

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH ADFYWIO A  
HAMDDEN**

**REPORT OF THE  
HEAD OF PLANNING,  
DIRECTORATE OF REGENERATION  
AND LEISURE**

**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY  
COUNCIL'S PLANNING COMMITTEE**

**AR 04 CHWEFROR 2016  
ON 04 FEBRUARY 2016**

**I'W BENDERFYNU/  
FOR DECISION**

***Ardal Del/  
Area South***



**Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yna rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.**

**In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.**

|                   |                           |
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| <b>COMMITTEE:</b> | <b>PLANNING COMMITTEE</b> |
| <b>DATE:</b>      | <b>04 FEBRUARY 2016</b>   |
| <b>REPORT OF:</b> | <b>HEAD OF PLANNING</b>   |

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| <b>S/29559</b> | <b>Demolition of existing structures on site, restoration and re-profiling the site and the construction of a 2 - 3 mwe photovoltaic solar array and an energy recovery centre (comprising an advanced conversion technology (act) 8 - 12 mwe pyrolysis plant and an anaerobic digestion 2 - 3 mwe facility with an integrated education centre) together with access improvements, landscaping and associated works at New Lodge Farm, Pontardulais Road, Cwmgwili, Llanelli, SA14 6PW</b> | <b>32 - 59</b>   |

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| <p><b>APPLICATIONS RECOMMENDED FOR APPROVAL</b></p> |
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|                       |                |
|-----------------------|----------------|
| <b>Application No</b> | <b>S/32831</b> |
|-----------------------|----------------|

|                                |  |
|--------------------------------|--|
| <b>Application Type</b>        | Outline  |
| <b>Proposal &amp; Location</b> | THE ERECTION OF A PAIR OF SEMI DETACHED HOUSES AT LAND AT REAR OF 118 NEW ROAD, LLANELLI, SA15 3DT |

|                           |   |
|---------------------------|---|
| <b>Applicant(s)</b>       | MR JEREMY COOK, 42 ACACIA ROAD, HAMPTON, LONDON, TW12 3DS                                     |
| <b>Agent</b>              | CDN PLANNING (WALES) LTD - GRAHAM CARLISLE, NORTH HILL, 7 ST JAMES CRESCENT, SWANSEA, SA1 6DP |
| <b>Case Officer</b>       | Robert Davies   |
| <b>Ward</b>               | Elli  |
| <b>Date of validation</b> | 12/10/2015  |

## CONSULTATIONS

**Head of Transport** – No objection subject to conditions.

**Llanelli Town Council** – No objection.

**Local Members** – County Councillor J Jenkins has requested that the application be determined by the Planning Committee. Councillor Jenkins has had a number of representations from adjacent residents concerned about privacy/overlooking and overdevelopment of the site out of character with the surrounding area.

**Dwr Cymru/Welsh Water** – No objection subject to the imposition of conditions and advisory notes on any planning permission granted.

**Neighbours/Public** – The application was advertised by virtue of a site notice. Two neighbouring properties have opposed the proposed development on the following grounds:-

- Two modern semi detached properties would be out of character with this historic area of Llanelli which contains traditional houses of substantial character. In fact the original Llanelli Lawn Tennis club was situated within the grounds of this property.
- Increase in on street parking problems. This section of Roland Avenue is already heavily used for parking.

- Loss of light to no.29 Spowart Avenue.

## **RELEVANT PLANNING HISTORY**

The following previous applications have been received on the application site:-

S/02572      Bungalow one unit  
Outline planning permission

08 August 2000

## **APPRAISAL**

### **THE SITE**

The application site consists of part of the raised rear garden area of 118 New Road in Llanelli, a large three storey detached dwelling set within a spacious domestic curtilage. The application site which represents the easternmost part of the garden is approximately 34 metres in depth, whilst the width varies from between 18 to 25 metres. The site fronts on to Roland Avenue to the north, whilst a rear service access lane runs along the eastern boundary of the application site with properties fronting Spowart Avenue located beyond. The dwelling at no.118 New Road currently has a vehicular access off the above mentioned rear service lane, which is used to access a detached garage belonging to the same property located to the south eastern corner of the application site.

### **THE PROPOSAL**

The application seeks outline planning permission for the construction of a pair of semi detached properties with all matters reserved for future consideration. The indicative scheme submitted for consideration depicts a pair of semi detached properties fronting on to Roland Avenue. The existing garage is shown to be demolished to provide a rear vehicular access and car parking for both the existing and proposed dwellings. This block plan is purely for indicative purposes at this stage however. The scale parameters outlined proposes dwellings between 7.5m and 8.5m in width, 9.5m to 10.5m in depth and 7.5m to 8.5m in overall height.

The application has been accompanied by a Design and Access Statement and Drainage Report.

## **PLANNING POLICY**

The application site is located within the defined settlement limits of Llanelli as delineated in the Adopted Carmarthenshire Local Development Plan (LDP), 2014.

In respect of the applications policy context reference is drawn to the following Strategic and Specific planning policies: -

Policy SP1 of the LDP promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

Policy SP3 of the LDP refers to the settlement framework and states that provision for growth and development will be at sustainable locations in accordance with the LSP's settlement framework. In this respect Llanelli is identified as a Growth Area.

Policy SP17 of the LDP states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

Policy GP1 of the LDP promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing.

Policy GP2 of the LDP states that proposals within defined development limits will be permitted, subject to policies and proposals of the plan, national policies and other material planning considerations.

Policy GP4 of the LDP states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by the developer. Planning obligations and conditions will be used to ensure that new or improved facilities are provided to serve the new development.

Policy H2 of the LDP states that proposals for housing developments on unallocated sites within development limits of a settlement will be permitted provided they are in accordance with the principles of the plan's strategy and its policies and proposals.

Policy AH1 of the LDP requires a contribution to affordable housing on all housing allocations and windfall sites. On such a proposal a commuted sum financial requirement is relevant.

Policy TR3 of the LDP highlights the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Policy EQ4 of the LDP relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and where exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Policy EP1 of the LDP states that proposals will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality.

### **THIRD PARTY REPRESENTATIONS**

As aforementioned in this report, two neighbouring properties have objected to the proposed development, whilst the Local Member has requested that the application be determined by the Planning Committee in light of the objections received. The material reasons for concern raised will now be addressed individually as part of this appraisal.

In terms of the immediate area, it is primarily characterised by a mixture of detached and semi detached properties of traditional form and character. Members are reminded that the application is only in outline form, and therefore detailed consideration will need to be given to design at any subsequent reserved matters stage to ensure that the dwellings are in keeping with the character of the area concerned. It is nevertheless considered that the application site can adequately accommodate a pair of modestly sized semi detached houses. The principle of developing the site for residential purposes has previously been established with outline planning permission being granted for one bungalow in 2000 (S/02572). It is however considered that a pair of semi detached houses is more characteristic of the immediate area than the previously approved detached bungalow.

The second reason for objection raised relates to the envisaged increase in parking problems at Roland Avenue as a result of the proposed development. In this respect Members attention is drawn to the consultation response received from the Authority's Head of Transport who raises no objection towards the proposed development subject to the imposition of conditions on any planning permission granted. The indicative plans submitted show that it is possible to provide off street car parking for the existing dwelling at 118 New Road and both properties proposed as part of this development. The exact access and car parking arrangement will need to be considered and secured at any subsequent reserved matters stage, however the recommended conditions from the Head of Transport requires that access to the new dwellings is gained directly off Roland Avenue.

The final reason for objection raised relates to loss of light for no.29 Spowart Avenue, which is a semi detached property located to the immediate east of the application site on the opposite side of the rear access lane. Due to specific orientation and separation distances it is not considered that the proposed development will result in a significant loss of light to no.29 Spowart Avenue in order to warrant refusal of the application. Again more detailed consideration in this respect and potential impact upon residential amenity of neighbouring properties as a whole will be given at any subsequent reserved matters stage.

## **CONCLUSION**

The application site is located within the defined settlement limits of Llanelli as delineated within the Adopted LDP whilst the principle of developing the site for residential use has previously been established on the site. Therefore there is no in-principle objection to developing the site for residential use.

The indicative plans submitted depict that the application site can adequately accommodate a pair of modestly sized semi detached houses with associated access, parking and amenity areas, without compromising the same for no.118 New Road.

It is considered that there is no loss of amenity issue associated with the proposed development, whilst it is considered that the issues of concern and objection raised have adequately been addressed as part of the above appraisal. The proposed dwellings will be of a modest size and can be located an appropriate distance away from adjacent well established residential dwellings.



In terms of drainage, it is proposed to dispose of foul water via the mains sewer which is considered acceptable. With regards to surface water disposal the drainage report submitted concluded that percolation tests determined that deep soakaways are not appropriate but permeable paving with a 300mm sub base would be suitable, allowing the surface water to dissipate into the ground via infiltration. The report therefore suggests that the surface and roof water from the proposed development is drained into an appropriately sized permeable paving system, whilst in order to achieve betterment in accordance with the CBEEMS Memorandum of Understanding the roof water from 118 New Road could also be diverted away from the mains sewer and to such a system also. The report also suggests that consideration is given to the incorporation of a rain water harvesting and grey water recycling system into the design of the proposed development. The above drainage proposals are considered acceptable.

In accordance with Policy AH1 of the Adopted Local Development Plan, the applicant has agreed to provide a financial commuted sum contribution towards affordable housing, and is currently progressing with a Unilateral Undertaking to this effect. As this is an outline application only at this stage, the contribution will be levied at £53.35 per sqm of internal floorspace which is relevant contribution in this area of Llanelli.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that the proposal does accord with the Policies contained within the Adopted Local Development Plan.

As such this application is put forward with a favourable recommendation subject to the imposition of the following conditions and subject to the completion of a Unilateral Undertaking. Members of the Planning Committee are therefore respectfully requested to resolve to approve the application and grant the Authority's Head of Planning plenary powers to release the planning permission upon the successful completion of the above mentioned Unilateral Undertaking.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The permission now granted relates to the land defined by the 1:500 scale block plan received on the 20th August, 2015 and the amended 1:1250 scale location plan received on the 14th October, 2015.
- 2 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
  - a) the expiration of five years from the date of this outline planning permission;
  - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 3 Development shall not commence until detailed plans of the access; appearance; landscaping; layout; and scale of each building stated in the application, have been submitted, and received the written approval of the Local Planning Authority.

