

**REFERENCE:** P/21/237/RLX

**APPLICANT:** Severn Trent Green Power (Bridgend) Ltd The Stables, Radford, Chipping Norton, OX7 4EB

**LOCATION:** Stormy Down Anaerobic Digestion Facility Stormy Down CF33 4RS

**PROPOSAL:** Variation of conditions 1 and 7 of P/17/1047/RLX to permit an increase in food waste tonnage and associated layout amendments

**RECEIVED:** 17 March 2021

#### **APPLICATION/SITE DESCRIPTION**

Severn Trent Green Power (Bridgend) Ltd currently operate an Anaerobic Digestion Facility (AD) on land at Stormy Down under a consent originally granted in May 2015 (P/14/700/FUL refers) and subsequently amended in 2018 (P/17/1047/RLX refers). This application seeks to vary condition 1 which listed the plans for the development and 7 which controlled the tonnage of waste that could be processed on site. The conditions are reproduced in full below:

*1. The development shall be carried out in accordance with the following approved plans and documents: plan numbers A312.1000 P001C, A312.1000 P003B, A312.1000 P004B and A312.1000 P005A received on 21 October 2014 and the Screen Planting Plan - DWG SD/02 (Revision A) received on 14 May 2018.*

*Reason: To avoid doubt and confusion as to the nature and extent of the approved development.*

*7. No more than 48,500 tonnes of waste annually shall be imported into the site for processing in the Anaerobic Digester operation hereby approved. Written records of tonnages imported into the site shall be available for inspection by Planning and Public Protection Officers on request at all reasonable times.*

*Reason: In the interests of highway safety.*

The revisions to condition 1 relate to the approved site plan and includes an extension on the southern side of the main reception building, measuring 10m x 8m. It will accommodate two pasteurisation tanks. The extension is identical in height and finishes to the main building. The other site amendment, as detailed on the Flare General Amendment drawing, is a minor increase in the height of the Gas Flare installed on site to a total height of 10m. The increase is approximately 100mm and is to enable the safe management of the additional biogas produced by the proposed increase in processing tonnage. The gas flare is only utilised in exceptional circumstance when the biogas cannot be processed through the Combined Heat and Power Engines.

The revision to condition 7 seeks to increase the waste tonnage processed in the facility from 48,500 to 95,000 tonnes of food waste per annum. A companion application has been submitted to Natural Resources Wales to vary the terms of the Environmental Permit for the facility.

The Planning statement submitted in support of this application confirms that the AD facility has been operational since December 2016, originally under the management of Agrivert Limited and since December 2018 under the ownership and management of Severn Trent Green Power (Bridgend) Limited. The table below sets out the annual waste tonnages the site has received since it began operating:

| YEAR | TONNES OF WASTE IMPORTED |
|------|--------------------------|
| 2017 | 44,702                   |
| 2018 | 64,828                   |
| 2019 | 59,564                   |

**Fig. 1: Annual Waste Tonnages received at the site since it began operating**

The AD facility processes household waste from Bridgend, Swansea, Ceredigion, Powys, Pembrokeshire, Monmouthshire, Blaenau Gwent and Torfaen Councils. In 2018, waste from long-term Council contracts accounted for approximately 80% of the total waste inputs. In the future, it is expected population recycling rates in these areas will increase and therefore, the increase to 95,000 tonnes per annum is proposed to provide required capacity to continue treating the waste as close as possible to where it was created.

As well as a greater than anticipated demand for food waste recycling at the Stormy Down AD facility, the increased tonnages are driven by a desire to ensure the sustainability of the facility. As part of the treatment process there is a requirement to combine the solid waste with processing liquids at a ratio of approximately 1:1. By utilising waste liquids, such as compost leachate, drink waste and factory processing liquids, the applicant company are able to lessen the reliance of the process on potable water. Permitting the higher tonnages will enable the facility to continue providing a valuable recycling solution for organic liquid wastes as well as ensuring the sustainability of the site's liquid use.

By way of background and for Members consideration, Anaerobic Digestion is the process by which food waste is biologically treated in the absence of oxygen and light to produce renewable electricity and a high quality agricultural fertiliser. Solid and liquid wastes are delivered to the site in a range of vehicle types and sizes including Refuse Collection Vehicle (RCVs), bulkers and tankers. All delivery vehicles are weighed on the weighbridge and then proceed into the reception building. The imported wastes are deposited into a bunker or liquid tank before the vehicle exits the reception building. The vehicle is weighed again before leaving site. The waste is processed in the reception building which involves reducing the particle size and mixing with liquids before being pumped into the primary or secondary digesters. It remains within the digesters for approximately 90 days where it is gently heated and stirred to encourage the digestion process and biogas production. The biogas is fed into combined heat and power units to create electricity which is transmitted by National Grid via a high voltage connection after providing the electricity and heat required to operate the AD plant. The digestate end product is used as a replacement to artificial fertilisers, providing essential nutrients such as potassium, nitrogen and phosphate to the soil.

