

Application Number: DM/2018/01641

Proposal: Erection of fuel storage building to replace existing open storage compound and relocation of 2 no. portacabin office buildings together with parking provision.

Address: Trostrey Court Farm Barns Clytha Road Trostrey Common Gwehelog Monmouthshire

Applicant: Mr David Morgan

Plans: Block Plan 0088/18/06 - , Site Plan 0088/18/06 - , Landscaping Plan - , All Proposed Plans 0088/18/04 - , Elevations - Proposed 0088/18/03 - , Elevations - Proposed 0088/18/06 Oct 2018 - ,

RECOMMENDATION: Approve

Case Officer: Ms Kate Bingham
Date Valid: 13.12.2018

This application is presented to Planning Committee due to the number of objections, including the local Community Council.

1.0 APPLICATION DETAILS

1.0 The site of the proposed development lies immediately adjacent to the existing generator building, which is located to the south of the large farm complex and poultry buildings that form part of Trostrey Court Farm. The site of the proposal is at present a large concrete apron between the generator building and the public highway and is used for the open storage of biomass material (wood chip).

1.1 The original generator building was granted planning permission in 2007 and 2009 with subsequent permissions for alteration, extension and ancillary requirements. Initially the fuel used was a type of vegetable oil, but the machinery has since been adapted to run on a gaseous fuel produced from zero carbon wood chip/biomass material.

1.2 The existing generator building produces electricity and heat and is classed as a Combined Heat and Power (CHP) technology. The heat is used to heat the existing adjacent poultry houses as well as drying manure from the dairy buildings. The electricity produced is used on the farm and its enterprises, with the surplus being sold to the National Grid.

1.3 The site which has been in its current configuration since 2013, operates as a Combined Heat and Power Plant, capable of producing electricity 24 hrs a day - 365 days a year, and gained Government ROC (Renewable Obligation Certificate) accreditation in 2013 to export up to 6MWe per hour of electricity to the National Grid. It has operated successfully but intermittently over recent years.

1.4 This current application relates to the construction of a new storage building measuring approx. 42.5m. x 30m. for the storage for the biomass fuel which will be used to power the generators. At present the biomass material is stored in the open at the front of the generator building and is often wet and not of the standard/size required for optimum fuel use. Consequently it requires drying and adaptation before it is ready for use. This arrangement has led to in some part to the recent intermittent operation of the plant.

1.5 The generating capacity (7.2MW gross max. - 6 MW net exportable) and operating equipment of the generator building will remain as it is and will not change as a result of this proposal.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01641	Erection of fuel storage building to replace existing open storage compound and relocation of 2 no. portacabin office buildings together with parking provision.	Pending Determination	
DC/2008/00833	Proposed construction of weighbridge and ancillary building.	Approved	26.09.2008
DC/2017/01125	Dairy cow housing.	Approved	24.11.2017
DC/2008/01424	Retention of variations and amendments to previously approved scheme (LB Application No: M/10606) for conversion to three dwelling units.	Approved	24.04.2009
DC/2009/00208	Conversion of former stables and cider mill to three dwelling units (retention of changes from approved scheme M/10599, including alterations to fenestration).	Approved	22.04.2009
DC/2012/00882	Proposed straw storage barn	Approved	18.02.2013
DC/2008/00835	Retention of agricultural building to house electrical generating unit, fuel tanks, switch gear and ancillary accommodation, concrete apron, gas tanks and access.	Approved	17.07.2009
DC/2009/00665	Proposed Construction of Roof over part of existing silage bay	Approved	11.08.2009
DC/2006/00947	Alterations and conversion, including rebuilding of collapsed/unsafe areas and re-roofing	Approved	11.07.2007
DC/2008/00834	Retention of siting of portable building to provide staff facilities for poultry farm.	Approved	09.09.2008

