

PLANNING (SITE VISITS) SUB COMMITTEE

18TH JULY 2013

ENVIRONMENT SERVICES

REPORT OF THE HEAD OF PLANNING – N. PEARCE

PART 1 – Doc.Code: PSVS-180713-REP-EN-NP

SECTION A – MATTERS FOR DECISION

1. PLANNING APPLICATION RECOMMENDED FOR APPROVAL

<u>ITEM 1. 1</u>	
<u>APPLICATION NO:</u> P/2012/92	<u>DATE:</u> 20/02/2012
PROPOSAL: Proposed anaerobic digestion facility (up to 1MW) with associated works (revised application submitted 21/12/12)	
LOCATION:	Former Coal Stocking Ground, Maesgwyn, Glynneath
APPLICANT:	Mr Will Watson
TYPE:	Full Plans
WARD:	Glynneath and Onllwyn

BACKGROUND INFORMATION

This application has been deferred for a site visit to assess the visual impact on the surrounding area and the proximity of the site to residential areas and the potential for future impacts on those residential areas.

An amendment sheet was also produced to Committee which set out the following information:

The identity of the wards within which the application site is located has been updated to also refer to Onllwyn, as the site straddles both wards.

Additional observations have been received from the Head of Engineering and Transport requesting that the Eastern access to the site (the access nearest to Glynneath) is not used to serve the site.

This access and the vision splays were constructed as part of the Windfarm development. It is understood that the applicant only own/controls a portion of the land within the vision splay and the remaining portion of the vision splay is controlled by way of a 25 year lease. The Head of Engineering and Transport raises concern that upon expiry of the lease the vision splay could be obstructed resulting in a loss of visibility to the detriment of highway safety.

Members should note that the applicant does not propose to use the Eastern access and it is not included within the red outline of the application site. Nevertheless the access currently has suitable visibility. Whilst it is recognised that visibility could reduce if the lease is not renewed and the splay obstructed, visibility is achievable at this junction and there appears to be the prospect that on the expiry of the 25 year lease suitable visibility could be maintained with third party agreement.

It is therefore considered that a condition to prevent access at the Eastern junction is not necessary and it does not meet the tests within Circular 11/95 (35/95) – Use of Conditions in Planning Permission.

There is an error within the report relating to the hours of operation/delivery

Hours of operation (page 10)

It should be noted that the plant will operate 24 hours a day in relation to the processing of waste and the production of renewable energy. The hours set out in the report refer to delivery times.

Condition (7) should therefore read

(7) Other than in an emergency or otherwise agreed in writing with the Local Planning Authority no materials shall enter or leave the site outside the following hours

Monday to Friday 07.00 - 19.00hrs
Saturdays 07.00 - 17.00hrs
Sundays and Bank Holidays 08.00 - 13.00hrs

Reason In the interest of residential amenity

Vehicle movements (page 35)

Whilst it is recognised that the applicants will normally receive waste six days a week, the delivery times referred to on page 10 and within proposed condition 7 control the operating hours seven days a week. This is to allow the operators to cater for slippage in deliveries which could occur for example during bank holidays, or following a breakdown etc. Nevertheless the vehicular movements have been calculated over a normal six day working week. This is a predicted estimate of movements and Members are reminded that a maximum of 15,000 tonnes of waste will be processed on the site per annum as set out in condition 4. Notwithstanding this, the remoteness of the location dictates that even if they received deliveries seven days a week regularly, this would not impact upon the amenities of residents within the vicinity.

Waste removal will account for 2 additional HGV movements over a two day period (ie an empty vehicle coming and a laden vehicle leaving the site) every other day. Digestate transportation will account for 4 additional HGV movements per day, (ie two empty vehicles in and two laden vehicles out every day). These vehicle movements added to the six vehicles associated with the daily delivery of the waste (ie three laden vehicles in and three empty vehicles out), will amount to an average of 11 movements per day.

Planning History

10/1102 – Change of use to a recycling, composting and waste transfer facility, erection of ancillary offices with car parking, landscaping and associated works. Approved 5/4/2011

08/869 – Change of use to transfer station and erection of ancillary offices with car parking spaces and landscaping. Approved 18/6/2008

Adjacent Site

06/1261 – Development of a 45mw wind farm comprising 15 x 3MW wind turbines with associated masts, substation and related infrastructure together with improvement of existing access to A4109 and internal access tracks etc. – Approved with conditions 2/5/08

08/979 – Discharge of condition 3 (planting scheme) of planning application P2006/1261 – Approved with conditions 28/10/08

08/981 – Discharge of conditions 6 & 7 (Archaeological works) of previous planning consent P2006/1261 – Approved 6/11/08

08/982 – Discharge of conditions 9 & 10 (landscaping) of previous planning consent P2006/1261 – Approved with conditions 27/10/08

08/983 – Discharge of condition 15 (contamination) of previous planning consent P2006/1261 – Approved 27/10/08

08/984 – Discharge of condition 20 (pollution prevention measures) of previous planning consent P2006/1261 – Approved with conditions 27/10/08

08/985 – Discharge of condition 21 (ecology) of previous planning consent P2006/1261 – Approved 27/10/08

08/986 – Discharge of condition 23 (traffic management plan) of previous planning consent P2006/1261 – Approved with conditions 27/10/08

08/987 – Discharge of condition 24 (electromagnetic signals) of previous planning consent P2006/1261 – Approved 27/10/08

08/988 – Discharge of condition 25 (shadow flicker) of previous planning consent P2006/1261 – Approved with conditions 27/10/08

08/1198 – Discharge of condition 11 of planning consent P2006/1261

relating to colour of turbines – Approved 27/10/08

08/1209 – Screening opinion, increase in height of 10 turbines from 115M TO 119.5M – Not required 30/9/08

08/1256 – Micro siting of turbines and re-siting of electrical sub station – Approved 6/11/08.

08/1484 – Increase tip height of 10 turbines permitted under 06/1261 Approved 19/6/09.

09/0015 – Screening opinion, Small biomass CHP and wood pellet manufacturing plant. Not required 14/1/09.

09/0805 - Biomass and wood pellet manufacturing plant. Minded to grant consent subject to Section 106 agreement

10/0468 - Consultation under Sct 47 Planning Act 2008 Statement of community consultation (SOCC). No Objection 18/5/2010

10/510 - Consultation under section 42 of the Planning Act 2008 for a proposed 132 KV electricity line. No Objection 29/6/2010

10/1263 – Solar farm Minded to grant consent subject to Section 106 agreement.

Publicity and Responses if applicable:

The application was advertised on site and in the local press as development affecting footpath Number 13, 19 and 24 and Byway 23.

Site notices were displayed at the site entrances and adjacent settlements of Banwen and Glynneath.

Glynneath Community Council: Objection on the grounds of potential windblown debris off the site, odour towards Glynneath and the future development of the site as a landfill site when the area appears to be saturated with these types of development.

Onllwyn Community Council: No Response.

Powys County Council: No Response.

Brecon Beacons National Park: Objection on the ground of visual effect.

Head of Engineering & Transport (Highways): No Objection.

Head of Engineering & Transport (Drainage): No objection.

Biodiversity Section: No Objection, subject to conditions.

Footpath Section: No Objection.

Pollution Control Section (Land contamination): No Objection.

Pollution Control Section (Air Quality): No Objection.

Head of Housing and Public Protection (Noise): No Objection.

Wales and West Fire and Rescue: No objection, subject to conditions.

NRW: No objection subject to conditions.

Western Power Distribution: No Objection.

The Health Board: No Objection.

Background Information

This application was submitted in February 2012 for an anaerobic digestion facility producing 2.5MW of electricity. The proposal was to import 45,000 tonnes of non hazardous food waste consisting of 25,000 tonnes of municipal waste and 20,000 of commercial and industrial waste.

That proposal was the subject of public consultation in February 2012.

A revised application was subsequently submitted in December 2012, which reduced the size of the proposed facility, the details of which are

set out below.

Description of Site and its Surroundings:

The application site is located approximately 1.04km south east of Banwen, 1.7km south of the Brecon Beacons National Park and 1.9km north east of Glynneath on the former Maes Gwyn opencast coal stocking grounds.

The site will be located on the two plateaus which form part of the former stocking grounds. The upper plateau is level, made up of crushed stone and is at a height of approximately 310m AOD. The lower plateau, to the south of the upper plateau, is at a lower level at between 275m – 300m AOD. This plateau falls gently in a westerly direction and consists predominately of loose fine stone with small patches of scrub vegetation. The site is south of the proposed Biomass Plant, within a managed forestry plantation and lies within the site of the existing wind farm.

