

<b><u>ITEM 2.1</u></b>	
<b><u>APPLICATION NO:</u> P2014/0246</b>	<b><u>DATE:</u> 03/09/2014</b>
<b>PROPOSAL:</b> Gas-powered electricity generating station (20MW) and associated works (Amended location plan, block plan, floor plan and elevation plans received 03/09/14).	
<b>LOCATION:</b>	<b>Ex Gas Works, Afan Way, Port Talbot, SA12 6HQ</b>
<b>APPLICANT:</b>	<b>Mrs Sarah Ward</b>
<b>TYPE:</b>	<b>Full Plans</b>
<b>WARD:</b>	<b>Sandfields East</b>

### **Background Information:**

Cllr T Latham requested on 6 May 2014 that the application be determined via Planning and Development Control Committee, due to the potential safety implications with the development given proximity of the application site to the PDR/Afan Way, and the fact it would be predominately un-manned.

### **Planning History:**

03/0170 Retention of tank for storm water Approved 15/04/03  
03/0661 Submission of details under Condition 2 of Approved 08/08/03  
P03/0170 re. landscaping

### **Publicity and Responses (if applicable):**

3 neighbouring properties were consulted and site notices were displayed on site. To date, 7 letters of objection have been received, with the main points raised summarised as follows:

- (1) The submitted documentation states that the nearest residential property is in Addison Road adjacent to Port Talbot Workshops. This is not the case, as the properties in Victoria Road are much nearer.
- (2) There are concerns regarding the access, as it is not suitable on safety grounds for HGVs, and will restrict access to the rear of the properties adjacent to the access.
- (3) The documentation states that the site will not generate noise or emissions when not working, as it is only used for a low number of hours per year. However, it also states that it could be used continuously if National Grid requests it.

- (4) The documentation states that there would be periodic reviews after 1 year, but will it be done by their own employees?
- (5) There is a contradiction in the documentation as some parts refer to a 3m fence, and other parts a 2m fence.
- (6) The proposed should not be allowed in view of local residents' homes and in a residential area close to residential properties.
- (7) There is enough dust and air pollution in and around Port Talbot without adding to it.
- (8) The proposal would affect property values in the area.
- (9) Local residents should be better informed of the proposals by letter.
- (10) The turbines will create a noise pollution problem and there is evidence to support environmental pollution.
- (11) The design and access statement refers to 8MW facility, whereas the air quality assessment refers to 20MW facility.

In addition, a petition of 97 signatures has been received stating that the undersigned "*object to the proposed gas-fired electricity generation plant to be sited on the old gas works at Victoria Road, due to the close proximity of residential properties*".

Air Pollution Unit: No objection, subject to conditions.

Wales & West Utilities: No objection.

Welsh Water: No objection.

Coal Authority: No objection.

National Grid: No reply, therefore no observations to make.

Contaminated Land Unit: No objection, subject to conditions.

Head of Business Strategy & Public Protection (Environmental Health - Noise): No objection, subject to conditions.

Head of Engineering & Transport (Highways): No objection, subject to conditions.

Head of Engineering & Transport (Drainage): No objection, subject to conditions.

Natural Resources Wales: No objection, subject to conditions.

Glamorgan Gwent Archaeological Trust: No objection.

### **Description of Site and its Surroundings:**

The application site is located on the site of the former Victoria Road Gas Works, adjacent to Afan Way, Aberavon, Port Talbot.

The application site is an irregular parcel of land measuring a total of 0.44 hectares in area. It is relatively flat in profile and comprises existing hardstanding areas. It relates to two separate portions. The first area relates to the access track into the site, and the second area relates to the site for the proposed generating station/compound. Access to the site is proposed off Victoria Road, utilising an existing vehicular access.

The site is bounded by Afan Way and an electricity sub-station to the east, Victoria Road to the north, residential dwellings and the former Gas Works site to the west, with a covered reservoir to the south.

The site is located within the settlement limits as defined by Policy H3 of the adopted Neath Port Talbot Unitary Development Plan (UDP).

### **Brief Description of Proposal:**

This application seeks full planning permission for the erection of a gas-powered electricity generating station (20MW) and associated works.

The proposed development involves the erection of a new detached building. It will be rectangular in shape and measure 42.5m in length by 21m in depth, and will reach a height of 10m to ridge level. A total of 8 ventilation stacks are proposed within the roof of the building reaching a total height of 12.3m (2.3m above ridge height). The building is proposed to be constructed with dark green metal cladding.