- 4 The new vehicular access shall be laid out and constructed strictly in accordance with Carmarthenshire County Council's (Transport and Engineering Service) Typical Layout No. 4 specification, prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 5 The new vehicular access to the development shall be directly off Rowland Avenue only, details of which shall be submitted at reserved matters stage for the written approval of the highways department.
- 6 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking within the curtilage of the site, and this shall be dedicated to serve the proposal and number 118 New Road. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity.
- 7 There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole Rowland Avenue's Road frontage within 2.4 metres of the near edge of the highway.
- 8 Prior to the beneficial occupation of the individual dwellings hereby approved, the recommendations made in the Drainage Report produced by Francis Sant dated August 2015, shall be undertaken in strict accordance with that report for each respective dwelling to the written approval of the Local Planning Authority.

## **REASONS**

- 1 In the interest of visual amenity.
- 2 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 3 In order to ensure a satisfactory layout of the site and in the interest of visual amenities.
- 4-7 In the interest of highway safety.
- 8 To ensure a satisfactory form of drainage.

## **REASONS 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 (LDP) unless material considerations indicate otherwise.

- It is considered that the proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.

- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.
- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure.
- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area.
- It is considered that the proposal complies with Policy GP2 of the LDP in that the site is located within the defined settlement limits of Llanelli and accords with all other policies of the plan.
- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.
- It is considered that the proposal complies with Policy H2 of the LDP in that the proposed housing development is located within defined settlement limits and accords with the principles of the plan's strategy and its policies.
- It is considered that the proposal complies with Policy AH1 of the LDP in that the applicant has agreed to provide a commuted sum financial contribution towards affordable housing.
- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents.
- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.
- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.

#### **NOTE(S)**

- 1 This planning permission is granted subject to the covenants contained in the Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 dated ..... in connection with the payment of a commuted payment towards affordable housing provision.
- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website

- 3 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 which 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 which 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.

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| <b>APPLICATIONS RECOMMENDED FOR REFUSAL</b> |
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|-----------------------|----------------|
| <b>Application No</b> | <b>S/29559</b> |
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|--------------------------------|--|
| <b>Application Type</b>        | Full Planning  |
| <b>Proposal &amp; Location</b> | DEMOLITION OF EXISTING STRUCTURES ON SITE, RESTORATION AND RE-PROFILING THE SITE AND THE CONSTRUCTION OF A 2 - 3 MWE PHOTOVOLTAIC SOLAR ARRAY AND AN ENERGY RECOVERY CENTRE (COMPRISING AN ADVANCED CONVERSION TECHNOLOGY (ACT) 8 - 12 MWE PYROLYSIS PLANT AND AN ANAEROBIC DIGESTION 2 - 3 MWE FACILITY WITH AN INTEGRATED EDUCATION CENTRE) TOGETHER WITH ACCESS IMPROVEMENTS, LANDSCAPING AND ASSOCIATED WORKS AT NEW LODGE FARM, PONTARDULAIS ROAD, CWMGWILI, LLANELLI, SA14 6PW |

|                           |   |
|---------------------------|---|
| <b>Applicant(s)</b>       | N REES, C/O AGENT,  |
| <b>Agent</b>              | ICENI PROJECTS - LEONA QUIGLEY, FLITCROFT HOUSE, 114 - 116 CHARING CROSS ROAD, LONDON, WC2H OJR |
| <b>Case Officer</b>       | Hugh Towns  |
| <b>Ward</b>               | Llannon   |
| <b>Date of validation</b> | 05/02/2014  |

## CONSULTATIONS

**Head of Public Protection Social Care & Housing** – It is not considered that the proposed development will have a significant adverse impact on air quality. Requests conditions relating to the control of noise, and hours of operation are imposed on any grant of planning permission.

**Llannon Community Council** – Has expressed concerns regarding the threat of pollution from the pyrolysis process.

**Llandybie Community Council (adjoining)** – Permission should be refused due to highway safety concerns, the impact on local amenity and the production of harmful emissions.

**Llanedi Community Council (adjoining)** – Strong objection on the grounds of the likely effect on the local environment.

**Local Members** - County Councillor Kim Thomas is a member of the Planning Committee and has requested that the Committee visit the site prior to making a determination. County Councillor Emlyn Dole has not commented to date.

**Adjoining Local Members** – County Councillor Alun Davies (Saron) strongly objects to the application on the grounds of harm to human health from emissions and increases in heavy haulage which is already intolerable and requests a site meeting. County Councillor Peter Cooper (Saron) is a member of the Planning Committee and therefore has made no prior comment. County Councillor Calum Higgins (Tycroes) has not commented to date.

**Welsh Government Transport Division** – Directs that a number of conditions relating to drainage, wheel washing, safety audits, geotechnical submissions and highway agreements.

**Natural Resources Wales** – No objection subject to conditions being imposed requiring an Ecological Management Plan, dormouse mitigation, replacement nesting provision for barn owl, protection of Ancient Semi-natural Woodland, retention of invertebrate habitat, removal of invasive species, avoidance of development within flood zones, a contamination risk assessment and pollution prevention during construction. Advise that the site is within the Caeau Mynydd Mawr SAC Supplementary Planning Guidance area and provided the proposed development is undertaken in accordance with the SPG there are no objections. NRW are satisfied that all protected sites apart from Felin Fach Meadows SSSI will not be impacted by nitrogen levels that are considered significant. The predicted nitrogen deposition of 1.7% of critical load at Felin Fach SSSI is above the insignificance level of 1% but as the site is considered 'managed' they are satisfied that any adverse impacts in terms of eutrophication will be minimal. Site management methods such as appropriate grazing and occasional removal of rush will provide appropriate mitigation. The proposed surface water drainage rate of 232 l/sec is unacceptable as it exceeds the 1 in 1 year existing rate. The proposed activity will require an Environmental Permit under the provisions of the Environmental Permitting (England and Wales) Regulations 2010 (as amended)

**Planning Ecology** – Expresses concern regarding barn owl mitigation within 200m of the A48(T), the impact of nitrogen deposition on the Felin Fach Meadows SSSI, lack of assessment of ancient woodland and SINC habitats, no assessment of the grid connection to Ammanford 33kv substation, and inadequate assessment of cumulative effects. Has confirmed that a Test of Likely Significant Effects for the Caeau Mynydd Mawr SAC will be required and that clarification should be sought from NRW in relation to their consultation response prior to the TLSE being produced.

**Neighbours/Public** - The application has been publicised by the posting of a Site Notice and by advertisement in the local press. Two expressions of support and 355 letters of objection from households and businesses (including Dawn Meats and Mario's Ice Cream) have been received as a result. In addition, a letter of objection has been received from Jonathan Edwards MP and a comprehensive submission has also been made by the A48 Action Group objecting to the application. An e-petition against the development also contained 565 signatures. The grounds of objection are summarised as follows:

- Emissions and their adverse effect on health and wellbeing and the impact on the Cross Hands Food Park;
- Impact on quality of life from noise and odour;
- Visual impact and loss of visual amenity;

- Number of vehicles and the danger to road users of the A48;
- Pollution of watercourses;
- Impacts on the environment, wildlife and countryside;
- Litter and Vermin;
- Impact on tourism;
- Technology proposed is unproven;
- Danger of explosion;
- The facility is not viable;
- The facility is not needed in this area;
- Misleading information has been provided;
- Devaluation of property.

## RELEVANT PLANNING HISTORY

The following relevant applications have been received on the application site:-

|         |   |                 |
|---------|---|-----------------|
| S/24930 | Variation of conditions 1, 2 and 15 of S/17769 to allow use as waste transfer station and timber product uses only<br>Full planning permission  | 27 October 2011 |
| S/25068 | Retention of weighbridge, office and car park<br>Full planning permission   | 19 August 2011  |
| S/17769 | Change of use of site to manufacture/storage of timber frames, manufacture/storage of fencing and wooden buildings, repair of commercial vehicles, haulage, storage of wedding cars, storage of telegraph poles, storage of plant and building materials, office use and waste transfer station<br>Full planning permission | 2 June 2008     |
| S/11740 | Waste transfer station for the recovery and recycling of commercial, industrial and municipal waste<br>Withdrawn  | 20 March 2006   |
| S/09439 | CLEUD for industrial estate for uses within Class B2 of the Town & Country Planning (Use Classes) Order 1987<br>Withdrawn   | 28 October 2005 |
| S/01900 | Waste transfer station/waste recycling centre<br>Full planning permission   | 1 October 1999  |
| S/01435 | Removal of condition 20 on S/00898<br>Full planning permission  | 25 January 1999 |
| S/01434 | Removal of condition 4 on S/00898<br>Full planning permission   | 15 January 1999 |
| S/01433 | Removal of condition 1 on S/00898<br>Full planning permission   | 15 January 1999 |



|          |   |                 |
|----------|---|-----------------|
| S/00898  | Waste transfer station and waste recycling centre<br>Full planning permission | 11 March 1998   |
| D5/16213 | Landfilling with inert waste<br>Full planning permission                      | 9 June 1994     |
| D5/15125 | Landfill and recycling site<br>Full planning permission                       | 4 February 1993 |
| D5/13505 | Inert landfill site<br>Full planning permission                               | 4 March 1991    |

## THE SITE

The application site is located immediately adjacent to the A48 (T) on its eastern side, approximately 2.7km north of Junction 49 of the M4 at Pont Abraham and 1km south west of the village of Cwmgwili. The site covers an area of 12.1 hectares.

The northern part of the site accommodates a large industrial/agricultural type building approximately 10m high and 1500m<sup>2</sup> in floor area which was previously used as a waste transfer station and for other commercial activities. The building is currently vacant and is in a poor state of repair. There are a number of ancillary portable buildings and storage facilities in the vicinity of the building and along the site access road together with a weighbridge.

The land to the south of the large building has been historically utilised for inert waste disposal but has not been completed in accordance with the approved plans. The area is elevated above surrounding levels and has not been properly restored. Some unauthorised inert waste processing has also been carried out on this area prior to the latest operator going into administration.

The land to the east of the large building has been used as an inert landfill site which was commenced with the excavation of tipping cells and the erection of perimeter bunds. The cells were not filled with waste and the land has regenerated with scrub, although the inert waste disposal permission remains valid.