DC/2008/00570	Proposed change of use and alterations to former workshop building to provide office/workshop units (class B1).	Approved	09.07.2008
DC/2008/00229	New private drive with parking areas to serve Trostrey Court and Trostrey Court Cottages.	Approved	05.08.2008
DC/2016/01465	Alterations, efficiency and safety improvements and extensions to existing wood powered electrical generating plant (a Combine Heat and Power Plant - 7.2MWe/hr. wood fuel powered) to better screen and improve existing biomass fuel storage compound, provide a feedstock (wood) fuel storage area, chipping building, char storage building, 3 no. feedstock (woodchip) storage silos, dryer plant with flue, emergency by-pass flare stack, and associated plant and works.	Approved	01.03.2017
DC/2016/01480	Proposed construction of a weighbridge and ancillary building (renewal of previous permission DC/2008/00833 approved 26/9/2008).	Approved	01.03.2017
DM/2018/01641	Erection of fuel storage building to replace existing open storage compound and relocation of 2 no. portacabin office buildings together with parking provision.	Pending Determination	
DC/2010/00437	Proposed extensions to agricultural generator building	Approved	22.07.2010
DC/2011/00373	Proposed extension to agricultural generator building - for storage and processing/drying of straw, etc.	Acceptable	17.05.2011
DC/2007/01200	Erection of agricultural building for storage and standby electrical generation with new access way.	Approved	01.11.2007
DC/2017/01078	Alterations and extensions of existing combined heat and power plant.		03.09.2018

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design
S10 LDP Rural Enterprise
S16 LDP Transport

Development Management Policies

SD1 LDP Renewable Energy
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character

4.0 REPRESENTATIONS

4.1 Consultation Replies

Gwehelog Fawr Community Council - Observe that the contentious issue is the flue, this is no higher than the existing flue and therefore, there are no objections.

Llanarth Fawr Community Council wish to make the following comments:-

We note that the concrete apron around the proposed biomass storage facility is to be replaced with a hardcore stone surfaced area, and that the proposed extended area on the SE side of the site will revert to the originally approved boundary, which is welcomed.

We also welcome clarification that deliveries (and presumably any residue removed from the site) will be via the farm road; we would also request confirmation that all deliveries during construction phase (if approval is given) will be similarly routed via the farm road.

However, the Community Council still has a number of significant concerns with the application:

1. Landscape and visual impact

The amended plans do not clearly show the elevations of the main generator building, with the proposed biomass storage facility, proposed gas cleaning building, the proposed 17m flue stack and approved 17m flare stack, and relocated portakabins, as they would appear in situ. As the land rises to the rear of the area in consideration, we are particularly concerned that the 17m stacks and large storage facility, 9.5m high at the apex, will have a detrimental impact on the landscape, and would not comply with LDP policies LC1, LC5.

Taken as a whole, with existing, approved and proposed elements, the plant is too big for the rural location in a Special Landscape Area, and sited close by the River Usk SSSI. The footprint of the proposed building is approx two thirds that of the existing generator building; please clarify the amount of open countryside that would be taken by the proposals (in light of the amended concrete apron, above).

The proposed landscaping does not extend to the full length of the proposed biomass storage facility, down Clytha Road, as there is currently a gap next to the delivery area. We would like to see the landscaping alongside the delivery area.

Has a Tree Survey been undertaken?

There do not appear to be any reports on the portal on the impact of the plant buildings and operations on biodiversity, local amenity, traffic issues (especially during construction phase), safety (especially in relation to fire risk), or air quality (see below). We consider these are legitimate concerns of local residents and should be addressed by the Council.

We re-iterate our request for a full landscape and visual impact report on these cumulative developments.

2. Emissions

The environmental consultant's report confirms that the plant will need an operating permit from Natural Resources Wales, presumably on the basis that it will be burning waste wood. We note the extensive list of areas that NRW will review regarding the suitability, safety and impacts of proposed operations, and would welcome this rigorous assessment given the incremental nature of the development over the past 10 years. Because of the cumulative impacts, we feel that an Environmental Impact Assessment should now be undertaken and would welcome sight of the Council's screening report.

The environmental consultant's report refers to existing NRW permits - "the extant scheme would have also been regulated by the NRW under the Environmental Permitting Regulations, so these changes are not material". It would be very much appreciated if copies of existing permits could be made available on the portal, or a link provided to their location on NRW's website. Otherwise, we presume that these changes are indeed material.

