FLINTSHIRE COUNTY COUNCIL

REPORT TO:	**PLANNING COMMITTEE**
DATE:	**8TH NOVEMBER 2017**
REPORT BY:	**CHIEF OFFICER (PLANNING AND ENVIRONMENT)**
SUBJECT:	**FULL APPLICATION – DEMOLITION OF THE EXSTING CEMENT STORAGE AND LOADING FACILITIES AND THE ERECTION OF A NEW VERTICIAL ROLLER MILL (VRM), RAIL LOADING FACILITY AND MODIFICATION TO AND EXTENSION OF THE EXISTING RAILWAY LINE, TOGETHER WITH ANCILLARY DEVELOPMENT AT CASTLE CEMENT LTD, CHESTER ROAD, PADESWOOD.**
APPLICATION NUMBER:	**057343**
APPLICANT:	**CASTLE CEMENT LIMITED**
SITE:	**CASTLE CEMENT LTD, CHESTER ROAD, PADESWOOD.**
APPLICATION VALID DATE:	**31 JULY 2017**
LOCAL MEMBERS:	**BUCKLEY BISTRE EAST CLLR RICHARD JONES & CLLR ARNOLD WOOLLEY**
TOWN/COMMUNITY COUNCIL:	**BUCKLEY TOWN COUNCIL**
REASON FOR COMMITTEE:	**MAJOR DEVELOPMENT PROPOSAL AND REQUESTED BY WARD MEMBER**
SITE VISIT:	**YES**

1.00 SUMMARY

1.01 This is a full planning application for a new vertical roller mill to replace the existing aging ball mills at the Castle Cement Padeswood Works, to provide a modern energy efficient cement milling facility, together with associated site clearance and demolition of redundant structures, reconfiguration of the existing railway siding, and replacement rail loading infrastructure within the confines of the existing cement manufacturing works.

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

2.01
1. Commencement
2. In accordance with submitted plans
3. Construction management plan
4. Construction traffic management plan
5. Contaminated land-scheme (reports/remediation/ validation/verification and post-development monitoring)
6. Piling and foundations
7. Surface water drainage (scheme/verification)
8. Foul drainage
9. Dust – construction and commissioning stage
10. Noise – construction and commissioning stage
11. Lighting – no off site glare
12. Hours of working -construction and commissioning stage
13. House of working -operational
14. Biosecurity scheme
15. Statutory protected species reasonable avoidance measures
16. Wildlife management scheme
17. Landscaping/woodland management scheme
18. Tree safeguarding plan

3.00 CONSULTATIONS

3.01 Local Members

Cllr Arnold Woolley - Buckley Bistre East - No objections to the application being determined by delegated powers.

Cllr Richard Jones - Buckley Bistre East - At a meeting hosted by Hanson earlier this year pointed out that there did not appear to be any good reason to allow the possibility of both old mills and new mills to operate at the same time. It is my understanding that permit will allow for that, even though the applicant stated at the meeting that was not their intention. Requests clarification of this point.

Cllr David Williams - Penyffordd
Initial response: Many concerns have been expressed in the ward over noise pollution and allegations of dust emissions at night that have caused concern. Requires Committee determination and if approved there needs to be some very strict binding conditions attached and is in the process of compiling a detailed report that will be forwarded for future consideration. This report has been provided.

Second response: Intends to speak at Committee.

* I do not wish to stand in the way of investment that can secure employment for many years, but issues raised by concerned residents need to be addressed more effectively where concerns are addressed on demand.
* Concerns over allegations of a report being carried out over dust emissions where the report has not fully reported on some key details. This is an allegation that has been put to me that I am in the process of investigating.
* Concerns over dust clouds that tend to happen mainly at night as alleged by many residents.
* Concerns over noise pollution that currently exists and a fear of this being even worse with the new proposal. Assurance need to be given that this will not be the case.
* Condition included that demands increased noise monitoring and more transparent revealing of results where residents can have immediate access to these results on demand.
* Condition included that demands increased pollution monitoring in the village by more independent means where residents can get instant access on demand to results.

Cindy Hinds Penyffordd – Raised a number of questions which have been raised by residents and observed that these issues will be dealt with in the Committee Report and at Planning Committee. As long as we do not have anything falling on the village that could mark our properties and vehicles and the mill will be good for the environment, I will agree.

Other adjacent wards
Cllr. Neville Phillips Buckley Bistre West - No comment to make.

Cllr. Ray Hughes Leeswood – Requests Committee determination.

Cllr. Hillary McGuill Argoed - No issues to raise.

Town/Community Council - Buckley Town Council – No observations to make.

Penyffordd Community Council – Being considered by PCC on 31.10.2017 and therefore will report comments in late observations.

Leeswood Community Council - No response to date.

Head of Enterprise and Regeneration - No comments to make.

Highways Development Control
No Objection. The capacity of the plant is governed by the kiln and there are no output restrictions imposed by existing planning consents. The proposed development does not increase the capacity of the plant and the transfer from road to rail has the potential to reduce daily HGV movements which is a highway benefit. The submitted figures indicate increased production from the plant and is claimed to be from increasing demand and not on the proposed development. The increased production has a corresponding increase in limestone deliveries to the site and it is noted that he county roads between the quarry at Gwernaffield and the plant are subject to high levels of HGVs movement resulting in excessive wear to the road surface. The operators should enter into a discussion with Streetscene maintenance managers. Recommend Condition C1 requiring a Construction Traffic Management Plan.

Head of Public Protection – No objection in principle. Three detailed responses relating to Noise, Air Quality and Contaminated Land.

Noise – The Noise Reports has used noise readings obtained from an identical mill and used these for modelling software for the Padeswood site. These calculated readings has been compared to previous noise readings undertaken between 2007 and 2013. This comparison shows that noise levels are predicted to not significantly alter. The report indicates that the new mill will increase noise levels by less than 1 dB at any nearby property. It is thought unlikely that the small increase in dB levels at some receptors, and any tonal characteristics from the mill will be discernible from the existing noise situation from Padeswood cement works.

With regard to the additional train movements these are minimal and will not affect the amenity of nearby residents. Rail traffic is excluded from the Statutory Nuisances provisions of the Environmental Protection Act 1990.

I therefore have no objections to this proposal in relation to noise.

Air Quality - The Air Quality Report assumes the worst case scenario for the operation of this proposed new facility and concludes that emissions will be slightly lower than the existing plant. However, it also says that the slight reduction will not be significant. Therefore, the overall position will be the same as present.