#### RELEVANT HISTORY

| Application Reference | Description                                                                           | Decision         | Date          |
|-----------------------|---------------------------------------------------------------------------------------|------------------|---------------|
| P/14/91/SOR           | Screening Opinion for proposed anaerobic digestion facility (90,000 tonnes per annum) | EIA Not Required | 10 March 2014 |
| P/14/452/SOR          | Screening Opinion for construction and operation of anaerobic digestion               | EIA Not Required | 25 July 2014  |

facility (48,500 tonnes per annum)

|               |                                                                                                                                                                               |                           |                  |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|------------------|
| P/14/700/FUL  | Anaerobic digestion facility for a 30-year period with associated building and works                                                                                          | Conditional Consent       | 6 May 2015       |
| P/17/1047/RLX | Variation of Condition 1 of P/14/700/FUL to amend the approved plans                                                                                                          | Conditional Consent       | 18 October 2018  |
| P/18/663/FUL  | Temporary 30-year full Planning permission for the development of a Biomethane Gas to Grid facility on land previously utilised as a recycling centre at Stormy Down Airfield | Conditional Consent       | 21 December 2018 |
| P/20/363/NMA  | Non-material amendment to P/17/1047/RLX to amend the approved Plans                                                                                                           | NMA – Conditional Consent | 4 September 2020 |

## CONSULTATION RESPONSES

### CONSULTEE

**Community Council**

### COMMENTS

Merthyr Mawr Community Council thanks BCBC for the opportunity to comment on this Planning application. Whilst this proposal is extremely important to local economy of the area this Council would like to object to its proposal under the following reasons:

#### **S106**

An S106 agreement was signed on routing of traffic to and from the site but not all the lorries and tractors are abiding by it. There is a high volume of traffic using Stormy Lane and not the approved route. Increasing the number of imports would certainly mean there would be even more traffic also not abiding by the agreement.

#### **Tonnage**

In 2018, the materials imported exceeded the limit by 16,838 tons. In 2019, the imports were exceeded by 11,564 tons. The applicant has supplied no figures for 2020 and one can only surmise that the tonnage was far in excess of the 48,000 tons permitted. There has been a noticeable increase in traffic to and from the site and increasing the imports to 100,000 tons would be the same as giving the operators carte blanche on the amount effectively being processed.

#### **Foul Odour**

There has always been occurrences of foul odour from the facility and allowing an increase in operations would give even more nuisance smell to the residents of Stormy Down. When the site was given approval, the residents were promised there would be no bad odours from the site and a complaint has been made to BCBC and Natural Resources Wales regarding this. The operator seems to have ignored the conditions of operation imposed when consent was permitted initially. Both the operator and Natural Resources Wales seem unable or unwilling to police the operations with the present limitations and therefore we would like to see no relaxation of conditions for the site.

The residents were here before the AD unit and should be protected from nuisances from the operators.

### **Suggestions**

The Council accepts that this Planning application may go ahead with or without our rejection of this application. The Council would like to suggest if this application should be accepted that the following items be noted to improve the area for local residence:

1. It has been stated by the operator that no foul odours emanate from the unit. It is not disputed that the anaerobic digester is, by definition, a sealed unit however it was noted by our councillors, when visiting the facility, that there is no airlock as the food waste enters the facility, our Council would therefore like to see further containment of the food waste before it enters the facility which could include an airlock to hold in any odours that may escape at the start of the process.
2. Tractors from local farms regularly collect waste from the facility although this is not stated on the S106 agreement and the Council would like to place the same restrictions on these activities, ensuring that they use the designated routeing.
3. The Council would like to stress the importance of following the designated route for vehicles entering the facility and leaving. We suggest, as a minimum, that better signage be placed in the area for all vehicles using the facility, keeping them on the route agreed in the S106. We would hope the company covers this expense. Given the history of vehicles not abiding by the designated route we would also like some sort of barrier such as road narrowing bollards to physically prevent lorries and tractors turning left out of the facility.
4. The Council would appreciate more stringent measure be put in place to ensure all agreements made within this planning application be followed with regular unexpected reviews of the facility. Further suggested is that an external auditor be sought to monitor the facility and continue to police the management, this is to alleviate any retrospective problems with the local residents that precede this facility.

There has been several complaints and problems with the facilities operations. We would like to stress that policing this facility is to the highest concern to this Council.

**Highways Officer**

No objection subject to conditions.

**Land Drainage**

No objection subject to conditions.

**Dwr Cymru/Welsh Water** No objection subject to conditions.

**Shared Regulatory Services** No objections subject to conditions.  
**Public Protection: Noise**

**Natural Resources Wales** We have no objection to the application as submitted. The application site overlies a principal aquifer so is highly sensitive with respect to groundwater. Furthermore, the application site is in proximity to a number of protected sites. NRW are interested to ensure that the significant increase in waste tonnage does not increase the risk to controlled waters or protected sites. These matters will be assessed during the variation to the existing Environmental Permit. Therefore, we have no objection to the variation of conditions 1 and 7 of P/17/1047/RLX.

## **REPRESENTATIONS RECEIVED**

The application has been advertised on site. Neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity has expired.

A letter of objection have been received from the occupier of 1 Stormy Lane, Stormy Down. The following is a summary of the objections received:

- BCBC are either unwilling or unable to police the planning conditions of the above site and the operator seems to have no desire to police itself. Since consent was given, the site has annually imported more waste than consent was given for.
- Traffic to and from the site does not always abide by the S106 agreement
- The horrendous smell emitted is regularly making the residents feel sick - although green recycling initiatives are to be applauded, they should not have a severe detrimental effect on the residents who were here first. When planning consent was first given the residents were promised there would be no smell from the operation.