The northern and eastern boundaries comprise of small wooded valleys of the Afon Gwili and tributary, beyond which lies the Felin Fach Meadows SSSI. The land to the south is primarily agricultural but there is a small triangular piece of land adjacent to the landfill area on which unauthorised tipping has taken place and which is subject to an extant Enforcement Notice. Access to the site is directly from the A48 (T) which runs north-south on the western boundary of the site. The access also serves a landscaping contractors yard to the north of the application site, a house, a repair garage business and a fencing business located between the application site and the A48 (T).

The nearest residential property to the site is New Lodge which is located immediately adjacent to the western boundary. To the north lie the properties of Rhyd-y-sarnau (approx 80m) and Clunderwen (approximately 200m). To the east lies Tir-Isaf (approximately 90m) and Swn y nant (approximately 275m). Felin Fach lies approximately 350m to the north east and Ynyswen approximately 280m to the south east. Bwthyn Rhosyn lies

approximately 100m to the west on the opposite side of the A48 (T). The Cross Hands Food Park lies approximately 1.9km to the north.

## **THE PROPOSAL**

The proposal involves the demolition of the existing derelict/semi derelict structures on the site, restoration and reprofiling of the land and the construction of an Energy Recovery Centre comprising of an Advanced Conversion Technology (ACT) Pyrolysis plant with a generating capacity of 8-12 MWe, and Anaerobic Digestion (AD) facility with a generating capacity of 2-3 MWe and a Photovoltaic Solar Array with a capacity of a further 2-3 MWe together with access improvements, landscaping and associated works.

The proposed ACT process will be housed inside a purpose built building measuring 130m x 40m, with a floorspace of 6115 m<sup>2</sup> and a ridge height of 15.5m, built in approximately the same location as the existing building. It is taller than the existing building but it is proposed that the new building will be recessed approximately 6m into the ground so that the ridge height will be at a similar level to the existing building. The building is proposed to be constructed of mid-green coloured profile sheeting and the roof is covered with 260 solar panels. The walls and roof also contain glazed areas for solar gain and natural lighting as well as a number of roller shutter doors for access – coloured blue. Four flue stacks of 25m in height are proposed – one for each of the three gas engines (100cm diameter) and one for the pyrolysis plant (120cm diameter). The three gas engine flues are bound together to make one larger stack. There is also an emergency gas flare. Construction is planned to take 16-18 months to complete working from 7am to 7pm Monday to Friday and 7am to 4pm on Saturday. Once operational the process will operate 24/7 but delivery times would be limited.

The building comprises a waste reception area where all the waste will be delivered, 2 autoclaves, 4 pyrolysis machines and 3 gas turbines together with offices, welfare and education/conference facilities. A number of ancillary structures such as a small gasometer, a cooling plant and a static pressure nitrogen cylinder are located in close proximity to the building. A security/gatehouse will be provided along the site access road together with a weighbridge and a small electricity substation.

The mixed solid waste, following removal of oversized metals and shredding, is fed from the waste reception area into one of two autoclaves (with a batch capacity of 20 tonnes each). Each autoclave comprises a rotating cylindrical structure 18m long and 4m diameter with an internal cylinder fitted with a helical screw arrangement to facilitate mixing, loading and unloading of waste. Rotation and the application of pressurised, high temperature steam will break down the biomass material and reduces the original volume of waste by approximately 80%. All potential recyclates such as plastics, metals and glass will become sterilised but the applicant claims they will not break down. The waste will be passed through a mechanical separation processing line which will remove the recyclable material for recycling. It is anticipated by the applicant that approximately 30% (38,400 tonnes) of the waste input will be recycled but this will vary depending on the exact composition of the feedstock.

The biomass material which remains following removal of the recyclable material will be fed into one of four pyrolysis machines which each have a processing capacity of approximately 3 tonnes per hour. Pyrolysis is a process where waste is broken down by the application of heat to the feedstock in the absence of oxygen to produce a synthetic gas – 'syngas'. The pyrolysis machines are primarily heated through the use of a charcoal

burner system which utilises char residues from the pyrolysis process as fuel. The gas is collected and cleaned in a gas cleaning system before being stored in a gasometer and subsequently utilised to run three gas engines which will generate electricity to be fed into the National Grid. The process also produces waste heat and the applicants state that the facility will be designed to enable use of the waste heat. However, there are no proposals to utilise the heat at this stage. The other output of the pyrolysis process is a char residue which can be used as a fuel in the charcoal burners utilised in the pyrolysis process. There will be a vitrified residue which will have to be removed from the site which will amount to about 3% of the inputs (3,900 tonnes). This waste has the potential to be used as a secondary aggregate provided it meets certain criteria.

It is intended that the ACT facility will treat up to 128,000 tonnes of Municipal Solid Waste (MSW) and industrial and commercial waste (I&C) per annum. No hazardous waste will be accepted. The development will primarily target I&C waste but will have the facility to take mixed source wastes where required.

The AD plant is located to the rear of the proposed building and is intended to treat approximately 67,000 tonnes of waste per annum. It is made up of four tanks – 2 digester tanks at 28m diameter x 9m high and 2 digestate tanks of 30m diameter x 9m high. There are also gas treatment and odour abatement equipment, batch pasteurisation and feedstock blending systems. The waste is heated and mixed in the absence of oxygen which will produce ‘biogas’ which can be combusted within the gas engines. Biomass suitable for AD will be pumped directly from the waste reception area into the digestate tanks. It is anticipated that approximately 90% of the AD feedstock will remain following treatment but will be separated into liquid and solid fractions. The Solid Fraction (50%) will be fed into the autoclave/pyrolysis process and the liquid fraction will be utilised off-site as a fertilising agent.

The final element is a Photovoltaic Solar Array which will cover approximately 4.5 hectares of the southern and eastern part of the site. Approximately 8,500 solar panels are proposed and these will be contained within a 2.4m high palisade security fence coloured dark green. The majority of the land on which the Solar Array is located will require reprofiling with material from the lowering of the base of the building being redistributed to the lower areas to the south and east of the building – approximately 74,811 m<sup>3</sup>. The solar panels will be approximately 3m in height and will be orientated to the south and south east.

Traffic movements amount to a maximum of 128 HGV movements per day (64 in and 64 out) and the existing junction with the A48 (T) will be improved to include merge and diverge tapers, improved junction radii, an improved central island, appropriate carriageway widths and appropriate stopping sight distance visibility splays. The junction will be left in and left out. There are 16 car parking spaces proposed – 2 disabled and 6 electric car enabled. There will be 10 cycle parking spaces and showers provided for cyclists. Once operational the facility will generate in the order of 34 full-time jobs.

## **Environmental Impact Assessment**

The application is accompanied by an Environmental Statement prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Regulations set out procedures for an environmental impact assessment which applies to certain developments and is a means of drawing together in a systematic way an assessment of the likely significant environmental effects

of the development. The Environmental Statement accompanying the application is a series of documents describing the site and its surroundings a description of the development, an assessment of the environmental effects, proposed mitigation and residual effects along with chapters on planning policy and overall conclusions. Additional information has also been supplied during the processing of the application to supplement this information.

## **PLANNING POLICY**

The Well-being of Future Generations Act 2015 imposes a duty on public bodies to carry out sustainable development. Well-being goals identified in the Act are

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

Sustainable development in Wales means enhancing the economic, social and environmental well-being of people and communities, achieving a better quality of life for our own generations in ways which:

- promote social justice and equality of opportunity; and
- enhance the natural and cultural environment and respect its limits - using only our fair share of the earth's resources and sustaining our cultural legacy.

Sustainable development is the process by which we reach the goal of sustainability (PPW - Figure 4.1)

Planning Policy Wales - Edition 8 (PPW) states that sustainability principles should underlie decisions about the location of new development for employment uses and that Local Planning Authorities should adopt a positive and constructive approach to applications for economic development (Paragraph 7.6.1). PPW also states that the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated in taking decisions on individual planning applications.

The revised EU Waste Framework Directive (2008) seeks to minimise the negative effects of the generation and management of waste on human health and the environment. Article 13 specifically requires Member States to take the necessary measures to ensure that waste management is carried out without endangering human health and without harming the environment. This duty was transposed into UK law by The Waste (England & Wales) Regulations 2011 – Paragraph 18.

The Directive states that waste policy should also aim at reducing the use of resources and favour the practical application of the waste hierarchy. Furthermore, the recovery of waste and the use of recovered materials should be encouraged in order to conserve natural resources.

The Directive seeks to ensure that wastes are managed in a sustainable way and introduces a waste hierarchy as a priority order in waste prevention and management, sets a target of separate collections for at least paper and card, metal, plastic and glass by 2015 and a target for preparing at least 50% more of these materials for re-use and recycling by 2020. At the top of the hierarchy is prevention and re-use followed by preparation for re-use, recycling, other recovery and finally disposal. The Directive encourages Member States to take measures to support outcomes which deliver the best overall environmental outcome. This may require specific waste streams to depart from the waste hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste. For a development of this nature to be classified as a recovery operation it would have to have an energy efficiency equal to or above 0.65 using the R1 formula. Energy efficiency below 0.65 is classed as a disposal operation.

The Directive also introduces the principles of proximity and self sufficiency for mixed municipal waste. This requires Member States to establish an integrated and adequate network of waste disposal installations and installations for the recovery of mixed municipal waste. It also introduces the Nearest Appropriate Installation principle where mixed municipal waste should be disposed of or recovered in one of the nearest appropriate installations whilst ensuring a high level of protection for the environment and human health. This means taking into account environmental, economic and social factors, to ensure the right waste management facilities are located in the right place at the right time. The proximity of a waste disposal or mixed municipal waste recovery installation will depend upon the quantities and types of arisings at local, regional and national level. However, planning authorities should not attempt to restrict waste management developments within their boundaries to deal only with the arisings of that area. The provision of an integrated and adequate network will allow movement towards the aim of self sufficiency.

Article 13 of the Directive states that planning authorities should ensure that all types of waste facilities are located where a high level of protection for the environment and public health can be ensured. In particular, waste management should be undertaken

- Without risk to water, air, soil, plants or animals
- Without causing nuisance through noise or odour and
- Without adversely affecting the countryside or places of special interest.

The EU Landfill Directive 1999 provides the principal legal framework influencing management and strategy development in the UK. It sets stringent targets for reducing landfilling of waste in the UK. These are:-

- Reducing biodegradable waste landfilled to 75% of its 1995 level by 2010;
- 50% of its 1995 level by 2013; and
- 35% of its 1995 level by 2020.