The report also says that the levels of particulates PM10 and PM2.5 are well below the air quality objectives. It seems that this conclusion

relies on data that was carried out by the Environment Agency over 10 years ago. Whilst it is appreciated that emissions from the cement works have reduced in recent years I would like to see an up to date survey carried out to include existing circumstances and an assessment of the proposed new plant. This I believe could provide a level of reassurance to the public.

With regard to potential dust emissions from the construction phase I can confirm that the proposed scheme of monitoring and control are adequate to minimise any emissions.

As at present the process will be the subject of an Environmental Permit issued and regulated by Natural Resources Wales.

I therefore have no objections to this proposal in relation to Air Quality.

Contaminated Land - The reports are factual reports and not interpretive reports.

Reference is made to human health risks in the Phase 2 report however, a Conceptual Site Model is not provided for consideration and so it is not clear which potential sources of contamination, potential risks and receptors have been considered (including information on how foundations and services will be constructed). This may be because the reports are factual and weren't intended or available as completed documents at the stage that they were submitted. However, I would need to have the interpretive report to consider in due course.

Whilst the information provided may allow me to produce a Conceptual Site Model and interpret the information myself (as I may for the Council's own projects), this isn't a service that we're able to provide because it would be a conflict of interest to do so and it is the developer's responsibility to demonstrate that land contamination will be addressed, that the site is suitable for use and that unacceptable risks to or as a result of the development have been identified/addressed.

Taking this into account, the information may be secured by a suitable condition imposed upon the planning permission if it is granted in this case and I would ask that a condition requiring the submission of interpretive reports and any remediation measures/validation/verification and post-development monitoring that may be necessary.

Drainage

The submitted surface water drainage Pro-Formas A and B contain a lot of information, some of which is unclear and some that is considered to be superfluous, which would not be relevant to Flood

Risk Management.

It appears the essence of the proposal is that there would be a free discharge from the proposed development, with attenuation being provided at the Works Lagoon to the south of the complex.

This raises the following issues for consideration.

Does the Works Lagoon have spare capacity to receive additional run off. If not, is it appropriate for the Works Lagoon to overspill or overspill more often than it might do now, onto the applicant's own land.

The applicant indicates the limiting capacity of the pipework between the proposed development and the Works Lagoon is 61 l/s. The 1 year maximum design flow rate from the proposed development alone would be about 30 l/s. Considering the large existing impermeable areas indicated to be contributing flows to the Works Lagoon, it is anticipated the pipework will already be overloaded and flooding would be expected to occur somewhere within the complex. The addition of a new discharge from the proposal of 30 l/s could only exacerbate this.

Options.

Allow the applicant to proceed as he proposes and accept any problem arising would probably only affect them within their own land.

Provide appropriate storage capacity close to the proposal with a discharge rate of say 5 l/s and/or

Confirm the capacity of the system between the proposed development and the Works Lagoon and upgrade the pipework as required.

Considering the area of the land available and expected resources of the company making the application, there should be plenty of scope and ability to implement a surface water drainage scheme that would be appropriate for the site should it be deemed necessary. This could be covered by a suitably worded condition in any Planning Permission granted.

Rights of Way

There are no recorded public rights of way crossing the area delineated red on the supplied drawing no. P103/48.

Landscape

The existing trees along the north east boundary of the site provide a low level screen for the existing development and will provide the same value of screening to the new development. The photomontages show that the Mill 5 and rail loading silo will be visible above the top of the existing trees but will not be prominent because

of its relatively small case and assimilation with the other factory buildings on the site.

Landscape and visual impact assessment (LVIA). The most obvious thing is that in 12 of the 13 viewpoints the effect of development (Significance of Effect) was assessed to be Minor, Negligible or None with only one, Viewpoint 5 stated as being Moderate because it is residential.

I tend to agree that the opportunities for screening with tree planting (5.7 of LVIA) are very limited. Where the adverse impacts are assessed as Minor or Negligible there is little justification. There is also limited scope for Viewpoint 5 where the effect is Moderate.

Unless the applicant is willing to explore planting outside the site boundary in the fields to the east there is very limited scope. Presumably this would need to be undertake unilaterally or under S106 because it is outside the site? It is my view that the scale of development does not justify this.

I would therefore not suggest including a landscape condition because in reality there is very limited scope to carry out one. Another option would be to require a woodland management plan for the shelter belt of trees along the north eastern boundary screening the site.

Trees
I do not consider it necessary that a BS5837 Tree Survey is required to support the application. This is because the built development is situated away from the trees which are predominantly outside the site and application boundary anyway, although from the google aerial photographs there are a few trees just inside. I am confident that none of the trees, which could conceivably be affected by the proposed development, are significant in amenity terms.

Recommends a condition to safeguard the trees along the north east boundary to include a plan showing trees to be removed and retained and methods of protection of the retained trees during development.

Ecology – The ecological assessment is satisfactory and a Great crested newt licence has been obtained and trapping has been undertaken. It would therefore be useful to have the GCN method statement and trapping results together with the Management plan for the enhancement of GCN aquatic and terrestrial habitats included as an addendum to the ecological assessment or as a stand-alone report.

Natural Resources Wales

No objection. Recommend that you should only grant planning permission if conditions covering the following. 1. Great crested newt reasonable avoidance measures; 2.Long term management plan and surveillance scheme of the application site and its environs; 3. Invasive species biosecurity risk assessment; 4.Contaminated land piling or other foundation designs using penetrative methods require written approval of the LPA which may be given if it is demonstrated that there is no unacceptable risk to groundwater.

Comments are also made on protected sites and great crested newt. The Air Quality Assessment clarifies that the standard of Environmental Assessment Level (EAL) for the protection of vegetation against which NO_2 emissions were measured in order to determine whether these are significant at the nearest designated sites to the development site. Can confirm that concerns detailed in response dated 04.07.2017 have been satisfied.

Protected landscapes - Due to the viewing distance and nature of the proposal we consider the proposed change to the established cement works will be imperceptible with no adverse effect on the AONB views.