To the north of the upper part of the site is a forested ridge rising to a height of 315.6m-317.2m AOD. To the west the level plateau continues for approximately 200m before sloping steeply into a small basin. To the east is an existing weigh bridge and the access road to the site. To the south of the site on the edge of the lower plateau is Byway 24.

Access to the site is off an existing access point along the A4109 Intervally Road. It is located approximately 500m east of the junction of Roman Road and the A4109 and is made up of compacted stone.

To the north of the site, behind the wooded ridge above the upper plateau is Footpath 24. This crosses the access road to the site approximately 300m north east of the weigh bridge on the upper plateau. Footpath 19 is also located to the north of the site behind the wooded ridge. This crosses the access road approximately 700m north east of the junction of Footpath 24 and the access.

The overall application site area is approximately 9 hectares, including the access road corridors. Within this, the area used for processing, storage and renewable energy generation is 1.82ha.

The nearest dwelling is Gorswen approximately 0.8km north west of the

site. The nearest large settlement is to the southern end of Roman Road in Banwen, which is approximately 1.04km north west of the site. The Brecon Beacons National Park boundary is approximately 1.7km north from the site, at its nearest point.

Brief description of proposal:

This application seeks consent for the construction of an Anaerobic Digestion facility (AD). The proposed AD would generate up to 1MW of renewable electricity, diverting around 15,000 tonnes of waste food from landfill.

Anaerobic Digestion is a process where biodegradable material is encouraged to break down in the absence of oxygen, in an enclosed vessel. It produces carbon dioxide, methane and solids/liquors known as digestate, which can be used as a fertiliser and compost. Electrical energy can be generated from the methane through its use as a fuel in gas generators. Methane can also be compressed and used to fuel vehicles, or injected into the gas grid. In this case the gas will be burnt on site to produce electricity.

The operation will be sited on the two plateau areas described above and includes the following structures:

Upper Plateau

1. Weighbridge office- 7.2m x 3m x 3.4m high (weighbridge is existing);
2. A 2m high steel mesh fence will enclose the above.

Lower Plateau

1. Waste vehicle reception hall (40m x 35m x 12.4m);
2. 3 x Pre-storage tanks each 6.98m in diameter and 7.37m high;
3. Safety gas flow 0.6m in diameter, 5.5m high;
4. Post digestate storage tank 16.3m in diameter and 8.07m high
5. 2 x Combined Heat and Power compounds;
6. Biogas filter 5m x 6.5m x 12m;
7. Digester tank 31m diameter and 13.63m high;

8. 4 x Surface water lagoons;
9. Vehicle parking area;
10. Landscaping;
11. Means of enclosure.

In order to provide a level surface for the above works the lower plateau will be re-contoured into 3 platforms to heights of between 285m and 277m, with sections of the slope being re-profiled. Access between the two areas will be via existing tracks which will be improved to achieve appropriate widths and gradients.

The upper and lower plateaus will be illuminated with bollard and pole lighting between 1m and 8m in height. CCTV cameras will be located on columns and buildings.

A landscaping bund of up to 4m in height is proposed on the western, and southern ends of the lower plateau. Additional landscaping is also proposed along the northern slope between the two plateaus and along the loop access tracks. These areas will be enclosed with a 1.2m high stock proof fence.

MATERIALS TO BE PROCESSED

The application seeks consent to process up to 15,000 tonnes of commercial and industrial food waste arising in the Neath Port Talbot and South Powys regions. The applicant has confirmed that Hazardous wastes would not be accepted at the facility.

THE PROCESS

Waste will arrive on site in sealed lorries (up to 3 loads per day). Vehicles will enter the waste reception building and unload in a sealed and air filtered area. Vehicles will be cleaned and disinfected before leaving the site.

Waste will be taken from the storage bunker and transferred into a hopper for loading into a de-packaging, separation/screening and maceration line. This will remove plastic and biodegradable packaging, as well as contaminants such as cutlery and other foreign objects.

The waste is then transferred to a pre-storage tank for temporary storage. When required, waste will be drawn from the pre-storage tank into pasteurisers prior to introduction into the digesters. Following pasteurisation the slurry will be cooled to achieve the correct digestion temperature prior to being introduced into the digester tank. The proposed system operates in the Mesophilic Temperature Range (35-45°) which is most suited to the proposed feedstock materials. Within the digester micro organisms break down the feedstock materials to produce biogas (typically ~60% methane, ~40% CO₂ and minor sulphide and hydride gases) which is suitable for energy production. It also produces a liquid digestate.

Gas from the digestion process is removed from the space above the digestion tank, cleaned, dewatered and de-sulphurised in the gas bio-filter preparation unit. Gas from the storage tank will be piped to two Combined Heat and Power (CHP) units, each capable of generating up to 0.5MW of renewable electricity.

Digestate exits the digester tank and is transferred to a post-digestate storage tank (and during winter to a covered lagoon) for storage. The digestate storage tank contains submersible mixers to agitate and maintain the digestate in a fluid state so that it can be easily moved for use as a bio-fertiliser.

It is proposed that the digestate will achieve Publicly Available Specification for Digestate (PAS 110), this is a national quality standard recognised by NRW. Digestate that attains this standard is no longer considered as waste, but a product and therefore not liable to further waste regulation control. Digestate that does not attain PAS 110 will require environmental permits to be used on agricultural land. Liquid digestate will be pumped from the storage tanks to waiting vehicles for transport to the point of use, which includes application on land as a fertilizer or use as a compost improving agent.

HOURS OF OPERATION

Mondays to Fridays	07.00 - 19.00hrs
Saturdays	07.00 - 17.00hrs

Sundays and Public Holidays 08.00 - 13.00hrs

It is envisaged that the plant will employ approximately 10 staff. It is also anticipated that there will be up to 40 jobs created during the construction period.

Material Considerations

The material planning considerations with regard to the application are:

- Prevailing National and Development Planning Policy;
- Air Quality;
- Public Health;
- Ecology;
- Hydrology and Flooding;
- Visual Amenity;
- Waste;
- Noise;
- Residential Amenity;
- Traffic Considerations;
- Health and Safety;
- Social and Economic;
- Issues Arising from Objections.

EIA Screening/Scoping opinion Habitats Regulations:

With regards to Environmental Impact Assessment the proposal is of a type that requires a decision as to whether an Environmental Impact

Assessment needs to accompany the application. This is called a 'Screening Opinion'.

The application has been screened and it was concluded that the development is not likely to have significant affects on the environment by virtue of factors such as nature, size or location and it was determined that the project was not Environmental Impact Assessment development.

Policy Context:

The Local and National policies referred to below form the framework within which the planning application is to be considered. Given the nature of the application there are overlapping policies both in relation to Waste and Renewable Energy.

European Waste Management Policy and Legislation

EU Framework Directive on Waste (75/442/EEC as amended by 91/156/EEC)

National Waste Policy and Legislation is strongly driven by European Directives, the principal directive being the EU Framework Directive on Waste (75/442/EEC as amended by 91/156/EEC).

It requires member states to:

“Encourage waste prevention or reduction and encourage reuse and recovery of waste;

Ensure that waste is recovered or disposed of without endangering human health and without using processes which could harm the environment;

- Prohibit the uncontrolled disposal of waste;
- Establish an integrated and adequate network of disposal installations taking account of the Best Available Technology, Not Involving Excessive Cost;
- Prepare Waste Management Plans;
- Ensure that any establishment or undertaking carrying out waste

disposal or recovery is appropriately licensed; and

- Ensure the cost of disposal is borne by the waste holder in accordance with the polluter pays principle.”

Landfill Directive (99/31/EC)

The waste framework is backed up through a number of waste specific ‘daughter’ directives, notably the Landfill Directive (99/31/EC). This is the most significant driver affecting how wastes are managed and was transposed into UK law through the Landfill (England and Wales) Regulations 2002. For biodegradable Municipal Solid Waste (MSW) it set landfill reduction targets of:

- By 2010 no more than 75% of that produced in 1995;
- By 2013 no more than 50% of that produced in 1995; and
- By 2020 no more than 35% of that produced in 1995.

The Directive also introduced a number of measures to limit landfilling of waste.

National Policy and Legislation

One Wales One Planet –Wales (April 2010)

The Welsh Governments’ objectives and policy for waste management are outlined in ‘Towards Zero Waste, One Wales: One Planet The Overarching Waste Strategy for Wales’ and replaces ‘Wise About Waste, The National Waste Strategy for Wales 2002’.

The strategy proposes that by 2025 all sectors in Wales will recycle at least 70% of their waste –this includes businesses, households and the public sector.