A small outdoor compound measuring 7m long by 5m in depth is also proposed to the north side of the building, which would be enclosed by a 2m high palisade fence. The overall site compound would also be enclosed with a 2m high palisade fence. A total of 4 car parking spaces are proposed within the compound area, together with a small kiosk, measuring 2m high by 5m wide and 2.5m in depth. Access to the site is proposed via the existing access off Victoria Road. The applicant has indicated that the site, once operational, would be predominately un-manned and operated remotely, with the exception of ad-hoc visits by service and maintenance engineers.

The proposed generating station would contain 8 gas generators in their own sound-proofed engine cells, which would generate up to 20MW of electricity as part of National Grid's Short Term Operating Reserve (STOR). The applicant has stated this initiative provides power to the National Grid during unexpected periods of high demand. The average number of STOR calls in a day would be less than 1, with the average running time for a STOR call being approximately 83 minutes. The average operational time per annum for a STOR is less than 300 hours. They have also indicated that over the last four years there has only been one STOR call over the night time period (23.00hrs to 06.00hrs). This lasted for 30 minutes.

The applicant has indicated that surface water would connect to a soakaway system, with an on-site toilet being connected into a septic tank. They have also indicated that external lighting would be provided only for use when operatives visit the site. However, no specific details have been provided in support of the application.

### **EIA Screening/Scoping Opinion & Habitat Regulations:**

As the development is not Schedule 1 or Schedule 2 Development on the EIA Regulations, as the site area measures less than 0.5 hectares, a screening opinion will not be required for this application.

However, a Test of Likely Significant Effects (TLSE) was undertaken for the application. This concluded that the proposed development would by itself, or in combination with any other development/project be unlikely have a significant effect on the Kenfig SAC or Crymlyn Bog SAC/Ramsar. As such, an Appropriate Assessment, as set down within the Conservation and Habitats and Species Regulations (2010) was not required.

### **Material Considerations:**

The main issues for consideration concern the principle of development at this site, together with the impact of the proposal upon visual and residential amenity, and also highway and pedestrian safety having regards to prevailing planning policies.

### **Policy Context:**

Neath Port Talbot Unitary Development Plan:

GC1      New Buildings/Structures and Changes of Use

- ENV17 Design
- T1 Location, Layout and Accessibility of New Proposals
- H3 Infill and Windfall Development within Settlement Limits
- ENV13 Brownfield, Derelict and Waste Land
- ENV15 Air Quality
- ENV16 Contaminated Land
- ENV11 Proposals in Areas of Flood Risk
- IE2 Infrastructure Facilities (not including drainage)

Technical Advice Note (TAN) 15: Development and Flood Risk (2004).

Port Talbot Harbourside and Town Centre Development Framework Supplementary Planning Guidance (SPG).

As the application site is brownfield land located within the settlement limits defined by Policy H3 in the UDP, the principle of the development at this location is generally acceptable under the above policies, provided there are no overriding issues in terms of highway safety, visual or residential amenity or environmental quality (including pollution, flooding and ecology).

In respect of the Harbourside SPG, it should be noted that the former gas works site is identified as potential residential and light industrial uses. However, further work has been undertaken as part of the emerging Local Development Plan (LDP) which proposes that the site is allocated for light industrial use, not residential, due to potential flooding issues and the fact that a residential use is 'highly vulnerable' where light industrial is not. Due to this, it is therefore considered that the proposal would not, if approved, sterilise potential future development of the gas works site.

### **Visual Amenity:**

It is noted that the application site is located on a brownfield site that was previously utilised as a gas works. Although the proposed building would reach a height of 10m to ridge, and 12.3m to the top of the flues, it is partly screened by the PDR's 3m high acoustic fencing. Furthermore, as it would be located adjacent to an electricity sub-station and reservoir, it would not be out of context with the locality. It is therefore considered that the proposal would not impact upon the character and appearance of the surrounding area to warrant refusal of the application on visual grounds.

### **Residential Amenity:**

In respect of potential overlooking, overshadowing or overbearing issues, it should be noted that the proposed electricity generating station would be located a minimum of 46m away from the nearest dwellings at Glenavon Street. These properties are located to the east of the site on the opposite side of the PDR. There are also residential dwellings at Victoria Street to the west of the site. These are located a minimum of 75m from the generating station. Due to this separation distance and the fact that the site is relatively flat in profile, it is considered that the proposal would not create any unacceptable overbearing, overshadowing or overlooking issues.

Turning to potential issues in terms of noise and disturbance, it should be noted that a detailed noise survey has been submitted in support of the application. This has been assessed by the Head of Business Strategy & Public Protection (Environmental Health Section) who offers no objection, subject to conditions, and notes that the applicant has also confirmed that plant operations during the quiet night time hours will be minimal. Accordingly, he confirms that he is satisfied that there will not be significant noise impacts from this proposed development.