Pollution prevention – The site is next to tributaries of the River Alyn, as designated Water Framework Directive waterbody. All works must be carried out in accordance with Guidance of Pollution Prevention GPPF5 Works and Maintenance in or| Near Water. There is a discharge point to a watercourse which connects with the River Alyn. The site falls within the Dee Water Protection Zone. Castle Cement has submitted a substantial permit variation application. The potential impact of the development will be assessed and will only be granted if NRW are satisfied that the requirements of the relevant legislation and technical standards will be met.

The Design and Access Statement makes reference to a construction management plan and NRW would wish to review this document when available. Guide GPP26 for the safe storage of drums and intermediate bulk containers would be relevant to the storage silos.
Any excavation material or building waste must be disposed of to sites which comply with relevant licensing or exemptions under the Environmental Permitting Regulations.

<u>The Coal Authority</u>
No Objection. Material Consideration. Parts of the application site fall within the defined Development High Risk Area. Coal Authority records indicate that within these parts of the application site and surrounding area there are coal mining features and hazards which should be considered as part of the development proposals. The general approach is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application. However, when

considering these particular proposal, the specific parts of the site where development is proposed fall outside of the Development High Risk Area. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application. An informative note is requested with the decision notice advising that the proposed development lies within a coal mining area which may contain unrecorded coal mining hazards, and to contact the Coal Authority immediately if any coal mining feature is encountered during development.

Airbus
No Objection. Tested against safeguarding criteria and the development does not conflict with aerodrome safeguarding criteria.

Welsh Water Dwr Cymru
Advise that advisory notes be included within consent to ensure no detriment to existing residents or the environment or Dwr Cymru's assets.

Wales and West Utilities
Standard response illustrating location of assets and requirements for any works which may affect such assets.

Network Rail No response to date.

Wrexham Bidston Rail Users Association
Welcome the proposal and increased use of the line.

Ramblers Association
No objection in principle but make a number of comments. Note the reason for the development and raise no objection in principle subject to appropriate conditions to safeguard local amenities, e.g., noise, dust. As for the effectiveness of previous works to the landscaping scheme be re-assessed and any failures made good. Welcome the principle of a modal shift form road to rail but have concerns relating to the impact of the improved rail siding on a path claim (FCC PRO ref: 53B/024) from Bannel Lane, over a level crossing and southwest towards Dyke Farm. The response continues with information relating to a footpath claim, and requests planning for a safe crossing and alignment, and notes the path is already obstructed by sidings and the passage of shunting trains.

4.00 PUBLICITY

Pre-application Consultation and Notification

4.01 This application was subject to the pre-application consultation procedures which applies to major development proposals and is carried out by the applicant prior to formal submission as a planning application. The applicant posted site notices, a press notice, and consulted with the key consultees, including all of the ward and

surrounding ward County Councillors and the Town Council and surrounding Community Councils. Public exhibitions were held and surrounding local residents were notified, and information leaflets distributed. A dedicated website was also hosted containing information and details relating to the proposal. A pre-application consultation report accompanies the planning application, and all of the requirements of the Development Management Order 2012 have been met.

Press Notice, Site Notice, Neighbour Notification

4.02 Upon formal submission, the Council posted a site notice, a press notice and consulted all of the surrounding neighbouring properties to a distance of approximately 400 metres. 6 written representations have been received, 1 in support and 5 objecting.

4.03 The material planning matters raised include:

- Noise pollution.
- Increase in railway traffic.
- Properties within 1 mile with closed windows will have increased noise.
- Local wildlife and natural areas will be directly impacted.
- Direct impact on property from any increase in freight, loading and shunting and use of the railway line.
- Sound proofing against rail noise will be impossible and ineffective against rail vibration, nor will control be effective against external noise to be endured.
- Freight trains are significantly louder and more disturbing and already feel and hear the impact of these trains at the furthest part of the property. Castle Cement wish to increase the use of freight trains and will increase the noise impact.
- The new VRM increasing the production of clinker material, and will vastly increase visual and noise impact on property.
- Three new silos for storage will have a visual impact.
- Movement of stored material will increase volume of clinker /dust pollution at adjacent property and land.
- Field boundaries provide habitat and breeding ground for bats, hawks, owls, badgers foxes and various newts.
- Plant needing modernisation from the 1950s should have been modernised years ago. Grave concerns due to plant's historic record of environmental mishaps.
- Clinker dust is cause of concern and investigation.
- Property has been damaged by clinker dust, including all windows, furniture, cars, etc.
- Horses have skin burns whilst in fields opposite the cement site.
- Concern regarding personal health and risk to children and livestock.
- Modifications to the rail line have already been done prior to planning and thus not adhering to the planning rules and

regulations.

- Not invited to pre planning meetings or informed of planning and therefore Castle Cement are in breach and aware they are not following procedures.
- An environmental officer should be conducted.
- No results have been presented from Castle Cement after taking soil samples.
- Implore the planning department to look at new environmental investigation into the Cement Works and its practices regardless of their reports and lists of figures stating dust at its lowest levels.
- Request the Council makes its own investigations into the performance of the plant and environmental impacts before granting further permission to continue in the same vein.
- Flue emission to atmosphere – gas and particulates
- Release of particulates to atmosphere –factory activities
- Vehicular and Train transport – release of particulates to atmosphere by egress/ingress to the factory.
- Vehicular and Train transport – nuisance of noise by activity of egress and ingress to the factory.
- Proximity of Padeswood factory to human habitations.
- Hazards to human receptors arising from increased factory production.
- Consequential effect of mill 5 within the factory.
- Protects jobs.
- Reduces noise-new mill expected to be quieter as it is replacing current older mills and is located within a new building.
- Reduced HGV road traffic with the introduction of rail distribution.
- Efficiency and the positive reduction of energy use.
- Concern that old mills will be retained which raises concern that their use will give rise to increased noise from operation and import of clinker from other cement works to be milled at Padeswood.
- Use of old mills to avoid down time will mean no quiet periods.
- Frequency or periods of use of the old mills should be limited by condition to prevent routine use.
- Diesel trains will be running throughout the loading process and give noise and pollution and due to points configuration, will have to travel to Shotton to change line to travel south, meaning loaded trains pass through Penyffordd twice.
- Rail operation should be restricted at night.
- Lack of off-site dust monitoring.
- Should introduce permanent ambient dust and air pollution monitoring.

4.04 Other comments have been raised relating to emissions from the used of unknown fuels, dust releases as a result of maintenance and

operational failure, monitoring regime outside of the site, transparency of reporting and discrepancies in emissions reporting. These relate to the overall regulatory control of the existing cement works and are in the main are not material to this application, however comment on these matters will be made in the planning appraisal for clarification. Comments relating to impact on property value are not material considerations and have been discounted.