Zero waste by 2050 is defined as “an aspirational end point where all waste that is produced is reused or recycled as a resource, without the need for any landfill or energy recovery”. It goes on to state that “we will as a minimum reduce the impact of waste in Wales to within our environmental limits (which we define as One Wales: One Planet levels of waste, roughly 65% less waste than we produce now), aiming to phase

out residual waste through enhanced actions on waste prevention and sustainable consumption and production and ensuring that all waste that is produced is reused or recycled.”

In 2006/7 Towards Zero Waste indicates that in Wales around 1.57m Tonnes per annum of household waste, 5.41m Tonnes per annum of construction and demolition waste, and 3.92m Tonnes per annum of commercial and industrial waste was generated.

Towards Zero Waste proposes targets and priorities for each sector, the delivery of which will be detailed in subsequent sector plans. Within the targets and priorities for the municipal waste and commercial and industrial waste it is indicated that:

“Our collection, infrastructure and markets sector plan will concentrate on the following areas for action:

- *Diverting food waste from landfill to anaerobic digestion plants”.*

Towards Zero Waste – Draft Food Manufacture Service and Retail Sector Plan (March 2011)

This document states that a desirable outcome from the sector plan is:

“Send food waste to anaerobic digestion plants to generate valuable renewable energy and fertiliser”

Planning Policy Wales (2012) PPW

Provides the following guidance:

12.5.1 Local planning authorities are obliged by the EC Framework Directive on waste to make provision for establishing an integrated and adequate network of waste disposal installations.

12.5.3 Waste should be managed (or disposed of) as close to the point of its generation as possible, in line with the proximity principle. This is to ensure, as far as is practicable, that waste is not exported to other regions.

12.5.4 In Wales, the aim should be to provide sufficient facilities to treat, manage, or dispose of all the waste produced. Each local authority should consider what facilities are required to manage all waste streams generated within its area, although it may be necessary for some facilities (such as facilities for managing special or clinical waste) to be shared.

12.7.1 Decisions on planning applications should have regard to the waste management objectives in the national waste strategy. The environmental impact of proposals for waste management facilities must be adequately assessed, supported by independent surveys where appropriate, to determine whether a planning application is acceptable and, if the adverse impacts on amenity cannot be mitigated, planning permission should be refused.

Technical Advice Note 21: Waste (Welsh Assembly Government, November 2001)

Supplements the policies of *Planning Policy Wales*, providing further guidance relating to proposals for waste developments.

The advice is intended to facilitate the introduction of a comprehensive, integrated and sustainable land use planning framework for waste management in Wales to deliver the Welsh Government's aim for sustainable development.

The concepts of proximity and self sufficiency have been introduced into TAN 21 waste policy by action of the Directive 99/31/EC on the Landfill of Waste and previous Directives.

The Proximity Principle states that waste should be treated and or disposed of as near to the source of origin as possible because transporting waste itself has an environmental impact

“The Self Sufficiency Principle also sets out that as far as practically possible, waste should be treated or disposed of within a sensibly defined region where it is produced. Therefore, each region should aim, as far as is practicable, to provide for facilities with sufficient capacity to manage the predicted quantity and nature of waste arising from that area for at least a ten year period, and preferably longer.”

Local Planning Authorities therefore have a duty to use these principles

as set out in the various Directives in strategic planning, and development control.

Consultation on Proposed Revision of Chapter 12 in Planning Policy Wales (PPW) and Technical Advice Note (TAN) 21 Waste

The proposed changes are ;

- The recasting of national planning policy on waste is intended to facilitate a comprehensive, flexible, integrated and adequate land use planning framework for the delivery of sustainable waste management in Wales.
- The rWFD has identified that there is a need to think about waste as a valuable resource rather than an unwanted burden. Consequently land use planning has a key role in allowing suitable and sustainable waste management facilities to be developed that will re-use, recycle and recover waste materials prior to the disposal of any residual element

The main changes in summary are:

- The Regional Waste Plan is out of date and should be revoked;
- Requirements for data collection and reporting;
- Introducing a requirement to retain a minimum number of years of landfill capacity;
- Recasting policy to promote driving waste facilities up the waste hierarchy through the introduction of a Waste Planning Assessment (WPA).

In relation to this application, there are no proposed fundamental changes. However the core objective to see waste as *“as a valuable resource rather than an unwanted burden.”* is recognised within this application which seeks not only to produce energy from waste but a usable end product.

Regional Waste Policy

South – West Wales Regional Waste Plan (2003)

The specific aim of the RWP is to provide a land use planning framework at the Regional level. Each constituent Local Planning Authority would then use the RWP to develop their Development Plans in a way that determines potentially suitable locations for the range and type of facilities needed to manage waste arising within its' own area.

The plan is based on four key principles:

- Regional self sufficiency: As far as is practicable, all wastes produced within the Region shall be managed by the Region.
- The proximity principle: As far as is practicable, all waste shall be effectively managed as close to its point of origin.
- The waste hierarchy: where possible, waste management decisions will follow the waste hierarchy which at the top encourages waste reduction and in descending order of preference waste re-use, recycling and composting, waste recovery and waste disposal.
- Sustainability: A commitment to promoting sustainable development is at the heart of the decision making process and is a fundamental consideration for assessing possible sites and proposals for new waste management facilities.

The RWP indicates that in 2001/2 Neath Port Talbot County Borough landfill approximately 696,864 tonnes of waste (from a total of 810,098 tonnes of waste deposited at licensed waste management facilities). Based on these figures, which are subject to potential inaccuracies identified in the RWP, waste from the County Borough accounts for around 54% of all waste sent to landfill in South-West Wales and 37% of all waste sent to licensed waste management facilities in South-West Wales. In addition a further 337,140 tonnes of waste (126,626 tonnes in NPT County Borough) is transported and “is likely to end up in landfills within the UK”.

The RWP identified seven waste management options for the South-West Wales region based on the concept of “Do Nothing”, a solution that falls

well short of meeting waste policy requirements in future years, “Meet 2013 Targets” and “Do More”. With the exception of “Do Nothing”, all options met national and international obligations for the year 2013.

Of the proposed options Option 6 was ranked highest in the evaluation within the plan and “represents a ‘Do More (Mechanical Biological Treatment-led Strategy)’ which attempts to achieve the 2020 Landfill Directive target in 2013 principally through maximising recycling and composting levels with all remaining residual wastes being sent to Mechanical Biological Treatment. The additional diversion of residual wastes through Mechanical Biological Treatment ensures the 2020 Biodegradable Municipal Waste Landfill Directive target is met and in fact exceeded.

South – West Wales Regional Waste Plan, First Review (2007)

This Regional Waste Plan (RWP) 1st Review has been prepared by the South-West Wales Regional Waste Group (RWP) in line with the requirements of Planning Policy Wales Technical Advice Note 21: Waste (TAN 21) and later guidance from the Welsh Government (WG).

TAN 21 sets the WG’s requirements for the review of the RWP. In addition to these requirements, there were a number of stated practical reasons for reviewing the RWP:

The RWP 1st Review states that “Altogether in South-West Wales approximately 4.3 million tonnes of waste is produced each year and that amount is forecast to rise over the next decade” It goes on to indicate that “An examination of existing waste management/resource recovery infrastructure across the region shows that the existing capacity of the newer generation of residual waste treatment technologies is very limited. There is therefore an urgent need to commission new infrastructure in order to meet 2013 targets for landfill diversion.”

Based on assumed growth forecasts the Plan predicts that *“All controlled waste will increase by 0.18 million tonnes by 2013 and by 0.28 million tonnes by the year 2020, the equivalent of 4% and 6% respectively.”* and *“Whilst I&C waste is currently the most significant proportion of the*

total controlled waste stream, projections suggest that C&D waste will become the most significant proportion in the future.”

Industrial and commercial waste was forecast to reduce from 1,912,800 tonnes in 2002/03, by -28%, to 1,375,922 tonnes in 2024/25. MSW arisings were forecast to change from 580,736 tonnes in 2004/05, by +73%, to 1,007,160 tonnes in 2024/25. C&D waste arisings were forecast to change from 1,754,920 tonnes in 2002/03, by +18%, to 2,076,883 tonnes in 2024/25. Agricultural waste arisings that were likely to require an external management route were forecast to change from 16,404 tonnes in 2003, by -20%, to 13,150 tonnes in 2024/25.

The Plan also indicates 621,400 tonnes (32.5%) of Industrial and Commercial waste arisings were sent to landfill in 2002/03, a significant reduction in both the quantity and proportion landfilled since the previous survey year. As the proportion of Industrial and Commercial waste arisings sent to landfill reduced, the proportion recycled increased to 34.6%.

