at nearby properties.

The proposal involves the transport of the biomass fuel to the site by rail and Network rail would provide a new siding into the site off the Bridgend to Maesteg line. Due to the existing train passenger timetable for this line, Network Rail initially advised that deliveries and unloading could only be undertaken overnight. However, in view of concerns raised by Public Protection regarding the possible noise impact from this activity further discussions took place and it was concluded that although the train would still have to arrive before the regular passenger services began in the morning and leave the site after the final evening passenger train service, unloading could be carried out during the day. The applicant was advised of the need to provide a noise assessment of these operations and to assess the possible impact on any adjacent residents.

The initial noise assessment submitted included predicted noise levels for the unloading operation and the likely impact on the area. The results suggested that there could be an unacceptable impact but concluded that the noise levels could be mitigated. However, that initial report did not give any details of noise mitigation measures. Public Protection advised that details of mitigation would be required to demonstrate that noise levels would not be significant in the locality.

An additional noise assessment was subsequently submitted which was specifically in respect of the unloading of fuel from the trains. The submitted scheme also included details of a barn like structure constructed over the unloading facility to reduce noise levels from the operations. The unloading structure would have dimensions of 30m x 20m with a pitched roof reaching a height of 12m.

Public Protection has advised that it is essential that any mitigation measures are completed prior to the plant becoming operational. They have also advised that the arrival and departure of fuel trains should be restricted to between 5.30am and 12 midnight and that a specific type of locomotive be used which is significantly quieter than the previous locomotive proposed. A condition limiting noise levels from the unloading operations has also been suggested.

Policy EV29 of the BUDP relating to external lighting states:-

EXTERNAL LIGHTING OF NEW DEVELOPMENTS WILL BE PERMITTED ONLY WHERE THE DEVELOPER HAS DEMONSTRATED THAT:-

1. IT IS AN ESSENTIAL REQUIREMENT OF THE DEVELOPMENT;

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2. THE PROPOSED SCHEME OF LIGHTING IS THE MINIMUM NEEDED TO SERVE ITS APPROVED PURPOSE;
3. LIGHT SPILLAGE WILL BE MINIMISED THROUGH THE USE OF LIGHTING OF APPROPRIATE DESIGN AT SUITABLE LOCATIONS;
4. IT WILL NOT COMPROMISE PEDESTRIAN/HIGHWAY SAFETY THROUGH DAZZLING EFFECTS OR DISTRACTION TO PEDESTRIANS, CYCLISTS OR DRIVERS USING FOOTPATHS, CYCLEPATHS OR ROADS;
5. THE LOCATION, DIRECTION, AND HOURS OF ILLUMINATION WILL BE APPROPRIATELY CONTROLLED IF THE PROPOSAL IS TO BE SITED WITHIN, OR NEAR TO, EXISTING OR PROPOSED RESIDENTIAL PROPERTIES AND DEVELOPMENT;
6. THERE WILL BE NO UNACCEPTABLE EFFECTS ON THE VISUAL CHARACTER OF EITHER THE URBAN AND RURAL ENVIRONMENT OF THE COUNTY BOROUGH - THIS WILL BE OF PARTICULAR SIGNIFICANCE TO THE ASSESSMENT OF PROPOSALS IN THOSE AREAS WHICH CURRENTLY ENJOY 'DARK SKIES', WHICH WILL BE CONSERVED WHEREVER POSSIBLE;
7. THERE WILL BE NO ADVERSE IMPACT ON SITES OR SPECIES OF ACKNOWLEDGED IMPORTANCE FOR NATURE CONSERVATION; AND
8. IN THE COUNTRYSIDE, AND AT THE EDGE OF SETTLEMENTS, SUITABLE LANDSCAPING MEASURES WILL BE TAKEN TO SCREEN LIGHTING FROM NEIGHBOURING AREAS, DWELLINGS AND AGRICULTURAL BUILDINGS.

As the site is located in the countryside, the main impact of any illumination on the site would be on wildlife, although there may be some impact on the occupiers of the nearest residential property, Ty Isaf Farm which is located approximately 300m to the east of the site. The EA has recommended a condition that details of all illumination should be submitted and agreed to ensure that lighting levels do not affect wildlife. The scheme should ensure that lighting levels within 15m of adjacent watercourses are maintained at background levels. The scheme can also be assessed to avoid any light spill that could affect nearby properties.

Policy EV30 of the BUDP states:-

PROPOSALS FOR DEVELOPMENT WHICH ARE LIKELY TO EMIT POLLUTING SUBSTANCES WILL NOT BE PERMITTED IN LOCATIONS WHERE THEY WOULD HAVE AN ADVERSE EFFECT ON THE OCCUPIERS AND USERS OF NEIGHBOURING LAND USES, UNLESS MITIGATION MEASURES CAN BE PUT IN PLACE.

PROPOSALS FOR RESIDENTIAL DEVELOPMENT, OR FOR OTHER SENSITIVE USES SUCH AS HEALTH OR EDUCATION, WILL NOT BE PERMITTED IN CLOSE PROXIMITY TO LAND USES EMITTING POLLUTING SUBSTANCES, UNLESS EFFECTIVE MITIGATION MEASURES CAN BE PUT IN PLACE.

MAJOR DEVELOPMENT PROPOSALS WHICH WOULD BE HARMFUL TO AIR QUALITY BY VIRTUE OF THE ADDITIONAL NEW TRAFFIC MOVEMENTS THEY WOULD GENERATE, WILL NOT BE PERMITTED UNLESS ACCOMPANIED BY EFFECTIVE MITIGATION MEASURES.

The plant would be designed to comply with the Large Combustion Plant Directive and The

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Waste Incineration Directive. In addition, the operation of the biomass plant would require the developers to obtain a permit from the Environment Agency. This would ensure that any emissions from the site would be controlled within acceptable limits. The applicant has advised that due to the safeguards to control emissions, there would not be any plumes of smoke from the exhaust stacks although some emissions of steam may occur and be visible during certain weather conditions.

The site is not in an Air Quality Management Area.

Concerns have been raised that the plant could be used to incinerate other wastes however, the applicant has confirmed that the plant would not be designed to incinerate any other type of waste. In addition, the EA would have to agree to any change in the biomass fuel.

Policy EV45 of the BUDP states:-

NEW DEVELOPMENT WHICH ACHIEVES A GOOD STANDARD OF DESIGN BY:

1. HAVING A CONSISTENT STYLE OR CHARACTER;
2. RESPECTING THE CONTEXT OF THE DEVELOPMENT;
3. BEING APPROPRIATE TO THE SCALE AND PROMINENCE OF THE DEVELOPMENT;
4. INCORPORATING THOSE EXISTING FEATURES OF THE SITE THAT ARE IMPORTANT TO THE LOCAL ENVIRONMENT, INCLUDING ITS TOPOGRAPHY, BIODIVERSITY, AND STRUCTURES OF HISTORIC INTEREST;
5. USING SITING, LAYOUT, FORM, MATERIALS, AND ARCHITECTURAL DETAIL, AND PUBLIC ART, TO CREATE A NEW, OR ENHANCE AN EXISTING, SENSE OF PLACE;
6. REASONABLY PROTECTING THE RESIDENTIAL AMENITY OF NEIGHBOURS, INCLUDING PRIVACY, A QUIET ENVIRONMENT, DAYLIGHTING AND SUNLIGHTING;
7. BEING COMPATIBLE WITH THE ADEQUATE PROVISION OF AMENITIES (INCLUDING OPEN SPACE) FOR RESIDENTS OR USERS OF THE DEVELOPMENT;
8. BEING COMPATIBLE WITH THE CREATION OF AN ENVIRONMENT WHICH IS SAFE, FRIENDLY TO THE DISABLED, SUSTAINABLY ACCESSIBLE, MANAGEABLE, AND POLLUTION-FREE;
9. BEING COMPATIBLE WITH THE USE OF SUSTAINABLE METHODS OF CONSTRUCTION, MATERIALS, ENERGY CONSERVATION, AND WATER MANAGEMENT;

WILL BE PERMITTED.