5.00 SITE HISTORY

5.01 The site has been manufacturing cement since the 1940s, and has been subject to in excess of 60 planning permissions. Those of most relevance are listed below, commencing with the principle permission for the site.

02947 Construction of new kiln line and associated plant, limestone store, fuel storage building, re-profiling of former licensed site and ancillary works (appeal ref APP/A6835/A/05/1194951).

031446 Erection of 8 storage silos to be used as a cement blending plant.

035076 Kiln 4 Development.

038835 Change of use from agriculture to disposal to cement kiln dust.

044238 Installation of a silo for the storage of meat and bonemeal.

052191 Approval of scheme of restoration reserved details on APP/A6835/A/05/1194951.

052205 Extend existing packing plan building, demolish part of existing building and erection of new replacement building.

052927 Erection of a solid recovered fuel reception facility.

055420 Erection of new building to extend existing warehouse, hardstanding, widening of internal roads and new entry and exit point.

057319 Prior notification of proposed demolition.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 New Development
STR2 Transport and Communications
STR3 Employment
STR7 Natural Environment

STR10 Resources
GEN1 General Requirements for Development
GEN3 Development in the Open Countryside
GEN5 Environmental Assessment
TWH1 Development Affecting Trees and Woodlands
TWH2 Protection of Hedgerows
D1 Design, Quality and Layout
D2 Design
D3 Landscaping
D4 Outdoor Lighting
L1 Landscape Character
WB1 Species Protection
AC2 Pedestrian Provision and Public Rights of Way
AC9 Provision of New Rail Freight Facilities
AC13 Access and Traffic Impact
AC15 Traffic Management
EM4 Location of Other Employment Development
EM5 Expansion of Existing Concerns
EM7 Bad Neighbour Industry
EWP2 Energy Efficiency in New Development
EWP12 Pollution
EWP13 Nuisance
EWP14 Derelict and Contaminated Land
EWP16 Water Resources
EWP17 Flood Risk

The policies above are the principle policies used to assess this application. Other policies of the Flintshire UDP not listed may be applicable in a minor context. The proposed development accords with the policies.

Other policies and guidance published by the Welsh Government, UK Government and accreditation bodies is applicable, and the construction and operation of the development proposal would accord with these. This includes but is not limited to:
Planning Policy Wales
TAN11 Noise
TAN 16 Flood Risk
TAN 5 Nature Conservation and Planning

7.00 PLANNING APPRAISAL

Introduction and reason for the development

7.01 The Castle Cement (part of Hanson UK and the Heidelberg Group) Padeswood Cement Works is a major manufacturing plant capable of producing up to 0.9 million tonnes per annum cement and cement clinker. The limiting factor is the throughput capacity of the kiln. The current kiln no.4 became operational in 2005 following grant of planning permission on appeal, replacing the earlier kilns, and the original kilns and chimneys have since been demolished and the site cleared. All of the kiln and calcination processes now taking place to produce cement clinker are using modern plant and infrastructure. However, this major investment did not address the subsequent milling processes to transform clinker into cement, which continued to take place within existing ball mills, some dating back to the 1970s and earlier.

7.02 These mills are now outdated and inefficient and their capacity is limited, meaning that a significant quantity of clinker is not milled at Padeswood and is instead transported within tanker HGVs to other mills, currently to Ketton, near Stamford, Rutland (close to Peterborough), and previously to Ribblesdale near Clitheroe, (north of Burnley) both well in excess of 100 miles away. This incurs an unnecessary high cost, and use of transportation resources making it an inefficient and unsustainable activity. Furthermore, the older mills do not meet the energy efficiency advantages of more modern mill designs.

7.03 This proposed development is to provide a modern clinker/cement grinding mill with a capacity of 0.65 million tonnes and associated replacement infrastructure to enable the milling capability of Padeswood works to be self-sufficient, and to provide a significant saving on operational costs and energy consumption, as well as avoiding unnecessary double handling and transportation costs. The investment will also upgrade and realign the existing railway siding and train loading facility, enabling an increased proportion of the manufacture cement to be transported out of the site by rail utilising modern automated rail tanker filling technology.

7.04 Energy consumption to produce cement is significant and the ability to mill 0.65 million tonnes per annum with an annual efficiency improvement of 30-50 % less electricity consumed is very significant. The older mills are also prone to increasing levels of maintenance outages, and the process control equipment and internal movement of the ground clinker and cement powders around the site to storage and loading facilities is prone to failures on account of the elderly design.

7.05 In the event that mills shut down for breakages or routine maintenance, this has a knock on effect of reducing the cement producing capacity of the works and an impact on the main kiln. Once

the clinker storage bunkers feeding a given mill(s) are full, the kiln has to operate at a reduced output or shut down to match the throughput. Kilns operate best in a constant steady state flow close to maximum design capacity, so lower throughputs or closures give rise to process control difficulties, and reduced efficiency, which increases the risk of breaches of environmental controls.

7.06 Shut downs of a kiln are very costly as a significant quantity of fuels and feedstock are wasted, and re-firing can take a week to attain operational temperature and achieve process stabilisation, and of course, total productive capacity is reduced. A mill shutdown of a matter of days can potentially cause a loss of production of a week or more. Shutdowns cause enormous temperature and pressure change stress and strain on the fabric of the kiln infrastructure which increases maintenance costs and likelihood of breakdowns. The proposed development will therefore offer secondary benefits of enabling the kiln to operate continuously for longer periods in stable conditions.

Site and Surroundings

7.07 The development site is located within the Castle Cement (Hanson Cement UK) Padeswood Cement Works (the works) which covers a developed area of approximately 80 hectares. The works are located off the A5118 highway which borders the northern part of the works, and at its closest, it is approximately 800 metres to the south of the southern edge of the settlement of Buckley on higher ground, and 400 metres to the west of the western edge of the settlement of Penyffordd and Penymynydd. The settlement of Padeswood is immediately north of the works, and forms it's frontage.

7.08 The works are set in open countryside in a rural agricultural setting with increasing urbanisation of the settlements to the north and east. The Bidston to Wrexham railway line runs north-south and borders the eastern boundary of the site. The southern boundary of the works is bordered by the disused Chester to Mold railway line. A small number of isolated dwellings and farmhouses are located around the site, the closest which are affected by the proposed mill 5 are to the east of the railway line.