We are aware of conditions imposed by other local authorities in relation to such plants, including for example 24/7 stack monitoring. Given that planning documents submitted by the developer refer to the plant having used waste wood in the past, please provide information on any earlier conditions imposed by the Council, which we would expect given that prevailing wind direction (south to westerly) and strength will focus emissions towards habitation and farmland in the direction of Bettws Newydd.

3. Community consultation

Llanarthfawr Community Council has only become aware of local residents' concerns with this plant in recent months, which may be due, at least in part, to the very intermittent nature of its operation to date, which is why we consider the proposed development represents an intensification of use. As the proposed new development, if approved, would trigger a very significantly increased level of activity, and associated impacts, we feel MCC should ask the developer to undertake a pre-application consultation, in accordance with the Wales Planning Act 2015, so that factual information may be shared with all concerned about existing and proposed development and nature of the activity.

Local Member -Cllr V Smith. Read the application, walked the site, no objections.

4.2 Neighbour Notification

Representations from five households received. Object on the following grounds:

General

* Despite revised drawing and an emissions statement there is still insufficient information on important issues so there is still a failure to address previous concerns.

* The plant may meet the criteria for consideration as Schedule 1 development of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Schedule 1, point 10: "Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day".

Emissions

* The air quality is likely to be impacted, especially to the Usk area from prevailing westerly weather systems, but also to Bettws Newydd from weather systems approaching from the east.

* In the environmental emissions statement from the applicant they suggest that this CHP has an existing permit as an active site. No permit number or details have been attached to support these statements.

* No evidence on either the renewals obligation and Ofgen websites that any electricity has been generated since 2009.

* The last registered fuel type was bio oil used 2009 and there is no clarity as to the recent fuel change the applications over time have stated biomass, vegetable oil, virgin wood, recycled wood, wood waste there has been no clarification.

* Object to the continued suggestions that this is an approved, functioning and currently active site. I also object that the supplied information seems to have been accepted by the Planning Department over a series of applications without ever demanding evidence in support. Duty of care in decision making on planning applications must surely depend on consideration of facts and not opinions. I cannot see that the Planning Department has requested further information on permit number, details of emission controls, generation of power, specific number of deliveries of fuel, and fuel type despite several objections addressing all these points.

* The use of waste wood products will necessitate the requirement of a NRW permit, therefore reference to the history of previously permitted activities by NRW, and results from regular testing regimes in place from MCC or NRW are required to enable transparency in this matter.

* The Local Authority should have access to 5 years of records monitoring air quality levels of Nitrogen Dioxide and Sulphur Dioxide and Fine Particles under the Environment Act 1995 and the Air Quality Strategy 2007.

* How much electricity has been exported to the grid since 2009? There should now be 9 years of Feed-in Tariff records.

* Request there should clarification on what fuel is actually used by this CHP.

* Can the Planning Committee request the applicant to provide a copy, or access to, the CHP operational permits and their monitoring records, these should be available as a matter of public record.

* If the applicant does not hold an operational permit that relates accurately to the projected activities on site then surely any decision on this application should be delayed.

* If NRW did not object to the local authority's assessment (not publicly available) of the plant's impact on local air quality, (planning application DC/2016/01465) it would presumably have been because NRW relied on the local authority to assess and regulate impacts, and in particular because it assumed the plant would use virgin wood, and not waste wood, as the fuel stock. There is therefore a material and significant difference between approved application (DC/2016/01465) and the proposed application (DM/2018/01641) regarding the fuel stock.

Design

* This is an application to further industrialise an area of rural Monmouthshire to a level which can only be detrimental to the enjoyment of the area to residents and visitors alike.

The visual impact will be far reaching, with both storage buildings and flue stacks being unacceptable in this location.

* We consider a comprehensive Landscape and Visual Impact report which reviews the cumulative impact of the approved and proposed developments is necessary.