The Directive also includes a requirement to pre-treat all waste prior to entering and specific targets for landfill reduction (landfill allowances). Welsh Government provides each Local Authority with a maximum quantity that it may landfill each year (landfill allowances) and there is a financial penalty of £200 per tonne for each tonne of biodegradable municipal waste landfilled in excess of the allowance.

PPW states in paragraphs 12.5.1 to 12.5.4 that the Welsh Government's general policy for waste management is contained in its overarching waste strategy document Towards Zero Waste and associated sector plans. It states that planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy as far as possible.

In One Wales: One Planet, Towards Zero Waste (2010) Welsh Government sets out a long term framework for resource efficiency and waste management in Wales, taking into account social, environmental and economic outcomes. The target is achieving zero waste by 2050. However, a key milestone is the target of a reduction in waste of around 27% of 2007 levels by 2025 and any waste that is produced will be managed in a way that makes the most of our valuable resources. Residual waste will decrease to a maximum of 30% by 2025 and residual waste to landfill will be phased out and it will be sent instead to high efficiency energy from waste plants in order to deliver the best sustainable outcomes for this waste fraction. Delivering on the objectives of Towards Zero Waste relies on a suite of waste sector plans.

Of particular importance for land use planning and waste is the Collections, Infrastructure and Markets Sector Plan. The Collections, Infrastructure and Markets (CIM) Sector Plan describes the waste management framework considered to provide the best solutions to meet environmental, social and economic needs to 2050. It indicates a move towards a position where disposal and recovery options are reduced in favour of high volume source segregated collection followed by reprocessing (as well as preparation for re-use and prevention). The reality as we move from where we are now towards these aspirations is the need for planning authorities to facilitate the provision and suitable location of a wide ranging and diverse waste infrastructure and may include disposal facilities for any residual waste which cannot be dealt with higher up the waste hierarchy.

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

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

There are a number of specific principles, in addition to these general principles, which should guide planning approaches and inform decisions. Of these principles, the waste hierarchy provides the key starting point for all types of waste management proposals and consideration of the hierarchy should be set against the wider social, economic and environmental considerations which are relevant in any given case.

TAN 21: Waste (February 2014) provides advice on how the land use planning system should contribute towards sustainable waste management and resource efficiency, reflecting the new waste management drivers at an EU and Wales level

TAN21 states that with specific reference to waste management, land use planning should help to

- Drive the management of waste up the waste hierarchy and facilitate the provision of an adequate network of appropriate facilities.
- Minimise the impact of waste management on the environment (natural and man-made) and human health through the appropriate location and type of facilities.
- Recognise and support the economic and social benefits that can be realised from the management of waste as a resource within Wales.

Waste recovery operations result in waste that can serve a useful purpose by replacing primary fossil fuels which would otherwise be used to fulfil a particular function in the plant or in the wider economy. Energy recovery includes incineration, co-incineration, anaerobic digestion, pyrolysis and gasification with energy recovery and the spreading on land of a separated out bio-waste. The recovery of energy from mixed municipal waste in high efficiency facilities is considered by Welsh Government to be a vital component of the waste management system in Wales. Such facilities are currently considered to be the most sustainable outcome for mixed municipal waste. Mixed municipal waste is defined as waste that includes both household waste and that from other sources which is similar in nature and composition.

Detailed planning considerations are set out in Annex C of TAN 21. These include atmospheric emissions; birds and vermin; dust; hours of operation; land instability; lifetime of the site; litter; nature and archaeological conservation; noise; odours; protection of surface and groundwater's; flood risk; reinstatement; transport and access; visual impact. However, not all these apply in every case.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 generally requires that any planning application must be determined in accordance with the development plan unless other material considerations indicate otherwise. The development plan for the purposes of Section 38 is the Carmarthenshire Local Development Plan (December 2014).

The Policies considered relevant to the proposal are:

SP1 – Sustainable Places and Space  
SP2 – Climate Change  
SP11 – Renewable Energy and Energy Efficiency  
SP12 - Waste Management  
SP14 – Protection and Enhancement of the Natural Environment  
GP1 – Sustainability and High Quality Design  
TR3 – Highways in Developments – Design Considerations  
EQ4 – Biodiversity  
EQ7 – Development within the Caeau Mynydd Mawr SPG Area  
RE3 – Non-wind Renewable Energy Installations  
EP1 – Water Quality and Resources  
EP2 – Pollution  
EP3 – Sustainable Drainage  
WPP2 – Waste Management Facilities Outside Development Limits.

Policy SP1 states that proposals for development will be supported where they reflect sustainable development and design principles by distributing development to sustainable locations; promoting the efficient use of previously developed land; integrating with the

local community taking account of character, amenity and cultural considerations; respecting, reflecting and wherever possible enhancing local character and distinctiveness; creating safe, attractive and accessible environments which contribute to people's health and wellbeing; promoting active transport infrastructure and safe and convenient access through walking and cycling; utilising sustainable construction methods where feasible; improving social and economic wellbeing; protecting and enhancing the areas biodiversity value and integrating nature conservation into development where possible.

Policy SP2 states that development proposals which respond to, are resilient to and minimise the causes and impacts of climate change will be supported. In particular proposals will be supported where they adhere to the waste hierarchy and in particular the minimisation of waste; promote efficient consumption of resources; reflect sustainable transport principles and minimise the need to travel by car; avoid/minimise the risk of flooding; promote the energy hierarchy by reducing energy demand, promoting energy efficiency and increasing the supply of renewable energy; incorporate climate responsive design solutions and sustainable construction methods.

Policy SP11 states that development proposals which incorporate energy efficiency measures and renewable energy production technology will be supported in areas where the environmental and cumulative impacts can be addressed, the development will not cause demonstrable harm to residential amenity and will be acceptable in the landscape.

Policy SP12 state that provision will be made for an integrated approach to waste management to provide an adequate and integrated network of waste management facilities; the adoption of the waste hierarchy; the adoption of the proximity principle of managing waste as close to its source as possible.

Policy SP14 states that development should reflect the need to protect and wherever possible enhance the County's natural environment.

Policy GP1 states that proposals will be permitted where it conforms with and enhances the character and appearance of the site; it incorporates existing landscape features and takes account of site contours, changes in level, skylines and ridges; utilises appropriate materials; would not have a significant impact on the amenity of adjacent land uses, properties, residents and the community; includes a mix of uses appropriate to the scale of the development; retains important local features ensures good quality landscaping and embraces opportunities to enhance biodiversity and ecological connectivity; creates attractive, safe places and public spaces by designing out crime; appropriate access exists or can be created which does not give rise to any parking or highway safety concerns on the site or within the locality; it protects and enhances the landscape, historic and cultural heritage of the County; it ensures the satisfactory generation, treatment and disposal of both surface and foul water; it has regard to the generation, treatment and disposal of waste; it has regard to the safe, effective and efficient use of the transportation network; provides an integrated network which promotes the interests of pedestrians, cyclists and public transport; includes where applicable provision for the eradication of invasive species.

Policy TR3 states that the design and layout of all development proposals will where appropriate be required to include an integrated network which promotes the interests of cyclists and pedestrians as well as public transport; appropriate parking and servicing space; consideration for persons with mobility difficulties; required access standards and



visibility. Proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents from traffic will be permitted.

Policy EQ4 states that proposals that have an adverse impact on priority species habitats and recognised features of principle importance to nature conservation and biodiversity will not be permitted except where it can be demonstrated that impacts can be adequately mitigated or there are exceptional circumstances where the reasons for the development clearly outweigh the need to safeguard the biodiversity and nature conservation interests and where alternative habitat provision can be made.

Policy EQ7 seeks to ensure that development within the Caeau Mynydd Mawr SPG area promotes and contribute to the delivery of the conservation objectives of the SAC.

Policy RE3 states that large scale renewable energy schemes outside defined settlement limits may be permitted in exceptional circumstances, where there is an overriding need for the scheme which can be satisfactorily justified and the development will not cause demonstrable harm to the landscape.

Policy EP1 states that proposals for development will be permitted where they do not lead to a deterioration of either water quality of controlled waters and/or the water environment and will, where appropriate, be expected to contribute to improvements in water quality. Watercourses will also be safeguarded for biodiversity and for flood plain capacity.

Policy EP2 states that new developments should wherever possible seek to minimise the impacts of pollution and will be required to demonstrate that they do not conflict with National Air Quality Strategy objectives; do not cause deterioration in water quality; ensure that light and noise pollution are minimised and ensure that risks from contaminated land are addressed.

Policy EP3 states that proposals will be required to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating SUDS has been fully investigated.

Policy WPP2 states that new waste management facilities outside development limits will only be permitted where there is no significant adverse impact on the environment, human health, local amenity and the local transport network. Proposals should also demonstrate how the waste hierarchy has been adhered to and proposals should set out clearly how visual impact of operations will be minimised through good quality design.

The criteria included in the relevant LDP Policies and the relevant criteria in Annex C of TAN 21 are discussed in turn below.

## **APPRAISAL**

### **Recovery or Disposal**

The applicant has submitted a Waste Planning Assessment in support of the application as required by TAN21. The applicant considers that the proposed facility is a recovery operation fully in accord with the waste hierarchy, having removed the recyclable material during the front end autoclave process. The applicant considers that the process combusts a renewable fuel to generate electricity and also reduces carbon emissions by

approximately 88,000 tonnes per annum. They also argue that the proposal is a co-incineration process so the R1 calculation does not apply in this case.

The Authority and NRW disagree with that position and consider that such a calculation is required by TAN21. TAN21 states that recovery of Energy from Waste should be carried out at a high level of energy efficiency. Local Planning Authorities should take account of the energy efficiency of any energy from waste proposal, ensuring that any such facility operates or is capable of operating at high efficiencies that minimise the environmental impacts and maximise the benefits of recovering energy from waste. This will involve consideration being given to the way in which heat is recovered from the installation. (TAN21 Paragraph 4.34)

Municipal waste incineration facilities may only be considered to be recovery facilities rather than disposal facilities under certain specified conditions. The R1 energy efficiency formula allows a distinction to be made. Under the R1 formula, new incineration facilities dedicated to the processing of municipal waste must have energy efficiency of 0.65 or above to be classed as recovery. Otherwise they are classed as disposal facilities.

