



**BARRY TOWN COUNCIL
CYNGOR TREF Y BARRI**

PURSUANT TO THE REQUIREMENTS OF THE ABOVE STATUTORY PROVISIONS, NOTICE IS HEREBY GIVEN THAT AN EXTRAORDINARY MEETING OF THE WORKING PARTY TO CONSIDER CONSULTATIONS RECEIVED TO BE HELD ON A HYBRID BASIS IN THE COUNCIL CHAMBER, TOWN HALL, KING SQUARE, BARRY, CF63 4RW AND REMOTELY MONDAY 17 OCTOBER 2022 COMMENCING AT 4.00 PM FOR THE PURPOSE OF TRANSACTING THE BUSINESS SHOWN IN THE AGENDA SET OUT BELOW.

From 1 May 2021 The Local Government and Elections (Wales) Act 2021 makes provision for meetings to take place through a variety of arrangements, including multi-location meetings where all individuals are attending virtually and hybrid meetings where a number of individuals are attending in person at a designated location and others are attending virtually from a range of other locations. The Act makes permanent provision for remote meetings (multi-location) and electronic publication of documents

Yours faithfully

A handwritten signature in black ink, appearing to read 'E. Davies-Powell'.

Councillor Davies-Powell
Chairperson Working Party to Consider
Consultations Received

AGENDA

1. **Apologies for absence**
2. **To receive declarations of interest under the Council's Code of Conduct.** (Note: Members seeking advice on this item are asked to contact the Monitoring Officer at least 72 hrs before the meeting).
3. **Well-being of Future Generations (Wales) Act 2015**
(To note)

*Working party to consider consultations received members will note that this Act sets out the requirement for a public body to act in a manner which seeks to ensure **that the needs of the present are met without compromising the ability of future generations to meet their own needs.***

In order to act in that manner, a public body must take account of the following things:

- (a) the importance of balancing short term needs with the need to safeguard the ability to meet long term needs, especially where things done to meet short term needs may have detrimental long term effect;*
- (b) the need to take an integrated approach, by considering how—*
 - i. the body's well-being objectives may impact upon each of the well-being goals;*
 - ii. the body's well-being objectives impact upon each other or upon other public bodies' objectives, in particular where steps taken by the body may contribute to meeting one objective but may be detrimental to meeting another;*
- (c) the importance of involving other persons with an interest in achieving the well-being goals and of ensuring those persons reflect the diversity of the population of the part of Wales in relation to which the body exercises functions;*
- (d) how acting in collaboration with any other person (or how different parts of the body acting together) could assist the body to meet its well-being objectives, or assist another body to meet its objectives;*
- (e) how deploying resources to prevent problems occurring or getting worse may contribute to meeting the body's well-being objectives, or another body's objectives.*

**4. Public Consultation on Biomass UK No. 2 Ltd Appeals
(Pages 137-152)**

a) Submission of Environmental Statement in Connection with Enforcement Appeal Ref: CAS-01341-N2Q5B8 – Location Appeal by: Biomass UK No.2 Limited (Appeal A)

b) Section 78 Discharge of Condition Appeal – Appeal Ref: CAS-01476-M1N1C0 – Location Appeal by: Biomass UK No.2 Limited (Appeal B)

5. Date of Next Meeting

The date of the next meeting of the Consultations Working Party will be arranged when required

Distribution

Agenda summons and index to all non-working party members. A full copy of the agenda papers for this meeting will be available at the Council offices.

(Note: This meeting is usually an internal meeting and not a Standing Committee of Council and therefore not subject to the same conditions with regard informing members of the press and public; however, in this instance only, Terms of Reference have been amended by Full Council to enable public participation in this process)

This document is available in large print and other formats upon request/Cewch y ddogfen hon mewn pring bras a ffor matiau eraill drwy holi.