## **RESPONSE TO COMMENTS RECEIVED FROM THE COMMUNITY COUNCIL AND LOCAL RESIDENT**

The Council acknowledges that effective enforcement underpins the whole development management function. The responsibility for determining whether proposed development should be granted Planning permission rests initially with the Council as does the decision on whether unauthorised development should be allowed to continue or should be enforced against. In this case where complaints have been received regarding alleged Planning breaches associated with the operation of this site, they have been properly investigated. They have generally related to the company's alleged failure to follow the routeing agreement for vehicles entering and leaving the AD site. Witnessing such alleged Planning breaches has been challenging and thus far no formal action has been pursued. The Company recognises the concerns of residents and the Community Council and will act to ensure that the routeing agreement is followed. Stringent procedures are already in place for instructing and reminding drivers about the required route to and from the AD plant. Additional measures including signage will be secured through the grant of any Planning permission.

The Community Council has also referred to the increases in the tonnage of waste processed on site over recent years in breach of the condition imposed on the original consent. Whilst the Council will not condone the Company's actions, the increase has not resulted in any increases in trips above those considered as part of the original application. The Transport Assessment submitted in 2014 identified a potential peak in HGV trips of 102 movements per

day (Section 4.4 Arup Transport Statement dated 13 October 2014) and this figure was referenced in the Committee Report when it was concluded that with the imposition of conditions relating to highway widening works, direction signage and a limit on tonnage, this level of vehicle movements did not prevent the grant of Planning consent. There is no evidence before the Council to suggest that the increase in the tonnage processed has increased vehicle movements above the consented levels.

The Community Council correctly identified that a S106 agreement was signed in relation to the operation of the Anaerobic Digestion Facility at Parc Stormy. This S106 agrees the route by which Heavy Goods Vehicles (HGVs) shall access and egress the AD Facility and it also requires that the signage required by the original grant of Planning consent is retained and maintained for the duration of the site's operation. The final requirement of the S106 is that the owner/developer of the AD Facility should ensure that all HGV drivers are instructed to only use the route previously identified when entering or leaving the site.

STGP (the owner and operator of the site) has confirmed that every effort is made to ensure that the HGVs in the Stormy Down area for the purpose of attending the AD Facility are aware of and adhere to the prescribed access and egress route. All new customers/drivers are made aware of the routeing requirements prior to their first attendance at the site and once on site undergo a thorough induction process which sets out in some detail the routeing requirements. The company routinely reminds all drivers attending the AD Facility of these requirements. This applies to both waste delivery vehicles and digestate export vehicles (including tractor and trailers)

The applicant company has highlighted the number of industrial and agricultural activities going on in and around the Stormy Down area which are entirely independent of the AD operations. The company maintains that those vehicles using Stormy Lane may not be associated to the activities at the AD Facility and as such are not subject to the routeing restrictions set out in the S106 Agreement. However, the requirement for the operator to keep a record of complaints and provide publication of any breaches of the routeing agreement will allow complaints to be assessed more rigorously in the future.

All other concerns raised by the Community Council and resident will be considered in the appraisal section of the report.

## **RELEVANT POLICIES**

### **Local Policies**

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013 and within which the following Policies and supplementary Planning guidance are relevant:

|                     |                                                                   |
|---------------------|-------------------------------------------------------------------|
| <b>Policy SP2</b>   | Design and Sustainable Place Making                               |
| <b>Policy PLA4</b>  | Climate Change and Peak Oil                                       |
| <b>Policy SP3</b>   | Strategic Transport Planning Principles                           |
| <b>Policy PLA5</b>  | Development in Transport Corridors (Pencoed to Pyle)              |
| <b>Policy PLA11</b> | Parking Standards                                                 |
| <b>Policy SP4</b>   | Conservation and Enhancement of the Natural Environment           |
| <b>Policy ENV5</b>  | Green Infrastructure                                              |
| <b>Policy ENV6</b>  | Nature Conservation                                               |
| <b>Policy ENV7</b>  | Natural Resource Protection and Public Health                     |
| <b>Policy SP6</b>   | Minerals                                                          |
| <b>Policy ENV9</b>  | Development in Mineral Safeguarding Areas                         |
| <b>Policy ENV10</b> | Development within Mineral Buffer Zones                           |
| <b>Policy ENV16</b> | Commercial and Industrial Waste                                   |
| <b>Policy SP8</b>   | Renewable Energy                                                  |
| <b>Policy ENV18</b> | Renewable Energy Developments                                     |
| <b>Policy REG4</b>  | Former Stormy Down Airfield - Temporary development of the former |

Stormy Down Airfield will be permitted where it relates to/facilitates the creation of a cluster of innovative green industries.

**Policy SP14** Infrastructure

**National Policies**

In the determination of a Planning application regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this Planning application:

**Future Wales – the National Plan 2040**

**Planning Policy Wales Edition 11**

|                                     |                                  |
|-------------------------------------|----------------------------------|
| <b>Planning Policy Wales TAN 5</b>  | Nature Conservation and Planning |
| <b>Planning Policy Wales TAN 11</b> | Noise                            |
| <b>Planning Policy Wales TAN 12</b> | Design                           |
| <b>Planning Policy Wales TAN 18</b> | Transport                        |
| <b>Planning Policy Wales TAN 21</b> | Waste                            |
| <b>Planning Policy Wales TAN 23</b> | Economic Development             |

**WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

The Well-being of Future Generations Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of the proposed development.

**THE SOCIO ECONOMIC DUTY**

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

**APPRAISAL**

This application is referred to Committee in view of the objections received from the Community Council and a local resident.

This application is submitted under S.73 of The Town and Country Planning Act to vary conditions 1 and 7 of Planning consent P/14/700/FUL to agree changes to the main reception building and flue height and an increase in the tonnage of food waste that can be processed on site.

