

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

DATE: **20TH FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION - CONSTRUCTION OF AN ANAEROBIC DIGESTION PLANT FOR THE PURPOSES OF WASTE TREATMENT AND GENERATION OF 500 KW RENEWABLE ENERGY CONSISTING OF A RECEPTION BUILDING, 2 DIGESTION TANKS, A DIGESTATE PRODUCT STORAGE TANK, 3 DELIVERY STORAGE TANKS, 2 PASTEURISERS, CHP GENERATION EQUIPMENT INCLUDING AN EXHAUST STACK, ELECTRICAL GRID CONNECTION INFRASTRUCTURE, AN AUXILIARY SHIELDED FLARE, ODOUR MANAGEMENT EQUIPMENT AND CONCRETE BUNDING WALLS AT GRASSER WORKS, FACTORY ROAD, SANDYCROFT**

APPLICATION NUMBER: **050249**

APPLICANT: **TRADE EFFLUENT SERVICES LIMITED**

SITE: **FORMER GRASSER WORKS, FACTORY ROAD, SANDYCROFT**

APPLICATION VALID DATE: **30/10/12**

LOCAL MEMBERS: **COUNCILLOR D.E. WISINGER**

TOWN/COMMUNITY COUNCIL: **QUEENSFERRY TOWN COUNCIL**

REASON FOR COMMITTEE: **THE HEIGHT OF THE STACK EXCEEDS THE THRESHOLD OF 15M**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 The proposal is to construct an anaerobic digester plant, reception building, gas holder and electricity generating plant. The plant is to be fed using agricultural wastes, livestock slurry, poultry litter and

commercial food wastes, to produce gas used to generate electricity for sale to the local grid, and soil conditioners for agricultural uses.

The proposal is located within an area designated for employment uses and is in line with national policy objectives to reduce current reliance upon landfill and increase the generation of green energy. The applicant has an existing business which this proposal seeks to secure the future of. The principle of the proposal is in line with national and local policy and the question is therefore the suitability of the proposed location for the use.

Factory Road is located within a principal employment area, within which employment uses, including B1, B2 and B8 will be permitted subject to a number of tests to ensure the detail of the proposal is acceptable. The tests include the requirement that proposals will not have a significant adverse impact on residential amenity.

There are two remaining residential properties which are adjacent to the proposal site. The proposed development is considered akin to a B2 use. The applicant has amended the application to address concerns raised by Officers that the proposal would have a significant adverse impact on residential amenity. The layout of the scheme has been amended to address issues of overbearing and a landscaping buffer is proposed to mitigate the visual impact of the proposal on the amenity of the neighbouring residential properties.

On balance, it is considered that the impact of the proposal on residential amenity can be mitigated to an acceptable standard, in line with the requirements of policies EM3 and EWP8 of the Flintshire Unitary Development Plan. The proposal will help contribute towards the diversion of biodegradable waste from landfill and produce renewable energy, contributing towards the aims and objectives of national policy, including energy policy and waste policy.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

- 2.01 The proposal is recommended for approval subject to no new issues being raised as a result of the current consultation on proposed landscaping, and subject to the following conditions.

Conditions

1. Time limit on commencement
2. List of plans and documents that development shall be carried out in accordance with.
3. Restriction to the anaerobic digestion of biodegradable wastes
3. Submission and approval of contaminated land scheme
4. Flood risk – finished floor levels to be set no lower than 6.33m AOD
5. Submission and approval of landscaping scheme, including long

term maintenance

6. Condition to control noise levels at the site

7. Condition to ensure that no waste to be accepted unless odour abatement measures are in place and effective.

8. No storage of waste in the open air

9. Operating hours

10. Lighting

11. Drainage

12. All vehicles transporting biodegradable waste, including liquids, shall be sealed.

13. Condition to control dust

3.00 CONSULTATIONS

3.01 Local Member

Request that the application is referred to Planning Committee as it needs a full debate at Committee. Requests a Committee site visit.

Queensferry Town Council

No comments received

Sealand Community Council

No objection

Head of Assets & Transportation

No objection. No comments on highways grounds. Drainage engineers advise that sewerage pipes running beneath the site are the responsibility of Welsh Water.

Head of Public Protection

No objection. The Contaminated Land officer advises that the information submitted to date regarding contamination on the site is not sufficient. Recommend that the necessary information is secured via condition.