Date/Dyddiad: 7 September 2022

Ask for/Gofynwch am: Sarah Feist

Telephone/Rhif ffon: (01446) 704681

My Ref/Cyf: P/DC/SF/

e-mail/e-bost: Planning@valeofglamorgan.gov.uk

The Vale of Glamorgan Council
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Barry Town Council
Barry Town Council,
Mrs Emily Forbes
Town Clerk,
Town Hall,
Kings Square,
Holton Road,
Barry.
CF63 4RW

Dear Sir / Madam

Town and Country Planning Act 1990 (As Amended) – Section 174 and 78 Appeals
Appeals by: Biomass UK No.2 Limited
Site: Land at Barry Biomass, Woodham Road, Barry Docks, CF63 4JE

I am writing to inform you that the following two appeals have been made to the Planning and Environment Decisions Wales (PEDW), formerly the Planning Inspectorate in respect of the above site:

Appeal A

Section 174 Enforcement Appeal

Council Reference:

ENF/2020/0230/M (A)

PEDW Reference:

CAS-01341-N2Q5B8

Appeal Start Date:

5th September 2022

Appeal by:

Biomass UK No.2 Limited

This appeal follows the serving of an Enforcement Notice by the Council in respect of the following alleged breach of planning control:

Operational development comprising the construction of a wood fired renewable energy plant together with associated structures and the material change of use from unused land having a nil use to the storage of containers and as a vehicle turning space in association with the use of the wood fired renewable energy plant.

The reasons why the Council considered it expedient to issue the Enforcement Notice were as follows:

It appears to the Council that the above breach of planning control has occurred in respect of 3.1 (construction of the renewable energy plant) within the last four years and in respect of 3.2 (extension of land to the north) within the last ten years

The site is located within the wider coastal area of Barry Docks, to the north-east of existing industrial units on Woodham Road and was previously occupied by a container storage and refurbishment operation. Planning permission was granted for the redevelopment of the site to provide a wood fuelled renewable energy plant under outline planning permission 2015/00031/OUT. Despite a significant level of local opposition, the

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outline permission was approved as it was concluded that the proposal would represent a sustainable renewable energy proposal which would comply with national and local planning policies, whilst also satisfactorily protecting the interests of local residential and visual amenity and highway safety. In order to ensure that the development was acceptable, a number of planning conditions were imposed which were designed to control both the construction and the future operation of the facility. These included measures to control issues such as air quality, waste management, the control of dust within the site and locality, light spillage, noise mitigation, deliveries and open storage and without such controls, it was considered that the development would have been unacceptable. A reserved matters application was approved for the approval of the landscaping of the development (2016/00187/RES) and the pre-commencement conditions for the scheme have been discharged.

Whilst the Council has investigated a number of complaints that have been received regarding the site since 2016, which initially related to construction issues including noise, dust, hours of construction and air quality, the investigation of more recent complaints has identified a number of discrepancies between the consented scheme and that which had been built including differences between the approved layout and elevation plans, the provision of additional structures, plant and equipment and the extension of the site to the north. Despite protracted correspondence with the developer and their initial acceptance of the differences with the scheme that had been approved, the existing development has failed to be regularised, which could affect the Council's ability to take enforcement action in the future if the unauthorised development were to become lawful.

It is considered the retention and operation of the plant without the ability to take enforcement action in the future could have a significant and irreversible adverse impact on the local environment and affect residential amenity and highway safety. The unauthorised development is therefore considered to conflict with strategic policies SP1 (Delivering the Strategy) and SP8 (Sustainable Waste Management), and the wider principles of managing new development set out in policies MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD16 (Protection of Existing Employment Sites and Premises), MD19 (Low Carbon and Renewable Energy Generation) and MD20 (Assessment of Waste Management Proposals). These breaches are also considered to conflict with the principles of sustainable development set out in PPW Edition 11 (2021), , Technical Advice Note 11 (Noise), Technical Advice Note 18 (Transport) and Technical Advice Note 21 (Waste) and Technical Advice Note 23 (Economic Development).

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

The appellant has made the appeal on the following grounds:

- (a) That planning permission should be granted for what is alleged in the notice;
- (b) That the breach of planning control alleged in the enforcement notice has not occurred as a matter of fact;
- (c) That there has not been a breach of planning control;
- (f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections;
- (g) That the time given to comply with the notice is too short.