The main issues to be considered in the assessment of this application are as follows:

- Whether the continued use and proposed revisions to the conditions are compliant with national and local Planning policy

- Whether the changes to the building and flue and more particularly the increase in food waste that can be processed on site will have any significant effects on the living conditions and well-being of the nearest residents with regard to noise and air quality;
- Whether the increase in food waste that can be processed on site will have any adverse impacts on the highway network and by extension on highway safety;
- Whether the proposed changes to the conditions will have any impacts on land drainage, biodiversity or any other Planning interests of acknowledged importance.

**Whether the continued use and proposed revisions to the conditions are compliant with national and local Planning policy**

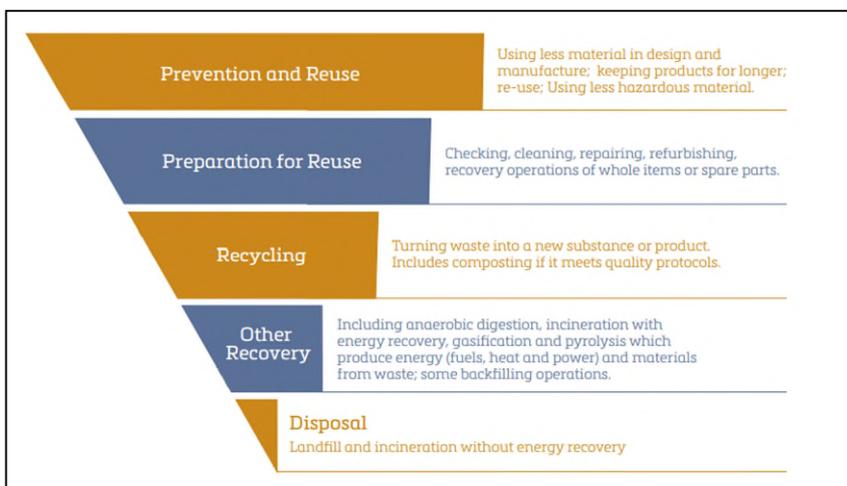
Since the original 2014 Planning decision, Welsh Government has published new Policy documents that are relevant to this application including Planning Policy Wales – Edition 11 – February 2021, Future Wales and Technical Advice Note 21: Waste (February 2017).

Welsh Governments Towards Zero Waste - Waste Strategy for Wales (June 2010) still informs national policy and advises that by 2050, as a minimum, the Welsh Government will have reduced the impact of waste by producing approximately 65% less than in 2010. A key objective to reduce Wales' greenhouse gas emissions is that waste needs to be diverted from landfill. The Strategy notes that the best way to treat most wastes away from landfill is for them to be recycled and specifically in the case of food waste, to be anaerobically digested. The strategy states 'anaerobic digestion has significant potential to reduce greenhouse gas emissions' and 'the use of AD is strongly recommended for source segregated food waste'.

The Planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses whilst at the same time:

- minimising adverse environmental impacts and avoiding risks to human health;
- protecting areas of designated landscape and nature conservation from inappropriate development; and
- protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities.

Planning Authorities should be supportive of facilities that reflect the priority order of the waste hierarchy as far as possible (see below):



**Fig. 2: Waste Hierarchy**

Paragraph 5.13.7 of PPW indicates a move towards the reduction of disposal and recovery options for treating waste such as anaerobic digestion in favour of high volume source segregated collection followed by reprocessing as well as preparation for re-use and prevention. Due to the production of biogas and digestate in the anaerobic digestion process, the Technical Advice Note published in 2017 acknowledges that anaerobic digestion is considered to have a greater potential to reduce greenhouse gas emissions than other composting treatments.

The Local Planning Policy framework has not changed significantly since the original Planning consent for the AD facility. The application site is part of a larger allocation that facilitates 'innovative green industries' for a temporary period (Policy REG4 refers). The reference to temporary development is due to the site being located within a Limestone Resource Safeguarding Area designated under Policy ENV9. The more recent Planning consents on this site have been temporary, expiring in 2035 to ensure that the limestone resource can be extracted if required however, it has been established that there is enough limestone available to exceed this date and any permission can be granted temporary consent for a 30-year period. The site is also located within the Mineral Buffer Zone for the Cornelly Group of Quarries and as such Policy SP6 of the LDP is relevant however, given that the original consent was issued for a temporary period and that this revised application only seeks to amend conditions 1 and 7 and not the time limit of the permission, it is considered that the proposed development would not adversely affect the mineral reserves.

As the process of waste provides a biogas which when fed into a combined heat and power units creates electricity (renewable energy), Policies SP8 and ENV18 of the LDP are also relevant. Broad support for 'development that contributes to meeting national renewable energy and energy efficiency targets will be permitted where it can be demonstrated that there will be no significant adverse impacts on the environment and local communities'. Policy ENV18 provides more detailed criteria which will be considered further in this report.

In June 2010, the Council approved a Development Brief for Parc Stormy with the aim of controlling future development proposals without prejudicing the future mineral resources. Development would also need to be controlled so as not affect highway safety, privacy and visual amenity or harm neighbours residential amenity. The Brief informs future development proposals and forms a material part of the decision making process. One of the aims of the Brief is:

*To promote sustainable forms of development that helps Bridgend CBC to meet various policy targets set at a local and national level. The Brief also advises that encouragement will be given to proposals that have identifiable links with existing uses on the site. This would assist in achieving synergy on site between different uses, achieving economies of scale in traffic movements, use of energy and boundary treatments. In this way, a cluster of 'Innovative Green Industries' could be created to assist the County Borough in meeting the ambitious carbon reduction policies of the Welsh Assembly Government.*

Having regard to the above national and local policies and the Development Brief, the principle of the proposed changes to the existing consent are considered acceptable.