Although the site is in a rural setting, it was previously occupied by a coal fired power station which remained operational until 1977 and which included 2 large cooling towers (67m high) and 2 chimneys (84m high). The plant was visible in the landscape, especially when viewed from the higher ground to the east and west of the site. The cooling towers and chimneys were demolished in 1979 although the demolition material has been left on site. The site is, therefore considered to be a 'brownfield' site.

The biomass proposal approved in 2009 was for a smaller plant than the one currently proposed

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but still included buildings up to a height of 20m with a chimney extending up to 30m. Again this plant would have been visible in the landscape but was considered acceptable.

Due to the demolition material being left on site it is proposed to level out the material to create a plateau set at 68.7m above ordnance datum (AOD) on which the plant would be built. This level has been set to overcome any possible flooding of the site identified in the submitted Flood Consequence Assessment.

The proposed power station would be designed with its main plant building being between 24m and 30m in height. Two exhaust stacks would be required and each of these would be 70m high and as such would be the most noticeable feature on the site. The buildings would be finished in composite cladding panels in a colour to be agreed. The choice of the materials of construction would also be important in reducing the visual impact of the plant.

Although the stacks are proposed to be 70m high, their design height exceeds the height that may be required to comply with the Environment Agency's Permit requirements which is 56m. However, this cannot be confirmed until the Permit has been issued. A condition can be attached to any consent granted requiring a final agreement on the height of the chimney stacks

A visual impact assessment forms part of the submitted Environmental Statement. The assessment was carried out using information from the LANDMAP database which includes categories covering geological, habitat, historical, visual and sensory and cultural landscape. The assessment also included a photographic viewpoint section showing views of the site from various locations taken during both the summer and winter periods. The impact of the different phases of the development, namely the construction phase, operation phase and decommissioning phase were also considered.

Due to the position of the site within a valley, the proposed plant would be partially screened from the A4063 by existing vegetation, although this may not be as effective during winter when the trees are bare. Views from the Bridgend to Maesteg railway line would also be available but these would be brief glimpses as the train passed.

There would also be a visual impact during the construction of the new roundabout on the A4063, although this would only be temporary.

The main visual impact from the proposed plant would be from elevated areas to the west and east of the site and especially from Ty Isaf Farm some 300m to the east. Currently, the existing Georgia Pacific paper mill is clearly visible from this farm, especially the exhaust chimney.

Long distance views of the site would also be available from parts of Bettws to the east of the site.

The site would also be seen from adjacent public footpaths, especially Garw Valley Footpath GWV/32/1 and 2 to the east of the site and Llangynwyd Lower Footpath LDL/3/2 to the west of the site. Glimpses of the site would be available from the Community Route to the east of the site but only via field gateways while the Community Route to the west of the site runs through wooded areas which screen views of the application site.

Although the area attracts walkers and cyclists it is considered that the proposed development would not significantly impact on the visual amenity of the users of these facilities bearing in mind the existence of the Paper Mills to the north of the site and the existing derelict nature of the site.

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Concerns have been raised about the sustainability of the biomass plant especially with the proposal involving the importation of fuel from Latvia. Concern has also been raised about the long term security of supply of the material.

The applicant has advised that the wood chip fuel would be sourced in and around Latvia from sustainably managed forests. A minimum 15 year contract of supply has been agreed in principle. However, as security of supply will always be an issue, a proposed 'fall back' would be to obtain wood chip from North America. The same argument applies to the importation of fossil fuel sources such as coal, oil and gas.

The applicant has advised that the use of rail transport for fuel delivery allows a flexibility to bring loads to the power station from ports and other infrastructure connections.

The applicant has calculated the carbon footprint of the proposed biomass plant and compared it with power stations using other fuels. The calculation shows that the carbon footprint of the proposed Llynfi plant as being 0.091kg CO₂ /kWh. This carbon footprint calculation includes Scopes 1-3, ie direct emissions, indirect emissions, and third party emissions (i.e. from transport). A number of assumptions were used which are outlined in the Air Emissions Chapter (Chapter 6 of the Environmental Statement). These included that the woodchip would be brought over to Newport from a Latvian port by container ship.

UK standard grid electricity Scope 1 and 2 emissions alone are calculated by Defra as being 0.54 CO₂ /kWh. This calculation does not include third party emissions such as transportation of fuel, whereas the Llynfi calculation does. The UK standard grid is a mixture of gas, oil and coal, as well as a few renewables, so although the comparison is not direct, it demonstrates that even with the emissions required to deliver biomass to the power station from Latvia, the carbon emissions per kWh that the Llynfi plant would produce is substantially lower.

A similar calculation can be conducted should the wood chip be sourced from the USA or Canada. Using the same assumptions as for the Latvia calculation (a medium cargo vessel and total biomass requirements) the emissions, expressed in kg CO₂ per kWh produced, is 0.11kg/CO₂. This is again much less than the grid average of 0.54 CO₂ /kWh.

Policy E13 of the BUDP states:-

INDUSTRIAL DEVELOPMENTS WHICH MIGHT CAUSE POLLUTION OR POSE A RISK TO HEALTH AND SAFETY WILL ONLY BE PERMITTED IF IT CAN BE DEMONSTRATED THAT INDUSTRIAL OPERATIONS, AND ANY EMISSIONS, CAN BE MONITORED AND CONTROLLED TO MEET ENVIRONMENTAL QUALITY STANDARDS AND OBJECTIVES.

The impact of any pollution has been addressed under Policy EV30 above.

Policy T2 of the BUDP states:-

PROPOSALS FOR MAJOR DEVELOPMENT OR DEVELOPMENT LIKELY TO GIVE A MATERIAL INCREASE IN OR MATERIAL CHANGE IN THE CHARACTER OF TRAFFIC ON THE NETWORK SHOULD BE ACCOMPANIED BY A TRANSPORT ASSESSMENT. WHERE THIS DEMONSTRATES THAT A PROPOSAL WOULD HAVE AN ADVERSE EFFECT ON HIGHWAY SAFETY OR THE QUALITY OF THE ENVIRONMENT, AND WOULD FAIL TO PROVIDE CONVENIENT ACCESS BY A CHOICE OF TRAVEL MODE, THE SCOPE FOR OVERCOMING THE PROBLEM(S) BY PROVIDING THE FOLLOWING SHOULD BE INVESTIGATED AND SECURED:

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1. ROAD SAFETY FEATURES;
2. CYCLING FACILITIES;
3. PEDESTRIAN MOVEMENT;
4. PUBLIC TRANSPORT FACILITIES;
5. SPEED CONTROL FEATURES; AND
6. ENVIRONMENTAL IMPROVEMENTS.

Policy T3 of the BUDP states:-

DEVELOPMENT WHICH ENCOURAGES THE USE OF RAIL-BASED PUBLIC TRANSPORT, INCLUDING FREIGHT MOVEMENTS, WILL BE FAVOURED.

Policy T13 of the BUDP states:-

THE FOLLOWING TRANSPORT CORRIDORS ARE IDENTIFIED AS THE MAIN ROUTES IN THE COUNTY BOROUGH FOR THE MOVEMENT OF PEOPLE AND GOODS. DEVELOPMENT WHICH WOULD:-

(A) ADVERSELY AFFECT SAFE AND EFFICIENT MOVEMENT IN THESE CORRIDORS, AND/OR

(B) WOULD CREATE OR EXACERBATE HARM TO THE ENVIRONMENT ALONG THEM, AND

(C) WOULD NOT BE CAPABLE OF MITIGATION;

WILL NOT BE PERMITTED. THE CORRIDORS ARE:

... T13(2) LLYNFI

The proposed biomass plant would be fuelled by 300,000 tonnes of wood waste per year, the majority of which would be transported to the site from Newport Docks by rail. The proposal also involves the construction of a new roundabout at the site entrance on the A4063.