Date/Dyddiad: 25 August 2022

Ask for/Gofynwch am: Sarah Feist

Telephone/Rhif ffon: (01446) 704690

Your Ref/Eich Cyf:

My Ref/Cyf: CAS-01341-N2Q5B8

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Barry Town Council
Barry Town Council,
Mrs Emily Forbes
Town Clerk,
Town Hall,
Kings Square,
Holton Road,
Barry.
CF63 4RW

Dear Sir / Madam,

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

Submission of Environmental Statement in connection with Enforcement Appeal Ref: CAS-01341-N2Q5B8.

Location: Barry Biomass, Woodham Road, Barry

An Environmental Statement (ES) has been received in connection with the above enforcement appeal which is to be determined by the Welsh Ministers. I would therefore be obliged if you would advise me whether you wish to make any observations on the ES.

As part of the appeal process and ground (a) appeal, consideration will be given to whether the existing development should be granted planning permission and to whether the planning conditions attached to the previous planning permission 2015/00031/FUL remain appropriate. A copy of the planning conditions is attached with this letter and I would appreciate if you would advise me, in light of the information provided in the ES, whether you consider that the existing planning conditions remain appropriate.

You can view the Environmental Statement on the Council's website by accessing the 'Barry Biomass Enforcement Appeal' link on the Planning and Building Control page:
https://www.valeofglamorgan.gov.uk/en/living/planning_and_building_control/Planning/Barry-Biomass-Enforcement-Appeal.aspx

or through the online appeals register at <https://vog.planning-register.co.uk> by searching for appeal number **CAS-01341-N2Q5B8**.

The Council will need to produce an appeal statement in due course and it is therefore essential that any observations should be received within 8 weeks from the date of this letter – i.e. 20th October 2022. Observations should be made via Planning@valeofglamorgan.gov.uk quoting the appeal case number **CAS-01341-N2Q5B8**. If, however, you are unable to forward your observations by that date, please inform the case officer detailed above. In the event of no reply being received by the date given, it will be assumed that you have no observations. Under the provisions of the Local Government (Access to Information) Act, 1985, any representations you make will be open to public inspection and as the ES has been submitted in relation to an appeal,

copies of your representations will be forwarded to Planning and Environment Decisions Wales at the Welsh Government and be made available for the appellant's inspection.

Yours faithfully

Vale of Glamorgan Council
(Local Planning Authority)

THE VALE OF GLAMORGAN COUNCIL

Town and Country Planning Act 1990
 Planning and Compulsory Purchase Act 2004
 The Town and Country Planning (Development Management Procedure) (Wales) Order 2012

OUTLINE PLANNING PERMISSION

Agent:
 Sunrise Renewables (Barry) Ltd,
 Gilbert Wakefield House,
 Bewsey Street,
 Warrington
 WA2 7JQ

Applicant:
 Sunrise Renewables (Barry) Ltd,
 Gilbert Wakefield House,
 Bewsey Street,
 Warrington
 WA2 7JQ

Outline application for a wood fired renewable energy plant at David Davies Road, Woodham Road, Barry

The Council in pursuance of its powers under the above mentioned Act and Order hereby **GRANTS OUTLINE PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans registered by the Council on 5 February 2015 subject to the following condition(s):

1. Approval of the landscaping of the development (hereinafter called "the reserved matters") shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

The application was made for outline planning permission and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- (a) The expiration of five years from the date of this permission.

(b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

5. This consent shall relate to the plans registered on 5 February 2015 other than where amended by plans reference E1627- 2101 Rev A, E1627- 2102 Rev A, E1627- 2103 Rev A, E1627- 2104 Rev A, E1627- 2105 Rev A, dated 16 April 2015 and E1627- 2116 Rev B, E1627- 2117 Rev B, E1627- 2118 Rev B, E1627- 2119 Rev B, E1627- 2120 Rev B received on 22 July 2015 as well as the updated Air Quality Assessment submitted on 12 June 2015 the Waste Planning Assessment received on 17 June 2015
6. No development shall take place until details of a scheme for the management of waste emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The disposal of waste shall be carried in accordance with the approved scheme.