* The size and bulk of the proposed building, together with the proposed flue stack and approved flare stack, proposed gas cleaning building, relocated portakabin offices, and existing generator building, will damage key characteristics in this landscape, causing a significant and adverse impact on landscape character; it would also cause unacceptable visual intrusion (at key receptor points). The precise height of the apex of the proposed storage facility is still not shown on the amended elevation.

* A Zone of Theoretical Visibility document with the proposed structures clearly marked on site photographs, should be prepared. The location of the proposed flue stack and approved flare stack at the rear of the site where the land rises, means their height and impact may be especially obtrusive.

* The size or height of the extensive storage building, (occupying greenfield land and about two thirds the footprint of the generator building) is an inappropriate and insensitive extension of industrial buildings into the open countryside. It fails to meet criteria a, c and d of MCC policy LC1 and represents a 'creeping industrialisation' of this scenic, tranquil, and culturally and historically important landscape.

* The storage facility would not be satisfactorily assimilated into the landscape and does not comply with LC5; and is

* of a form, bulk, size and scale that does not respect the character of the landscape; and the facility, plus flues (and consequent emissions) and the gas cleaning building will have an unacceptable adverse impact on landscape, historic/cultural heritage and local amenity, especially air quality.

* The amended plans do not change our view that this is fundamentally the wrong location for development of this type, size and scale.

* This proposal would most certainly spoil this beautiful countryside that I feel privileged to be able to live in.

Ecology

* The entrance to the farm road is adjacent to the River Usk SSSI, and the plant itself is within 500m of the SSSI. The proposed 24/7 operation of this plant suggests that the impact of the arrival and departure of heavy articulated lorries on such species should be further considered as part of an Environmental Impact Assessment.

Highways

* Request clarity in this application so the Planning Committee can then provide local residents with an independent traffic report on the impact on the local community of the delivery vehicles.

* Clarification could be provided on whether the weighbridge is intended to include the HGVs delivering biomass material 24/7, and whether there will be any restriction on their use of Clytha Road.

* The effects on transportation logistics can only be detrimental to residents and visitors as the road network, bridges, carriageway sizes and conditions would see increased traffic, leading to rapid deterioration in the surrounding areas.

In response to comments from Shaun Yemm-James, Public Health Officer (21 Feb 2019):

Suggest that he hasn't 'carefully appraised this application' well enough.

In relation to his comments on noise ('this section has not received any complaints in recent years from the premises in relation to noise'), this may well be because the plant has not operated regularly, if at all, in recent years.

Absence of any comment on emissions from the 17 metre flue stack, drawings for which are included in this planning application, and without which the plant can not operate.

'Flue' stack was not approved in earlier application (01465), however a 'flare' stack (which has a different function) was approved.

The flue stack could, unless carefully controlled, emit noxious fumes as described by the developer's environmental consultant. It is therefore very concerning that MCC's Environmental Health Section offer no comment on the above, which virtually every objector has raised as a major concern, especially as the top of the 17 metre flue stack will be at approximately the same level as many residential properties in Bettws Newydd. This is a significant concern for many residents and should provide a very good reason for Environmental Health to raise concerns about the proposed development, which includes not just a storage facility but a potentially polluting flue stack.

4.3 Other Responses

Campaign for the Protection of Rural Wales - The site is in the open countryside and possibly visible from the main road. In addition to possible air pollution there could be noise concerns relating to the chipping of the stored wood. Also there is the question as to whether the use of virgin wood is sustainable. A timber place near Abergavenny has experienced problems with sourcing timber because of competition from biomass burning. It is not clear from the application what sort of wood they will be burning. It is likely that it may be easier to source and process virgin wood. This wood is normally imported in the form of pellets from Canada. Is this sustainable? Is burning biomass actually carbon neutral given that the fuel is transported from abroad. Britain already has several large scale power stations using biomass, is there a need for facilities like this which are located away from industrial areas and have limited capacity? In considering applications such as this it is important to be aware of the wider issues such as sustainability of forest resources and the effect of wood burning on levels of carbon dioxide in the atmosphere.