Although the preferred transportation method is rail, a Transportation Assessment (TA) was submitted with the planning application which assessed the movement of heavy vehicles transporting fuel to the site and the likely impact of this on the highway network. The TA indicated that without a rail option, when the proposed plant operated at maximum capacity, some 52 daily two way movements would be required to import the fuel (ie 52 incoming and 52 outgoing). With a rail option, this figure would be reduced to 10 vehicles per day. Some 36 staff and light trade vehicles would access the site every day, irrespective of which transportation option was utilised.

Traffic accessing the site during the construction phase was also assessed and it was estimated that this would be no greater than that estimated for the operational phase, but is likely to be substantially less.

The Highways Section assessed the TA and concluded that the proposal would result in the increase in the number of heavy goods vehicles travelling along the A4063, particularly to the

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south through the residential areas of Coytrahen and Tondy. As a result the Highway Authority commissioned a feasibility study to investigate the potential for highway safety improvements along the A4063 between Tondy and Maesteg. The findings identified a number of highway improvement measures that could be implemented. With particular reference to the section between Tondy and the site, the measures included improved road carriageway markings, enhanced street lighting, providing vehicle activated speed signs, improved safety barriers, alterations to speed limits, improved junction alignments etc.

The extant consent on the site granted under application P/05/0364/FUL required the applicant to enter into a S106 Agreement to provide a contribution of £15,000 towards highway safety and traffic calming measures along the A4063 within Coytrahen and Tondy. In assessing the current scheme Highways have concluded that taking into account the increase in material and labour costs, the applicant should enter into a Section 106 Agreement to provide a contribution of £23,340.09. Subject to this S106 Agreement and to a set of conditions, the Highway Section has raised no objection to the proposal.

As highlighted previously, the preferred transportation option is to transport the fuel to the site by rail, therefore, significantly reducing the need for the use of lorries. The applicant has been in discussion with Network Rail regarding the construction of the new rail sidings and especially in respect of the timing of its construction. Initially Network Rail advised that they would not be able to complete the new sidings until some 12 months after the anticipated commissioning date of the biomass plant. The applicant advised that in that situation, the plant would only operate at 50% capacity until the sidings were operational. This would result in some 26 heavy lorry movements to and from the site every day, which equates to the anticipated number of vehicle movements associated with the operations permitted under the extant consent.

More recent discussions between the applicant and Network Rail has suggested that the new rail sidings could be in place before the biomass plant is commissioned. However, with any third party involvement it is difficult to be completely certain when the works would be completed.

Due to the existing hourly passenger service on the line, Network Rail originally advised that any train transporting fuel to the site would have to arrive and be unloaded overnight. Due to concerns about noise disturbance further discussions took place and it was concluded that although the train would still have to arrive before the regular services began and leave the site after the final evening train service, unloading could be carried out during the day.

CONCLUSION

This application is recommended for approval because the development, using a sustainable energy source, complies with the Welsh Government's aims in delivering sustainable development and reducing carbon emissions in Wales. It also complies with Council policy and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

The development will make a significant contribution to the provision of sustainable energy generated within the County Borough.

RECOMMENDATION

(A) The applicant shall enter into a Section 106 Agreement to:-

- i) Contribute a sum of £23,340.09 (indexed linked from January 2012) as a contribution to

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highway improvements in Coytrahen and Tondy prior to the commencement of any work on the site.

ii) Restrict the output of power from the biomass plant to 50% of its capacity until the rail link to the site is operational and being used for the delivery of a minimum of 50% of the biomass fuel.

iii) Only use a Class 66 type locomotive, or one with an equivalent or lower operational noise level, to deliver biomass fuel to the site or remove waste ash from the site.

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to the following conditions:-

- 1 Notwithstanding the submitted information, no development shall take place until a detailed specification for, or samples of, the materials and finishes to be used in the construction of the external surfaces of the biomass plant and associated buildings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason : To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

(Policies EV7 and EV45 Bridgend Unitary Development Plan)

- 2 Notwithstanding the submitted information no development shall commence on site until details of the final height of the exhaust stacks have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:- In the interests of visual amenity.

(Policies EV7 and EV45 Bridgend Unitary Development Plan)

- 3 Notwithstanding the submitted information no development shall commence on site until details of the rail unloading facility, including any enclosures or buildings to be erected, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

Reason:- In the interests of visual amenity.

(Policies EV28, EV29 and EV45 Bridgend Unitary Development Plan)

- 4 No lorries delivering construction material or biomass fuel shall enter or leave the site outside the following times:

07.00 - 19.00 Monday to Friday

07.00 - 13.00 Saturdays

and not at all on Sundays and Bank Holidays

Reasons:- In the interests of residential amenity.

(Policies EV27, EV28 and EV45 Bridgend Unitary Development Plan)

- 5 No trains delivering biomass fuel shall enter or leave the site outside the following times:-

05.30 - 12 midnight - Mondays to Friday
and not at all on Saturdays, Sundays and Bank Holidays.

Reason:- In the interests of residential amenity.

(Policies EV27, EV28 and EV45 Bridgend Unitary Development Plan)

- 6 The unloading of the trains delivering biomass fuel shall only take place between the following times:

08.00 hours to 18.00 hours - Monday to Friday
and not at all on Saturdays, Sundays or Bank Holidays.

Reason:- In the interests of residential amenity.

(Policies EV27, EV28 and EV45 of the Bridgend Unitary Development Plan)

- 7 Rating level (LArTr) from the unloading of fuel when using the methodology in BS4142 at the boundary of any noise sensitive receptor shall not exceed the pre-existing background level (LA90T) by more than 3dB.

Reason:- In the interests of residential amenity.

(Policies EV27, EV28 and EV45 of the Bridgend Unitary Development Plan)

- 8 No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme which shall include, proposals for surface treatment, indications of all existing trees and hedgerows on land, and details of any to be retained, together with measures for their protection in the course of development. All hard and soft landscape works shall be carried out in accordance with the agreed details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason : To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

(Policies EV20 and EV45 Bridgend Unitary Development Plan)

- 9 No development shall take place until a schedule of landscape maintenance for a

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minimum period of 5 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the agreed schedule.

Reason : To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

(Policies EV20 and EV45 Bridgend Unitary Development Plan).

- 10** No development shall take place until there has been submitted to and agreed 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 in accordance with a timetable to be agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed plan and timetable.

Reason : To ensure that the general amenities of the area are protected.

(Policy EV45 of Bridgend Unitary Development Plan).

- 11** No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard water will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented prior to the development being brought into beneficial use.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is adequately managed.

(Policy EV17 Bridgend Unitary Development Plan)

- 12** All detailed commitments and actions relating to flood control, safety and prevention as stated within the Flood Consequence Assessment (FCA) study, prepared by Katherine Colby and submitted in support of this application shall be implemented prior to the beneficial use of the approved development.

Reason:- To prevent the increased risk of flooding and to comply with the criteria of TAN15.

(Policy EV17 Bridgend Unitary Development Plan)

- 13** Prior to the commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A preliminary risk assessment which has identified:-
 - a) all previous uses;
 - b) potential contaminants associated with those uses;
 - c) a conceptual model of the site indicating sources, pathways and receptors;

- d) potentially unacceptable risks arising from contamination at the site;
- ii). A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii). The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of any remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Development shall be carried out in accordance with the agreed details

Reason:- To prevent pollution.