Reason:

In order to ensure the disposal of waste from the site without harm to local amenity, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

7. No development shall take place until full details, inc samples of the external facing materials to be used in the development, to include colour of the building and stack and shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and retained in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of local visual and residential amenity, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

8. No development approved by this permission shall be commenced until a contaminated land assessment and associated remedial strategy have been submitted to and approved by the Local Planning Authority. The assessment shall contain the following elements and follow the guidance contained in 'Contaminated Land: A Guide for Developers' available from the Local Planning Authority:
 - a) A Phase I Preliminary Risk Assessment (Desk Study) to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and identify and evaluate all potential sources and impacts of land and/or groundwater contamination.
 - b) Where the preliminary risk assessment identifies potentially unacceptable risks at the site, a suitably qualified and accredited person shall carry out a site investigation, including relevant soil, soil-gas, surface and groundwater sampling in accordance with a quality

assured sampling and analysis methodology. The requirements of the Local Planning Authority shall be fully established before any site surveys are commenced.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of any analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve any such remedial works as required, prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d) The approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

e) Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved by the Local Planning Authority. The verification report shall include details of the completed remediation works and include quality assurance certificates to show that the works have been carried out in full and in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason:

In the interests of public safety, and to ensure compliance with Policy ENV7 of the Unitary Development Plan.

9. Should contamination not previously identified be found through the course of development it must be reported immediately in writing to the Local Planning Authority. An investigation shall be carried out to assess the nature and extent of any contamination and the contamination shall be dealt with in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the building hereby permitted is occupied.

Reason:

In the interests of public safety, and to ensure compliance with Policy ENV7 of the Unitary Development Plan.

10. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. Prior to the facility being brought into beneficial use, details of a scheme to control dust within the site and locality shall be submitted to and approved in writing by the Local Planning Authority. The operation of the plant shall thereafter be in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of local amenity, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

12. Prior to their construction / installation / use on site, details of all external lighting of the building and site, to include specification, means of operation (whether permanent or sensor/security lights, and hours of operation), and lux plots to prevent / minimise light spillage outside of the site (including atmospheric light pollution) shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be implemented in accordance with such approved scheme and thereafter retained as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of residential and visual amenity, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

13. The building hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

To ensure that the development is serviced by an appropriate Sustainable Urban Drainage Scheme, and to ensure compliance with the terms of Policies ENV7 and ENV27 of the Unitary Development Plan.

14. The building hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason:

To ensure that the development is services by an appropriate Sustainable Urban Drainage Scheme, and to ensure compliance with the terms of Policies ENV7 and ENV27 of the Unitary Development Plan.

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 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 species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

16. The access and visibility splays (4.5m x 48m) to the site are approved in accordance with the amended site layout plan draw ref E1627-2104 Rev A received on 16 April 2015 and shall be constructed from a bound material for a minimum distance of 20.0m from the carriageway boundary. The development should be carried out in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interest of Highway Safety and in accordance with WAST2, COMM8 of the Unitary Development Plan.

17. Notwithstanding the approved access and site layout plan, an amended plan with full details of the means of enclosure to the front boundary with Woodham Road, and forecourt area, shall be submitted to satisfy the following highway requirements: -
- i) The boundary fence shall be set back a minimum of 4.0m from the carriageway edge to allow for adequate visibility splays from the proposed access and to maintain visibility from the existing Woodham Road junction.
 - ii) Visibility splays of 4.5m x 48m in both directions, measured from the centre line of the proposed access shall be provided.
 - iii) Provision of a hard surface of concrete or bituminous material for a minimum distance of 6.0m from the highway boundary.
 - v) A manoeuvring area, to enable all vehicles to enter and leave in a forward gear at all times, which shall be kept free of obstruction at all times.
 - vi) Gates, if provided, that shall not open outwards and shall be set back a minimum of 6.0m from the carriageway edge.

The development shall be undertaken and thereafter retained in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

Reasons

In the interests of highway safety

18. The proposed energy recovery plant shall not be brought into beneficial use until the approved access has been constructed in accordance with the approved plans and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

19. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details to be submitted and approved by the Local Planning Authority and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

20. Details of secure parking on site for cycles shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of cycle parking shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

21. A noise survey post installation at the nearest residential premises, 57 Dock View Road, Cory Way and Estrella House, Cei Dafydd, shall be undertaken when the plant is initially commissioned and again after six months. The noise survey is to be provided in the same format as in the developer's submitted noise statement. The results of the first noise assessments shall be submitted to the Local Planning Authority, within two months of the date of commissioning the plant and, should either of the surveys indicate that the noise levels exceed those stated in the application documents, the use of the plant shall cease until such time as a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority, and those measures implemented. The development shall at all times be carried out in accordance with any mitigation measures that are identified as being necessary.