The applicants have submitted an R1 calculation and consider that it demonstrates that the facility has an energy efficiency rating of 1.0062, well above the 0.65 threshold for classification as a recovery facility. However, the R1 calculation has been challenged by the Action Group whose submission casts considerable doubt on the robustness of the applicants R1 calculation although it has to be noted that NRW have no objection.

The Action Group points out that there is no loss allowed for in the R1 calculation for the total heating of the autoclave boiler or the drying of the material from 30-40% moisture down to <10% moisture before feeding into the pyrolyser. The introduction of atomic oxygen, through water content, into the pyrolyser (which is intended to be a low oxygen environment) increases the risk of explosion and reduces the efficiency of the plant in terms of syngas production. The Action Group also considers that the R1 calculation uses unrealistic positive energy figures and unsubstantiated figures which overestimate the energy recovered.

TAN21 states that where there is uncertainty as to whether or not a proposal constitutes a disposal or recovery operation, planning authorities should discuss the specific proposal with Natural Resources Wales before arriving at a judgement. In this case the Authority has sought to discuss the specific proposal with NRW (and the applicant) but before the discussion could be progressed the applicant has complained about the delay in processing the application. For that reason the authority has had to make a judgement without being able to discuss the position with NRW. Due to the uncertainty involved the Authority has had to adopt a precautionary approach and consider the proposal to be a disposal operation – it has not been clearly demonstrated that the proposal meets the R1 threshold for a recovery operation.

That being the case the proposal is not considered to respect the waste hierarchy as waste material which is clearly capable of being recovered in a high efficiency energy recovery plant is being utilised for disposal. It is accepted that the method of disposal in this case is a better option than landfill but it is not the best option. The applicants have submitted a life cycle assessment which seeks to justify why the facility should be supported even though it does not respect the waste hierarchy. The Authority has concerns about this assessment even though NRW have not objected but again the Authority has not been able to discuss its concerns with NRW.

Adopting the precautionary approach the proposal is therefore out of accord with by Policies SP2, SP12 and WPP2 of the Carmarthenshire Local Development Plan, the revised Waste Framework Directive, The Waste (England and Wales) Regulations 2010 and TAN21.

### **Need for the Facility**

The majority of objectors have questioned the viability and sustainability of the proposed development. TAN21 Paragraph 4.16 states that applicants should clearly justify why a proposal is necessary and where it cannot be clearly demonstrated that there is a need for the proposal it may be appropriate to consider refusing planning permission. This is likely to be the case where the level of provision exceeds the upper range identified in CIMS for any given region.

The Collections, Infrastructure and Markets Sector Plan (CIMS Plan) identifies that the estimated residual treatment capacity gap in South West Wales by 2024/25 for I&C waste is between 34,000 tonnes to 327,000 tonnes. However, it does say that these figures should be treated with caution as many caveats apply.

When determining applications planning authorities should give consideration to the circumstances prevailing at any given time, however the upper threshold of the capacity ranges identified in the CIMS Plan is likely to represent the point at which the extent of provision in a region can be considered to be sufficient. To determine whether there is sufficient capacity for recovery treatment to serve an area will depend on a variety of factors. The CIMS Plan represents the starting point for the determination of need and future capacity. The waste planning monitoring reports prepared by each lead authority should provide up to date information and should be taken into account in determining the level of need for recovery treatment capacity. Where planning permissions exist within an area they should be taken into account but the weight attached should be dependent on the likelihood of facilities being built.

The Waste Planning Assessment submitted confirms that the minimum quantity of waste that is required to operate the facility is 120,000 tonnes per annum however it goes on to say that whilst that might be technically feasible it would be sub optimal and bring the financial viability of the facility into question. The facility is designed on 195,000 tonnes per annum.

In assessing the need for the facility the applicants have used the figures published in the CIMS Plan and have not provided an updated calculation of existing and future demand as required by Annex B of TAN21.

The South West Wales Region Interim Waste Planning Monitoring Report (March 2015) produced by Carmarthenshire County Council as lead authority for the South West Wales Region, identifies that I&C waste arisings in the south west region in 2012 amounted to 752,000 tonnes (474,000 commercial and 278,000 industrial). This is taken from the Wales Industrial and Commercial Waste Survey 2012, which is the latest survey.

Targets set out in Towards Zero Waste and made statutory by The Waste (Wales) Measure 2010 require that by 2015/16 at least 57% of commercial waste and 63% of industrial waste should be recycled. This rises to 67% for both waste streams by 2019/20

and to 70% for both waste streams by 2024/25. In addition to this a maximum of 10% I&C waste should be landfilled by 2019/20 and only 5% by 2024/25.

For the South West Wales region in 2012, 64% of industrial waste was prepared for re-use, recycled or composted (up from 49% in 2007) with land disposal amounting to 12.2%. At the same time 68% of commercial waste was prepared for reuse, recycled or composted (up from 37% in 2007) with 26% (122,670 tonnes) being landfilled. Whilst the recycling targets for 2015/16 have been met for both waste streams and commercial waste has met its 2019/20 target already, there is some way to go to get landfill down to a maximum of 10% by 2019/20, especially for commercial waste.

The CIMS plan estimated the amount of residual Commercial Waste generated in South West Wales to be 272,000 tonnes whereas the actual figure was 152,000 tonnes (56% of the CIMS estimate). The CIMS estimate of 106,000 tonnes of residual Industrial waste in South West Wales was far more accurate with the actual being 100,000 tonnes (95% of the CIMS estimate).

It is clear that the predictions in the CIMS Plan have overestimated the amounts of residual waste produced and therefore the figures used by the applicant in the Waste Planning Assessment are outdated and give an inaccurate picture. This overestimate has consequences for the predictions of the amounts of residual waste produced and will impact upon the future demand for recovery and disposal facilities.

Currently there are two facilities in South West Wales treating residual waste, one in Neath Port Talbot (MBT with residual EfW) and one in Lampeter (MBT with residual to landfill). The overall capacity is 241,000 tonnes per annum but current throughput is 94,500 tonnes per annum (39.2% of capacity). However, actual capacity may be less than the full capacity stated.

Appendix 1 of the SWW Interim Report identifies the treatment methods utilised for I&C waste generated in South West Wales. Given the composition of the residual waste streams it is considered that the industrial waste stream has little contribution to make to EfW and only the commercial stream is relevant with a high percentage being mixed waste. The amount of residual commercial waste disposed of to landfill in South West Wales amounted to 122,670 tonnes in 2012 according to the I & C Survey. Therefore, this is the total figure available for diversion from landfill in South West Wales at that time. It is reasonable to assume that the amount of residual waste will have reduced since 2012 so this figure will be at the very top end of the estimate of material that might be available in South West Wales.

The CIMS Plan estimates that there is approximately 538,000 tonnes of residual food waste generated in Wales and of that 257,000 is local authority municipal waste, 194,000 tonnes is commercial (approximately 40,000 tonnes in South West Wales) and 87,000 tonnes is industrial. In 2011 approximately 104,000 tonnes of treatment capacity was in place across Wales in 8 in-vessel composting plants and 1 AD plant. Only one of these was in South West Wales – an IVC Plant with a capacity of 14,000 tonnes per annum. A further 125,000 tonnes capacity had planning permission, for a further 4 AD sites – 1 of which was in South West Wales with a capacity of 30,000 tonnes per annum. A total planned capacity of 44,000 tonnes although the 30,000 tonnes capacity with planning permission has not materialised.

The CIMS Plan estimates that somewhere between 400,000 and 494,000 tonnes of total food waste treatment capacity will be required by 2024/25. With existing capacity of 104,000 this leaves a shortfall of between 296,000 and 390,000 tonnes for all waste streams (ignoring the sites with planning permission which may or may not be developed). For commercial food waste the capacity requirement across Wales is between 138,000 and 207,000 tonnes with only 26,000 tonnes being recycled in 2011. The capacity gap is therefore between 112,000 and 181,000 tonnes at 2011 for the whole of Wales. Based on the assumption that the percentage split of food waste arisings across Wales (South West Wales 20% of total food waste arisings) can reasonably be applied to the residual element, it would translate into a capacity requirement for commercial waste of between 22,120 and 35,748 tonnes in South West Wales.

Currently there is new AD capacity in the system with planning permission for 40,000 tonnes at a site on Stormy Down, Bridgend and for 15,000 tonnes at Nantycaws Waste Management Facility.

The Stormy Down facility is likely to process the food waste from existing municipal contracts the operator has with five local authorities in South Wales (rather than ship the waste to Oxford). Taking it to Bridgend instead would have significant benefits to the company and to the environment in terms of reduced road miles. The facility will also target solid and liquid commercial waste from the local area. The liquid food waste target of 12,500 tonnes per annum is anticipated entirely from the commercial waste stream.

The Nantycaws facility seeks to move approximately 8,000 tonnes of food waste from its IVC facility and to seek commercial customers for the remaining 7,000 tonnes. These figures would suggest that there is in excess of 20,000 tonnes capacity for treating commercial food waste with recent planning permission in South West Wales. This would reduce the capacity requirement for food waste treatment to between 2,120 and 15,748 at best.

Therefore the best case is that 122,670 tonnes of residual commercial waste and 15,748 tonnes of food waste are available within the South West Wales region – a total of 138,418 tonnes. The applicant has stated that the facility could technically operate at a level of 120,000 tonnes per annum but at this level it may not be financially viable and it has been designed to operate at 195,000 tonnes per annum.

Therefore even if the applicant was able to secure the entire waste stream, which is unlikely, it would not be sufficient to sustain the proposed development over its 25 year lifespan. In addition to that, recycling rates for commercial and industrial waste must increase by 2024/25 and even further by 2050. The amount of residual commercial waste must also fall to 30%. The target is zero residual waste but in reality there is also always going to be a residual landfill requirement – even if it's only 5%. These factors will reduce the amount of residual I&C waste even in the short term but especially over the 25 year life of the facility to well below the 120,000 tonne technical viability threshold.

The Authority has considered whether there is potential for some municipal waste to make a contribution to the supply. However, local authorities in South West Wales are signed up to existing food waste and residual waste contracts. The availability of waste from this source is therefore limited.