The Environmental Health officer advises that background noise levels at the site are relatively high. Measures to control noise could be included to control any plant or equipment which exceeds the noise levels predicted. Notes that the facility will also be regulated by Environment Agency Wales and that any condition imposed should not conflict with the requirements of the Environmental Permit.

Emergency Planning

No objection.

Welsh Water/Dwr Cymru

No objection.

Environment Agency Wales

No objection subject to finished floor levels being no lower than 6.33m

AOD.

Airbus

No objection.

HSE

Do not advise, on safety grounds, against the granting of planning permission in this case.

Countryside Council for Wales

No objection, however, advise that any consent is subject to a condition to ensure compliant implementation of pollution prevention measures.

North Wales Fire Service

No comments received

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification
Response to publicity:

3 objections were received and the following points raised:

- Overbearing impact on the adjacent residential properties;
- Suitability of the ground for any planting;
- Anaerobic digestion plant should be at least 250m from residential properties;
- Change of use from former residential use;
- Presence of a sewer pipe within the application boundary;
- Surface water drainage;
- The area is within the flood plain and at risk of flooding;
- Loss of light;
- Proximity of the bund wall to the boundary with the residential properties and the ability to maintain it;
- A habitable room directly faces the proposed development;
- Impact of the proposed hedge on loss of light;
- Impact on the adjacent green space;
- Level of consultation undertaken prior to submission of the planning application;
- Noise;
- Odour, particularly when the system fails or during service and maintenance;
- Subsidence due to disused mines in the area;
- Risk of explosion;
- Adverse impact from odour on nearby commercial premises.

4.02 Following a re-consultation on landscaping proposals at the boundary

with neighbouring properties, the objections and comments made above remain.

- 4.03 At the time of writing the report, a minor amendment to the landscaping is being consulted upon. The recommendation above is to grant planning permission subject to no new issues being raised as a result of this consultation.

5.00 SITE HISTORY

- 5.01 **050052:** Construction of an anaerobic digestion plant for the purposes of waste treatment and generation of 500kw renewable energy. Consisting of a reception building, 2 digestion tanks, a digestate product storage tank, 3 delivery storage tanks, 2 pasteurisers, CHP generation equipment including an exhaust stack, electrical grid connection infrastructure, an auxillary shielded flare, odour management equipment and concrete bunding walls. **Withdrawn 30th October 2012**

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan

STR 1: New Development

STR 3: Employment

STR 7: Natural Environment

STR 8: Built Environment

STR 10: Resources

GEN 1: General Development Requirements

GEN 2: Development inside Settlement Boundaries

D1: Design, Quality, Location and Layout

D2: Design

D3: Landscaping

WB2: Sites of International Importance

AC13: Access and Traffic Impact

EM3: Development Zones and Principal Employment Areas

EM7: Bad Neighbour Industry

EWP1: Sustainable Energy Generation

EWP5: Other forms of Renewable Energy Generation

EWP6: Areas of Search for New Waste Management Facilities

EWP7: Managing Waste Sustainably

EWP8: Control of Waste Development and operations

EWP12: Pollution

EWP13: Nuisance

EWP14: Derelict and Contaminated Land

EWP16: Water Resources

EWP17: Flood Risk

Local Planning Guidance Note No. 3: Landscaping

National Policy and Guidance

Planning Policy Wales Edition 5

Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 8: Renewable Energy

Technical Advice Note 11: Noise

Technical Advice Note 12: Design

Technical Advice Note 15: Flood Risk

Technical Advice Note 21: Waste (2001)

Towards Zero Waste (2010)

Collections Infrastructure and Markets Sector Plan (2012)

7.00 PLANNING APPRAISAL

7.01 THE PROPOSAL:

The proposal is for the construction of an anaerobic digestion facility, landscaping and associated infrastructure at the former Grasser Works, Factory Road, Sandycroft. Anaerobic digestion is a method increasingly being used to treat food waste, thereby assisting in diverting biodegradable waste from landfill. The plant is intended to treat up to 32,000 tonnes of biodegradable waste and will produce approximately 500kW of renewable energy and a bio-fertiliser which can be utilised on farms in the local area, displacing the need for fossil fuel derived fertilisers.

7.02 The applicant operates an established waste management and agricultural contracting business which currently disposes of liquid wastes by spreading, untreated, directly to agricultural land.