7.09 The closest residential properties to the development site are in Padeswood Drive, 200 metres to the north of the temporary storage and assembly area and 300 metres from the proposed mill 5 and rail loading facility. Oak Farm and other residential properties located on the unmade southern part of Bannel Lane are located 350 to 400 metres east of the proposed mill 5 site and contractors compound.

7.09 The development site is brownfield land, partly occupied by a railway line and recently demolished silos and a rail loading gantry, and the contractor's compound and lay down areas are within land formerly occupied by older cement kilns since demolished, with semi cleared

tracts of ash and clinker, and rail sidings. Development in these locations accords with STR1 New Development which guides the locational criteria which includes suitable brownfield land, and may be developed where it is essential to have an open countryside location. It also accords with STR10 Resources by making use of brownfield land. The development is an expansion within an existing site, and meets the requirements of GEN 3 Development in the Open Countryside.

Description of the Development

The development area is 3.1 hectares and includes the following elements.

7.10

- Realigned and lengthened rail siding into the main cement works area to accommodate full rake trains.
- Replacement systems and gantry for automatic loading of trains with cement.
- Replacement covered conveyor system for internal movement of cement and feedstock clinker.
- New and replacement storage silos,
- New vertical roll mill to operationally replace aging ball mill number 3 and to mothball mill number 4, which will be retained to provide and meet peak milling demand and provide milling continuity and contingency for planned maintenance outages and unplanned breakdowns.
- Demolition and removal of existing redundant silos no. 7,8,9,10,11&12, a rail cabin and a series of gantries and feed pipes where these have not already been removed under permitted development provisions.
- Contractors compound area.
- Lay-down area for the storage and assembly of the new mill and ancillary development components.
- Landscaping works
- Site clearance and levelling works
- Piling and foundation works.

7.11 The development will include provision of services, surface water drainage, lighting, access surfacing, and building cladding to match the main kiln plant. The construction of the development will take approximately 50 weeks, with a subsequent period of commissioning to satisfy compliance with any revised Environmental Permit for the overall cement works

7.12 The main new development is the building which will house the vertical roll mill no.5. This building and plant will be one which has been operational at a site in Spain. Following the acquisition by Heidelberg of a major cement manufacturer in Spain, a restructuring of capacity saw a site closure and the opportunity arose for other sites to bid for the plant. Castle Cement won this bid for the relatively new milling complex for its Padeswood works and the plant is now disassembled and is currently at docks in Bilbao awaiting export to

the UK. This means that the operation, performance, energy consumption and operational characteristics of this plant is known.

7.13 The mill has elevations of 42 metres to the highest ridgeline, and 37 metres to the main ridgeline, and a flue stack terminating at 47 metres. The building has nominal dimensions of 24 metres wide and 58 metres long. This will connect with a rising covered conveyor to a rail loading facility which includes a bank of 3x1000 tonne capacity silos. The rail loading facility has nominal dimensions of 37 metres high, 28 metres long and 8 metres wide, though at the base to allow the passage of a train underneath the pneumatic pipeline riser configuration give a wider footprint.

7.14 The mill will be supplied clinker via a new gantry set supporting a run of covered conveyors exiting the existing building housing mill 4. Pneumatic pipe lines will be used to feed the 3 cement storage silos on the rail loading facility, and existing silos located to the west.

7.15 The development meets the requirements of STR3 Employment by allowing appropriate expansion of existing businesses and facilitates a diverse sustainable economy, by the investment in the cement works, which safeguards about 100 employees in a diverse range of highly skilled, technical, engineering, administrative and transport related jobs, and a host of indirect supporting and maintenance jobs, in addition to construction jobs whilst being built. It accords with EM5 Expansion of Existing Concerns and is in scale and keeping with the form of the existing development and accords with AC9 Provision of New Rail Freight Facilities.

Description of the Process

7.16 The proposed mill 5 will have a capacity of 95 tonnes per hour or 650,000 tonnes per annum. Clinker from the kiln and calciner will be fed from an existing storage bunker which feeds mill 4, which will be rendered redundant, via a new covered conveyor run to mill 5. The vertical roller mill design relies on a pair of hardened vertical steel rollers which are pressed down on to a flat rotating table, and the materials to be ground are fed from above to maintain a pressure ds which roll against each other with the material being ground introduced onto the table where the pressure between the roller and the table crushes the material.

7.17 A mill fan blows air which lifts the fine ground cement powder up and any larger particles fall back onto the table to be re-ground. The lifted powder is then put though an air classifier to produce cement to meet the requirements of customers, with oversize material being fed back to the roller mill. The resulting cement is captured by bag filters and transported to the discharge points and storage silos by pneumatic pipes. The air used for processing and cooling is cleaned by filters

and is exhausted via the stack.

7.18 The rail and road loading facility will have a capacity of 1700 tonnes and enable between 4000 to 5000 tonnes of cement to be transported by rail each week. The trains have a length of up to 350 metres, and both 2 and 4 wheel bogie wagons can be accommodated, and it is expected that 2-4 trains per week will be loaded, with each train taking up to 8 hrs to load. The existing rail link is currently used for the delivery of coal to the site, however the previous rail cement loading facility became obsolete when wagon designs altered, and it has been demolished to make space for the proposed development. Some 600 metres of new track will be laid and 445 metres of this will be realigned.

7.19 The proposed new mill fulfils the requirements of STR1 New Development and STR10 Resources by maximising the use of resources mineral resources which are located in Flintshire and used for the manufacture of cement.

Environmental Assessment

7.20 The development was screened negatively for Environmental Impact assessment on the basis that this is largely a replacement and that the risk of significant off-site impacts of more than local significance are very low. Nevertheless, a substantial amount of environmental information has been requested by the Council during the pre-planning advice stage (pre-dates the pre-application consultation stage) and the information provided meets the requirements of the Council in order to be able to assess the impacts and effects of the proposed development.

7.21 There are no statutory designations that are directly affected by the development, and indirect impacts arising from the proposed development on the Deeside and Buckley Newt Sites Special Area of Conservation and Buckley Claypits and Commons Site of Special Scientific Interest from the possible effects of air emissions are considered to be negligible.