Current available figures held by the Authority indicates that for 2012/13 within the County Borough total waste collected was 71,695 tonnes (3,555 tonnes food waste) of which 14,378 tonnes went to land fill.

As a key element of the RWP 1st Review’s framework for the sustainable management of waste, references to Anaerobic Digestion appear frequently throughout the document emphasising the potential benefits.

UK and Welsh Waste Policy objectives are clear in that they seek to reduce landfill. However, in relation to location of facilities they outline that facilities should be appropriately located in the most sustainable location. Therefore, whilst the principle of treating waste through anaerobic digestion methods is generally acceptable as it reduces the amount of waste to landfill, its location must be subject to further consideration.

TAN 21 and RWP set out key objectives in relation to the location of waste facilities. The concept of the proximity and self sufficiency tests introduced by TAN 21, are driven by Directive 99/31/EC.

In broad terms, waste should be treated or disposed of as near to its

source as possible and waste should be treated or disposed of within sensible defined regions.

In support of the application the applicant has undertaken a site selection process over a study area including Neath Port Talbot and South Powys. This study included the application site. Based on the need to have a site with an area of 1.5 ha, 25 sites were identified in a “Long List”.

Further sieving was undertaken which took into account other factors such as, transport infrastructure, flood risk, availability and deliverability, neighbouring land use, compatibility and accessibility. These criteria reduced the site list to a “Medium List”.

A further sieving exercise involving a site visit, to assess the information contained within the desk top study, reduced those sites to a “Short List” of three sites.

The final stage of assessment involved the comparative analysis of the sites and a rank in terms of final suitability. The analysis was assessed on 13 criteria based on information within the desk top study and site visit. Junction 38 Margam ranked third with 4 out of the 13 criteria. Baglan Bay second with 7 out of the 13 criteria and the application site first with 11 out of the 13 criteria.

This final analysis indicated that the application site was the most appropriate location for the development.

The Authority appointed consultants to assess the study and they concluded that:

3.1.6. *“The shortlist sites were the subject of comprehensive comparative analysis” and that “the sieving process used was appropriate and the criteria were applied consistently and appropriately.”*

The consultants in a review of the initial submission (March 2012) raised concerns over the applicants failure to adequately apply the proximity and self-sufficiency principles and undertake an alternative site assessment. These matters were subsequently addressed in the most recent submission and the consultants concluded:

3.1.9. *“Overall, the Alternative Site Assessment addresses the issues raised in PB’s first Planning Appraisal and demonstrates that the proximity and self-sufficiency principles have been adhered to as far as practically possible.”*

It is therefore considered that having regard to the proximity and self sufficiency principles set out in TAN 21 and the RWP the application site is an appropriate location for the proposed development. Further consideration, however, has to be given to the location of the development, having regard to National and Local Planning Policy.

Planning Policy Energy

EU Renewable Energy Directive (April 2009)

The 2009 Renewable Energy Directive sets a target for the UK to achieve 15% of its energy consumption from renewable sources by 2020.

National Planning Policy Guidance Energy

The UK Renewable Energy Strategy 2009

This strategy explains how and why the Government intends to radically increase our use of renewable energy through the use of renewable electricity, heat and transport. It outlines the path to meeting the target of achieving 15% of energy from renewable sources by 2020, with 30% of electricity from renewables by 2020 thus helping to tackle climate change.

The strategy also acknowledges that the achievement of these targets should not be at the expense of good planning. Paragraph 3.6.1 reads:

“Our planning system must enable renewable deployment in appropriate places, at the right time, and in a way that gives business the confidence to invest. Thus we must speed up the system and make it more predictable, whilst ensuring that we continue to protect our environment and natural heritage and respond to the legitimate concerns of local communities. Clearly we do not want to see large-scale renewable deployment in places where it is inappropriate.”

UK National Renewable Energy Action Plan (2010)

The National Renewable Energy Action Plan provides details on a set of measures that would enable the UK to meet its 2020 target for renewable energy. It also seeks to secure UK energy supplies through 2020 and beyond and provides a sound framework for business to develop in the new industries, providing jobs and cutting harmful greenhouse gases.

The action plan recognises the role of the planning system to deliver the infrastructure required to reduce carbon emission. It also equally recognises the need for the planning system in “safeguarding our landscape and natural heritage and allowing communities and individuals the opportunity to shape where they live and work.”

UK Renewable Energy Road Map (July 2011)

This document sets out the shared approach to unlocking the UK renewable energy potential and ensures that 15% of the UK energy demand is met from renewable sources by 2020 in the most cost effective way. The role of the planning system is also recognised within the document. Paragraph 3.20 states:

“3.20 The planning system plays a central role in delivering the infrastructure we need to reduce our carbon emissions, to ensure continued security of energy supply and help our economy to grow. It has a vital role in safeguarding our landscape and natural heritage and allowing individual communities the opportunity to shape their environment.”

UK National Infrastructure Plan EN-1 & EN-3 (July 2011)

The document recognizes the need for large scale renewable energy projects to deliver the ambitious 15% renewable energy targets. The policy document recognizes the importance of design within the context of the surrounding environment. Paragraph 2.4 states:

2.4.1 Section 10(3)(b) of the Planning Act 2008 requires the Secretary of State to have regard, in designating an NPS, to the desirability of good design.

Section 4.5 of EN-1 sets out the principles of good design that should be applied to all energy infrastructure.

2.4.2 Proposals for renewable energy infrastructure should demonstrate good design in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology.”

Section 4.5 of EN-1 indicates that infrastructure projects should be “sensitive to place”. Whilst the document accepts that there are limitations in the appearance of some infrastructure applicants ought to demonstrate “good design in terms of siting relative to existing landscape character, landform and vegetation”

General Policy

Wales Spatial Plan

The Wales Spatial Plan whilst post dating the adoption of the UDP is an important strategic document to direct new development to appropriate locations as part of both the LDP process and Development Control Process and this achieves the regional objectives as set out within the Plan.

4.7.2 The Wales Spatial Plan provides the context and direction of travel for local development plans and the work of local service delivery boards, and sets out within its vision the following key features; fuzzy boundaries, key settlements, cross-boundary settlements, socio-economic hub and international/interregional links/ regional links. The key issues and challenges facing Wales as a whole are considered as;

- Building sustainable communities.
- Promoting a sustainable economy.
- Valuing our environment.
- Achieving sustainable accessibility.
- Respecting distinctiveness.

Of these specifically important with regard to this proposed development is; Promoting a sustainable economy and valuing our environment.

The Wales Spatial Plan Area Strategies set out further specific aims and

objectives, and with reference to this region as a whole, the Swansea Bay-Waterfront and Western Valleys identifies the need to create...

“A network of interdependent settlements with Swansea at its heart which pull together effectively as a city region with a modern, competitive, knowledge-based economy designed to deliver a high quality of life, a sustainable environment, a vibrant waterfront and excellent national and international connections”.

“A Low Carbon Revolution” – (The Welsh Government Energy Policy Statement 2010)

In this policy statement, the Welsh Government sets out its ambitions for low carbon energy in Wales. It recognises the challenge of climate change and the aim is to renewably generate up to twice as much electricity annually by 2025 compared to output in 2010.

Planning Policy Wales (2012) PPW

PPW sets out the need to deliver renewable energy up to 2025. The Welsh Government outline an aspirational target of 22.5GW (by 2025.)

PPW states within Paragraphs 12.8.6, 12.8.9, 12.8.10, 12.8.14, and 12.10.1 that:

“12.8.6 The Welsh Government’s aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible minimising environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production. This forms part of the Welsh Government’s aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.”

“12.8.9 Local Planning Authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy (see 4.4.3) to help to tackle the causes of climate change (see 4.7.3). Specifically, they should make positive provision by:

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;
- ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;
- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability (see Chapter 4); and
- ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.”

“12.8.10 At the same time, Local Planning Authorities should: ensure that International and National statutory obligations to protect designated areas, species and habitats and the historic environment are observed;

- ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration; and
- encourage the optimisation of renewable and low carbon energy in new development to facilitate the move towards zero carbon buildings (see 4.11 and 4.12).

12.8.14 An integrated approach should be adopted towards planning renewable and low carbon energy developments and additional electricity grid network infrastructure. Additional electricity grid network infrastructure will be needed to support the SSAs and local planning authorities should facilitate grid developments when appropriate proposals come forward whether or not the wind farms are to be connected are located within their authorities. Within the SSAs, whilst cumulative impact can be a material consideration, it must be balanced against the need to meet the Welsh Government’s renewable energy aspirations and the conclusions reached fully justified in any decisions

taken. Developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations. The development of large wind farms or other large scale renewable and low carbon energy schemes will not generally be appropriate in internationally or nationally designated areas and sites.