7.03 The site is located within Factory Road, Sandycroft which is dominated by industrial buildings and previously formed part of Graessers Salicylates. There are two residential properties within close proximity of the site, number 6 and 7 Factory Road directly abut the application boundary and a wooded area to the east of the site beyond the two dwellings.

7.04 The facility comprises a waste reception building, two digester tanks, a store, a CHP unit, stack, and biofilter. There is an existing substation on the site. The reception building is 10m to the eaves, and 12m at the highest point. The store measures 14m in height with a domed roof and is located approximately 20m from the boundary with number 6 Factory Road. The digester tanks are 7m to the eaves, and 10m at their highest point and are located approximately 12m from the boundary with number 6 Factory Road at the closest point. The reception tanks are 4.1m in height and the stack is 18m in height with a diameter of 0.75m. The substation and generator are 3.8m in height.

- 7.05 The development process is for the delivery of feedstock comprising agricultural, poultry and commercial food wastes, which would be blended and fed through a series of digester tanks holding a liquor to enable microbial activity to bio-degrade the material into gas used for generating electricity and a solid organic soil conditioner, which is removed off the site for agricultural use. The gas is stored in a holding vessel and fed to a spark /compression ignition engine to drive an electricity generating exciter set to produce a nominal 500KW output which can be fed to the local electricity grid using an existing electrical sub-station located within the site.
- 7.06 All reception process areas would drain to a sump and the material collected to be used in the digestion process as there is no access to the sewerage system. Anaerobic digestion is a sealed process with gas tight tanks and pipe work to prevent the release of gas. The majority of finished product will be in liquid form which would be transferred directly to a tanker and the remainder, a small amount of solid, would be transferred to a trailer for use off site.
- 7.07 The facility would operate 24 hours per day, although hours of operation are identified as 07:00 – 19:00 Monday to Friday, 07:00 – 17:00 Saturday and 09:00 – 16:00 Sundays and Bank Holidays.
- 7.08 It was originally proposed to plant a conifer hedge around the boundary of the residential properties at number 6 and 7 Factory Road which was to be maintained to a height of 4m. The applicant has since submitted a revised scheme which includes a 7.5m landscape buffer around the boundary of the residential properties. The landscape buffer would comprise a mixture of native shrub and tree species.
- 7.09 Office accommodation would be provided by the building permitted under application number 047475 which is within the overall site owned and operated by the applicant.
- 7.10 Vehicle movements are anticipated to be an average of 11 per day using the existing site access to the west of the proposal site. A bund gate is proposed along Factory Road which would involve realigning an existing access onto Factory Road to enable maintenance of the tanks.
- 7.11 The applicant would use the existing access to the site for the delivery of feedstock to the facility, and an existing access along Factory Road which would be moved slightly to the east to allow access to the bunded area for maintenance purposes.
- 7.12 **MAIN PLANNING CONSIDERATIONS:**
The main issues are considered to be:-
1. The Principle of the development
2. Need and BPEO

3. Contaminated Land
4. Flood Risk
5. Visual and Landscape Impact
6. Residential Amenity
7. Noise
8. Odour
9. Air Quality, including dust and bio-aerosols
10. Biodiversity Considerations
11. Environmental Impact Assessment
12. Drainage
13. Highways

7.13 Principle

The site is located within the Sandycroft settlement boundary, in accordance with GEN 2, which seeks to direct new development to within defined settlements.

- 7.14 The site is also within an existing industrial estate and is identified as a principle employment area (EM3). The purpose of policy EM3 is to direct new employment development, including B1, B2 and B8 uses, towards potentially suitable locations subject to a number of tests to ensure the scale and nature of the proposal is acceptable. Although the application is for a waste use, and is considered a “sui generis” land use, the proposal is considered akin to a B2 use.

- 7.15 Policy EM7 seeks to direct bad neighbour industry to potentially suitable sites. The policy states that the most suitable sites for bad neighbour uses are likely to be those allocated under EM1, which includes an allocation at Prince William Avenue, Sandycroft. However, it is also acknowledged that there may be other suitable sites within the County, including brownfield land and derelict, vacant and underused land including sites associated with previous mineral workings.

- 7.16 Policy EWP 6 seeks to direct new waste management facilities towards potentially suitable areas. The areas are not allocations and do not preclude the location of waste facilities on other sites. Given the size of the proposal (less than 1ha) there is no requirement for the applicant to submit an assessment identifying that the proposal site is the best option for the use proposed.