Biofuelwatch - Object:

Serious concerns about the application being presented as an application for a new fuel storage building etc.

previously approved flare stack which is now omitted is a vital safety feature for all gasification plants.

Previous consents are for bioliquid combustion for energy not biomass gasification.

No explanation for the proposed 17m flue stack.

Fails to include any Environmental Impact Assessments.

No planning conditions or control in relation to air emissions, health and safety or traffic.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 Planning Policy Wales (PPW) edition 10 (December 2018) outlines Welsh Government's commitment to optimise renewable and low carbon energy. It also makes clear its commitment to using the planning system to optimise renewable and low carbon energy, whilst taking into account other issues such as statutory obligations towards protecting designated areas. Monmouthshire County Council also has policies in its Local Development Plan and in particular its Supplementary Planning Guidance - Renewable Energy and Efficiency (March 2016). However it should be borne in mind that the proposal relates to an improvement and extension for fuel storage purposes, of an existing zero carbon electrical generating unit.

5.1.2 Strategic Policy S10 relating to Rural Enterprise and S12 relating to Efficient Resource Use provide support in principle for the proposal. Policy SD1 relates to Renewable Energy providing additional support in principle for the proposal, subject to compliance with criteria. Criterion (1) is of particular importance in relation to the assessment of impact on the surrounding landscape. Policy LC5 relating to the protection and enhancement of landscape character must also be considered and is referred to in criterion (1), and a landscape assessment has been submitted with the application. Policy LC1 states there is a presumption against new built development in the open countryside unless justified under national planning policy and/or other LDP policies. In this case the proposal relates to a form of agricultural diversification and is therefore considered to comply with Policy LC1 in principle subject to compliance with RE3 and other policies within the LDP.

5.1.3 Policy RE3 relates to development proposals which make a positive contribution to agriculture or its diversification, noting these will be permitted where the new use or building meet the criteria listed within the Policy. In this case the application relates to a number of alterations and extensions, it is noted the proposal is an extension of an existing diversification use at the farm. It is complementary to the existing agricultural activities of the enterprise and the energy generated will be used to heat the adjacent poultry unit as well as elsewhere on the farm, with any surplus energy being sold to the national grid.

5.1.4 The original generator building was granted planning permission in 2007 and 2009 with subsequent permissions for alteration, extension and ancillary requirements. Generation fuel was originally rapeseed/vegetable oil, then hay/straw but has now evolved with advances in technology, to waste wood chip. The nature and process of generating heat and power however, remains unchanged. Generation of electricity/heat using all type of fuel fall to be considered under the same planning Use Class (B2). The change from liquid fuel to solid/gas fuel does not therefore require the benefit of planning permission but may be covered by different environmental permits which are dealt with by NRW and covered under separate legislation to planning.

5.1.5 A previous application approved in 2016 allowed alterations and extensions. These alterations and extensions included the erection of fuel storage silos, flue and chimney stacks, additional buildings, and storage areas for bio mass fuel. The previous proposals also included the construction of additional retaining walls around the open frontage of the bio-mass fuel storage area/compound, the provision of a new timber fuel storage area with a chipping building, with the provision of a new dryer plant with flue stack and three storage silos. A new char storage building, together with a flare stack was also approved. Since this approval, technology has again moved on and it is now possible to achieve the improvements to the efficiency of the plant without the need for most of the extensions, new structures and alterations previously approved under DC/2016/01465 with only the 17m chimney flue now being required from the previous approval.

5.1.6 The generating capacity (7.2MW gross max. - 6 MW net exportable) and operating equipment of the generator building will remain as existing and will not change as a result of this proposal. The volume of biomass material delivered and stored within the area will essentially also remain unchanged, as will the amount and frequency of the delivered material. Although the plant has not been operating at full capacity in the recent past, the site has the necessary planning permission in place to do so. On this basis, it is considered that there will be no intensification of use and the principle of the development is therefore established through the earlier consents.

5.2 Design and Landscape Impact

5.2.1 The existing portacabin buildings will be relocated on the south west elevation of the existing generator building and stacked one upon the other with steel access stairways. Disabled parking will be provided adjacent to the portacabins, with staff parking to the south west of the proposed fuel storage building.