(Policy EV17 Bridgend Unitary Development Plan)

- 14** Prior to occupation of any part of the development hereby permitted, a verification report demonstrating completion of any works identified in the approved remediation strategy required by Condition 13 and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. If necessary it shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason:- To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality.

(Policy EV17 Bridgend Unitary Development Plan)

- 15** Reports on any monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan required to be submitted under Condition 14 shall be submitted to the Local Planning Authority. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reasons:- To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

(Policy EV17 Bridgend Unitary Development Plan)

- 16** If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until an amendment to the remediation strategy detailing how this unsuspected contamination has been dealt with

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has been submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the amended remediation strategy approved.

Reason:- Given the size and complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

(Policy EV17 Bridgend Unitary Development Plan)

- 17** No piling or any other foundation designs using penetrative methods shall take place on the site until a scheme has been submitted to and approved in writing by the Local Planning Authority which demonstrates that there would be no resultant unacceptable risk to groundwater.

Reason:- There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

(Policy EV17 Bridgend Unitary Development Plan)

- 18** No development shall take place on site until details of all external lighting at the site have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the specifications, location and direction of all external artificial lights and shall be designed to ensure that the lighting levels within 15 metres of the top of bank of adjacent watercourses are maintained at existing background levels.

Reason:- To minimise light spill from the site in the interest of biodiversity and visual amenity.

(Policies EV20 and EV29 Bridgend Unitary Development Plan)

- 19** Prior to the commencement of development, a detailed method statement for the removal or long-term management/eradication of Japanese Knotweed and Himalayan Balsam on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed and Himalayan Balsam during any operations such as mowing, strimming or soil movement and measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall be carried out in accordance with the approved method statement.

Reason:- In the interests of ecology and visual amenity.

(Policy EV20 and EV45 Bridgend Unitary Development Plan)

- 20** The bat mitigation measures outlined in sections C1.3 (New Roost Creation) of the Old Llynfi Power Station Bat Method Statement submitted in September 2011 shall be implemented in accordance with the timetable of works under Section E of the statement or in accordance with a revised timetable to be submitted to and agreed in

writing with the Local Planning Authority.

Reason:- In the interests of ecology.

(Policy EV20 and EV45 Bridgend Unitary Development Plan)

- 21** No development shall take place until a scheme for the provision and management of compensatory habitat creation has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

Reason:- In the interests of biodiversity.

(Policy EV20 Bridgend Unitary Development Plan)

- 22** The consent hereby granted shall be limited to the delivery of 300,000 tonnes of raw material per annum which shall comprise of clean, chipped timber only.

Reason: To protect the safety and free flow of traffic on the surrounding highway network.

(Policy T2 Bridgend Unitary Development Plan)

- 23** No works whatsoever shall commence on site until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority showing a roundabout controlled junction on Route A4063 at the site access as indicated on the general (illustrative) arrangement drawing P103132A1101/1. The scheme shall include the stopping up of the existing vehicular accesses onto the A4063 and the reinstatement of the highway verge. The approved scheme shall be completed before the beneficial use of the development hereby permitted, commences.

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

- 24** Notwithstanding the submitted drawings, no works shall commence on site until engineering details of the roundabout controlled junction and associated roadworks with sections, street lighting, surface water drainage, visibility splays, forward visibility zones and lane widening and highway retaining structures (embankments or walls) have been submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented in accordance with the approved details prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

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- 25** The access road shall be laid to a width of 6.75 metres complete with turning facilities and 1.8 metre footways with a localised narrowing at the rail bridge, and shall be completed as approved in a manner to be agreed in writing with the Local Planning Authority. The works shall then be implemented as approved prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

- 26** No development shall commence until details of the permanent materials for completing the approved access, parking and turning areas have been submitted to and agreed by the Local Planning Authority. Such works shall be completed in accordance with the details prior to the approved development being brought into beneficial use.

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

- 27** No development shall commence until a scheme for the provision of temporary traffic management during the works along the A4063 has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before and retained through the duration of the works to improve the highway.

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

- 28** No development shall commence on site until details of facilities for wheel cleansing have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided, as approved, before works commence on site and shall be retained as such during the demolition, excavation and construction works.

Reason: In the interests of highway safety by preventing mud and debris from being carried out onto the existing maintainable highway.

(Policy T2 Bridgend Unitary Development Plan)

- 29** No development shall commence until details of highway surface water drainage have been submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

- 30** No works whatsoever shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority showing a 40mph restriction in speed limit on Route A4063 in the vicinity of the new roundabout. The submitted scheme shall include all appropriate signing, carriageway markings and speed reduction measures. The approved scheme shall be fully implemented before the roundabout is brought into beneficial use.

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

- 31** No works shall commence on site until such time as a scheme of public transport improvements to be undertaken in the immediate area (150m either side) of the site access have been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall include details of shelters, signing and a new layby along the northbound carriageway as shown on the submitted plan No. P103132A/101/1 together with pedestrian crossing facilities including tactile paving on the northbound arm of the new roundabout and tactile paving at the access on the southbound lane of the A4063. Development shall be carried out in accordance with the approved scheme prior to the development being brought into beneficial use.

Reason: In the interest of highway, safety and the promotion of sustainable transport options.

(Policy T2 Bridgend Unitary Development Plan)

- 32** No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The approved programme shall be implemented during the development of the site.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

(Policy EV43 of the Bridgend Unitary Development Plan)

- 33** No development shall take place within the site until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To secure the provision of archaeological excavation and the subsequent recording of non-replacement archaeological assets.

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(Policy EV44 of the Unitary Development Plan)

- 34** No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall be constructed in accordance with the design and constructional details so certified.

Reason: In the interests of safety.

(Policy EV45(8) of the Bridgend Unitary Development Plan)

- 35** There shall be no external storage of biomass fuel or waste products on the site.

Reason:- In the interests of the general amenities of the area.

(Policy EV45 Bridgend Unitary Development Plan)

- 36** Notwithstanding the submitted details no development shall commence on site until full details of the external appearance of the conveyor systems, utility gantry and air cooled condensers have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:- In the interests of visual amenity.

(Policy EV45 Bridgend Unitary Development Plan)

THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) This application is recommended for approval because the development, using a sustainable energy source, complies with the Welsh Government's aims in delivering sustainable development and reducing carbon emissions in Wales. It also complies with Council policy and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

The development will make a significant contribution to the provision of sustainable energy generated within the County Borough.

b) The Highway Authority will require the developer to enter into a legally binding agreement to secure the proper implementation of the proposed highway works including an appropriate bond

c) Rainwater run-off from the site shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in legal action being taken.

d) No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

e) The proposed development attracts general duties under the Health and Safety at Work etc. Act 1974 and more specific duties under its supporting Regulations.

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- f) The development hereby approved could give rise to the presence of wood dust which is flammable and explosive and will be subject to specific duties under the Dangerous Substances and Explosive Atmospheres Regulations 2002.
- g) Environmental information has been taken into consideration in the determination of this application.
- h) The applicant is advised that the speed restriction required under Condition 30 will need to be the subject of a Traffic Order.
- i) The full responses of consultees, including their advisory notes are available for inspection on the application file which can be viewed on the planning pages of the Council's website.