The Authority has also considered the potential for the facility to utilise waste generated in South East Wales, given its proximity. However, the Interim Progress Report: Waste Planning Monitoring for South East Wales concludes that any further proposals for residual waste treatment should be carefully assessed to ensure that the facility would not result in overprovision. There are a number of planning consents for the recovery of residual waste within the region, if all implemented, would result in overprovision of recovery capacity. Therefore, there is little scope for South East Wales waste to contribute.

In conclusion, there is no demonstrated need for a facility of the proposed capacity within the South West Wales region. The feedstock will not be available in the short term to sustain it at minimum technical thresholds let alone financial viability thresholds unless waste is brought in from outside of Wales. There is no justification for importing waste from outside Wales into South West Wales and to do so would conflict with the proximity principle and the nearest appropriate installation principle. In short it would not be sustainable development. The proposal therefore conflicts with policies SP1, SP2 and SP12 of the Carmarthenshire Local Development Plan and the principles of sustainable development set out in Planning Policy Wales and The Well-being of Future Generations Act 2015.

## **Location**

TAN 21 states that the suitability of locations of waste management facilities should be considered within the context of the aims of Towards Zero Waste and the CIMS Plan and will be influenced by various factors. In general, the most appropriate locations will be those with the least adverse impacts on the local population and the environment and the best potential contribution to a broad infrastructure framework. Particular care should be taken to avoid locations where new or extended waste facilities may be incompatible with existing land-uses. The type of sites that may be suitable include industrial areas, especially those containing heavy and specialised industrial uses; active and worked out quarries; degraded, contaminated or derelict land; existing or redundant sites or buildings; sites previously or currently occupied by other types of waste management facilities; sites where there are opportunities for co-location; and on farms where the output will be used on the farm - provided the effect on sensitive receptors and the impact on the local community are acceptable.

Paragraph 4.9.1 of PPW states that previously developed land should wherever possible be used in preference to Greenfield sites or particularly sites that have high agricultural or ecological value. Previously developed land is defined in figure 4.3.

In this case, the site conforms to the definition of previously developed land which is in a derelict condition. It is also a redundant site that has previously been used for other types of waste management facilities for which planning permission is extant. The site is well located in terms of transport infrastructure, adjacent to the A48 (T) and close to Junction 49 of the M4. A significant number of objectors, including businesses located at the Cross Hands Food Park, consider that this facility is incompatible with the existing food park uses. However, the Food Park is located approximately 1.9km to the north of this site and no evidence has been submitted to indicate that there would be an adverse impact on the food park at such a distance.

## Air Quality and Atmospheric Emissions

The vast majority of objectors have expressed concern about the emissions from the flue stack and the impact they will have on human health. TAN 21 states that air emissions are a material planning consideration and may represent a significant public concern.

Emissions to air will be via the three gas engine flues and the pyrolyser flue stack. The applicants have submitted an assessment of the key pollutants – oxides of nitrogen (NO<sub>x</sub> as NO<sub>2</sub>), carbon monoxide which are the primary pollutants from Singas combustion. In addition, the emissions to air from the pyrolysers will be governed by the Industrial Emissions Directive which requires adherence to emission limits for the following pollutants – total dust (as PM<sub>10</sub> and PM<sub>2.5</sub>), gaseous and vaporous organic substances (expressed as total organic carbon), sulphur dioxide, hydrogen chloride, hydrogen fluoride, twelve trace metals (antimony, arsenic, cadmium, chromium, cobalt, copper, lead, manganese, mercury, nickel, thallium and vanadium) and dioxins and furans. The assessment also considers ammonia emissions associated with NO<sub>x</sub> abatement.

The emission limit values set as mg/Nm<sup>3</sup> are as follows:

Total Dust – 10  
Total Organic carbon – 10  
Hydrogen Chloride – 10  
Hydrogen Fluoride – 1  
Sulphur Dioxide – 50  
Oxides of Nitrogen – 200  
Carbon Monoxide – 50  
Group 1 Metals – 0.05  
Group 2 Metals – 0.05  
Group 3 Metals – 0.5  
Dioxins and Furans –  $1 \times 10^{-7}$

The mapped background NO<sub>2</sub> concentration in 2013 was 9.5 µg/m<sup>3</sup> - 23.8% of the Annual Mean Air Quality Objective for the protection of human health (AMAQO) of 40 µg/m<sup>3</sup>. The mapped annual mean background concentrations of PM<sub>10</sub> are 13.2 µg/m<sup>3</sup> compared to the AMAQO of 40 µg/m<sup>3</sup>; the concentrations of PM<sub>2.5</sub> are 9.2 µg/m<sup>3</sup> compared to the AMAQO of 25 µg/m<sup>3</sup>; the concentration of benzene (organic carbon) are 0.19 µg/m<sup>3</sup> compared to the AMAQO of 5 µg/m<sup>3</sup>. The background concentration of carbon monoxide is 85 µg/m<sup>3</sup> and sulphur dioxide is 1.7 as an annual mean. The AMAQO for carbon monoxide and sulphur dioxide are not directly comparable as they are set as an 8hr mean (10mg/m<sup>3</sup>) and 24 hour mean (125 µg/m<sup>3</sup>) respectively. The ambient level of hydrogen chloride is assessed as 0.22 µg/m<sup>3</sup>; the ambient level of hydrogen fluoride is assessed as 0.5 µg/m<sup>3</sup>; the baseline of dioxins and furans is assessed as 8 fg/m<sup>3</sup>.

Dust risks during the construction phase are primarily from demolition, earthworks, construction and track-out. These risks are assessed as medium to high with a potentially moderate adverse effect on sensitive receptors. However, dust risks can be adequately managed via good site practice and a Dust Management Plan.

The applicant has carried out computer modelling of the potential emissions, including particulates, carbon dioxide, heavy metals, dioxins and furans and assessed the impact of the development in relation to the baseline. The assessment concludes that the generation of NO<sub>2</sub>, carbon monoxide, sulphur dioxide, particulates, benzene, hydrogen chloride and

hydrogen fluoride are well within AQO levels. In terms of the trace metals, the predictions indicate that the generation of all bar arsenic, nickel and chromium (VI) are not considered significant. Further assessment has indicated that the generation of nickel and arsenic will not be significant but maximum chromium (VI) levels are almost double the background level and 142% of the emissions limit value which is a significant concern. The applicant claims that the actual levels will be significantly lower at the application site but does not evidence that statement. Predicted dioxin and furan generation is assessed to be just over 50% of the background concentration but there is no risk assessment of what that increase would mean. There is also no assessment of the impact of ammonia generated from the pyrolysis plant. There are therefore significant concerns regarding the potential impact of the facility on the health and wellbeing of the local population from emissions to air, particularly (but not exclusively) in relation to chromium (VI), ammonia, dioxins and furans. Again the Authority has not been able to discuss its concerns with NRW.

The proposal therefore based on the precautionary principle fails to comply with the rWFD and planning policy in relation to adverse impacts on health and wellbeing. It is therefore contrary to policies SP1, SP11, GP1, EP2 and WPP2 of the Carmarthenshire Local Development Plan.

In terms of habitat impact of air emissions the applicant has assessed the sensitive habitats in the area, the closest being Felin Fach Meadows SSSI to the north of the site. The assessment indicates that the predicted nitrogen deposition rate of 1.7% of the lower critical load is potentially significant at Felin Fach Meadows as is the nitrogen and sulphur acidification rate of 2.5% of the critical load. The increased nitrogen deposition rate increases the background level which is already above the critical load whilst the acidification rate would increase the background level to 34.7% of its critical load. The applicant dismisses these impacts as negligible and insignificant. Natural Resources Wales have indicated that they are satisfied that eutrophication will be minimal but the Council Planning Ecologist is not convinced that there will be insignificant impacts on the SSSI. The Planning Ecologist has also indicated that the impacts of air quality on Sites of Importance for Nature Conservation (SINC) and ancient woodland sites should have been assessed but no such assessment has been provided. Discussions in relation to this matter would have formed part of further discussions with NRW had the applicant not complained about the delay in determination of the application.

In such circumstances the precautionary principle must apply. The proposal is therefore contrary to policies SP1, SP11, SP14, GP1, EQ4 and WPP2 of the Carmarthenshire Local Development Plan

### **Impact on the Biodiversity and the Natural Environment**

The applicants have carried out an Extended Phase 1 habitat survey and detailed botanical, invertebrate, reptile, bird, dormouse and bat surveys.

The site contains two partially implemented landfill sites and a waste treatment facility. The imported inert materials within the site are unrestored and form significant undulations within the landscape. Soils are thin and are likely to be nutrient poor. As the site has been dormant for some years it has started to re-vegetate with pioneer and transitional vegetation communities. An area of marshy grassland has become established in the lower levels of the eastern part of the site. There are some ephemeral water features and some areas where invasive species have taken hold. The current value of these areas is County Level but this is likely to reduce as pioneer species are overtaken by scrub.



Felin Fach Meadows SSSI lies to the immediate north east of the site. It is formed of a network of unimproved pastures with whorled caraway, ranging from purple moor grass and ericaceous heath to rush dominated communities and eutrophic fens. Caeau Afon Gwili SSSI approximately 1km to the south east consists of eight enclosures which are an extensive example of unimproved species rich grassland with noteworthy species including meadow thistle, saw-wort, common butterwort, petty whin, and much whorled caraway. Marsh Fritillary butterfly is present.

Invertebrate surveys revealed nine key invertebrate species on the site with key habitat features being the shallow ponds, short-sward dry ruderal grassland and damp ruderal grassland. Woodland is also likely to be of value. The assemblage of invertebrates is considered to be of Regional Value and without mitigation the impact of the development would be substantial adverse.

No amphibians were recorded and the site is considered to be of moderate suitability only. Reptile surveys recorded low concentrations of slow worm common lizard, grass snake and adder. The rough grassland, marshy grassland and scrub is suitable habitat for reptiles.

The site contains a diverse range of habitats that are of value for birds including wet woodland, scrub, marshy grassland and mosaics of dry scrub and grassland. The woodland to the north and east supports two 'red list' species – song thrush and marsh tit as well as three 'amber list' species – green woodpecker, mistle thrush and hedge accentor. The open dry scrub/grassland mosaic supports two 'red list' species – skylark and common linnet. Buildings and hedgerows offer a wide range of nesting sites – house sparrow, barn swallow and grey wagtail are of conservation concern. The buildings are also used by barn owl, although not for nesting. The bird community is therefore of County Value and the impact of the development on birds would be moderate adverse.