7.22 The assessments cover air quality, landscape & visual impact, ecology, contaminated land, noise, transportation, health impact and drainage. This, together with the planning application supporting statement, design and access statement and pre-application consultation report provides sufficient information to assess the predicted impacts and controls, and make a sound and informed determination. The submissions and the development meets the objectives of Policy GEN5 Environmental Assessment.

Landscape and Visual Impact

In isolation the proposed structures and buildings are a significant scale, however, they must be assessed against the site context and

7.23 backdrop of a major cement works, with several very large mill, storage, and bagging buildings, workshops, offices, storage silos, the main kiln, preheater tower, calcination tower, exhaust and bag filter complexes in a built area covering 80 hectares and a wider landholding accommodating former cement works wastes, railway sidings, settling and attenuation ponds for controlling water discharges from the site, agricultural land and other land used for wildlife conservation. Against the backdrop of the bulk of these buildings and the 109 metre high main tower, the proposed development is in keeping and whilst it will be visible in varying degrees from a number of locations, mainly to the north of the site.

7.24 The applicant has undertaken a Landscape Visual Impact Assessment and has utilised Landmap to comparing existing and proposed conditions. The conclusion is that the existing impact of the works is moderate to high, and the predicted magnitude of the landscape effects is not greater than low. Natural Resources Wales have assessed the impact of the proposed development from protected and historic landscapes such as the Clwydian Range AONB and conclude that the impact is negligible.

7.25 The visual impact has been assessed and a number of photomontages illustrating the effects from different representative vantage points. The overall conclusion is that there of no significant visual effects because of the existing works complex, the value of the immediate landscape is of moderate value and of local importance, the development is divorced form adjacent land by physical tree barriers and fencing, and the brownfield setting gives minimal effect on topographic, vegetation or landscape features, many existing buildings are significantly larger and provides self-screening and does not affect the setting of sensitive, historic or cultural features.

7.26 This does not mean that there is no impact and at a very localised level, the greatest visual impact will be on residents located along the southern unmade section of Bannel Lane, such as Oak Farm and Springfield Cottage, will have a closer view of the steel clad buildings which are some 350 to 400 metres away. Against the backdrop of the wider cement works, the impact is considered to be acceptable as the deterioration of distant views is limited, there is no overlooking conflict as the buildings are unoccupied, and will not give rise to significant shading.

7.27 The development is located within the existing works boundary and is positioned and to be clad in a manner that harmonises a large building as well as may be expected against a backdrop of a heavy industrial cement works, but set in open countryside. The buildings have clean lines and detailing and are not over fussy, and are considered to accord with D1 Design Quality, Location and Layout, D2 Design and L1 Landscape Character.

Air Quality Dust and Particulates

7.28 The proposed development is adding a new mill which will provide the bulk of the continuous milling capacity. The more modern design and building enclosure, and new automated train loading facility and new covered clinker tube conveyor, together with new pneumatic feed lines to fill the proposed and existing silos represents a significant investment which will improve operational performance and reduce failure and breakdown rates. The improved building enclosures and new telemetry associated with process control provides additional safeguards to prevent or contain uncontrolled discharges of dust from failed components or human error, as process lines can be halted and shut off valves closed automatically. This means that the potential for releases of clinker or cement dust to the atmosphere will be reduced, and should give an opportunity for a reduction of the levels of general fugitive dust arising from spillages and a general improvement of site husbandry.

7.28 The proposed mill will only grind clinker and cement additives such as gypsum and limestone and is not associated with any combustion process. The purpose of the stack is for exhaust air which is drawn through the milling process and associated ventilation and filtration of dust and fine particles.

7.29 An air quality assessment has been undertaken and has assessed the construction and the operation of mill 5. The assessment includes a cumulative assessment of existing and additional emissions to the air from the new mill 5. The assessment focuses on dust/particulates associated with the physical milling of clinker to produce cement, and will include handling and storage activities.

7.30 A dust management plan will set out the controls and mitigation proposed for the construction phase. The initial site clearance and demolition, track in and earthworks is considered low risk, and the majority of the structures identified to be demolished have already been removed under permitted development rights.

7.31 The operational phase has been subject to a quantitative assessment of particle emissions from the cement works to assess the impact of mill 5 using US EPA AERMOD prime dispersion model and five years weather data from Hawarden from 2012 to 2016. Predicted ground level concentrations for PM10 and PM2.5 from low level sources at the cement works are compared with air quality objectives and existing air quality. PM10 to PM2.5 are the size that are most likely to impact on human health, and it is assumed that for a worst case assessment all the emissions fall in this size. In practice this is not the case, and larger sizes do not carry as far, are of less of a health concern and are deposited more locally as “nuisance” dust.

The maximum annual predicted mean and 24 hr mean ground level

concentrations of PM10s and PM2.5s would be substantially less
7.32 than the relevant air quality objective set for human health. Predicted concentrations at mill 5 would be less than existing emission sources, but this reduction in concentration is not significant. Fugitive emissions from mill 5 and associated facilities will be minimal as all transport and storage of cement will be covered or enclosed.

The assessment includes the effects of a reduction of 31 HGV lorries per day (62 movements) and an increase in rail of 175 trains (350
7.33 movements) per year or 1 movement per day. Construction traffic is also included. The effect of rail and road traffic negligible and has been screened out of the assessment. At sensitive human receptors the levels of NO_2 are negligible and at sensitive habitats the predicted mean annual concentrations are less than 1% of the critical level of 30ugm-3 and 24 hour mean levels are less than 10% of the critical level of 75ugm-3. The impact of NOx emissions on human health and habitats is negligible. The additional mill 5 will have no significant impact on local air quality.

With respect to carbon dioxide and nitrous oxides, and particulates associated with transportation it should be noted that the total
7.34 tonnage of clinker and cement transported out of the Padeswood site is technically unaltered. The only difference is that the export will be capable of being 100% cement in a mix of rail and road rather than the current mix of clinker and cement using road only. The consequential impact of transport related emissions in the local vicinity will be largely unaltered, though the switch to transport by rail will result in a net reduction, as the ratio of tonne miles per unit of fuel burnt is much greater for train transport compared with road haulage.

The benefits of the reduction of road haulage traffic may however be much more noticeable at notorious air quality hotspots beyond
7.35 Flintshire. Given that cement is a nationally traded commodity and can only be produced economically where the source limestone is located, there is a responsibility to ensure that the mode of transport to move it is as sustainable as possible, which includes minimising air emissions. Whilst we enjoy good air quality in Flintshire, it is not the case elsewhere along key strategic transportation routes. It follows that any reduction of HGVs passing through areas with poor air quality will in a small way improve matters, in particular along the M6 running through the urban areas of Birmingham, Wolverhampton and Walsall, as air quality objectives at those heavily populated locations are frequently exceeded.