- 7.17 In principle, the proposal is considered broadly in line with policies GEN2, EM3, and EM7 of the adopted Flintshire Unitary Development Plan, subject to compliance with the detailed tests contained within policies EM3 and EM7 which are discussed in detail further down in the report.

7.18 Need and Best Practicable Environmental Option (BPEO)

Policy EWP 7 requires proposals to meet an identified need contained within the Regional Waste Plan (RWP). Since the RWP and its

successor, the North Wales Regional Waste Plan 1st Review, were published national waste policy has changed markedly, placing an even greater focus on the recovery of biodegradable waste using anaerobic digestion. The Collections, Infrastructure and Markets Sector (CIMS) Plan provides an updated position on the need for waste management facilities in Wales. Waste Hierarchy Guidance; published by the Welsh Government (January 2012), identifies anaerobic digestion as the best method of managing food and garden waste, after prevention and preparation for reuse. The CIMS Plan identifies that there is an existing capacity gap in Wales for managing food waste, which is identified as a priority material.

- 7.19 It should also be noted that the applicant currently operates a waste management business which manages biodegradable wastes. This proposal is intended to help the applicant improve the existing business by enabling compliance with PAS110 and is therefore intended to improve the method of managing waste already managed by the applicant.
- 7.20 There is a demonstrated need for the proposal, both in terms of meeting the targets and aspirations of the Welsh Government and also of ensuring the continued success and future proofing the applicant's existing business. It is considered that the proposal meets a need identified within the CIMS Plan, represents the BPEO for the waste stream concerned, and is therefore in line with criteria (a) and (e) of policy EWP7Managing Waste Sustainably.
- 7.21 Contaminated land
The site comprised part of the former Graessers Salicylates Ltd. In 1966 planning permission was granted on the wider Graessers site for a raw material dump. There is therefore the potential for contamination on the site. The applicant submitted a site investigation report which sought to identify levels of contamination on the site and identify any mitigation measures considered necessary. However, the assessment did not include a desk top study. The Contaminated Land Officer did not object to the proposed development, but requested that a condition be attached to any permission to ensure that a desk study is undertaken prior to any works on the site commencing, and the site investigation revised to take account of its findings, including the identification of any remediation that may be necessary and subsequent verification.
- 7.22 Subject to the inclusion of a condition to address the matters raised above, the proposal is considered in accordance with policy EWP14 Derelict and Contaminated Land.
- 7.23 Flood Risk
The site is located within an area known to be at risk of flooding. The ground levels within the site fall between 5.40-5.70 metres Above Ordnance Datum (AOD). The Environment Agency recommended that

they would have no objection to the development subject to the inclusion of a condition to ensure that finished floor levels are set no lower than 6.33m AOD in the western part of the site to reduce the risk of flooding to the proposed development and future occupants. The use of bunding to the eastern part of the site is considered to address issues of flood risk in this part of the site.

- 7.24 Subject to the inclusion of conditions to address the points raised above, the proposal is considered in line with Flintshire Unitary Development Plan policy EWP17 Flood Risk.
- 7.25 Visual and Landscape Impact
The proposal site is located within a predominantly industrial area, though historically this part of Factory Road had a mix of residential properties, two of which remain directly to the east of the proposal site. The applicant has submitted a Local Character Assessment and Statement of Overbearing in support of the application. These documents seek to address concerns raised previously in relation to a similar application submitted and subsequently withdrawn by the applicant on this site.
- 7.26 There are limited sensitive receptors within close vicinity of the site, which is located away from large areas of housing, and is not close to historic assets or important landscapes. The design and scale of the proposed development is not considered out of scale or character with the majority of the surrounding area, however, the site is bordered by two residential properties to the east.
- 7.27 Policy D3 of the adopted Unitary Development Plan, seeks to secure suitable landscaping, while policy L1 seeks to ensure new development is designed to maintain or enhance the landscape character. Landscaping is recognised as an effective buffer, protecting the interests of adjacent land users and softening otherwise hard edges to urban areas. The application, as originally submitted, proposed the use of a conifer hedge, maintained to a height of 4m. However, this has the potential to become intrusive and overbearing on the neighbouring residential properties and is not considered a suitable proposal in this case. In order to address this, the applicant submitted a revised scheme which incorporates native shrub and tree species for a 7.5 m strip between the site and properties on Factory Road. Due to the proximity of the proposed scheme to sensitive receptors it is important that the landscaping is maintained for the duration of the development.
- 7.28 Subject to the inclusion of a condition to secure an appropriate landscaping plan and associated maintenance, the proposal is considered to be in accordance with policies D3 and L1 of the Flintshire Unitary Development Plan.
- 7.29 Residential Amenity