APPENDIX A

**TO BE READ IN CONJUNCTION WITH ITEM 4
P/11/21/FUL
OF THE REPORT OF THE
CORPORATE DIRECTOR – COMMUNITIES**



Llynfi Environmental Action Forum (LEAF)

**Objection on behalf of Llynfi Environmental Action Forum (LEAF) to
Planning Application P/11/21/FUL – Biomass Power Regeneration Plant**

Local communities of the Llynfi Valley have mobilised to form an Action Group, LEAF, (Llynfi Environmental Action Forum) to oppose the planning application by Morgan Credit Energy (Wales) Ltd to build a 25 MW biomass power station in the heart of the Llynfi Valley and an area of great natural beauty. With the backing of some prominent Welsh Assembly Members, LEAF comprises local community councillors and members of the communities of Llangynwyd, Blaengarw, Aberkenfig, Coytrahen, Ynysawdre, Tondy, Bettws and Maesteg that will be directly affected by this development. LEAF joins a growing number of groups throughout the UK campaigning against this supposed green energy alternative.

Biomass is considered a renewable energy and is touted as an environmentally green and sustainable alternative to energy production. There is a growing body of research, however, that shows that biomass is not actually delivering on these clean, green credentials. LEAF is therefore objecting to the above planning application on the following grounds.

1. Environmental Concerns

- a) The production of energy from burning wood brings with it the hazard of toxic chemical production, usually in the form of dioxin or one of a similar top 100 poisons known to man. Dioxins are used in the paper making industry and the Llynfi valley has already had experience from occasional losses in the past from the paper mills in its various names. Dioxins are known to accumulate in fat and get concentrated as they move up the food chain being rarely found in plant life and water but found in products such as milk and meat. Recent research has shown that it is difficult if not impossible to set a lower tolerance level for humans, transferring research on other animal models is not always effective as tolerance varies according to species. Exceeding the statutory dioxin levels and levels of other pollutants is the reason for several fines imposed in different parts of

the world \$1.5million in California for 2 wood fired power plants. Crymlyn waste plant promised compliance with statutory air quality limits but was closed 7 times in May because of exceeding the dioxin levels. It is believed that all measures to limit release of this highly toxic chemical were built into each incinerator plant for wood or waste yet these measures which we are told are "very effective" seem to fail and fail again.

Another power plant with the built in capacity to produce toxins should not be allowed until we are all convinced that effective control measures can be put in place and that these can be effective during the life of the plant. History shows us that acceptable levels of toxins are always lowered never increased so acting now would be ahead of the law rather than behind it.

- b) We understand that noise assessments have been made however we also know that these have not been done for the rail route at the proposed times which will be between the last passenger train and before the first in the morning. The proposed train travels for the last few miles through Coytrahen, Tondy, Aberkenfig, Sarn, Litchard, Wild Mill, Brackla, Coychurch and Pencoed, without even considering the effect outside of the county. Apart from the first village the rest are lying alongside the train track. The proposed train is estimated to be around 400meters long and to take about 2 minutes to pass each way. We have no information to say that this detail of noise assessment has been carried out at night. In Coytrahen because of the shape of the valley the noise of the train will be heard when it leaves Tondy to its arrival as the levels of background noise are very small this is likely to be like a rumbling earthquake every night. We are already very aware when maintenance trains are on the line however small the job is. See also traffic assessments section, however I have no information to suggest that an assessment of noise has been carried out for the road traffic increase should this be used.

2. Combined Heat and Power – Low Efficiency Proposal

Combined heat and power allows up to 65% efficiency whereas power alone gives up to 27% efficiency a fact which has led to the development of the law Cogeneration Directive 92/43/EEC which all member states have signed up to. The UK has already been issued with a "reasoned opinion" from the EU for failure to comply with the Directive which usually leads to implementation quite soon after. The Reasoned Opinion highlighted that the UK's failure to properly transpose the directive, resulting in too many, low efficiency, 'power generation only' proposals being awarded planning permission.

Location of any power plant is also of key concern with government advisors stating several conditions to ensure effective use of energy and the reduction of wastage of raw materials. Such conditions are:

The chosen location should be close to the source of material to be burned. The Llynfi valley Biomass is to use virgin wood from Latvia as its primary raw material, however there is no contract in place and many other power plants are competing for the same material, some of which are actually already working. The effect of the competition is to increase the wood price, a factor which is having a detrimental effect on any wood working industry and building industry putting these jobs at risk in an already difficult financial environment.

If the location cannot be placed close to the fuel source then the next best thing is to place it near the port of entry. This wood is not coming in through Port Talbot as you may think but into Newport! The wood will then be shipped in Newport and transferred to the Llynfi valley.

The location should be where the heat by-product can be effectively used. No use of the heat has been found or is likely to be found near enough to be able to meet this need.

It is clear that the location of this proposed power plant meets NONE of the above conditions making it's "Green" credentials very suspect and putting the proposal against EU directives which were designed to get the best out of burning a valuable resource. The careful use of the wood resource is to be considered alongside the problems highlighted World Wide of effects on other parts of the world such as found with the biofuel which has caused agricultural land to be converted from food production to fuel production.

One additional factor to be considered with this location is that there is a school at Bettws within about 1 mile and in the direction of the prevailing wind. People within Bettws need the same level of consideration as those in other parts of the county. Approximately 1.5 miles to the north west is the comprehensive school at Llangynwyd. Neither of these schools should be near a potential toxic chemical outlet and it is too late when the levels have been exceeded, these children will have been exposed!

3. Transportation

Let us consider the proposals of the developer to transport 260,000 tonnes of wood chip fuel per annum from Latvia to Maesteg - a distance in excess of over 2000 miles.

A fuel source that is required to be delivered on a regular basis if the plant is to remain operational. In a previous public meeting the developer stated contracts had been secured to obtain the fuel source although now it transpires no such commercial agreements are in place.

This is consistent with no visible transportation plan with regards to haulage contractor responsibilities. Responsibilities to the communities and environment which will have to sustain a significant level of increased traffic.

The fuel will embark upon a journey first by sea to Newport Docks and then by road through Newport, Cardiff, RCT, Vale of Glamorgan and Bridgend. A journey of approximately 36 miles (72 mile round trip) 52 times a day (104 daily trips in total) by road this will involve juggernauts travelling between the hours of 0700hrs and 1900hrs. By rail this will involve 5 trips a week. A train weighing 1000 tonnes will travel during the hours of darkness 5 times a week along a route that is in very close proximity to housing estates such as Wildmill, Aberkenfig and Coytrahen.

Members of the Planning Committee are placed in a very difficult situation as these transport proposals transcend the boundaries of other Unitary authorities where there are clear Social, Economic and Environmental issues to consider.

The South East Wales Regional Transport Plan was agreed in collaboration by ten constituent councils including Bridgend.

This plan was agreed in March 2010 with the sole purpose of establishing consistency and agreement across the region in Transport Planning Objectives.

Objectives that include

- Protecting the Environment by minimising transport emissions and consumption of resources and energy.
- Reduce casualty rates on all road networks. Across the region Cardiff and Bridgend have the highest casualty rate per head of population.
- Promote social inclusion and equality by providing a transport system that is safe, accessible and affordable to all sections of the community.

If we consider specifically the proposed road plan.

A plan to increase the volume of heavy traffic to critical levels.

Co 2 emissions will increase especially within close knit communities. The A4063 that stretches from Aberkenfig to Maesteg has already reached saturation point . 3000 vehicles a day use this route where at critical times 20 per cent of volume is created by peak time school run traffic.

The developers are proposing that juggernauts travel this route 104 times a day. This does not include waste disposal vehicles that will inevitably use this very same route.

Besides the local impact of trying to manage these goods vehicles local communities can expect long term exposure to Co 2 air pollutants that have been linked to serious health problems.

What about the impact on the actual road infrastructure?

Consider this observation from the Consortium plan.

Maintenance of the highway remains the largest highway function under the control of the local Authorities. Through the heavy axle weight of the largest vehicles contributes disproportionately to the destruction of the highway sub base. The largest vehicles have approximately 10,000 times the effect of a family car.