In conclusion, the development will not contribute to an increase in emissions to air in the context of NOx, and fine particulates. Fugitive
7.36 dust emissions should be reduced with the operation of new plant. On this basis the proposal accords with policies STR1 New Development, STR7 Natural Environment, GEN1 General Requirements for Development, EM5 Expansion of Existing

Concerns, EM7 Bad Neighbour Industry, EWP12 and EWP 13 Nuisance with respect to air quality.

Noise

7.37 A noise assessment has been carried out to determine the impacts of operating new mill 5. Baseline data from 10 locations has been recorded between 2007 and 2013, and assessed against surveys taken in 2017 to assess the background noise with the works operational. Predictions on noise have been made using TAN11. Noise, BS 4142 and World Health Organisation (WHO) guidance. The introduction of mill 5 increases noise by less than1dB at all receptor locations. It is concluded that the tonal characteristics of mill 5 will be indiscernible from the existing situation. The highest predicted noise level from mill 5 is at Padeswood Drive at 45.8 dBA and the existing level with mills 1, 2, 3 and 4 is 45.7 dBA, a difference of 0.9dBA which is indistinguishable to the human ear. WHO guidance recommends a façade level of 45dBA, and at a few locations on Padeswood Drive this would not be met, however given the existing background is already in excess of this, the impact of mill 5 is of no consequence.

7.38 The reduction of HGV traffic of also of no significant consequence, and the noise from movements during train loading and additional movements to the main line will have little impact at the closest receptors. Construction noise is also predicted to be below the thresholds in BS5228 at the nearest sensitive receptors.

7.39 Some concern has been raised regarding the introduction of freight trains to move cement out of the site. The cement wagons are fully contained and sealed and are not suitable for loose shunting. Trains will enter by reversing into the sidings parallel with the main line site from the up line, and then be pulled forward into the site so that a single rake of wagons would be drawn underneath the automated discharge terminal by a locomotive. Once full and ready to leave, the train would reverse onto the sidings, before re-joining the up line.

7.40 Concerns have been made that the exit and entry of the train into the site involves the train waiting on the main line and upstream of the siding points, which places the train opposite Oak Farm and other properties at the Southern end of Bannel Lane. The concern is that the freight trains will cause noise and vibration. The timing of the entry and exit is under the control of Network Rail and not the developer. There are predicted to be only in the region of 4 trains a week, and there is only limited scope to increase this on account of the loading time, capacity of the discharge terminal, and availability of time slots to meet time-tabling requirements on the rail network. The older generation of diesel electric locomotives has largely been phased out and the newer classes are considerably quieter, and are

7.41 equipped with slow running gearing, meaning that trains are capable of being hauled at slow speed on little more than idling speed, and

the increased power output means that excessive engine revving is not necessary. Noise of trains on mainline railways are excluded form statutory nuisances provisions of the Environmental Protection Act.

7.42 Calls have also been made to limit the hours that freight may be loaded or enter and leave the site. Such conditions would fail the planning tests for conditions of being reasonable and necessary. The timetabling and signal waiting of trains is beyond the control of the developer and the predicted noise levels associated with the loading of trains is indiscernible above the background noise levels. Such control is not proportionate to the low frequency and intensity of freight traffic arising from the site.

7.43 On this basis that the development will not give rise to any significant increase in noise levels, it is considered that the proposal accords with policies STR1 New Development, STR7 Natural Environment, GEN1 General Requirements for Development, EM5 Expansion of Existing Concerns, EM7 Bad Neighbour Industry, EWP12 and EWP 13 Nuisance with respect to noise.

Transportation

7.44 A transport assessment has been carried out. There will be a significant shift away from road based HGV tanker traffic to rail. This will arise from the removal of road hauled clinker out of the site, and because of the improved milling capabilities, it will be possible to remove cement to distribution nodes at key strategic locations in Avonmouth, Glasgow and Kings Cross London as well as serving the regional market.

7.45 Scenarios have been run for growth in demand, and with the use of rail freight will result in an annual reduction of over 8000 two way HGV trips , or 31 per day, approximately 10 % of trips, and a consequential increase of 350 annual freight train movements (175 in, 175 out) or a nominal 4 trains per week. The highway is able to continue to accommodate the predicted level of HGV movements into and out of the site, and all local and national (UK and Welsh government) policy and guidance is encouraging heavy bulk materials to use the rail network rather than road.

7.46 The assessment has considered all vehicular movements to and from the site and whilst a 10 % reduction in HGVs may seem small, it must be remembered that more than 50 % of all of the movements are related to the delivery of raw materials, mainly from the Cefn Mawr Quarry, and other local sources of shale and silica materials. These will remain unaltered as a consequence of mill 5. If only the export of clinker and/or cement out of the site was considered, the percentage reduction of cement product carried by road would be much greater. This fully accords with policy AC9 Provision of New Rail Freight Facilities, and meets the requirements of AC13 Access and Traffic

Contaminated Land

7.47 A phase 1 and phase 1 contaminated land assessment has been carried out. The main consideration is the source, pathway receptor flow route which can affect water resources, either groundwater or surface water. The development gives an opportunity to remove or otherwise treat two sources of contamination, the railway tracks and an area of old raised ground which may be associated with historic disposal of demolition and process ash and clinker, and also form past coal mining, as the site is the location of the former Bannel Colliery.

7.48 The contaminants associated with these sources are typically creosote, tars and bitumen associated with old wooden sleepers, coal, ashes, oils and diesel spills associated with steam trains and older diesel locomotives and coal spillages associated with coal deliveries to the site) and those associated with coal, ash and clinker. Standard sampling and testing for metals, volatile organics, poly-aromatic hydrocarbons, phenols and petroleum hydrocarbons was undertaken. A further suite of testing was undertaken for alkalinity, total carbon, antimony, chloride, fluoride sulphate and asbestos.

7.49 Human health impact screening was carried out and the samples did not exceed the screening criteria and therefore are not a risk to site users. A controlled waters risk assessment concludes that soils do not present a risk to controlled waters and therefore the materials are considered appropriate for re-use on the site. This meets the requirements of EWP12 Pollution and WP14 Derelict and Contaminated Land which requires pollution to be controlled and contaminants to be managed, and to ensure that no residual risk remains on site for future receptors.