**Whether the changes to the building and flue and more particularly the increase in food waste that can be processed on site will have any significant effects on the living conditions and well-being of the nearest residents with regard to noise and air quality;** National policy recognises the benefits of proposals to recycle and recover energy from waste but at the same time they must minimise any adverse environmental impacts and protect the amenity of residents. Policies SP2 and ENV18 provide the framework for such considerations at a local level.

Impacts on amenity with regard to this application relate to noise generated by activities on site including any increase in site traffic and whether the increased production of waste will result in

odours above that associated with the existing operation. Members will note that both the Community Council and the local resident have referred to the issue of odour.

The original Planning application was supported by a detailed Air Quality and Odour Assessment which concluded that the changes in odour profile in the local area as a result of the proposed AD Facility would not be significant. In support of this application Crestwood Environmental Ltd carried out an Air Quality and Odour Assessment. The report concluded that due to the low number of vehicle trips predicted to be generated by the increase in processing tonnage, the road traffic exhaust impacts were predicted to be not significant. Additionally, the odour effect because of the proposed increase to waste tonnages is negligible. The applicants maintain that this position has been reached due to the significant odour control measures that operate on site. These include the reception building being kept under negative pressure with an odour extraction and control system in place, automatic fast shutter doors on the entrance and exit points and a fully sealed digestion process. In particular, the fast shutter doors work on an induction loop operated automatically by vehicles as they drive up to the access doors and open fully within 3 seconds and close within 5 seconds. This is the most appropriate measure by which to control the ingress and egress from the reception building.

The facility is also permitted and monitored by Natural Resources Wales (NRW) which has prosecution powers as well as civil enforcement powers at its disposal in the case of serious or persistent breaches of regulations. NRW undertake announced and unannounced visits to the site to monitor the site's compliance with the operational permit and the AD Facility is subject to two monitoring audits by NRW a year, the most recent of which took place on the 25 May 2021 where no 'non-conformances' against the permit were recorded. Additionally, NRW responds to any complaints regarding operational impacts from the site that are received.

NRW recently undertook a visit to the AD Facility as a result of a received complaint. This visit took place on 19 May and the investigation was subsequently closed on 20 May as a result of the Environment Officer finding nothing to substantiate that the activities at the AD Facility were the cause of the complaint matter. The AD Facility operates in line with Best Available Techniques (BAT) in order to minimise and control the odour emissions from the facility. The concerns of the Community Council and resident have however been noted and they have been requested to address any further incidences of complaint to the site manager.

Members should note that no adverse comments have been received from Shared Regulatory Services or Natural Resources Wales concerning odours.

The applicant commissioned Crestwood Environmental Ltd to undertake a Noise Assessment to accompany the application and to assess the impact of the increase in processing capacity on the nearest noise sensitive receptors at Cae Cornel and Mount Pleasant Farm which are 220m and 980m respectively from the site. The report notes that the capacity increase can be managed via a modest extension of the main operational building, an increase in size (but not number) of vehicle deliveries and slight modification to the processing plant to operate within the maximum design capacity. The optimisation of the plant is expected to have a net zero effect on emitted noise levels. Noise levels were undertaken on site and it was noted that whilst the night time modelled noise levels at Cae Cornel fall within the guideline levels set out by the World Health Organisation (WHO2009) for the lowest-observed-adverse-effect-level (LOAEL) by 1dB, they exceed the limit set out by Condition 13 of the original consent. Although no noise complaints have been received in respect of this premises, due to the incremental developments on site it is important that there are no further increases in ambient and background noise levels to prevent 'background creep'. The applicant has advised that in order to ensure accordance with the implemented noise level condition, this application proposes mitigation to two of the noise producing plant elements on site to produce a 3-4 dB reduction in noise levels at the sensitive receptor locations in line with the recommendations of the acoustic report. These proposed mitigation measures include:

- Bio filter ductwork – stiffening the ductwork with bracing and enclosing the ductwork in absorptive cladding; and
- CHP Plants – Enclosure of the fan motors and condensers and acoustic barrier around roof mounted fans, pumps and valves.

Consequently, in terms of noise and subject to the implementation of the above mitigation works, the increased processing capacity and changes to the buildings should have no adverse impacts on the living conditions with regard to soundscape.

Based on the submitted evidence and the assessment by the relevant Officers in the Council and Natural Resources Wales, it is concluded that the variation of the conditions and the increase in processing capacity should not have any significant environmental impacts or adverse consequences on the living conditions and well-being of residents. The requirements of both national and local Planning policies are addressed in this regard.

**Whether the increase in food waste that can be processed on site will have any adverse impacts on the highway network and by extension on highway safety**

A Transport Statement has been submitted in support of this application. The document relies heavily on the outcomes of the previous Transport Assessment submitted as part of the original Planning application (P/14/700/FUL refers). The total maximum number of vehicle movements which were accepted as part of that application have been used as a fall-back position and base line for the assessment of this variation to the Planning conditions.

Vehicular access to the site is off an unnamed road which links Heol-y-Splott and Mount Pleasant Road with Stormy Lane. HGVs accessing and egressing the AD facility with waste are required to leave the site by turning left onto this road and proceeding down Heol-y-Splott to the A48. From there vehicles use Junction 37 to access the M4. The route seeks to protect the amenity of residents living on Stormy Lane and is secured through the related S106 agreement.