12.10.1 In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage (see 5.5), the Coast (see 5.6) and the Historic Environment (see 6.5);
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts (see 4.5);
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

Technical Advice Note 12 – Design

Identifies visual appearance of developments, scale and its relationship to

its surroundings as material considerations in determining planning applications.

Driven by the EU, both UK and National Planning Policy seek to reduce carbon emissions and provide additional renewable energy. However, policy recognises that renewable energy projects, whilst providing a national benefit, can have local impacts and as such need to be appropriately sited.

Therefore, whilst it is considered that this proposal is broadly supported by UK National Planning Policy, in that it reduces carbon emissions and provides renewable energy, detailed consideration of the effect on the local area must be considered and balanced against the national aim to deliver additional renewable energy.

Neath Port Talbot Unitary Development Plan

Unitary Development Plan objectives with regard to environmental aspects state that we should:

Resist development which would bring hazardous or bad neighbour processes into close contact with housing or other sensitive uses.

Resist uses which would create or be affected by flooding, tidal inundation or unstable ground.

Policy 4 of the Environment Section of the UDP summarises these objectives and seeks to avoid:

The creation of Pollution risks to health and amenities that would have unacceptable impacts upon the environment, communities or individuals will be resisted.

Policies relating to this application include

Strategic Policy 1 Countryside

Strategic Policy 2 Ecology

Strategic Policy 4 Pollution

Strategic Policy 5 Built Environment

Strategic Policy 9 Economy and Employment

Strategic Policy 19 Infrastructure and Energy

Strategic Policy 26 Waste

GC1 New buildings, structures and changes of use

GC2 Engineering works and operations

ENV1 Development in the countryside

ENV 3 Impacts upon the landscape

ENV 5 Nature conservation

ENV13 Brown Field Derelict and Wasteland

ENV15 Air quality

ENV17 Design

ENV 28 Polluting or hazardous installations,

ENV 29 Environmental quality

T1 Location Layout and Accessibility

EC1 Employment Land bank

EC3 Creation or Expansion of Businesses within Settlement Limits

EC5 Employment in the countryside

IE2 Infrastructure facilities

IE6 Renewable Energy

W1: Proposals for the Collection, Treatment, Transfer and Disposal of Waste

W4: Proposals for the Minimisation, Recovery and Recycling of Waste.

W6: Recycling of Industrial Waste.

As indicated previously both UK and National policy support the proposal in that it diverts waste material from landfill sites and the development will reduce carbon emissions and provide a source of

renewable energy.

Policies W1,W4 and W6 are relevant in relation to the principal of dealing with waste they state:

Policy W1

Proposals for the collection, treatment, transfer or disposal of waste will be given priority on;

- a) industrial and commercial land (within sites listed for B2 employment use in Policy EC1)
- b) derelict, contaminated and despoiled land;
- c) previously used (“brownfield”) land;
- d) former mineral workings;
- e) existing or former waste management facilities; or
- f) or as part of a land reclamation and improvement scheme

Policy W4

Proposals for the minimisation, recovery and recycling of waste will be promoted and encouraged. Proposals should not create any unacceptable impacts and will be considered in terms of the Plan’s policies.

Policy W6

Proposals for the recycling of industrial waste will be promoted and encouraged. Proposals should not create any unacceptable impacts on the environment or local communities and will be considered against the Plan’s policies.

Whilst the above waste policies broadly support the proposal the explanatory text makes it clear that each proposal must assess local impact.

In summary notwithstanding broad national and any local benefits, the proposal must be assessed against any local impacts. In assessing the principal of the development on the site, consideration must be given to policies GC1, GC2, EC1, EC3, EC5, ENV1 and ENV 13, of the Neath Port Talbot Unitary Development Plan.

Policy ENV1 states

A proposal for development in the countryside will not be permitted

unless it satisfies one of a number of criteria one of which reads: -

d) it is development necessary to serve the social, recreational or economic needs of the local community (this includes the expansion of an existing commercial or industrial use) and it has been demonstrated that the development cannot be located within a settlement; or

h) it is development necessary for communications, telecommunications and other forms of infrastructure provision, renewable energy generation, waste treatment or disposal, derelict or contaminated land reclamation, or minerals extraction; and in all cases the development would not create unacceptable impacts upon the character or appearance of the countryside, biodiversity, the amenities of neighbouring residents or other land users, traffic generation or highway safety.

Policy ENV13 states

Within settlement limits and allocations and where proposals justify a countryside location, preference should be given to the development of previously developed land. The restoration of derelict and wasteland will be encouraged, provided the nature conservation, industrial heritage or amenity value of the site does not outweigh the need to develop it.

Policy IE2 states

The following shall be adequately taken into account:

A) the use of existing facilities and the opportunities to co-ordinate different types of infrastructure has been considered and maximised;

B) the location and design minimise risk to human health, the environment and highway safety and pays adequate regard to the landscape, seascape, townscape and biodiversity and ensure that unacceptable impacts would not be created.

The aim of policy ENV1 is to protect the countryside from unjustified development. The proposed development falls within the exemptions outlined in paragraph (h) ENV1 and accords with the list of uses considered appropriate outside settlement limits as defined within the Development Plan. However, criteria (d) makes it clear that any proposal has to “*demonstrate that the development cannot be located within a settlement*”

The RWP indicated that technological advances have meant that such

facilities may be appropriate within “*many B2 employment sites*” and that development plans should therefore seek to make provision for such proposals.

In order to facilitate the creation of waste treatment uses, the UDP has allocated sites within Policy EC1 and encourages the development of those sites, subject to appropriate impact within policy EC2.

In support of the application the applicant has undertaken an Alternative Site Assessment (ASA) to deal with the proximity issue previously referred to and in order to address the requirements of policies EC1 and EC2 of the UDP. The assessment has considered the 20 sites identified within policy EC1, 4 sites in Powys and the application site.

As indicated previously the ASA has been studied by the Council’s consultants who have provided the following assessment:

3.1.5 “*The sites have been through a sieving process removing sites that are not sufficient in size, sites that are not easily accessible by road and sites at risk from flooding. The remaining sites were then subject to a second sieving exercise that excluded sites that are already developed, adjacent to incompatible uses (including residential), reserved for future development, or with poor accessibility.*”

3.1.6 “*Short listed sites were then subject to a comprehensive comparative analysis. The sieve process utilised was appropriate and that the criteria were applied consistently and appropriately. The analysis considered the proximity principle and self sufficiency principle in considering the location of each site in comparison to both sources of waste and users of the end product*”

The report concluded that:

31.19 “*Overall, the Alternative Site Assessment demonstrates that the proximity and self-sufficiency principles have been adhered to as far as practically possible.*”

Whilst the report address the suitability of the site in respect of the proximity principal it is also considered that the methodology employed by the applicant is adequate to assess the suitability of allocated industrial

sites within the UDP is sound.

The ASA, as set out previously, undertook a 5 stage assessment process involving the assessment of 25 sites. Each of the 5 stages involved a more detailed assessment of the site against fixed criteria. As set out above the Council's consultants raised no issues with the methodology employed or the detail of the refinement criteria.

The 25 sites were reduced to 3 sites Junction 38, Margam, Baglan Bay and the application site. The final stage involved the assessment of the sites against following 13 criteria.

- Planning Vision
- Sensitive Human Receptors
- Landscape and Visual Impact
- Natural Environment
- Historic Environment
- Road Access
- Transport (Rail and water)
- Energy utilisation
- Digestate Utilisation
- Flood Risk
- Ground Water Vulnerability
- Air Quality Management Area
- Previously Developed Land

This list was compiled having regard to the Waste Framework Directive 2008, National Planning Policy Towards Zero Waste (2010) and guidance contained within PPW, TAN21 and RWP.

Each site was assessed against the above criteria and awarded a none numerical value (a tick). The criteria were not ranked in importance and the performance of each site in relation to the criteria was calculated. Junction 38 Margam ranked third with 4 out of the 13 criteria. Baglan Bay second with 7 out of the 13 criteria and the application site first with 11 out of the 13 criteria.

It is considered that the assessment has been undertaken in accordance with national and regional guidance. It has been comprehensive and

criteria have been applied consistently and appropriately.

It is therefore considered that the applicant has adequately demonstrated that the proposal cannot be suitably accommodated within settlement limits on existing allocated sites.

In addition to the above, it is noted that the proposal will involve the restoration of derelict waste land formerly used as a coal stocking yard and therefore is in accordance with the broad requirements of ENV13. The proposal will also utilise existing infrastructure such as access and grid connection in association with other adjacent developments and therefore accords with criteria (a) of IE2.