We cannot ignore this especially when in the long term this Borough Council will undoubtedly have to rely on public funds to repair the A4063 if it agrees to this *unprecedented sustained* increase in heavy traffic to service this plant. This is particularly appropriate given the broader constraints of the current austerity measures being imposed throughout the UK and beyond.

The A4063 was never intended to service the existing levels of traffic let alone the proposals of the developer.

Recently the local Highways Authority has commissioned an independent review of the road traffic implications. This review appears focused on an area of roadway immediately outside of the proposed plant entrance. The construction of a roundabout partially funded by a 106 agreement appears favourable however, what about the broader issues of traffic volume on the A4063 and of course the impact on other local and regional road networks.

These do not appear to have been addressed.

The Highways Authority themselves accept there will be an increase in the number of heavy goods vehicles traversing along the A4063 through the residential environments of Coytrahen and Tondur. Various traffic highway safety improvement measures have been suggested including improved carriageway markings, street lighting, safety barriers and alterations to statutory speed limits. These proposals were identified in 2009 during the first development application for this plant. But do they go far enough especially when you consider environmental pollution, damage to road infrastructure and the realisation that the A4063 is simply not fit for purpose.

We can identify that the developers have agreed to enter into a 106 Agreement to finance various road improvement schemes, however we are sure that members of the planning committee need not be reminded that the willingness of the applicants to pay for additions to transport infrastructure or services should not lead to the development being favoured as is not appropriate for the proposed location.

And of course we cannot ignore the Rail proposal.

Again in the public meeting the representative for the developer openly stated this was the preferred option.

The road option would not be pursued, however yet again this change of focus appears not to have been communicated to Borough planning staff.

The rail suggestion appears favourable but we cannot ignore the following considerations.

- There is no defined rail network agreement with Net Work Rail only proposals in terms of rail service provision and the construction of a rail delivery point at the plant.
- These proposals, if agreed and properly financed, will not be in place until at least 2014.
- Parts of the regional network already suffer from overcrowding. This is identified within the consortium plan.
- How can the proposed rail network plan be sustainable when you consider 1000 tonne trains will be required to transverse a restricted local rail system and an already overcrowded national rail network.
- Similarly this proposal will have social, environmental and economic effects on local communities where noise pollution at night will have significant impacts on quality of life issues for local people.

In essence this proposed transportation plan exposes many serious issues that have been previously identified regionally and of which are consequent to a collaborative management plan.

We cannot just simply look at local issues but consider the broader picture that such a proposed planning application presents.

We believe the proposed site is totally unsuitable for this plant. Many Biomass plants located around the world are positioned in close proximity to ports where sea cargo can be off loaded and transported at short distances straight into Biomass Plants. Just consider Port Talbot which is located at the dock side.

The transportation plan is flawed in many respects. Yes of course it is required to feed the proposed plant, but at what cost to public safety public protection from pollution and the long term effect of the public purse to maintain a stretch of public highway that already suffers from acute overcrowding.

4. Sustainable Fuel Source

Morgan Credit Energy will need to compete globally to obtain sustainable fuel sources which in effect will produce for them "Wood into Energy".

The Biofuel watch website will illustrate that around 37 dedicated "Wood to Energy" schemes are now stalled in the planning process due to the issue of sustainable fuel contracts becoming scarce. This includes on our very own doorstep the 350mw Biomass Power Station in Port

Talbot, which was awarded planning permission in 2007 but to date has faltered with no investors prepared to back it.

Consider the conduct of Morgan Credit representatives who are keen to reassure communities during public meetings that only wood chip fuel will be used and that contracts have been secured for supply. In reality Borough Planning officers are not aware of this and repeatedly advise the public that contracts can only be obtained if planning consent is given.

With this in mind it is fair to challenge this company's ability to attract the necessary investment to fund the construction and ongoing operation. How can they demonstrate that they are more efficient and viable than other stalled developments when you consider the poor choice of location and failure to make use of cogeneration (CHP)

So in essence in its proposed location, with lengthy fuel supply routes, the costs of keeping the power station sourced with wood fuel from abroad will be higher both in terms of operational costs and environmental damage. Compare this with other schemes built at port locations.

5. Fire Risk

At one public meeting a serving Fire officer raised the issue of emergency planning within the plant in the event of an uncontrolled fire. Serious concern was expressed at the total lack of high powered water hydrants within the area.

In addition the normal water level of the River Llynfi is far too sparse for extraction of water in emergencies. Apart from that, considerable cost has been invested over recent years to encourage wild fowl, ducks, fish and other water related species to the area.

Just consider that large amounts of wood susceptible to spontaneous combustion will be both transported and stored at the plant. This, we believe, presents a public safety threat to not only plant operators but to surrounding dwellings and traffic that traverse the A4063.

Since 2007 there have been 30 dust explosions in wood pellet manufacturing facilities across the globe. On 31st October 2011 firefighters spent more than 12 hours battling a blaze of wood biomass fuel pellets at Port of Tyne Dock, South Shields. The plant is understood to have spontaneously combusted. Senior Manager at the location reported "The fire was in a huge biomass fuel storage facility of compressed timber pellets. Large piles of combustible material are prone to self-ignite because heat builds up within the pile and has nowhere to escape. That is what has happened here, the wood spontaneously combusted. The Port of Tyne has monitoring systems in place but unfortunately by the time the system detected the fire it had already taken hold and we had a deep seated fire within the storage pile."

Our research reveals that there does not appear to be a Fire Management Contingency Plan included in the planning process at the proposed Llynfi site. Evasive response during public

meetings from representatives of the developers has only caused exasperation amongst local communities.

6. Tourism

Within the Borough of Bridgend we are proud of our heritage and the incredible natural surroundings of coastline and mountainous countryside. The Borough Council professionally markets these assets as a means to promote local tourism.

The Borough website " Bridgend Share the Magic " contains information on a variety of options for tourists and locals to share and enjoy a diverse range of outdoor activities.

One such opportunity is the " Ogwr Ridgeway Walk " thirteen miles in length that includes available accommodation at a recently constructed bunk house located in Bettws.

So why would we seek to threaten not only the benefits of this particular walk and surrounding countryside but the integrity of our own Borough tourist plan.

The bunk house sits on a hill with incredible views of the Llynfi Valley. However, if this planning application is granted, it will look down on a Biomass Power Station, a plant that, in time, will discharge waste through a very high chimney stack distribute noise of plant operation and produce an odour of wood burnt at incredible quantities.

Just imagine visitors to our Borough initially attracted by our marketing website walking in an area blighted by this unnecessary commercial project. The aim should be for visitors to leave this particular community with positive memories.

Our message to BCBC Councillors with regard to Tourism is this:-

- Let's protect our tourism integrity.
- Let's support commercial sector development essential for economic growth within the Borough.
- But essentially keep both apart.
- Utilise existing industrial site facilities and work with developers to reach their goals.
- However protect our natural assets so that subsequent generations will enjoy our countryside and coastline for years to come.
- And the Borough delivers the tourism " Magic " it promises to a world wide audience.

Conclusion

We believe we have presented strong arguments in support of our case to oppose this particular planning application.