Reason:

In the interests of residential amenity and to ensure compliance with Policies ENV27 and COMM7 of the Unitary Development Plan.

22. The total tonnage of wood waste treated at the plant hereby approved shall not exceed 72,000 dry tonnes per annum, unless otherwise agreed in writing with the Local Planning Authority beforehand, and records of the amount of fuel processed shall be retained and made available to the Local Planning Authority on request.

Reason:

To ensure accordance with the terms of the application, to limit the impact of activities on the immediate area, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

23. The plant hereby permitted shall only process waste wood.

Reason:

In the interests of local amenity, given that the technical equipment is capable of processing alternative fuels, the impact of which has not been considered through the environmental submission accompanying this application, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

24. Deliveries to the site, and all other external operations, shall be restricted to the following hours: - Monday to Saturday : 07:00 - 19:00; and Sunday /Bank/Public holidays 08:00 - 16:00.

Reason:

In the interests of local residential amenity, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

25. The internal plant noise shall be restricted to a maximum of 85 dBA to include a 5 dBA tonal penalty (with every opportunity to reduce this level explored and demonstrated prior to final construction) and a noise survey, post installation, shall be undertaken when the plant is initially commissioned and again after six months. The noise survey is to be provided in the same format as in the developer's submitted noise statement. The results of the first noise assessments shall be submitted to the Local Planning Authority, within two months of the date of commissioning the plant and, should either of the surveys indicate that the noise levels exceed those stated in the application documents, the use of the plant shall cease until such time as a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority, and those measures implemented. The development shall at all times be carried out in accordance with any mitigation measures that are identified as being necessary.

Reason:

In the interests of local residential amenity, and to ensure compliance with Policies ENV27 and COMM7 of the Unitary Development Plan.

26. There shall be no open storage of materials of any kind outside any approved buildings on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of local visual amenity, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

27. Foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

28. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

29. Prior to the first beneficial use of the development hereby approved, a Green Travel Plan (which will include details relating to proposals for minimising the use of staff car journeys to and from the site) and measure to control the plan along with agreed haul routes for the delivery of waste wood feed stock and the removal of ash from the site shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be operated in accordance with the agreed details.

Reason:

In the interest of minimising vehicular movements and sustainability in compliance with Policy ENV27 'Design of New Developments' of the Unitary Development Plan.

30. The roller shutter doors in the feedstock building shall be kept closed at all times other than when deliveries are being received.

Reason

To protect residential amenity, complying with the requirements of ENV27 and COMM 8 of the Adopted UDP 1996-2011

31. Within nine months of the energy plant hereby approved being fully operational, the applicant shall carry out a further Air Quality Assessment through monitoring at the nearest residential property locations, 57 Dock View Road, Cory Way and Estrella House, Cei Dafydd . The new assessment should be completed and submitted to the Local Planning Authority within 3 months of being commenced and, should the assessment indicate that the air quality levels fail to comply with predicted process concentrations as set out in the

Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg

updated Air Quality Assessment document submitted on 12 June 2015, the use of the plant shall cease until such time as a scheme of mitigation has been submitted to and approved in writing by the Local Planning Authority, and those measures identified in the scheme, implemented. The development shall at all times be carried out in accordance with any mitigation measures that are identified as being necessary.

Reason:

In the interests of residential amenity and to ensure compliance with Policies ENV27 and COMM7 of the Unitary Development Plan.