5.2.2 The proposed biomass storage building will have a floor area of approx. 42.5m x 30m with a shallow pitched roof and apex height of approx.9.5m. The building will be steel frame construction with dark green colour coated steel sheet walls and grey steel sheet roof. Roller doors are also to be dark green. The design and scale of the storage building is similar to that which would be expected as a modern agricultural storage building and is significantly smaller in scale than the existing poultry sheds on the site. As such it is considered that the proposed new building is not out of keeping in terms of design and scale with the surrounding rural area.

5.2.3 The existing main building on the site that houses the electricity generating equipment has a ridge height of 6m rising to 11m at the rear of the site. It is also worth noting that the previous 2016 application allowed a 17m flue stack as well as a 6.5m high char building, three silos, two water tanks and a chipping building at the front of the site by the road. This application now proposed only a biomass storage building, a gas cleaning building and coolers to the rear of the site and the 17m flue. The site boundary will also remain as existing rather than having to be extended as previously approved. The amount of development currently proposed is therefore considerably reduced compared to the previous approval and is considered to be acceptable in terms of scale and form subject to the landscaping proposed on the submitted drawings.

5.2.4 It is considered that the proposed new building will be seen as a low structure viewed against the form of the existing buildings and the whole complex will be screen by roadside hedges and trees from nearby vantage points, whilst from distant viewpoints it will be seen against the rising backdrop of Trostrey Wood and Trostrey Hill to the rear. A landscaping scheme has been prepared to ensure the proposed development will assimilate into its rural setting, the implementation of which can be conditioned. The application is therefore considered to comply with LDP Policies LC1, LC5 and DES1.

5.4 Highway Safety

5.4.1 A private farm access road provides the main access to the site from the nearby Usk - Abergavenny road crossing the county lane at the site entrance. Access into the site is as existing from the access road and existing farm yard. From Usk there is easy access to the main A449/A40 Trunk Road and the M4 Motorway, and from Abergavenny the A40 and A465 Trunk Roads.

5.4.2 The number of employees, the delivery routes, access to the site and frequency of deliveries will remain unchanged to that already approved.

5.5 Residential Amenity

5.5.1 There are no neighbouring dwellings immediately adjacent to the proposed building. However, as with the original application for the generator there is a potential noise impact on dwellings further away from the site as a result of the new dryer plant. At the time of the previous application Environmental Health undertook a noise survey at the site whilst in operation. At that time (Sept. 2008) it was agreed that sound insulation and generator silencers be installed to ensure that very little noise was transmitted beyond the boundaries of the site - a target figure of

79db at 7m being anticipated, much less than the standard 85db. That figure was agreed with Environmental Health and the plant has operated in the intervening period without complaint. The applicant has further confirmed that the proposed dryer has been specifically selected and designed so as not to exceed the previously agreed target acoustic limit. On this basis it is not considered that the proposed development will cause additional noise nuisance to any neighbouring residential properties.

5.5.2 The issue of air pollution from emissions is covered below in section 5.7.1.

5.6 Ecology

5.6.1 The area around the application site is heavily farmed and there will be no loss of any existing trees or hedges as a result of the proposed development. The change from a concrete apron around the existing building to a more permeable hard core surface will benefit the area in terms of drainage and the proposed landscape planting of a new hedgerow as well as five new groups of native trees will provide new habitat for local biodiversity.

5.7 Response to the Representations of Third Parties and/or Community/Town Council

5.7.1 Emissions

5.7.1.1 The proposed activity will be regulated by the NRW as a Part A(1) Installation as required by the Environmental Permitting Regulations and Industrial Emissions Directive. Under planning advice in situations where a planning authority is required to consider emissions from an activity that is being regulated under the Environmental Permitting Regulations, there needs to be an assumption that the competent authority and regulatory framework are both capable and effective in ensuring that the emissions are appropriately controlled.