The site is directly adjacent to two residential properties, numbers 6 and 7 Factory Road. It is proposed to locate the store 20m from the boundary with number 6 Factory Road, and the two digesters within 12m and 19m respectively of number 6 Factory Road, whilst locating the elements of the proposal which have the greater potential for noise and odour to the north west of the site to reduce impact on residential amenity. The layout proposed has been designed to minimise the potential for overbearing on the residential properties and replaces a previous scheme which sited the Digestate Store to the rear of numbers 6 and 7 Factory Road.

- 7.30 The applicant has submitted a 'Line of Sight' drawing to demonstrate compliance with local guidance note 2. The applicant also cited examples within the area where residential properties are located in close proximity to residential dwellings. Each proposal should be considered on its own merits against the relevant development plan policy.
- 7.31 Objections were received regarding the impact of the proposed development on the neighbouring residential properties. In particular, concerns were raised that the proposal would be overbearing and that there would be a loss of light. The tanks are located to the west and north west of the residential properties. Given their location, it is considered that there will be limited loss of light resulting from the tanks, though there is the potential for loss of light from the proposed hedge.
- 7.32 Initial concerns were raised with regard to the applicant's original proposal to screen the site with a conifer hedge, as it was not considered to be an effective visual screen for the development and is too narrow for a hedge expected to reach 4m in height. It was considered that the use of a 4m conifer hedge would cause problems with overshadowing and would itself be overbearing in appearance.
- 7.33 In order to address the concerns raised above, the applicant has proposed a 7.5m landscape buffer, comprising native shrub and tree species, between the residential properties and the tanks. The depth of planting means that sufficient variation can be achieved to adequately mitigate the visual impact of the development without itself causing a nuisance through loss of light. Careful maintenance will be required to ensure that any planting remains at an acceptable level and itself does not cause nuisance.
- 7.34 Policy D3 of the Flintshire Unitary Development Plan seeks to secure appropriate landscaping within development and policy EM3 seek to ensure that employment uses do not have a significant adverse impact on residential or other amenity, while policy EWP 8 seeks to ensure that development does not detrimentally affect the amenity of neighbouring land users.

- 7.35 It is considered that the revised scheme offers a greater level of mitigation than the proposal as originally submitted. Whilst there would still be a visual impact resulting from the proposal, the landscaping proposed would mitigate this impact to an acceptable level.
- 7.36 In addition to the objections discussed above, the following objections were raised in relation to the impact of the proposal on residential amenity, including noise, odour, subsidence, and risk of explosion. Noise and odour are discussed in detail below. Concern was raised regarding subsidence because of the presence of disused mines in the area. Given the past potentially contaminative uses on the site, a condition is proposed to require further site investigation which will enable the identification of any risk posed by disused mines. In relation to any explosion risk, the applicant has proposed a flare which is intended to burn off any excess gas and prevent explosion. It should be noted that the facility would be regulated by the Environment Agency Wales.
- 7.37 Noise
The anaerobic digestion facility would operate on a 24 hour basis, although vehicle movements and the acceptance of waste would only occur during the proposed operating hours and during an emergency. The applicant has sought to locate the noisiest elements of the proposal as far from the residential properties as possible within the confines of the site. The applicant submitted a noise assessment in support of the application. The assessment identified that background noise levels at the site are relatively high. Technical Advice Note 11: Noise, provides guidance as to when noise should be a determining factor. The noise assessment shows that noise levels would have a combined daytime noise rating level of 32.5dB LA_{eq,1hr}, which is less than the lowest measured background noise levels at the site of 39.4dB LA₉₀ and night time noise rating level of 33.4dB LA_{eq1hr}, which is less than the lowest measured night time background noise level of 33.7 dB LA₉₀.
- 7.38 Objections were received from the residents of the adjacent residential properties in relation to noise, particularly as the plant will operate on a 24/7 basis. Concern was raised about the assessment undertaken in support of the application and the precise location of the monitoring points.
- 7.39 Environment Agency Wales raised no objection to the proposal on the basis of noise. The Environmental Health Officer did not object to the proposal on the basis of noise and concluded that noise emissions would not impinge upon the amenity of nearby receptors. The Environmental Health Officer also advised that the assessment undertaken was in line with British Standard BS4142: 1997: Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas and was therefore sufficient to enable a decision to be made on