Reason for Granting Planning Permission

The decision to recommend 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. The Development Plan comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Having regard to National and Regional Policies on Waste and Renewable Energy, and Policies 13, WAST1 – Provision of Waste Management Facilities, WAST2 – Criteria for Assessing Waste Management Facilities, COMM8 – Other Renewable Energy Scheme, ENV6 – East Vale Coast, ENV7 – Water Resources, ENV16 – Protected Species, ENV18 – Archaeological Field Evaluation, ENV26 – Contaminated Land and Unstable Land, ENV27 – Design of New Developments, ENV29 – Protection of Environmental Quality, EMP2 – New Business and Industrial Development, EMP3 – General Industry, TRAN10 - Parking and TRAN11 – Road Freight of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is concluded that the proposal would represent a sustainable, renewable energy proposal, which meets the above policies, while also satisfactorily protecting the interests of local residential and visual amenity, and highway safety, while not compromising other material considerations detailed in the accompanying report.

NOTE:

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the

submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Dated: 31 July 2015

M. J. Goldsworthy

Head of Regeneration and Planning

**IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES
ATTACHED TO THIS FORM.**

Note for applicant/agent

THESE NOTES SHOULD ALWAYS BE REPRODUCED WITH
COPIES OF THE DECISION NOTICE

NOTES

Notification to be sent to an applicant when a Local Planning Authority refuse planning permission or grant it subject to conditions.

Appeals to the Welsh Government:

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff CF10 3NQ.
- The Welsh Government can allow a longer period of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Welsh Government need not consider an appeal if it seems that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any Development Order and to any directions given under a Development Order.
- In practice, the Welsh Government does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by them.

Purchase Notices:

- If either the Local Planning Authority or the Welsh Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a Purchase Notice on the Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

PLEASE NOTE: THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

BUILDING REGULATIONS
LISTED BUILDING LEGISLATION
HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

Please quote the application number in all correspondence.

Date/Dyddiad: 7 September 2022

Ask for/Gofynwch am: Sarah Feist

Telephone/Rhif ffon: (01446) 704681

My Ref/Cyf: P/DC/SF/

e-mail/e-bost: Planning@valeofglamorgan.gov.uk

The Vale of Glamorgan Council
Dock Office, Barry Docks, Barry CF63 4RT
Tel: (01446) 700111

Cyngor Bro Morgannwg
Swyddfa'r Doc, Dociau'r Barri, Y Barri CF63 4RT
Ffôn: (01446) 700111



www.valeofglamorgan.gov.uk

Appeal B

Section 78 Discharge of Condition Appeal

Council Reference: 2015/00031/5/CD
PEDW Reference: CAS-01476-M1N1C0
Appeal Start Date: 5th September 2022
Appeal by: Biomass UK No.2 Limited

The appeal follows the failure of the Council to determine the above discharge of condition application relating to the conditions numbered 5, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25 and 29 on planning application 2015/00031/OUT.

These appeals are to be linked together and determined on the basis of a **Public Inquiry**, conducted by an Inspector from PEDW, and once the date and venue is known you will be notified again. Please note that you are able to attend the Inquiry (or arrange for someone to attend on your behalf) and may state your views verbally at the discretion of the Inspector. Alternatively, you may submit your views in writing, in which case they will be disclosed to the appeal parties and may also be read out at the inquiry.

Any comments made at the application stage in relation to the Discharge of Condition appeal will be forwarded to PEDW. If you wish to make any additional comments or representations on either appeal, you should send these direct to **PEDW, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ**, quoting the reference **CAS-01341-N2Q5B8 (Enforcement Appeal A) or CAS-01476-M1N1C0 (Discharge of Condition Appeal B)**. You can also make your representations by email to PEDW.Casework@gov.wales. Such comments must not exceed 3000 words and be submitted no later than **23rd November 2022**. Any representations received after the deadline will not normally be seen by the Inspector and will be returned to you.

You can get a copy of the PEDW leaflet 'A Guide to Engaging with PEDW' from PEDW at the address given above or online at: <https://gov.wales/sites/default/files/publications/2021-09/guide-to-engaging-with-planning-and-environment-decisions-wales.pdf>

A copy of the appeal decision can be obtained by making a request in writing to PEDW at the address given above. If you wish to inspect any document in connection with this appeal, please visit <https://planningcasework.service.gov.wales> or contact PEDW at the following email address: PEDW.Casework@gov.wales/PEDW.GwaithAchos@llyw.cymru

Yours faithfully

Vale of Glamorgan Council
(Local Planning Authority)