As such, it is considered that the applicant has adequately demonstrated that the proposal cannot be suitably accommodated within settlement limits the proposal accords with Policies ENV1, ENV13, IE2, W1, W4, W6 and IE2 of The Neath Port Talbot Development Plan.

Visual Amenity:

In assessing the landscape and visual impact of the proposed development specific consideration must be given to policies ENV3, ENV17, GC1 and GC2 of the Neath Port Talbot Unitary Development Plan

Policy ENV3 states:

Proposals that would create unacceptable impacts on the landscape will be resisted.

Particular emphasis will be placed on protecting :-

- 1) significant skylines, views and panoramas
- 2) features which are important in terms of contributing to the character of the local landscape.
- 3) landscape, parks and gardens which are of special historic interest.

Policy GC1 identifies specific criteria which need to be complied with by all new buildings and changes of use. Whilst the criteria are broad ranging in scope, a number of them relate to the visual impact of a development and its impact upon the wider landscape.

POLICY IE6 states

Proposals for the creation of renewable energy will be supported provided their impacts are acceptable and where appropriate they include measures to reinstate the land.

Existing Landscape

To the north of the site is a forested ridge rising to a height of 315.6m-317.2m AOD. Footpath 24 runs behind this ridge and then crosses the access road. To the West of the site the level plateau continues for approximately 200m before sloping steeply into a small basin. To the south of the site a forested slope falls steeply to the second plateau some 15m below the application site. Byway 23 runs along the southern edge of this plateau. To the west of the site is Hirfynnydd Ridge. Other than the two open plateaus and access tracks the area is dominated by dense forestry plantation. LANDMAP, which is a national landscape information system that gathers, organises and evaluates information about landscape into a nationally consistent data set, classifies the site (NPTVS357) and adjacent areas (NPTVS970) as having a *moderate* valuation (of local importance).

Assessment Methodology

A Landscape and Visual Impact assessment has been prepared by the applicant as part of the application in order to assess the impacts of the proposal on the landscape and visual amenity. The landscape assessment has included photomontages, plans and views taking into account landforms and vegetation cover. Sections have been provided from viewpoints in Banwen (North West), Coryn y Rhos, (North East, Brecon Beacons National Park) and Cwmgwrach (south).

The sections demonstrate that given the height of the landform to the North, West and East, the development will not be visible from Banwen, The National Park and Glynneath. The main Landscape impact and visual impact effects are from distant views from the south and views from byways and footpaths within the site.

The National Park has raised an objection in relation to the possible view of the proposal from the Park. However, the ridge to the North, which rises to over 15m above the site level, dictates that the proposal will be unsighted from this point.

To mitigate for any potential adverse effect on visual amenity, in addition to siting the proposal to maximise natural screening, the applicant following pre application negotiations with the department, has introduced two measures to reduce visual impact. These are

1. The provision of earth bunds up to 3-4m in height on the site.
2. Tree planting on the earth bunds.

From Cwmgwrach (3.6km) buildings on the lower plateau would be visible. Although some of the structures are large, the separation distance and scale of the surrounding landform dictates that the development although visible would not dominate the landscape. Furthermore, the proposed screen bunding and planting would reduce the impact on these distant views.

The results of the Landscape impact assessment has shown that other than from Byway 23 the resulting visual impact is negligible given the location of the proposal and the intervening landforms and vegetation which screen the proposal.

Byway 23 is approximately 4m below the level of the lower plateau and runs along the Southern edge of the site.

It is accepted that during the construction phase of the proposal there would be a slight and temporary visual impact.

Given the elevation of the view points along byway 23, the duration of the views in an extensive footpath network and the subsequent limited view of the proposal, it is considered that the visual impact of the proposal from byway 23 does not in itself warrant refusal of the application given the mitigating landscaping bunding that screens the proposal.

In relation to footpath 24, which runs to the north of the site behind the northern ridge, there is a limited view along the access track between the northern ridges. This view will be seen against Hirfynnydd Ridge. There is likely to be a limited view of the weigh bridge office. This will appear small within the context of the larger landscape.

It is therefore considered that the proposal does not have a significantly detrimental impact on the character and appearance of the area to warrant refusal and does not unacceptably affect the setting of either byway 23 or

footpath 24 both individually and in combination with other developments within the area.

As such it is considered that the proposal accords with policies ENV3, ENV 17, IE6, GC1 and GC2 of the Neath Port Talbot Unitary Development Plan.

Residential Amenity:

The application site is located approximately 1.04km south east of Banwen and 1.9km north east of Glynneath. The nearest residential property, Gorswen, is located 0.8km from the site.

Noise:

Following advice from Environmental Health, the applicant prepared and submitted a noise assessment. The assessment considered the noise impact from the proposal and the cumulative noise associated with a thirteen turbine wind farm, composting plant and the Bio Mass plant.

The assessment considers the existing noise sources at the site and assesses the potential noise impact from future plant and delivery vehicles associated with the proposal in isolation and in combination with the wind farm and proposed biomass plant on six nearby, noise sensitive receptors.

The report has concluded that the proposal in isolation or in combination with the Wind farm, composting plant and proposed biomass will have no adverse effect on noise

“The cumulative noise assessment for the anaerobic digestion facility, recycling and composting facility, biomass power plant and wood pellet manufacturing facility and wind farm activities shows that the noise experienced by residential receptors is below background levels for all properties. Comparing the modelled results with data within BS4142 it can be concluded that at these levels complaints are unlikely from nearby residential receptors”.

Having considered the assessment the Environmental Health section raised no objection to the proposal.

Odour

It is considered that the predominant odour risk on-site arises from the receipt and preparation of waste prior to it being introduced into the hydrolysis tank;

The application indicates that the following measures will be set in place to control odour

- The transport of waste will be in covered vehicles;
- Processing operations will take place within a closed system with appropriate filters or scrubbing systems;
- Vehicles will unload within the waste reception building. Unloading shall not commence until external doors to the unloading area have been closed. There will be an average of 3 delivery loads per day and on this basis, the doors would open and close 6 times per day (doors open and close behind entering/exiting vehicle).
- Emissions shall be free from odour;
- Emissions of biogas shall be minimised;
- All storage tanks and process lagoons will be covered;
- Implementation of an odour management plan;
- Activities will not to be carried out within 250 metres of any off site building used by the public.

The nearest dwelling, Gorswen is over 0.8km to the north and the nearest large settlement to the south east is Glynneath which is located 1.9km away while the closest settlement to the north east is Banwen is 1.04km. The nearest public building is the Dove workshop approximately 1.2km in a north easterly direction. Given the mitigating methods proposed, the separation distance and a prevailing wind direction from the West, and South West, it is considered that there is unlikely to be a significant effect on residential properties from odour.

NRW and the Authority's Environmental Health section have raised no concerns in relation to odour. The Health Board has offered no objection to the proposal in relation to odour confirming a properly managed site should not give rise to odour issues.

In summary, it is considered that the proposal will not have a detrimental effect on residential amenity by virtue of noise and odour. In addition, given the distance of the proposal from the nearest residential property, Gorswen which is 0.8km from the site, it is considered that the proposal will also not have a detrimental effect in relation to overlooking, overbearance and loss of privacy.

The issues of the effect of traffic and air quality on residential amenity are dealt with further on in this report.

Highway Safety (Access, Parking and Traffic flows):

Access to the site is off an existing access point along the A4109 Intervally Road approximately 500m east of the junction of Roman Road.

The applicant has produced a detailed breakdown of vehicle movements in and out of the site associated with the development.

Based on receiving waste 6 days per week in 20 tonne loads, a maximum of 3 loads per day would be delivered to the facility, giving rise to 6 delivery related movements per day.

Including waste removal and digestate transportation a total of 11 additional HGV movements per day have been calculated for the proposed anaerobic digestion facility, giving a combined total of 136 HGV movements per day once all adjacent developments (Wind Farm, Solar Array, Composting Plant and Bio Mass plant) are operating at full capacity.

The current traffic flows along that section of highway are approximately 4000 per day.

Given the existing level of traffic movements it is considered that the small increase of approximately 0.275% will not increase traffic volumes to the detriment of highway safety or residential amenity.

The Head of Engineering & Transport (Highways) has therefore offered

no objection to the proposal subject to conditions and a Section 106 agreement to control the number of vehicle movements and other highway safety matters. The request for a S106 is considered to be unnecessary given that this matter can be addressed via condition. As a result of the above, the proposal accords with Policies T1 and GC1 of the Neath Port Talbot Unitary Development Plan.

Landscaping:

As part of the landscaping proposal the applicant proposes to provide landscaping bunds to the south and east of the site.