The buildings and the majority of trees on the site are not suitable for bats. Dormouse is likely to be present on site in the scrub and woodland habitat. Badger activity was recorded on site. There were no signs of otter or water vole.

In order to mitigate for losses of the mosaic of ephemeral pioneer vegetation, grassland and scrub, as well as shallow ponds it will be necessary to create habitat and an Ecological Management Plan will be required to maximise the biodiversity potential of the site should planning permission be granted. Whilst NRW have not indicated any concerns in relation to biodiversity the Council Ecologist has indicated concerns regarding the impact of nitrogen emissions as discussed above and barn owl mitigation. The Council Ecologist also has concerns about the cumulative effects of the development and the parameters for Test of Likely Significant Effects required under the Habitats Regulations. It was intended that such issues would be raised with NRW prior to the determination of the application but that has not been possible. However, the application cannot be approved without the Habitats Regulations Assessment being undertaken.

The site falls within the area defined in the Caeau Mynydd Mawr SAC Supplementary Planning Guidance which elaborates on LDP policies, particularly policy EQ7. The SAC is designated for its Molina meadows on calcareous peaty and clayey silt laden soils and for one of the best areas in the UK for Marsh Fritillary butterfly. The SPG requires developer contributions towards land management within the SAC area. The applicant is aware of the requirement and has no objection in principle to making the contribution.

Again the precautionary principle must apply. The proposal is therefore contrary to policies SP1, SP11, SP14, GP1, EQ4 and WPP2 of the Carmarthenshire Local Development Plan.

### **Noise & General Disturbance**

Concern has been expressed by a small number of objectors in relation to the generation of noise from the development. A section on noise is contained within the ES. A baseline noise assessment has been undertaken in order to determine the current levels of background noise in the areas surrounding the site. Background noise levels during the daytime ranged from 59.9dB to 48.1dB. During the night-time, the background noise levels ranged between 59.9dB to 39.7dB.

Noise predictions for the construction phase indicate that noise levels will increase significantly during the 16-18 month period of construction however background levels at the closest sensitive receptors are significantly influenced by road traffic noise. The operational phases largely take place within a building which will be noise insulated with closed doors (to enable negative pressure) so will not result in significant noise generation – noise is predicted to be below background levels.

The Head of Public Protection has considered the noise assessment submitted and concluded that there are unlikely to be any adverse impacts in terms of noise. There is therefore, no conflict with Policies EP2 and WPP2 in terms of noise impacts

### **Odours**

TAN21 recognises that waste management facilities can produce unpleasant odours that can result in nuisance and that this should be given full weight in the consideration of planning applications. Odour can be minimised by using techniques such as negative pressure inside buildings. In this case, the applicant has indicated that the main building where all waste will be received will be operated under negative pressure. Provided that is operated effectively then odour should not cause a significant problem. Odour is an issue covered comprehensively within the Environmental Permit.

Given that the control of odour is better related to the Permit regime the planning regime should consider only the amenity impacts and how these could impact on surrounding residents and land-uses. As the waste is accepted within a building with no outside storage the impact from odours should have no detrimental impact on amenity or the environment.

### **Impact on Surface and Groundwater**

An assessment has been carried out which considers the sensitivity or importance of aquatic receptors, evaluates the significance of the potential changes in water quality, assesses the sensitivity of the resource to the predicted changes, and classifies the effects and mitigation measures where effects are considered to be significant.

The Afon Gwili located to the east of the site is a 'main river'. Since the introduction of the Water Framework Directive, Natural Resources Wales now assign a classification for main rivers on the basis of their ecological status. The current ecological status of the Afon Gwili is moderate. Given this status the hydrology of the site is considered to be of Medium sensitivity.

The underlying bedrock is the South Wales Middle Coal Measures which is classified as a Secondary A aquifer capable of supporting water supplies at a local level rather than at a strategic scale, and in some cases forming an important source of base flow to rivers. The majority of the site is underlain by superficial geology of Devensian Till with small areas of alluvium and river terrace deposits in the eastern part of the site. Much of the ground is covered in up to 6m of made ground.

Data on local groundwater chemical quality shows that groundwater around the site is generally 'poor' although the available quantity is 'good'. There are two licensed groundwater abstractions within 2km of the site – these are at 1.7km and 2km distance and are for pollution remediation and general farming/domestic use. The hydrogeology of the site is considered to be of Medium Sensitivity.

Potentially significant effects would be the mobilisation of sediment rich surface water run-off during construction, remobilisation of contamination during construction and interruption of groundwater flows with an elevated risk of groundwater flooding.

Significant areas of the site will be regraded and the removal of ground vegetation will increase the potential for soil erosion sediment mobilisation. However, the regrading will generally reduce slope steepness and a swale will be constructed around the perimeter of the site prior to regrading works. The ground will be seeded following regrading to increase stability of the surface.

Chemical testing of the soils has not identified significant concentrations of contaminants across the site compared to screening criteria. Chemical analysis of groundwater samples revealed that whilst groundwater does exhibit signs of chemical contamination, the results are not considered high and appear to be localised. A strategy for minimising contamination can be agreed prior to soil movements and conditions imposed on any grant of planning permission as requested by NRW.

Construction operations have the potential to give rise to surface run-off becoming contaminated. Untreated water could contaminate surface watercourses or the ground. There are sensitive receptors, the Afon Gwili and its tributary as well as a Secondary A Aquifer. In order to avoid such contamination fuel and chemical tanks will be bunded, machinery adequately maintained, oil interceptors will be utilised and ponding water will be pumped to settlement tanks.

Changes in ground level and possible piling of the foundations may encounter perched groundwater. This could create a pathway for contamination and further investigation will be undertaken prior to any piling being undertaken. A construction Environmental Management Plan will be produced setting out the control measures to be utilised and this can be required by condition should planning permission be granted.

The Development Advice Maps indicate that the majority of the site is located within Zone A (little or no risk of fluvial or tidal/coastal flooding). However, a small area of land along the eastern boundary is located within Zone B (areas known to have been flooded in the past evidenced by sedimentary deposits) and Zone C2 (areas of floodplain without significant flood defence infrastructure). However, no development is proposed in these areas.

There is a requirement to reduce the rate of surface water run-off in accordance with PPW and TAN15. This is proposed by the introduction of an attenuation pond which will reduce run-off rates by 40% to 232 l/sec. However, NRW has indicated this is unacceptable and on that basis the proposal conflicts with policy EP3 of the Carmarthenshire Local Development Plan. The Authority would have raised this issue had further discussions with NRW been possible.

## **Highways and Traffic Impact**

The vast majority of objectors have cited concerns about traffic impact and danger to road users as a ground of objection.

The applicant has submitted a Transport Assessment in support of the application. A permanent traffic monitoring site on the A48, almost immediately adjacent to the site entrance, records an Average Annual Daily Flow (AADF) of traffic. The data indicates that in 2000 the AADF was 25,093 vehicles of which 1,842 (7.3%) were HGV. By 2007 the AADV was 29,341 vehicles of which 2,343 (8%) were HGV. Since 2007 the AADV has remained relatively constant with an AADV of 29,235 by 2012 of which 1,965 (6.7%) were HGV.

In addition, the existing permitted uses at the site have the potential to generate between 59 and 82 trips per day with an average being 71 trips per day (0.24% of the AADV).

During the construction/demolition phase of this development it is anticipated that approximately 120 construction vehicle trips per day would be generated (0.4% of the AADV assuming a zero baseline – 0.17% of the AADV including the existing commitment). This increase would represent a neutral effect and is less than the natural daily variation. The increase would therefore be imperceptible to other highway users.

During the operational phase of the development it is anticipated that approximately 128 vehicle trips per day (not including staff) will be generated (0.44% of the AADV assuming a zero baseline – 0.2% of the AADV including the existing commitment. It is considered that the staff trips (estimated at 22 staff car trips per day) will not be any greater than those associated with the existing permitted uses. The development would therefore have a neutral effect on the local highway network in terms of staff travel.

The applicants have proposed an upgrading of the geometry of the access junction onto the A48 (T) from that of a private access to the standard of a side road. The access will remain left in and left out by necessity, but will include merge and diverge tapers, improved junction radii, an improved central island, appropriate carriageway widths and appropriate stopping site distance visibility splays. All vehicles will be able to enter and leave the site in forward gear with ample stacking capacity along the site access should that be required.

Opportunities for sustainable modes of transport are limited. The only access is onto the A48 (T) which is unsuitable for pedestrians and does not provide suitable links to bus stops. Cyclists could be put off by traffic volumes and traffic speeds. The only other option is to car share where possible. A total of 16 car parking spaces are provided including spaces for disabled users and electric car users, together with 10 cycle bays.

Welsh Government Transport Division has not objected to the development but has directed that a number of conditions be attached to any planning permission granted. The increase in traffic movements will be very low in actual and percentage terms and there

will be an access improvement. Therefore, on the basis of the above the proposal does not conflict with policies GP1, TR3 and WPP2 of the Carmarthenshire Local Development Plan in highway safety terms.

### **Impact on Landscape Character and Visual Amenity**

The site lies within Landscape Character area Gwendraeth Vales, an area of undulating hills and vales to the south of the River Tywi and to the west of the Brecon Beacons and the South Wales Valleys. In the vicinity of the site it is typically an undulating landscape of hills and troughs, with wet clayey soils in the lower areas. It is an agricultural landscape of wet pastures, of low productivity and difficult to work, the home of Rhos meadows, wet pastures dominated by purple moor grass, forming small blocks of semi-natural rough grazing within the generally improved agricultural landscape.

Whilst reference is made in the ES to LANDMAP and to the five aspect areas these are not properly assessed or referenced. Reference is only made to the evaluation of the visual and sensory aspect area. The LANDMAP database evaluates the five aspect areas as follows

Geological Landscape – Cross Hands – Moderate  
Landscape Habitat – Carmarthen Coalfield – High  
Visual & Sensory – Llanelli Hills – Moderate  
Historic Landscape – Cwmgwili – High  
Cultural Landscape – Rural Carmarthenshire – High

No reference is included within the ES to the high evaluations. In Landscape Habitat terms the high evaluation reflects the presence of habitat suitable for the Marsh Fritillary butterfly. In historic landscape terms the high evaluation is based on a good example of a Carmarthenshire agricultural landscape with little modern intrusions and in cultural landscape terms the high evaluation is for the varying topography of each of the areas being emblematic of the beauties of the countryside, and for the survival of its principal cultural activity of farming. Notwithstanding the inadequacy of the landscape character assessment it is not considered that the development would have significant impacts on the landscape character of the area given the baseline condition of the site and how it relates to surrounding land.