When Planning permission was granted in 2015, the traffic movements associated to the AD use were predicted to average 60 HGV movements (30 in/30 out) a day and peaking at up to 102 HGV movements (51 in/51 out) on up to 60 days per annum. Information submitted with this application indicates that whilst the tonnage of processed waste has exceeded the 48,500 tonnes in 2018 and 2019, the number of HGV movements associated to the AD facility in both of these years was well below the levels set out in the ARUP Traffic Assessment dated October 2014. It is contended that at the proposed tonnage level (95,000 tonnes per annum) and the associated digestate export level, the traffic flows remain below the predicted and accepted levels. This is largely due to a significant increase in the average payloads of the waste imports. The ARUP transport report anticipated an average payload of 10 tonnes however, in practice the data collected from 2017-2019 demonstrates an average waste import payload of 18.3 tonnes, significantly reducing the number of vehicles required to transport the waste.

The submitted Transport Statement has considered the impact of the increase in tonnage on vehicle movements associated to the AD facility and the corresponding impact upon highway safety. The report concludes that the proposed change in tonnage levels will not result in any greater impact on any given day than was previously assessed and approved by the 2015 application. The applicant company has agreed to enter into a revised S106 agreement for the routing agreement in line with this revised application.

Since the original grant of consent for the AD facility, the applicant company has constructed and utilised a digestate storage lagoon to the south west of the AD facility to manage the digestate output from the site. Due to this amendment in the management of digestate, HGVs associated to the export of digestate largely egress from the nearby Lagoon as opposed to the AD facility. In order to minimise and mitigate the impact of those vehicles on local amenity and

in the interests of highway safety, the applicant is offering to enter into an additional S106 agreement agreeing a safe route of travel for those vehicles using the digestate lagoon.

In assessing the Transport Statement, Officers have considered the methodology and the reliance on the data that formed part of the Transport Statement on the original application. This approach is not unusual but it does not take full account of the potential increase in traffic in the local area. There has been an expansion of existing businesses and most importantly the expansion of the Stormy Down site between 2014 and 2021 which equates to some 7 years in which traffic patterns and volumes can change.

The new Transport Statement has used the traffic count data from the Department for Transport counter on the A48 showing that daily traffic volumes (AADT) have decreased since 2014 and concluded that any corresponding increase in traffic generated by this proposal is acceptable. The Transport Statement does not however break down the mix of vehicles within the daily traffic volumes. Data shows that since 2014 the volume of HGVs passing through this counter have increased from 510 HGVs a day in 2013 to 598 HGVs in 2019. In addition, it should be noted that the Department for Transport counter is located approximately 3km from the application site entrance and the validity of such data cannot be wholly relied upon.

As a result of the above, there is concern that should the combined in and out peak traffic movements of 130 for the AD plant happen on a single day (as detailed in the submitted information), the local network may not be able to accommodate the proposal traffic as well as the background daily traffic. In order to overcome these concerns, it is recommended that a Planning condition be imposed to limit the vehicle movements to 102 vehicles (51 movements in and 51 movements out). This will ensure that the peak traffic movements on any given day will be within the previously consented limits and therefore a nil detriment from a highways perspective.

Concerning the impacts on the immediate highway network serving the site, the previous consent required a scheme of directional signage from the A48 to the site entrance and whilst this does assist in controlling movements, representations have been received regarding vehicles failing to follow the agreed route. Additional signage will therefore be required at the entrance/exit gates to the AD facility advising drivers to turn left only. The applicant's agent has questioned the validity of this requirement but in wishing to work with the Council and appease the concerns of residents, has agreed to such a condition being imposed subject to the wording reflecting the part-retrospective nature of the application.

A detailed assessment of the site access has confirmed that when HGV vehicles are emerging from the site then they are crossing the notional centre line and potentially crossing into the opposing traffic. Furthermore when turning into the site the HGVs are tracking onto the grass verge. The current design and geometry of the access is not accommodating the turning movements for the current HGVs. A widening of the access is, therefore, required through a condition.

The applicant company has noted that such a condition is essentially a replica of condition 10 imposed upon the original consent which required the submission and implementation of highway widening works. Whilst the details submitted for the condition were agreed, it appears that not all the junction improvements were undertaken. This will be rectified through the grant of this consent. The condition requiring the improvement will, therefore, be imposed on any permission granted.

Reference has already been made to a S106 Agreement to ensure that all HGV movements generated by the AD plant access the site via an agreed route. The routeing agreement ensured that HGV used the parts of the network that are capable of supporting HGV movements as well as protecting the amenity of the cluster of houses on Stormy Down. Whilst the S106 Agreement has been of benefit, there are HGV movements associated with the digestate lagoon which do not have to adhere to the routeing agreement. The applicant has

however agreed to now include those movements which is considered to provide a highway safety benefit especially on the Stormy Down Lane/A4106 priority junction opposite the Happy Valley Caravan Park.

To provide further assurances to the residents and to protect the local highway network, any future S106 Agreement will include a mechanism and clear line of complaint reporting. In addition, any complaints of HGVs not using the agreed route should be recorded for annual inspection by the Council to ensure that ad-hoc breaches are acknowledged and investigated and complainants are responded to. Currently there is no such mechanism and it is not clear if any routeing agreement breaches are solely down to the AD plant.

Subject to the imposition of the conditions referred to above and a Section 106 Agreement that will not only deliver a routeing agreement but also a requirement for the operator to keep a record of complaints and provide publication of any breaches of the routeing agreement, the changes proposed by the variation of the condition should not be detrimental to highway safety and will be compliant with national and local Planning policy.