the planning application. The Environmental Health Officer advised that the use of an appropriate noise barrier, in excess of 2m, would help minimise any effect of noise from the plant. The use of a solid barrier in excess of 2m is considered undesirable from a visual perspective given the proximity of the residential properties. A more appropriate barrier, from a visual perspective, is considered to be a wooded wedge, comprising native shrub and tree species. Given that the noise assessment concludes noise levels would remain below background noise levels at all times, it is considered unnecessary and from a visual perspective undesirable, to require a solid barrier between the proposal and the adjacent residential properties. The use of an appropriate condition can ensure that the development does not cause nuisance because of noise. Furthermore, the facility would need to obtain an Environmental Permit in order to operate which would control noise.

7.40 Subject to a condition to address the points raised above, the proposal is considered in accordance with policy GEN1 and EWP8 of the Flintshire Unitary Development Plan.

7.41 Odour

The site is intended to accept and manage biodegradable wastes, including liquid wastes. The management of biodegradable waste has the potential to give rise to nuisance caused by malodours. Anaerobic digestion is a technology which can actually help reduce the release of odours during the management of biodegradable waste.

Nevertheless, consideration of odour is of importance given the proximity of the proposal site to sensitive receptors. There is the potential for the release of odours at the delivery stage and under abnormal operating conditions, i.e. during failure of the plant.

7.42 The applicant submitted an odour assessment in support of the application. The applicant proposes a number of measures to minimise the release of odours, including the use enclosed vehicles for the delivery of waste material to the site and restricting the deposit of waste material to within the waste reception building. The building will operate under negative pressure and a biofilter used. Measures to control odour would also be required through the Environmental Permit.

7.43 Objections were received in relation to the impact of odour on the adjacent residential properties and nearby commercial premises. Concern was raised regarding the potential for release of odours when the reception building doors are opened, during a failure of the plant and from the rainwater catchment area.

7.44 Environment Agency Wales and the Environmental Health Officer do not object to the proposal on the basis of odour. It is considered that odour is only likely to become an issue during a failure of the plant as the odour abatement measures should prevent the release of

malodours. It is considered that measures to ensure that waste management activities only take place while odour abatement measures are effective can be secured through condition which will help minimise the release of odours in the event of a failure. In addition, it is considered necessary to secure, by condition, the use of enclosed vehicles for the delivery of waste, and to prevent the storage of waste material in the open air.

- 7.45 Subject to the inclusion of conditions to address the points raised above, the proposal is considered broadly in line with policy GEN1 and EWP8 of the Flintshire UDP.
- 7.46 Air quality, including dust and bio-aerosols
The handling of biodegradable waste and treatment of such waste using microscopic organisms has the potential to produce bio-aerosols (spores, bacteria, fungi, pathogens) which, if not managed, can become airborne with a potential health risk. However, bio-aerosol risks are generally associated with processes that are open to the air and mechanically disturbed, and in this instance the proposed treatment process is fully enclosed, so that the feedstock and anaerobic digestion process are not exposed to the air to release bio-aerosols.
- 7.47 It is acknowledged that human error, leaks, or a systems failure has the potential to cause releases, but such occasions are likely to be infrequent, and of limited magnitude or duration. Further assessment of the suitability of the process at this site would be carried out by the Environment Agency Wales at the Environmental Permit application stage, but the Agency has not objected to the planning proposal. It is considered at this stage of the multi stage planning and permitting process that the low risk of releasing bio-aerosols minimises adverse health risks to an acceptable level.
- 7.48 In addition to the release of bio-aerosols, the proposed development has the potential to release gases into the atmosphere from the stack. The applicant has submitted a detailed air quality assessment in support of the application which concluded that predicted concentrations of all pollutants were below the relevant standards and impacts on sensitive receptors are not considered to be significant. In relation to ecological designations within 10km of the proposal site, relevant standards were predicted to be exceeded but are not predicted to cause significant effects at any location. It should be noted that the Environmental Permit would address air quality issues.
- 7.49 Measures to control air quality, including the release of odours, bio-aerosols and gases, would also help to reduce levels of dust within the site. The process is largely sealed and gas tight, which reduces the potential for dust to be released. The applicant proposes to control dust by spraying down vehicles entering the building and regularly cleaning areas which may give rise to dust. It should be noted that the

Environmental Permit would control dust within the site. It is therefore considered that measures to control dust will only therefore be required during the construction phase of the development.