The site is currently in a poor visual condition with a number of derelict/semi derelict buildings and structures and former landfill sites in an unrestored state. One of the benefits of the redevelopment would be the removal of dereliction and the restoration of the site. The site is bounded by trees on the north, east and west boundaries which help to screen it from surrounding areas. The most visible element of the proposed development would be the 25m flue stacks as the proposed building will be set into the ground so that its ridge height is similar to the height of the existing building. The solar park will be visible from some locations but the panels are only 3m in height. Given that there are few sensitive receptors, the site sits low in the landscape and the development will not break the skyline it is not considered that the visual impact will be significant.

### **Historic Environment**

The applicants have carried out an assessment of the impact of the proposal on archaeology and cultural heritage. However, it is almost certain that the use of the site for landfill and waste management uses will have destroyed any pre-existing archaeological

resource and the development will therefore have no effect on archaeological value of the site which is negligible in any event.

### **Impact on Health and Safety**

The main potential health and safety issues relate to atmospheric emissions and contaminated land. Atmospheric emissions have been discussed above and this is not duplicated here.

Objectors claim that the proposed technology is unproven and have provided details to support those claims. This specific proposal of sending syngas from a pyrolysis retort direct to an engine is rare and where it has been attempted it has failed. In addition, syngas and biogas are proposed to be burnt together in the gas generation engines - a concept with inherent technological challenges never attempted before. The composition of the two gasses is different and this is considered to present significant challenges which would have to be overcome before the NRW could issue an Environmental Permit. What is not clear is the effect that this would have on atmospheric emissions, which are already of concern. The gas engines also work most efficiently with a uniformity of gas mixture.

Pyrolysis is a process which is very sensitive to small temperature variations and engines are very sensitive to gas quality. This can lead to dirtier gas which has to be burnt through the flare to preserve the engines and not overload the syngas cleaning system. The potential for the use of the flare in such circumstances is exceedingly high and needs to be factored into the atmospheric emissions. There are also concerns regarding the appropriateness of the syngas cleaning system for syngas produced from municipal solid waste. These issues increase the concern in relation to the potential for significant adverse effects from atmospheric emissions. The potential health and safety risks are very real and have not been satisfactorily addressed by the applicant.

The land shows some evidence of contamination so there are potential impacts particularly during the construction phase if any excavation or piling of foundations is undertaken. A contamination risk assessment will be required prior to development commencing. NRW has recommended a number of pre-conditions which seek to prevent pollution from release of contaminants in the ground.

### **Socio-Economic Impact**

In addition to the 34 jobs to be created by the development the applicant claims that the total investment in the project will amount to approximately £80-£150 million in the Cross Hands Area. It will also involve 300 jobs during construction (16-18 months) renewable power for 10,000 homes and low cost heat for local businesses. A Community Contribution is also on offer. These factors need to be factored into the planning balance.

### **Energy Policy – Renewable and Low Carbon Energy**

PPW states that tackling climate change is a fundamental part of delivering sustainable development. The Welsh Government has set out to achieve annual carbon reduction-equivalent emissions reductions of 3% per year from 2011 in areas of devolved competence and are committed to achieving at least 40% reduction in all greenhouse gas emissions in Wales by 2020, against a 1990 baseline. This includes a specific action to ensure that land use planning promote sustainable development and enable a move towards a low carbon economy which takes account of future climate change impacts.

PPW also confirms that the UK is subject to the requirements of the Renewable Energy Directive which includes a UK target of 15% renewable energy by 2020. Currently the amount of energy produced from renewable is about 7%.

Local Planning Authorities should therefore support the shift towards a low carbon economy, for example by encouraging the development of clusters of industrial and commercial uses deriving environmental benefit from co-location, especially through the development of waste stream technologies and practices. They should look favourably on proposals for new on-site low carbon energy generation, including high efficiency energy recovery from waste, provided there are no unacceptable impacts on local amenity. (PPW 7.4.1)

Energy Wales: A low carbon transition (March 2012) sets out the Welsh Governments ambition to create a sustainable, low carbon economy for Wales. That said Energy Policy is not a devolved function.

Technical Advice Note 8: Planning for Renewable Energy relates to all types of renewable energy including energy from waste, anaerobic digestion and solar arrays. Paragraph 3.3 of TAN8 states that criteria based policies should be supportive of the principle subject to appropriate siting, adequate vehicular access etc. Planning applications would however need to be carefully assessed to ensure nuisance is avoided. Paragraph 3.8 states that refuse derived fuel could be burnt to generate heat and/or electricity. Local Planning Authorities are urged to take sound advice on such matters as emissions and to deal with the issue in an objective manner. Paragraph 3.15 states that in circumstances other than where visual impact is critically damaging proposals for appropriately designed solar thermal and PV systems should be supported.

Paragraph 6.1 states that consideration of renewable energy sources, energy efficiency, and conservation measures at the outset is vital. The concept of increased energy efficiency is also a key theme of Energy Wales: A low carbon transition.

The applicants have provided an Energy Statement in support of the application. The statement concludes that not only does the development achieve a significant reduction in CO2 emissions; it also provides a very significant indirect carbon benefit from the diversion of waste from landfill, the generation of renewable power and the utilisation of waste heat on-site. Whilst this might be true there are concerns regarding the robustness of the R1 energy efficiency calculation and also the potential impact of having to import Waste from England. There is also an issue regarding the use of waste heat, whilst the facility may be heat enabled there is no realistic prospect of this happening during the life of the facility. There are no potential users in close enough proximity to utilise the heat effectively and as the site is in an open countryside location there are no proposed developments in the vicinity which may benefit from the waste heat. The life cycle assessment also requires further discussion.

## **Other Matters**

Objectors have raised concerns about misleading information being provided. However, the planning application stands to be considered on its individual merits.

Objectors have referred to devaluation of property. However, members will be well aware that this is not a material planning consideration.

Objectors have also raised the impact on tourism but having considered this matter there is no evidence that the facility would have an adverse impact on tourism.

## **CONCLUSION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any planning application must be determined in accordance with the development plan unless other material considerations indicate otherwise. The development plan for the purposes of Section 38 is the Carmarthenshire Local Development Plan.

European legislation and Welsh Government legislation, policy and guidance sets out challenging requirements for the achievement of sustainable waste management in Wales. The Council is required to respond to those challenges and provide an adequate and integrated network of facilities to allow waste to be moved as far as possible up the waste hierarchy.

Decisions on waste management proposals should be determined in accordance with the relevant development plan for the area. The extent to which a proposal demonstrates a contribution to the waste management objectives, policy, targets and assessments contained in national waste policy will be a material consideration.

The benefits which can be derived from proposals for waste management facilities as well as the impact of proposals on the amenity of local people and the natural and built environment must be adequately assessed to determine whether planning permission is acceptable and if adverse impacts on amenity or the environment cannot be mitigated, planning permission should be refused. (PPW Paragraph 12.7.2)

However, the types of development that take place must be appropriate to their location and built and designed in such a way as to achieve positive economic, social and environmental impacts. They must minimise adverse environmental impacts; protect areas of designated landscape and nature conservation from inappropriate development; and protect the amenity of residents, other land uses and users affected by proposed waste management facilities.

The revised Waste Framework Directive introduces the principles of an Integrated and Adequate Network, Nearest Appropriate Installation and Self Sufficiency. The Nearest Appropriate Installation in particular means taking into account environmental, economic and social factors, to ensure the right waste management facilities are located in the right place at the right time. This proposal does not meet that requirement – it represents the wrong facility in the wrong place.

In this case, there is no demonstrable need for the facility in this location, the facility does not respect the waste hierarchy and there are significant concerns about the impact of air emissions on human health and the environment. In such a circumstance the precautionary principle must be applied. The proposal therefore conflicts with the development plan.

There are environmental, social and economic benefits associated with the proposal as set out in the report – jobs, investment, remediation of derelict land in particular, but these material considerations are not considered to outweigh the potential impacts.

## **RECOMMENDATION – REFUSAL**



## REASONS

- 1 The proposal is contrary to Policies SP1, SP2, RE3 and SP12 of the Carmarthenshire Local Development Plan in that there is no demonstrated need for a facility of the nature and scale proposed at this location. There is no tangible evidence that the amount of residual waste available within South Wales will sustain the facility over its 25 year lifespan at quantities required for the facility to be commercially viable. Importing residual waste from outside of the South Wales region to supplement the supply would be contrary to the principles of Nearest Available Installation, Proximity and Self Sufficiency as well as being unsustainable in transportation terms.
- 2 The proposal is contrary to policies SP2, SP12 and WPP2 of the Carmarthenshire Local Development Plan in that it does not respect the waste hierarchy and the efficient consumption of resources. The Authority considers that a precautionary approach must be taken whereby the proposed development is considered to be a disposal facility. On that basis waste that could be utilised in high efficiency energy recovery facilities is proposed to be utilised for a disposal operation without adequate life cycle assessment supporting a departure from the waste hierarchy. This is also at odds with the revised Waste Framework Directive, The Waste (England and Wales) Regulations 2011, Welsh Government Policy and Guidance in TAN21.
- 3 The proposal is contrary to Policies SP1, SP11, SP14, GP1, EP2, EQ4 and WPP2 of the Carmarthenshire Local Development Plan in that the applicant has not demonstrated that atmospheric emissions and in particular nitrogen, ammonia, chromium (VI), dioxins and furans will not be a risk to air, will not endanger human health and wellbeing and not have an adverse effect on the countryside, including woodland, SINC habitat and the Felin Fach Meadows Site of Special Scientific Interest. The precautionary principle must therefore be applied. Article 13 of the revised Waste Framework Directive, Section 18 of The Waste (England and Wales) Regulations which requires necessary measures to ensure waste management is carried out without endangering human health, without harming the environment and in particular without risk to water, air, soil, plants or animals; without causing nuisance through noise or odour and without adversely affecting the countryside or places of special interest.
- 4 The proposal is contrary to Policy EP3 of the Carmarthenshire Local Development Plan in that the proposed surface water drainage arrangements for the site are unacceptable and the impact of surface water drainage arrangements has not been fully investigated.