As the development would be operated on a short term basis, during peak times for electricity consumption, and given the fact that the noise assessment demonstrates that the proposed development will not give rise to noise disturbance during the times when the developer states that it is most likely to be in operation, it is therefore concluded that the development would have no unacceptable impact on terms of any potential noise disturbance.

### **Highway Safety (e.g. Parking and Access):**

It should be noted that access to the site is proposed off Victoria Road, which is a classified highway (C290). It should be noted that there is an existing access to the rear of Numbers 1, 1A and 2 Victoria Road.

As the access off Victoria Road is existing and, once operational, the site would be un-manned, with the exception of sporadic maintenance, the Head of Engineering and Transport (Highways Section) offers no objection to the development, subject to conditions. Provided that the requested conditions are imposed on the application, it is therefore considered that there would be no detrimental impact upon highway or pedestrian safety.

### **Ecology (including trees & protected species):**

A biodiversity survey was submitted in support of the application, which notes that the site is of low biodiversity value. This survey was assessed by the Biodiversity Unit, who offer no objection to the proposal, subject to a condition in respect of Japanese Knotweed. It is therefore considered that the proposal is acceptable in terms of ecology.

### **Flooding:**

It should be noted that the application site is located within a C1 flood zone. A Flood Consequences Assessment was submitted in support of the application, and has been assessed by Natural Resources Wales. They note that although the site is at risk from tidal flooding, mitigation is proposed in the form of raising critical instruments above the predicted tidal level, which they are satisfied with. Having regards to the tests in Technical Advice Note 15, and given the low occupancy of the building, it is therefore considered that the proposed development would be acceptable in terms of flood risk.

### **Pollution (air and ground):**

It should be noted that the site has been identified as potentially contaminated land. However, as the Contaminated Land Unit and Natural Resources Wales both offer no objection to the proposal, subject to conditions, it is considered that the proposed development would be acceptable in terms of pollution.

With regards to potential air pollution, it should be noted that an air quality assessment was submitted in support of the application. This has been assessed by the Air Pollution Unit, together with Natural Resources Wales. They note that dispersion modelling has been carried out in order to assess the impact of carbon monoxide (CO) and nitrogen dioxide (NO<sub>2</sub>). They note that the location of the receptors look acceptable, and CO<sub>2</sub> levels are expected to be well below the air quality objective. However, a condition should be imposed on the application requiring a scheme for NO<sub>2</sub> diffusion tubes at a handful of locations for the first year of operation, to ensure that the concentrations are not exceeded. Provided these conditions, and a condition in respect of a dust management plan, are imposed on the application, it is therefore considered that the proposed development would be acceptable in terms of air pollution.

### **Others (including objections):**

In response to the 7 letters of objection and petition received, the following comments are made.

- Firstly, the concerns regarding the nearest residential properties. It is acknowledged that the nearest residential dwellings are located at the access point along Victoria Road and at Glenavon Street. The developer has provided an email and plan to confirm that there was a typographical error in the Design and Access Statement (DAS), and also illustrating the respective distances to the nearest dwellings.
- Secondly, the concerns relating to the use of the existing access and highway safety issues have been addressed previously in the report. In respect of the concerns that the proposal, including construction traffic, would restrict the rear accesses for the properties along Victoria Road, it should be noted that access rights would be a civil matter and not a material planning consideration.
- Turning to the issue regarding noise, and the fact that it could be used continuously if National Grid request it, it should be noted that the proposed facility is intended to be used on a short-term basis (i.e. an average of once per day or less) and is not intended to be used on a full-time 24 hour a day basis. This will be conditioned as part of the application, to ensure there are no unacceptable impacts in terms of noise or air pollution.
- In respect of the comments in the DAS that “periodic reviews on the environmental performance of the site, during both the construction and operational stages, will be carried out by our Project Management and Field Service Engineer team”, it should be noted that this would not impact upon any monitoring of the site the Local Authority could undertake in terms of condition enforcement, and/or the Environmental Health Section in terms of noise nuisance.
- Turning to the issue regarding the fence height, it should be noted that the submitted block plan illustrates a 2m high palisade fence around the site. The 3m fence relates to the existing acoustic fence alongside Afan Way, which was installed as part of the Peripheral Distributor Road (PDR).
- With regards to the concerns that this development should not be allowed in a residential area in close proximity and views from local residents’ homes, it should be noted this has been addressed previously in the report. As the building is located on the site of a former gas works and is located over 46m from the nearest residential dwelling, it is considered that the proposal would not create any overbearing, overshadowing or overlooking issues, and would also be acceptable in terms of visual amenity.
- In respect of the concerns regarding noise, dust and air pollution, it should be noted that this has been fully assessed by Natural Resources Wales, together with the Environmental Health and Air Pollution Unit. As they offer no objection to the proposal (including the submitted reports), subject to conditions, it is therefore considered that the proposal would not create any unacceptable impacts in terms of noise or air pollution.