7.50 The use of conditions to ensure that waste is not handled or stored in the open air and to ensure that vehicles delivering and removing waste are sealed will help prevent waste material becoming airborne.

7.51 Subject to the inclusion of a condition to address the points raised above, the proposal is considered in accordance with policies GEN1 and EWP8 of the Flintshire Unitary Development Plan.

7.52 Biodiversity / conservation issues

The site is located less than 500m from the River Dee within a predominantly industrial area. The applicant submitted an air quality assessment in support of the application which considered the impact of the proposal on nearby ecological receptors, including the Dee Estuary, and the River Dee and Bala Lake SAC. Dispersion modelling of a number of pollutants was undertaken and predicted concentrations of all pollutants were not predicted to cause significant impacts at any location. It is important to note that the detailed modelling undertaken will be considered in detail as part of the Environmental Permitting application. No objections were received from statutory consultees with respect to the impact on biodiversity or sites of nature conservation value. An Assessment of Likely Significant Effect on a European Site was undertaken and the conclusion drawn that the proposal would not have a significant impact on a European site as it would be regulated by the Environment Agency via an Environmental Permit which would ensure the proposal does not have a detrimental impact on European site.

7.53 Environmental Impact Assessment

The proposal has been screened for the need to prepare an EIA. The proposed development falls within Schedule 2, however, the volume of waste material to be dealt with on an annual basis falls below the threshold identified within Circular 11/99 of 50,000 tonnes per annum and the nature of the surrounding area, which is predominantly industrial. There is a low potential to generate significant off-site emissions to air or water, together with a low probability of consequential impact on any environmentally sensitive areas. The effects of the project are considered to be low magnitude and localised in nature, reversible and subject to a high degree of control.

7.54 Drainage

In response to the publicity on this application it was brought to the attention of the local planning authority that there are foul sewers which cross the application site which serve numbers 6 and 7 Factory Road. Since a change in legislation, the sewers are now the responsibility of Welsh Water. At the time of writing this report, Welsh Water is in the process of ascertaining the precise location of the

pipes. Where pipes are present it will be necessary to ensure they can be accessed at all times, or where this is not possible, diverted and the cost borne by the developer.

7.55 It is considered probable that the sewerage pipes can be diverted if Welsh Water considers it necessary to do so. In order to ensure that any pipes within the site are given adequate protection it is considered necessary to include a condition securing their protection.

7.56 Highways

Factory Road is an unclassified road which serves the wider industrial estate. The road is accessed via Station Road to the east and Chemistry Lane to the north west, although the access from Chemistry Lane is restricted by a height limit which prevents access via Heavy Goods Vehicles. The main access to the site will be via the existing access to the western part of the site. An access gate within the bunding to the eastern part of the site is proposed to allow maintenance vehicles to access the tanks. In order to accommodate the additional landscaping between the residential properties and the proposal site the applicant has proposed to move the bund gate to the west. At the time of writing the report, feedback had not been received from the highways officer regarding the revisions to the scheme. Subject to no objection from the highways officer in relation to the revised maintenance access, the proposal is considered acceptable and in accordance with policy AC13 of the Flintshire Unitary Development Plan.

8.00 CONCLUSION

8.01 The proposal is located within an area designated for employment uses and is in line with nation policy objectives to reduce current reliance upon landfill and the generation of green energy. The applicant has an existing business which this proposal seeks to secure the future of. The principle of the proposal is in line with national and local policy and the question is therefore the suitability of the proposed location for the use.

8.02 Factory Road is located within a principal employment area, within which employment uses, including B1, B2 and B8 will be permitted subject to a number of tests to ensure the detail of the proposal is acceptable.

8.03 There are two residential properties, numbers 6 and 7 Factory Road, directly adjacent to the proposal site and the suitability of the proposal has been carefully considered in relation to these properties. The proposal has the potential to have a detrimental impact on residential amenity which the applicant has sought to mitigate through the layout, landscaping and odour and noise abatement measures. On balance, whilst there will be residual impacts on residential amenity, these can

be mitigated to an acceptable level by the imposition of appropriate conditions. Taking into account the designation of the site for employment uses, and the national support for anaerobic digestion as both a method of diverting biodegradable waste from landfill and for generating renewable energy.

- 8.04 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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