In summary this can be identified as

- Environmental concerns which have been identified globally and will undoubtedly have long term adverse effects on people's lives:
- The developer's reluctance to utilise waste energy for the benefit of local businesses and communities. This CHP issue is one that has been supported nationally and within the European Union who have created legislation and can impose sanctions on those countries and companies that do not comply. This Borough council may well find itself in some difficulty contravening this European directive if not made a condition of planning consent.
- Transportation which surely is the most concerning and contentious issue. The transportation plan will impact hugely on many aspects of local and regional demography. The long term expense to the public purse in road and rail maintenance and the public protection matter of over exposure to high volumes of traffic cannot be ignored. Especially at the expense of a commercial enterprise that will be focused on private sector profit.
- The global picture of Biomass development. Yes of course this planning proposal ticks many of the boxes in respect of the Borough green strategy but let us, as a responsible body, not be seduced by Morgan Credit Energy with this one site option but invite them to consider other proposals within the Borough. We need to take cognisance of the developing picture of non-sustainable fuel sources. We do not want to be left with a closed plant and a situation where developers will seek to utilise other forms of fuel with yet again separate Environmental issues to negotiate
- Fire risk as identified by the public during a public meeting facilitated by ourselves. The distinct lack of public consultation by planning officers and evasive responses from developers only adds to public concern. The reality is there remains no visible fire management plan that provides reassurance to enhance public safety.
- Clear concerns of protecting our tourism integrity. As previously outlined there is a place for the protection of tourist assets and the support for commercial enterprise. However, surely both should be kept apart so that the Borough can be seen to be taking a broad view on such matters. We have a responsibility to future generations to protect our valleys and to avoid returning to the era of coal dust that blighted communities for many years.

We look to the Planning Committee to acknowledge our position which is based on public support and public concern.

As previously outlined, there is a strong community belief that this Biomass Plant is totally unsuitable for this location. We therefore ask that you oppose this application.

18 November 2011

A9.

Rivers House,
St Mellons Business Park,
St Mellons,
Cardiff,
CF3 0EY

Mr Robert Sparey
Planning and Environment Manager
Planning and Environment Team
The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

ebost/email:

Ffôn/Phone:

31/03/2021

Annwyl / Dear Rob Sparey,

**TOWN AND COUNTRY PLANNING ACT 1990 THE DEVELOPMENTS OF NATIONAL
SIGNIFICANCE (PROCEDURE) (WALES) ORDER 2016
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT
(WALES) REGULATIONS 2017**

**BWRIAD / PROPOSAL: ENERGY RECOVERY FACILITY AND ANCILLARY
INFRASTRUCTURE.**

LLEOLIAD / LOCATION: LAND AT LLYNFI POWER STATION, NORTH OF BRIDGEND

Thank you for your email dated 1 March 2021, consulting us in relation to the above proposal and specifically on the applicant's request to the Welsh Ministers for a scoping direction under Regulation 33(7) of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017.

We have reviewed the information provided in the Scoping Report, titled '*Land at Former Llynfi Power Station, Bridgend*' by SLR Consulting Ltd., dated February 2021. Our advice is given below.

Statutory Designated Sites

Air Quality

The Scoping Report confirms that an Air Quality Assessment (AQA) will be undertaken and provided with the Environmental Statement (ES). We advise aerial emissions impacts

on sensitive habitats should be scoped into the assessment. We provide the following advice on the content of a future AQA.

We note that three Special Areas of Conservation (SAC) were identified as being within 10 km of the site and we agree with the statement that there are no Sites of Special Scientific Interest within 2 km of the site. We note the Scoping Report (page 51) states that the SACs are too distant from the proposed development to be affected. We consider this statement is premature and no evidence has been provided to substantiate it.

We acknowledge that the MWth will influence the screening distances used, however information provided to date does not clearly identify the aggregated net rated thermal input in MegaWatts (MWth) of the combustion process.

Therefore, at this point the ES should include an assessment of aerial emissions impacts on SACs based on a 10km radius. The ES can be rescoped at a later date when further information on combustion process and MWth is confirmed.

We advise that as well as optimising the proposed stack height for dispersion of residual pollutants, consideration should also be given to ensuring that efflux velocity is sufficiently high to minimise plume knock-down during high wind speed events.

We advise that the future AQA identifies the route used by vehicles associated with the construction and operation of the proposed development. The AQA will need to consider impacts on any designated sites within 200 metres of the identified road network by all egress and access by Heavy Goods Vehicles (HGV) and Light Duty Vehicles (LDV). Should the identified road network be within 200m of designated sites, consideration will need to be given as to whether the change in traffic exceeds agreed 100 Annual Average Daily Traffic (AADT) for HDV and 500 AADT for LDV.

All the sites identified as sensitive to aerial emissions within the 10km radius should be assessed against the relevant nitrogen oxide critical level (annual and daily), sulphur dioxide critical level and nitrogen critical loads for their habitats.

We note the Scoping Report (Page 50) suggests the requirement for cumulative assessment is excluded from the scope of works. We would advise consultation with local planning authorities to ascertain whether there are other proposal with combustion processes which could impact cumulatively with this proposal.

Ecology

The scoping report confirms that an Extended Phase 1 Ecological Impact Assessment (EcIA) will be carried out to consider impacts of the proposed development and more detailed follow-up surveys programmed as required. We agree that ecology should be scoped into the ES. The EcIA should include sufficient information to enable the ES to properly assess impacts arising from the proposed scheme.

We advise that a EclA is undertaken during the summer, to ensure the best chance of identifying habitats present. The survey should accord with the NCC Phase 1 survey guidelines (NCC (1990) Handbook for Phase 1 habitat survey. NCC, Peterborough). Surveys must be undertaken by suitably qualified individuals at an appropriate time of year to enable a comprehensive assessment of the particular habitats and species being surveyed for.

Protected Species (PS) and European Protected Species (EPS)

We note the Scoping Report states that full surveys relating to water voles (PS) and, otter and bats (EPS) will be carried out and wintering and breeding bird surveys will be carried out due to numbers of birds being recorded on and around the site including records of Goshawks and Red Kites breeding in the valley the site is located in.

We would expect the ES to include consideration (with a supporting justification) of the need (or otherwise) for more specific PS and EPS surveys. If further surveys are undertaken, the results of these should be reported in the ES, along with a detailed assessment of impacts and details of all the mitigation proposed to offset the anticipated impacts.

We also advise that invertebrate interest of the aquatic habitats on site should be assessed, including the river Llynfi which borders the site.

Local Biodiversity Interests

We recommend consultation with Bridgend's local authority Ecologist on the scope of the EIA, to ensure that local biodiversity issues are adequately considered, particularly those habitats and species listed in the relevant Local Biodiversity Action Plan and that are considered important for the conservation of biological diversity in Wales.

In addition, we would expect the developer to contact relevant groups/organisations for biological information/records relevant to the site and its surrounds. These include the relevant Local Records Centre and any local ecological interest groups (e.g. bat groups, mammal groups).

Water Environment (including Flood Consequences Assessment)

Flood Risk

The planning application proposes less vulnerable development of an energy recovery facility and ancillary infrastructure. Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outline of the River Llynfi.

The Scoping Report confirms that a Flood Consequences Assessment (FCA) will be undertaken along with a drainage strategy that is appropriate for the development's location. We advise that development is steered away from flood risk areas and that the FCA is in accordance with the technical criteria in Appendix 1 of TAN15.

Pollution Prevention - Construction Environmental Management Plan

We note the Scoping Report outlines environmental control measures and preparation of a Construction Environmental Management Plan (CEMP) to address environmental issues of noise, vibration, air quality, site transportation and traffic management. We advise that in order to prevent any pollution of the Llynfi River and other Controlled Waters, the CEMP should include strategies relating to the management of soil, silt and materials and full details of pollution prevention (water and ground), a pollution incident response plan, a waste management plan relating to location and storage measures for waste, lighting biodiversity management and appropriate buffer zones to protect the riparian corridor. For further guidance on pollution prevention, we advise the developer should refer to GPP 5 and PPG 6 at the following link: <http://www.netregs.org.uk/environmental-topics/pollutionprevention-guidelines-ppgs-and-replacement-series/guidance-for-pollutionprevention-gpps-full-list/>

Land Contamination

We note that the Scoping Report states that the water environment will be scoped in to the assessment, but that land contamination is not mentioned. We advise that due to the previous use of the site there could be significant levels of contamination and we consider this is scoped in to the water environment chapter. The ES should be informed by the following:

1. Preliminary Risk Assessment with supporting site investigation to determine the level of historical contamination from the previous land use – see informative below for more detail on requirements. If the level of historical contamination is considered a risk to controlled waters, the ES should propose remediation measures;
2. Drainage (water) Management Plan – detailing how water will be collected and disposed of at and around the site which would not mobilise contaminants.