5.7.1.2 The level of assessment required to meet the requirements of the Environmental Permitting Regulations are in excess of what is required to meet planning requirements and beyond the remit of the planning application process. Notwithstanding this, it may be useful to know that in determining the permit application for the site, NRW (the competent authority for regulation of Industrial Processes), will require that all impacts associated with the site are deemed acceptable. Under the requirements of the Environmental Permitting Regulations, the regulator cannot grant a permit for any site where it is deemed to have significant impact on the environment. Therefore, even if planning consent is granted, the operation of the site will still be reliant on the necessary permits from NRW.

5.7.1.3 Under the existing (extant) permission, the potential impacts of the proposed development on local air quality during both construction and operational phases have been assessed and deemed acceptable by and reviewed (and not objected to) by NRW. The applicant has also advised that he has held pre-application meetings with the NRW as part of this application, who have a) confirmed that the site will be subject to Part A(1) Environmental Permitting and b) confirmed the requirements of the permit application documentation.

5.7.1.4 Under the permit application requirements the Applicant has stated that they will be required to provide and submit the following:

i) Detailed Air Quality Impact Assessment providing the predicted ground level concentrations of these pollutants are compared with relevant air quality standards and guidelines for the protection of human health and sensitive habitats for:

- * total dust (as PM10 and PM2.5)
- * Nitrous Oxides (NO_x)
- * Carbon Monoxide (CO)
- * gaseous and vaporous organic substances, expressed as total organic carbon;
- * sulphur dioxide;
- * hydrogen chloride;
- * hydrogen fluoride;
- * twelve trace metals; and
- * dioxins and furans.

- ii) Ecology and Habitats Impacts Assessment
- iii) Noise Impacts assessment
- iv) Detailed Environmental Risk Assessment
- v) Accident and Fire Management Plans

5.7.1.5 As stated above, if any of the above assessments indicate that there will be an unacceptable impact to the environment (or human health), then NRW will not be able to grant the permit and the site will not be operational. In addition, the requirements to demonstrate technical competence and emergency response are also key aspects of a permit application, which unless satisfied, will result in a permit refusal.

5.7.1.6 In conclusion therefore, it is considered that planning consent can be granted for the proposed biomass storage building without the need for the applicant to provide evidence of an Environmental Permit at this stage as this application relates to a new building and not the operation of the CHP generator.

5.7.3 Design

5.7.3.1 The Llanarth Community Council have also questioned why the proposed landscaping does not extend to the full length of the proposed biomass storage facility, down Clytha Road, as there is currently a gap next to the delivery area. This gap is where the existing retaining wall of the concrete compound runs which will have to be retained.

5.7.3.2 Other objections regarding design and landscape impact are evaluated above in Section 5.2.

5.7.4 Highways

5.7.4.1 Clarification was requested on whether the condition restricting use of a previously approved (but not yet implemented) weighbridge is intended to include the HGVs delivering biomass material and whether there will be any restriction on their use of Clytha Road. There is no restriction on any vehicles associated with Trostrey Court Farm using the weighbridge. This could therefore include those delivering wood chip. Normal highway weight restrictions will apply to all vehicles using the local highway network.

5.7.5 General

5.7.5.1 Llanarth Community Council have requested that MCC should ask the developer to undertake a pre-application consultation, in accordance with the Wales Planning Act 2015, so that factual information may be shared with all concerned about existing and proposed development and nature of the activity. Whilst this may have been useful, the development proposed in this application does not meet the requirements for pre-application consultation and this cannot therefore be insisted upon. Similarly, the application falls below the threshold requiring an Environmental Impact Assessment Screening Opinion to be undertaken and is not considered to fall under Schedule 1 development of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Schedule 1, point 10: "Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day".

5.8 Well-Being of Future Generations (Wales) Act 2015

5.8.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.0 RECOMMENDATION: APPROVE

Conditions:

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

4 Noise from fixed plant and equipment shall not exceed 79db when measured at 7 metres.
~ To protect the amenities of the nearby residential properties from noise and general disturbance.

REASON: In the interests of local residential amenity and to comply with LDP Policy EP1.