These bunds will be up to 4m in height and planted with native species in order to enhance the landscape and screen the proposal.

Ecology (including trees & Protected Species):

The site is not located within 500m of a European Site or SSSI. The nearest designated site is, the Coedydd Nedd A Mellte SAC (including the Dyfrynoedd Nedd a Mellte a Moel Penderyn SSSI) which is over 1.92km away from the small exhaust stack on the electrical generators.

Emissions for the proposal and the proposed Bio mass plant have the potential to affect ecology within that area. Therefore in accordance with Regulations, in consultation with NRW, a Test of Likely Significant Effect has been undertaken.

The conclusion reached was that the proposed development would not in itself, or in combination with other developments have a significant effect on Coedydd Nedd A Mellte and as such an Appropriate Assessment is not required.

The application site was the subject of an ecological survey in 2005 and 2006 for the wind farm application. During that survey no habitats or species of any particular nature conservation significance were noted. Whilst a period of five years has expired both the Biodiversity Unit and NRW are still satisfied that this brownfield site has not changed significantly in terms of habitat provision.

In relation to the application neither NRW nor the Biodiversity section

has raised any objection.

In line with the NERC Act and TAN 5 the biodiversity section have recommended the following:

- (a) Landscaping should be wildlife friendly – A suitably worded condition will require the submission of such details.
- (b) The lagoons have wildlife friendly features – A suitably worded condition will require the submission of such details.
- (c) The buildings should incorporate a brown roof- It is considered that such enhancement is disproportionate to the scale of the scheme.
- (d) Native mature trees are not felled – there are no proposals to fell native mature trees.
- (e) Bird Boxes are provided - a suitably worded condition is considered acceptable to provide nesting boxes and landscaping.

The National Park has raised concerns in respect of the effect on ecology within the Coedydd Nedd A Mellt SAC. It is therefore considered that the objection from the National Park is justified. However, both NRW and Biodiversity have not raised any concerns over the possible impact upon either local or national sites of importance.

It is therefore considered that the proposal will not have an unacceptable adverse effect on biodiversity and is in accordance with the NERC Act, TAN 5 and ENV5 of the Neath Port Talbot Unitary Development Plan which aims to improve habitat.

Flooding and Hydrology:

There are no flooding issues in respect of the site.

In relation to drainage the applicant has submitted a comprehensive drainage scheme to deal with surface water, foul water, and other contaminated water from the site.

The NRW raises no objection to the development subject to conditions.

Pollution:

Any development that has the potential to affect air quality in and around the application site must be considered as a material planning consideration as part of the planning process.

Human Health:

Policy ENV 15 of the Neath Port Talbot Unitary Development Plan states that:

Proposals which would be likely to have an unacceptable adverse affect on air quality, or would expose people to an unacceptable level of air pollution will not be permitted.

In support of the planning application the applicant has submitted an air quality assessment to consider the impact of the proposal individually and in association with the proposed Bio Mass plant. Dispersion modelling was carried out in-respect of;

- Nitrogen dioxide
- Carbon monoxide
- Sulphur dioxide
- Total VOC as benzene
- Non methane VOC

The air quality section has confirmed that none of the pollutants exceed air quality objectives and they have offered no objection.

The Health Board has offered no objection to the proposal in relation to air quality.

NRW has confirmed that a permit will be required under the Environmental Permitting Regulations 2007 (EPR) before the proposed facility can be operated. NRW raises no objections with regard to the proposal subject to conditions.

Waste:

The application indicates that residual materials resulting from the process will be disposed of in a land fill site. Waste will consists of bags and other foreign material within the incoming waste such as cutlery,

which are considered to minimal. These vehicle movements are dealt with in the transport appraisal.

Health and Safety:

The remote location of the site dictates that sensitive receptors are unlikely to be significantly affected by dust. However, the applicant has proposed construction and post construction measures to reduce dust.

These include:

1. Wheel washing
2. Road sweeping
3. Covering of lorries
4. Feed stocks to be stored internally.

Social and Economic Impacts:

With regard to labour, the construction phase will create 40 jobs. The impact on the labour market would therefore be minor beneficial and short term at county level.

During the operational phase it is estimated that 10 people will be employed full time. It is therefore considered that the cumulative effect will have a positive impact both during the construction and operational phases.

In terms of social impact, a number of concerns have been expressed with regard to the process, these include emissions, health, transport, and amenity, and have been dealt with in the above report under the appropriate headings.

It is therefore considered that the proposal will not have an adverse effect on air quality, human health, hydrology, noise, and ecology. As such the proposal accords with Policies ENV15, ENV28, ENV 29, and EC5 of the Neath Port Talbot Unitary Development Plan

Others (including objections)

Issues arising from representations received

An objection has been received from Brecon Beacons National Park

raising concern with regard to the visual impact of the development upon the Park together with the impact of emissions to air on ecology. These issues have been addressed within the report.

The objections raised by Glynneath Town Council are summarised and addressed as follows:

- (a) Additional Traffic through Glynneath – The matter has been addressed in the appraisal.
- (b) Escape of anaerobic bacteria – The process is undertaken within buildings and sealed vessels as set out in the appraisal, therefore there would be limited potential for escape of anaerobic bacteria.

The department has received one letter of objection which is summarised as follows:

1. The site is not proposed as a candidate site in the LDP – The site is not an allocated site within the UDP or the emerging LDP. The appraisal, however, deals with the principle of development within the context of the development plan.
2. Concerns over the content and conclusion of the ASA – As indicated the department has appointed independent consultants to assess both the methodology and conclusion of the ASA. The consultants' conclusions are set out in the appraisal and adequately address the above objection.
3. Neath Port Talbot employees are directors within the Green Energy (South Wales) Ltd. which may be prejudicial in the determination of the application – The objector has not made reference to any specific allegations of inappropriate conduct. The determination of this application is for The Planning Committee and the identity of any directors is not a material planning consideration. This application must be determined only in relation to the planning merits of the scheme.
4. The objector alleges that a director of “Green Energy South Wales Ltd.” has been charged with a criminal offence – This is not a material planning issue.

5. The planning application should be dealt with by a Planning Inspector due to the issues raised in point 3 – This application cannot be dealt with by the Welsh Government unless it is the subject of a “call in” request. No such request has been made and the allegation of undue influence by Green Energy directors has been adequately addressed in point 3.
6. The objector sets out the sentence for an offence of Misconduct in Public Office and advises of the need to properly consider accurate information. The objector has made no reference to any part of the application that he considers incomplete, incorrect or misleading – It is not considered that there are any such inaccuracies, errors or omissions within the submission.
7. The disposal of council waste should be undertaken by tenders – This application is not for the disposal of municipal waste.
8. The objector alleges that the application demonstrates a link between the Council and The Walter Group, which accounts for failures by the Council to deal with issues within the site relating to:
 - Public rights of way
 - Failure to publicise planning applications
 - Failure to take action against members of the Council

The identity of the applicant and their relationship with the Council were addressed earlier. There is no evidence to corroborate any of the other claims made in relation to other application on the site.
9. The application incorrectly refers to composting on an adjacent site – Consent does exist for a composting facility as set out in the site history.
10. There are unauthorised motor sports on the adjacent site – It is evident that there is a long history of motor sports on the adjacent site and an application for a Lawful Development Certificate is currently being considered in association with this

use.

11. Concern has been expressed over the potential closure of public rights of way during the construction process – the application does not indicate the need to close public rights of way during the construction process - Such detail will be the subject of a Construction Management Plan. Should there be a requirement to close public rights of way, then that will be the subject of a separate consenting process.
12. The cumulative effects of development of the site will have a detrimental effect on the character and appearance of the area – This matter has been addressed in the appraisal.
13. Concern over the additional traffic movements associated with the developers and the content of the traffic appraisal within the application – This matter has been addressed in the appraisal.
14. The development cannot be considered as an ecopark due to the following:
 - Location
 - Smell
 - Smoking stacks
 - Noise
 - Cumulative visual effects – All of these issues have been previously addressed in the appraisal
 - Deforestation – The majority of the site has no tree and vegetation cover. The proposal will not therefore result in large deforestation.
15. The revised application is due to the grid capacity – There is no evidence to demonstrate that the grid capacity is inadequate. The application was revised as a result of a change in the source of the food waste.

Community Benefit:

TAN 8 “Community Involvement and Benefits” recognises the opportunities that large developments provide in making contributions that benefit the community. However, it makes it clear in paragraph 2.16 that

“such contributions should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms.”