- With regards to the potential impact on property values in the area, it should be noted that this is not a material planning consideration, so cannot impact upon the determination of this application.
- Turning to the concerns regarding local consultation. It should be noted that site notices were erected in the local area to inform local residents, and 3 residential properties adjoining the application site edged in red were notified by letter.
- Finally, the issue regarding the description of the development. It should be noted that the proposal is for a 20MW facility, not an 8MW facility as originally advertised. This was confirmed with the developer, who clarified in writing that there was a typographical error in the original DAS. This has since been amended in the publicity and description of the application.

### **Conclusion:**

It is considered that the proposed development would not have an unacceptable impact upon residential amenity or upon the character and appearance of the surrounding area, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies GC1, ENV17, T1, H3, ENV11, ENV13, ENV15, ENV16 and IE2 of the Neath Port Talbot Unitary Development Plan. Approval is therefore recommended.

**RECOMMENDATION:      Approval with Conditions**

### **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) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including the flues, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interest of the visual amenity of the area.

(3) Prior to the commencement of work on site, a detailed scheme for the implementation of NO<sub>2</sub> diffusions tubes for a 12 month period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to first operation of the generating station, and retained for a minimum period of 12 months, upon which a copy of the results shall be submitted to and approved in writing by the Local Planning Authority. If the results show mitigation measures are required, these shall also be included together with a timetable for its implementation.

#### Reason

In the interest of air quality and to ensure the validity of these dispersion modelling data.

(4) Prior to the commencement of work on site a scheme to assess the nature and extent of any contamination on the site, and confirmation of whether or not it originates on the site shall be submitted to and agreed in writing with the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006) and shall be submitted as a written report which shall include:

(i) A desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) identifying all plausible pollutant linkages to be assessed.

(ii) a survey of the extent, scale and nature of contamination;

(iii) an assessment of the potential risks to:

- human health,
- ground waters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments;

(iv) an appraisal of remedial options, and proposal of the preferred remedial option(s).

#### Reason

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

(5) Prior to the commencement of work on site, and if required by Condition 4, a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historical environment shall be prepared and submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

#### 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 offsite receptors.

(6) Prior to beneficial use of the proposed development commencing, and if required by Condition 5, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with Condition 5 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 offsite receptors.

(7) 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.

(8) Prior to the commencement of works on site, a detailed method statement for the removal, long-term management or eradication of Japanese knotweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement only.

#### Reason

Japanese knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.

(9) Notwithstanding the submitted details, all critical equipment shall be installed so that it is above the predicted tidal level, as specified within the approved flood consequences and supporting information, and retained as such thereafter.

#### Reason

In the interest of adequate mitigation as the site is located within a flood zone.

(10) No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water drainage has been submitted

to and approved by the Local Planning Authority, including measures to prevent any new surface water from flowing onto the public highway. The approved scheme shall be implemented on site prior to the construction of any impermeable surfaces draining to this system, and retained as such thereafter.

#### Reason

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

(11) Piling or any other foundation designs using penetrative methods shall not be permitted unless a scheme has been submitted to and approved in writing demonstrating that there is no resultant unacceptable risk to groundwater.

#### Reason

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

(12) The generating station hereby approved shall only be used for the production of standby electricity (a Short Term Operating Reserve (STOR)) in accordance with the details provided in the Design, Access and Planning Statement (April 2014).

#### Reason

To clarify the nature of the approval, and in the interests of residential amenity.

(13) No surface water or land drainage run-off shall be allowed to connect, either directly or indirectly, to the highway drainage system.

#### Reason

To prevent hydraulic overload of the highway drainage system and pollution to the environment.

(14) Prior to first beneficial use of the standby electricity generation plant hereby approved, the four off-street parking spaces and the turning area shown on the approved plans shall be provided within the curtilage of the property, and these shall be retained open and free for such use thereafter.

#### Reason

In the interest of highway safety by ensuring safe and adequate off street parking provision.

(15) Prior to first beneficial use of the standby electricity generation plant hereby approved, a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to first beneficial use of the development, and retained as such thereafter.

Reason In the interest of highway safety and 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 proposed development would not have an unacceptable impact upon residential amenity or upon the character and appearance of the surrounding area, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies GC1, ENV17, T1, H3, ENV11, ENV13, ENV15, ENV16 and IE2 of the Neath Port Talbot Unitary Development Plan.