We advise the applicant of the following measures regarding management of Land Contamination

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency's '[Guiding Principles for Land Contamination](#)' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the [Environment Agency's \(2018\) 'Approach to Groundwater Protection'](#)

Non-EIA Matters

Foul Drainage

There is no mention of the proposed foul drainage arrangements. We would expect any future DNS application to confirm the site would be connected to mains sewerage and evidence should be provided of consultation with DCWW regarding capacity and approval of connection. However, we are satisfied that foul drainage matters can be scoped out of the EIA.

Waste Planning Assessment and Lifecycle Assessment

We advise you to consider the need for the applicant to submit a Waste Planning Assessment and, if so, its contents such as a lifecycle assessment. We are of the view that is likely a Waste Planning Assessment is needed in accordance with TAN 21.

For information, the applicant should be made aware of Welsh Government's recently published Beyond Recycling Strategy and the [Ministerial Written Statement](#) which indicates a moratorium on new large-scale energy from waste facilities. The [Strategic Assessment](#) provides useful information and data relevant to this proposal for both the applicant and planning inspectorate.

Advice to the Applicant

Flood Risk Activity Permit

The Applicant that the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Llynfi, a designated "main river". Further advice and guidance is available on our website at:

<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>

Environmental Permitting

The proposed development will require an environmental permit from Natural Resources Wales (NRW) before it can commence operation.

We recommend that the environmental permit application is timed so that determination runs concurrently with the DNS planning determination given the potential overlapping issues. This may avoid conflict between the respective requirements and result in a more efficient planning and permitting process.

In order to assist with a future EPR application, we refer you to the comments below. These comments are directly relevant to EPR matters and are provided in addition (but separate to) NRW's scoping advice. However, any comments made in this letter are without prejudice to a future EPR permit decision. That decision will take into account all detail available at

the time and all requirements and considerations of the EPR process and you will need to demonstrate that proposals will protect the environment and will not harm human health.

Technology selection

Detailed justification will need to be provided for the proposed technology and approach to emissions prevention and control and energy recovery efficiency. This will be in the context of the latest waste incineration best available techniques reference note (WI Bref).

Particular attention should be paid to ensuring recovery of residual recyclable materials from the waste feed stream, resilience of emission control and abatement to variable waste feedstocks and maximisation of energy recovery through use of optimum steam conditions; combined heat and power and secondary heat recovery techniques such as organic Rankine cycle generation; and recovery of solid residues as raw materials for other industries.

Noise assessment

The selection of sensitive receptors should consider the closest receptors downwind of the prevailing wind direction as this may result in regular focusing of noise impacts at this location and the potential for higher probability of nuisance occurring. We recommend that the applicant considers inclusion of frequency analysis (based on similar plant) as part of the noise assessment. Intermittent or commissioning noise such as steam blowing/venting should also be considered as these can cause high sound levels in the early stages of pre-commissioning and start up.

Visual impact assessment

Consideration should be given to the appearance of the emissions plume which can be a cause of concern and complaint for local residents under some weather conditions. NRW recommends that consideration is given to options for mitigation of visible plumes, recognising that this can affect energy efficiency. Consideration of commissioning and start up/shut down plume visibility effects should also be made because poor combustion control during periods of oil-firing, particularly during early commissioning, can cause significant local concerns with long-lasting impacts on community acceptance of the development.

Other Matters

Please note that our comments are without prejudice to any comments we may wish to make if and when consulted further in respect of this proposed development or on the submission of a more detailed scoping report or the full Environmental Statement, as there may be new information available which we will need to take into account in making a formal response.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultationtopics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>).

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance and human health.

I trust the above advice is clear and is helpful to you in producing a Scoping Direction. However, please do not hesitate to contact us, if you require further information or clarification of any of the above.

Yn gywir / Yours faithfully

Kate Glover

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales

Mr Robert Sparey
Planning and Environment Manager
Planning Inspectorate

Eich cyfeirnod
Your reference

DNS 3253154

Ein cyfeirnod
Our reference

Dyddiad
Date

1 April 2021

Llinell uniongyrchol
Direct line

Ebost
Email:

Dear Rob

Scoping consultation - Llynfi Energy Recovery Facility

Thank you for your letter of 1 March 2021 asking for Cadw's view on the scope of the Environmental Impact Assessment (EIA) for the above proposed development.

Cadw, as the Welsh Government's historic environment service, has assessed the characteristics of this proposed development and its location within the historic environment. In particular, the likely impact on designated or registered historic assets of national importance. In assessing if the likely impact of the development is significant Cadw has considered the extent to which the proposals affect those nationally important historic assets that form the historic environment, including scheduled ancient monuments, listed buildings, registered historic parks, gardens and landscapes.

These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

Our records show that the following historic assets are potentially affected by the proposal.

Listed Buildings

11218 Cefn-ydfa farmhouse and adjoining ruins. II
11329 - Gelli-siriol armhouse II
18626 - Church of St David, Bettws I
18637 Ty Isaf II
20743 Pont-y-rhyd-ddu (partly in Garw Valley community) II

There are 4 registered historic parks and gardens, 15 scheduled monuments and 114 listed buildings located inside 5km of the proposed development, however, intervening

Mae'r Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE



topography will block views of the development from all of these designated heritage assets, apart from the listed buildings identified above, and therefore will have no impact on their settings.

A scoping report for the EIA has been prepared by SLR. This has relied on the results of the 2010 environmental statement for the Biomass Power Station that was previously proposed for this site and concluded that Cultural Heritage can be scoped out of the EIA. However since 2010 there have been legislation changes relating to cultural heritage, in particular the Historic Environment (Wales) Act 2016 and the issuing of guidance for instance TAN24 and "Setting of Historic Assets in Wales". Consequently, in my opinion Cultural Heritage cannot be scoped out of the EIA but should be confined to assessing the impact of the proposed development on the settings of the listed buildings identified above.

Yours sincerely

Jenna Arnold
Diogelu a Pholisi/ Protection and Policy

From: [REDACTED]
To: [REDACTED]
Subject: [REDACTED] Energy Facility
Date: 09 March 2021 09:22:29

Dear Giulia

Thank you for your email dated 1 March 2021 consulting HSE on the pre-application for the proposed Llynfi Energy Recovery Facility development of National Significance (DNS). Please find HSE's advice below.

HSE's land use planning advice

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Will the proposed development fall within any of HSE's consultation distances?

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With reference to the redlined proposed site boundary shown in **Figure 2-1 Site Location** contained in document **LAND AT FORMER LLYNFI POWER STATION, BRIDGEND, Town and Country Planning (Environmental Impact Assessment - Wales) Regulations 2017** (SLR Ref: 403.10667.00003, Version No: Draft February 2021) the proposed project/development does not currently fall within the consultation distances of any Major Hazard Installation(s) or Major Accident Hazard Pipeline(s).

Please note if prior to the granting of a development consent order for this proposed development, Hazardous Substances Consent is granted for a Major Hazard Installation or there is notification of a Major Accident Hazard Pipeline within or in the vicinity of the development, HSE reserves the right to revise its advice.

Would Hazardous Substances Consent be needed?

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) (Wales) Regulations 2015.

Hazardous Substances Consent would be required if the site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

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Explosives sites

There are no licensed explosive sites in the vicinity so HSE has no comment to make in this regard.

Regards

Monica

Monica Langton
Divisional Support Team
CEMHD
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Bootle

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