### **Whether the proposed changes to the conditions will have any impacts on land drainage, biodiversity or any other Planning interest of acknowledged importance**

#### Site Drainage

As outlined within the original application, AD offers a completely sealed liquid management system all of which is enclosed within an impermeable stabilised soil containment bund. As such, any water that falls within the site boundary is adequately captured and utilised within the AD process. The amendments as outlined in this application are considered to have a negligible effect on the surface water and drainage. No adverse comments have been received from the Land Drainage Section.

#### Biodiversity Interests

Criterion (10) of Policy SP2 of the Local Development Plan (2013) seeks to safeguard and enhance biodiversity and green infrastructure. Supplementary Planning Guidance Note 19 Biodiversity and Development which encourages the protection and enhancement of the natural environment through safeguarding, enhancing, restoring and creating wildlife habitats, support this. An ecological survey conducted in support of the original application concluded that the application site was of low ecological value and with the exception of nesting birds, did not support any legally protected species. Site lighting was identified as possibly affecting species habitat on the adjoining land and the Site of Importance of Nature Conservation beyond (750m from the development boundary). Details of the lighting have been approved under application P/19/200/DOC. No changes are proposed as part of this application.

#### Landscape and Visual Impact

A Landscape and Visual Impact Assessment (LVIA) accompanied the original Planning application which assessed the impact of the visual changes arising from the development together with changes to the character and quality of the landscape. Photomontages were also provided. The LVIA concluded that the proposed development would only have an impact of 'slight significance' in the short term but reducing to 'neutral' as mitigation planting improves the quality and condition of the landscape and reduces visibility of the development. The changes proposed as part of this application have no significant impact with the increase in flue height being very modest. The landscaping secured as part of an earlier consent will assist in screening views from the north, south and east.

Overall, the visual impacts of the amended scheme in the short term are acceptable particularly given the context of the development with the larger wind turbines on Parc Stormy and Newton Down.

Impacts on historic archaeological interests were considered previously where it was noted that the site was on a former Airfield which was established during the 1930s as a training facility. It is understood that the airfield was built on an area where pre-historic and Roman

remains had been noted. The development of the new AD plant was not considered to impact on the archaeological features as they were likely to have been damaged by the previous development of the site. Mitigation in the form of an Archaeological Watching Brief during any ground disturbance was secured through the grant of Planning permission. The results of the Watching Brief confirmed that no evidence of archaeological activity or settlement were observed during the ground excavations. It was concluded on the evidence before the assessor that there was no archaeological resource within the development area.

## **CONCLUSION**

Section 73A of the Act provides for retrospective Planning permission to be granted in respect of development which has already been carried out without Planning permission or without having complied with one or more of the Planning conditions to which it was subject.

The Local Planning Authority can grant such permission unconditionally or subject to different conditions or they can refuse the application if they decide the retrospective development is unacceptable.

The proposed changes to the AD facility through the variation of Planning conditions 1 and 7 accords with the overarching objectives of national and local Planning policy to decarbonise society and develop a circular economy whilst maximising environmental protection and limiting environmental impact. Based on evidence before the Council the increase in processing capacity should not have any significant environmental impacts or adverse consequences on the living conditions and well-being of residents and subject to the imposition of Planning conditions and S.106 Agreement, the continued operation of the site should not be detrimental to highway safety. Furthermore, the variation to the conditions has not raised any issues with regard to drainage, biodiversity interests or any other material considerations that justify a refusal of Planning permission.

Notwithstanding the objections received from the Community Council and local resident, having regard to the relevant Policies and the advice received from Statutory Consultees, the proposal is acceptable and the recommendation is to approve the application subject to the developer entering into a S106 Agreement and the following Planning conditions.

## **RECOMMENDATION**

(A) The applicant enters into a Deed of Variation/Section 106 Agreement to:-

- (i) include a routeing agreement for heavy goods vehicles operating to and from the AD plant and digestate lagoon
- (ii) require the operator of the AD plant to keep a record of complaints and publish a report of any breaches to the routeing agreement

(B) The Corporate Director Communities be given delegated 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. The development shall be carried out in accordance with the following approved plans and documents:
  - i. A312.1000 P004B received on 21 October 2014
  - ii. JB59184 P001 Rev A
  - iii. A312.1000 C012 Rev 3
  - iv. A312.1000 P005B received on 11 December 2017
  - v. UFQ3716-2001A
  - vi. DWG SD/02 Screen Planting Plan (Revision A) received on 14 May 2018
  - vii. The noise mitigation works as recommended in Section 6.2 of the Acoustic Report by Crestwood Environmental Ltd, Report Reference: 200/STGreen - Final Version dated 5.10.2020. The works shall be implemented within 3 months of the date of

this decision

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. The development shall accord with the following agreed details:
  - i. Materials Schedule - March 2015 received on 17 March 2015
  - ii. Mitigation Measures on page 8 of Ecological Report received by the Local Planning Authority on 21 October 2014
  - iii. Fencing Schedule - March 2015 received on 30 March 2015
  - iv. Geo-technical and Geo-environmental Desk Study Report - November 2014 by Terra Firma
  - v. Foul Drainage Scheme - April 2015 received on 14 April 2015
  - vi. Signage for Parc Stormy - Sign Elevation and Sign Location Plan (Dwg No.1000 C 005 - Revision 9 received on 28 July 2016
  - vii. Lighting Design Drawings 2216-D-01-LED - Rev C and 2216-D-02-LED - Rev C and Supporting Ecology Letter Dated 22 March 2019 (Agreed under P/19/200/DOC on 17th June 2019)

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

3. The Anaerobic Digester plus any associated works hereby permitted shall be removed from the site on or before 31 March 2045.