The Authority within its Interim Planning Guidance: Wind Turbine Development states that it is more appropriate for these “community contributions” to be dealt with as part of the planning process in order that they may better reflect the needs and aspirations of the area as identified through the Community Plan and UDP/ Local Development Plan (LDP) process, although they should not impact on the decision making.

Whilst the guidance contained within TAN 8 and the Interim Planning Guidance relates to wind farm development, it should be noted that this proposal is for a renewable energy development and the core principles of dealing with community involvement and benefits as set out in the documents can be appropriately applied in this circumstance.

The applicant has offered to provide a community benefit contribution of £10,000 per installed mega watt per year over the lifetime of the development.

It should be noted however, that the community benefit is not put forward as mitigation and must not be taken into consideration in the decision making process.

Conclusion:

This application has been assessed with reference to both national and local policies. These policies are strategically aimed at decreasing the amount of waste sent to landfill. However, these objectives have to be balanced against the impact of such developments upon a number of criteria including air quality, human health, the affects on communities within the local area the visual impact and noise.

It is accepted that the proposal is broadly supported by National and Local policy as it will result in the reduction of 15,000 tonnes of waste being sent to landfill and based on an average household electrical usage

of 4,700 kw p.a., the facility will generate sufficient renewable energy to meet the full electrical demand of 8,510 homes and depending on heat use, will save up to 50,500 tonnes per annum of CO2 equivalent emissions.

It is considered that the proposal does not have an adverse effect on air quality, Public health, ecology, hydrology and flooding, visual amenity, waste, noise, residential amenity, traffic, social and economic conditions and therefore accords with policies GC1, GC2, ENV1, ENV3, ENV5, ENV13, ENV15, ENV17, ENV28, ENV29, T1, EC1, EC5, IE2, IE6, W1, W4 and W6 of the Neath Port Talbot Unitary Development Plan.

Recommendation:

Approval subject to the following conditions and upon the signing of a Section 106 Agreement to secure the provision of community benefits.

CONDITIONS;

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

Reason

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

(2)Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the use hereby approved shall be for an Anerobic digestion facility and no other use within Class B2 of the Use Classes Order 1987

Reason

In the interests of amenity

(3)Unless otherwise agreed in writing with the Local Planning Authority only commercial and industrial food waste arising from Neath Port Talbot

County Borough Council and South Powys, as shown on plan JER5569-001a, shall be processed or stored on the site.

Reason

In the interest of amenity

(4) Unless otherwise agreed in writing with the Local Planning Authority no more than 15,000 tonnes of material per annum shall be processed on the site and no more than 5000 tonnes of material stored on the site at any given time.

Reason

In the interest of clarity

(5) Unless otherwise agreed in writing by the Local Planning Authority, no more than 300 vehicles movements shall use either access onto the A4109, calculated as an Annual Average Daily Traffic two way flow. These movements shall include those generated by the application site, together with the site of the proposed biomass power station, the site of the solar array, composting plant and the wind farm. Of the 300 movements no more than 100 movements shall be associated with heavy goods vehicles.

Reason

In the interest of highway safety

(6) Unless otherwise agreed in writing with the Local Planning Authority prior to first use of the proposed facility the access shall be improved by the applicant in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority indicating:

(i) Advance signing to warn motorists of the junction location and of vehicles turning into and out of the junction including the use of Vehicle Activated Signs (VAS) to slow vehicles on approach to the junction. This signage to be in the format Side Road Ahead to Diag. 506.1 TSR&GD (900mm high and handed to show side of road that junction lies on) with a Supplementary Plate Diag 572 120 yds. (Signs should be positioned within 110 to 180 metres of the junction position).

(ii) A minimum length of 70m of anti-skid surfacing to both approaches of the A4109 to the junction position.

(iii) Over marking of the current junction road markings where existing markings are showing signs of being scrubbed off the road surface.

Reason

In the interest of Highway Safety

(7) Other than in an emergency or otherwise agreed in writing with the Local Planning Authority no materials shall enter, leave or be processed on the site on public holidays and outside the following hours

Monday to Friday 07.00 - 19.00hrs

Saturdays 07.00 - 17.00hrs

Sundays and Bank Holidays 08.00 - 13.00hrs

Reason

In the interest of residential amenity.

(8) Notwithstanding the submitted details prior to the commencement of development a plan identifying the location of the external lighting, as set out in paragraph 673 of the supporting statement, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first beneficial use of the site

Reason

In the interest of site safety.

(9) Unless otherwise agreed in writing, prior to the first beneficial use of the site hereby permitted, an artificial nesting site for birds shall be erected on the office to one of the following specifications, and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

Wide box with small slit shaped entrance hole. Must be placed under or close to roofs,

at least 5m from the ground.

Dimensions: H150 x W340 x D150mm

Reason

In the interest of biodiversity

(10) Notwithstanding the submitted details prior to the commencement of development a hard and soft landscaping scheme shall be submitted to and agreed in writing with the Local Planning Authority. The submitted scheme shall include the following:

(i) All areas of grassland not immediately adjacent to pathways, entrance ways or are areas intended to be directly used by staff for recreational purposes shall be seeded with a species-rich grassland seed mix.

(ii) Details of management of grassland, including planned maintenance

(iii) All trees and shrub species to be planted shall be native and of local provenance.

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 first beneficial use hereby permitted, whichever is the sooner and any trees or plants which within a period of five 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 the same species, unless the Local Planning Authority gives written consent to any variation.

Reason

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act, 1990.

(11) Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 as may be applicable (or any order revoking or re-enacting that order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of the development unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the volume of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets must discharge downwards into the bund.

Reason:

In order to prevent pollution of the water environment.

(12) Prior to the first beneficial use of the site details of fire control systems shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved prior to the first beneficial use of the site.

Reason

In the interest of fire safety

(13) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

(14) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall only be carried out in accordance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority. The Construction Method Statement shall address the following matters:

i) A full drainage scheme for the management of surface water and foul water. This shall detail both the temporary and permanent drainage strategy and include details on the hydraulic calculations to control flow rates and detail the measures to be implemented.

ii) A scheme for the environmental monitoring of local watercourses, before and during the construction phase. Any such scheme shall be supported, by information such as the method and frequency of monitoring and the contingency plans to be implemented should any pollution/derogation be noted.

iii) A scheme for the protection and conservation of soil at the site, in order to prevent pollution of the water environment. The scheme shall include the pollution prevention techniques to be deployed during the construction and restoration phases.

iv) A remediation strategy detailing how contamination of controlled waters would be dealt with.

v) Details of the timing of works and methods of working for cable trenches and foundation works.

vi) Dust management.

vii) Disposal of surplus materials.

viii) Construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise).

ix) Temporary site illumination.

x) The construction of the access into the site and the creation and maintenance of visibility splays.

xi) Wheel cleaning facilities

xii) Arrangements for keeping the site entrance and adjacent public road clean.

xiii) Post-construction restoration and reinstatement of the working areas.

The approved Construction Method Statement shall be implemented and maintained for the duration of the construction works.

Reason: To ensure the development is constructed in a satisfactory manner

(15) Notwithstanding the submitted details and prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority for the control of surface water from the site. The scheme shall include:

i) Detailed calculations outlining surface water run off and the total surface water storage capacity required.

ii) Detailed plans (including cross sections) indicating the size and location of storage tanks and lagoons

iii) Details of the hydro brake, which shall not allow water to discharge from the site at more than 27 litre per second , and discharge point of surface water to adjacent watercourses

iv) Details of wildlife friendly features.

The scheme as approved shall be completed prior to the first beneficial use of the site.

Reason

In interest of flood prevention.

(16) Prior to the commencement of development a foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented prior to the first beneficial use of the site

Reason: To prevent pollution of the environment.

(17) Prior to the first beneficial use of the site a site waste management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented prior to the first beneficial use of the site.

Reason: In the interest of sustainability.

(18) The noise rating level emitted from Maesgwyn Renewable Energy and Recycling Facility (cumulative impact of the anaerobic digestion facility, recycling and composting facility, biomass power plant and wood pellet manufacturing facility and wind farm) shall not be greater than the existing background noise level. The noise levels shall be determined at the nearest noise-sensitive premises or at another location that is deemed suitable by the Authority. Measurements and assessments shall be made in accordance with BS 4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas

Reason

In the interest of amenity

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

It is considered that the proposal does not have an adverse effect on air quality, Public health, ecology, hydrology and flooding, visual amenity, waste, noise, residential amenity, traffic, social and economic conditions and therefore accords with policies GC1, GC2, ENV1, ENV3, ENV5, ENV13,

ENV15, ENV17, ENV28, ENV29, T1, EC1, EC5, IE2, IE6, W1, W4 and W6 of the Neath Port Talbot Unitary Development Plan.