Reason: - To enable the Local Planning Authority the matter to be reviewed at the end of the period of the temporary consent and to protect identified reserves of limestone.

4. All water management for the duration of the approved operations on site shall accord with The 'Water Management Plan' received on 21 October 2014.

Reason: To ensure effective drainage of the site

5. Within three months of the date of this consent, a scheme for the provision of highway 'No Left Turn' signage at the site entrance shall be submitted to and agreed in writing by the Local Planning Authority. The agreed signage scheme shall be erected within three months of the scheme being agreed by the Local Planning Authority and shall be retained and maintained in perpetuity.

Reason: In the interests of highway safety.

6. Within three months of the date of this consent, a scheme for the provision of a widened access/egress (supported by vehicle swept path diagrams) and turning taper areas shall be submitted to and agreed in writing by the Local Planning Authority. The agreed access widening scheme shall be implemented within three months of the scheme being agreed by the Local Planning Authority and shall be retained and maintained in perpetuity.

Reason: In the interests of highway safety.

7. No more than 95,000 tonnes of waste annually shall be imported into the site for processing in the Anaerobic Digester operation hereby approved. Written records of tonnages imported into the site and waste vehicle movements shall be available for inspection by the Local Planning Authority, Highway Authority and Public Protection Officers on request at all reasonable times.

Reason: In the interests of highway safety and to ensure the free flow of traffic.

8. No more than 102 waste vehicle movements (51 in and 51 out) shall be permitted on any given day to and from the site. Written records of tonnages imported into the site and waste vehicle movements shall be available for inspection by the Local Planning Authority, Highway Authority and Public Protection Officers on request at all reasonable times.

Reason: In the interests of highway safety and to ensure the free flow of traffic.

9. No vehicle movements associated with the site operations, including any operations involving the importation of waste, removal of waste and finished products and transportation of waste outside the reception building, shall take place outside the following times:  
Monday to Friday 0700 - 1800  
Saturdays and Bank Holidays 0700 - 1600  
Sundays 0800 - 1400

Reason: In the interests of residential amenity

10. Not later than 12 months before the cessation of the Anaerobic Digester Facility, a site restoration scheme including a timetable, shall be submitted to and agreed in writing by the Local Planning Authority. Such a scheme shall include the management and timing of works and a traffic management plan to address highway issues arising during the decommissioning period. Full site restoration shall be carried out in accordance with the agreed scheme and timetable.

Reason: In the interests of highway safety

11. Odour shall be controlled in accordance with the scheme of control measures specified in the Air Quality and Odour Assessment Rev A report submitted to the Local Planning Authority on 21 October 2014.

Reason: In the interests of residential amenity.

12. The biological filtration system hereby approved shall consist of both a biofilter and water scrubber.

Reason: In the interests of residential amenity

13. All operational vehicles arriving at and leaving the site shall be appropriately sealed or covered so as to prevent material spillage and odour nuisance.

Reason: In the interests of residential amenity.

14. Noise generated from all operations on the site expressed as an A-weighted equivalent continuous sound pressure level (LAeqT) shall not exceed the following as measured (or where this is not possible, calculated) at the boundary of the noise sensitive premises specified below:

- i. the noise rating level in any one hour period between 0700 - 2300 shall not exceed an LAeq (1hour) of 36dB at Cae Cornell and Mywydd Farm and 30dB at Mount Pleasant Farm.
- ii. the noise rating level in any 15 minute period between 2300 - 0700 shall not exceed an LAeq(5mins) of 28dB at Cae Cornell and 28dB at Mount Pleasant Farm.

Reason: In the interests of residential amenity.

15. The loading and unloading of vehicles and pre-treatment of waste shall be carried out inside the reception building hereby approved which shall be fitted with fast acting doors.

Reason: In the interest of residential amenity.

16. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS \*

- a. Section 73A of the Act provides for retrospective Planning permission to be granted in respect of development which has already been carried out without Planning permission or without having complied with one or more of the Planning conditions to which it was subject. The Local Planning Authority can grant such permission unconditionally or subject to different conditions or they can refuse the application if they decide the retrospective development is unacceptable.

The proposed changes to the AD facility through the variation of Planning conditions 1 and 7 accords with the overarching objectives of national and local Planning policy to decarbonise society and develop a circular economy whilst maximising environmental protection and limiting environmental impact. Based on evidence before the Council the increase in processing capacity should not have any significant environmental impacts or adverse consequences on the living conditions and well-being of residents and subject to the imposition of Planning conditions and S106 Agreement, the continued operation of the site should not be detrimental to highway safety. Furthermore, the variation to the conditions has not raised any issues with regard to drainage, biodiversity interests or any other material considerations that justify a refusal of Planning permission.

Notwithstanding the objections received from the Community Council and local resident, having regard to the relevant Policies and the advice received from Statutory Consultees, the proposal is acceptable and the recommendation is to approve the application subject to the developer entering into a S106 Agreement and the following Planning conditions.

- b. The S106 Agreement shall specify that all heavy goods vehicle traffic associated with the proposed AD facility shall only access/egress from the site via Heol y Splott and shall only turn left at the A48/Heol y Splott junction to travel towards Pyle. In addition a routeing agreement breach complaints procedure and recording mechanism will be provided by the operator of the AD plant.
- c. The developer is advised to consider the provision of nest boxes within the development for bird species and the incorporation of bat boxes, bat tiles and bat bricks.
- d. Rainwater run off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under the Highways Act 1980.
- e. Foul water and surface water discharges shall be drained separately from the site.
- f. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system.
- g. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None