Ecology

7.50 The site is within a previously developed area and is brownfield land. The proposed contactors compound and the lay down and assembly areas are in land previously occupied by rail sidings, former cement kilns and general ash and clinker disposal. Much of the land is barren, and some is recolonised with immature scrubby growth. The wider cement works has a policy of manging and enhancing wildlife areas in non-operational land and supports a range of wildlife and habitats. The land in question has limited ecological value, but could host great crested newt, reptiles and bats.

7.51 A wildlife licence was obtained earlier in the year to allow the capture and clearance of great crested newt from the site, and as such the risk to the population, range and integrity of the species form re-developing the land is minimal. There is sufficient alternative land holding and suitable habitat to ensure that no significant adverse impact will occur to the overall population. Surveys were also undertaken for other protected species. The ecological assessments,

wildlife method statements all indicate that there will be no adverse impact on wildlife interests, and bats will continue to be able to use the woodland barrier which is to be retained. Lighting will be carefully positioned and controlled by condition. Conditions will also be applied for a wildlife management plan and continuation of reasonable avoidance to minimise harm to protected species and assist improving the habitats outside of the development site.

7.52 The presence of great crested newt can also have an impact on the wider Deeside and Buckley Newt Sites Special Areas of Conservation and Buckley Claypits and Commons Site of Special Scientific Interest, which are subject to the Habitats and Species Regulations 2010, Countryside Act 1981 and the Countryside and Rights of Way Act 2000. Assessments conclude that the exclusion of statutory protected species nor the impact of air pollution will have any discernible impact on these National and European designations which are located 1.5 km distant. As such, a test of likely significance is not required to be carried out and no derogation is necessary. This accords with policies WB1 Species Protection and WB3 Statutory Sites of National Interest, and other policies relating to wildlife WB4, WB5 and WB6.

Trees

7.53 Few trees of any note will be required to be removed, and the existing belt of trees running along the north eastern boundary of the proposed development site, and which follows a watercourse set in a small ravine, will be retained. The wooded belt will continue to provide wildlife corridors and habitat continuity, and fulfil a degree of low level natural screening.

7.54 A condition will be applied to safeguard the tree belt, identify any trees to be removed and those to be retained and a management plan setting out protection measures. A landscaping plan will explore where within land in the control of the applicant additional hedgerow and tree planting can be achieved to thicken up the existing tree belt of hedgerows to the east of the development to assist softening the visual impact of the site from areas looking in over the north eastern quadrant of the site and provide further enhancement of woodlands and hedgerows. This meets the requirements of THW1 Development Affecting Trees and Woodlands and THW2 Protection of Hedgerows.

Drainage

7.55 A site drainage assessment following the Councils standard supplementary planning guidance pro-forma was provided. It sets out how surface water on the development site will be managed. Surface water will be collected from impervious areas and fed into the existing site drainage infrastructure where it is fed to a large storm balancing and sediment settling lagoon and discharged to the local watercourse at a controlled rate.

The majority of the land will remain as open and allow natural percolation of surface water into the ground, however, questions have
7.56 been raised relating to the capacity of the existing pipework and balancing pond, to accommodate the additional flows from the impervious areas of the development, which could potentially cause localised on-site flooding or pond overtopping during storm conditions. This would primarily affect the applicant's own land.

During the construction stage, a construction site management plan will include details of surface water management to contain and
7.57 control silt laden water, and prevent contaminants arising from groundworks and construction assembly, or fuels and oils, from entering the on-site drainage or natural watercourses.

A condition will be imposed to investigate the capacity of the pipework, and to provide alternative solutions or upgrades where
7.58 demonstrated to be necessary. There is no shortage of available land within the applicant's landholding to provide solutions to any on site water management issues, should they arise. This is not considered to place land or watercourses outside of the applicant's ownership at risk of flooding, and is largely an internal water management issue. It is considered that the flood risk and water resources protection objectives of policies EW16 Water Resources and GEN 1 General Requirements for Development can be fulfilled.

Health Impact Assessment

A review of the Health Impact Assessment undertaken by Public Health Wales (PHW) has been carried out in the context of any
7.59 changes or impact to human health as a consequence of the proposed development. The PHW review found no evidence of adverse physical health effects, it acknowledged that although gaseous and particulate emissions have the potential to cause harm, the level of risk is minimal, and the health of people living near the cement works was generally as good as or better than those living elsewhere in Wales. Whilst there are occasional breaches, the concentration of these emission periods remained well below health based thresholds and the risk to the local community was considered to be very low.

The proposed development does not introduce any new processes and the more modern milling and loading plant will give rise to
7.60 improvements which should bring about a reduction in point and fugitive sources of fine dust, including dust free loading of trains, the removal of 31 HGV movements per day, better process control, break/drop free conveyor runs, new pneumatic pipework and improved dust capture and filtration. Emissions to air will be regulated by Natural Resources Wales and a permit variation will be required to update management plans for dust and noise, set out changes, and detail how compliance with requisite controls will be achieved. The proposal meets the objectives of STR1 New Development, GEN1

General Requirements for Development, EM7 Bad neighbour Industry and EPW12 Pollution which require that public health is not compromised.

Monitoring and Regulation

7.61 A number of comments and queries have been made regarding the on-site and off-site monitoring of noise and in particular, dust and other emissions from the works. The proposed development is not introducing a new process, instead it is adding a modern replacement for the base load and the retention of the older mills to potentially provide for mill 5 breakdown and planned maintenance contingencies and also to provide short term increases to milling capacity to match the maximum output of the kiln. It will enable all the clinker produced on the site to be milled at source, instead of being transported out of the site for milling elsewhere. In the event that an older mill is used, it will be mill 3, and it is highly unlikely that mills 1&2 would be brought into service. The proposal should bring about an improvement in environmental performance at the site. All the mills used would still have to meet the permit requirements.

7.62 The new development will require a variation of the Environmental Permit for the site, as well as a planning permission, and the permitting regime is a separate regulatory regime under the auspices of Natural Resources Wales. Government advice and court decisions all advise regulators not to attempt to substitute their own controls where these are the responsibility of another regulator. Any such attempt to impose controls which are the function of another regulator are open to challenge.

7.63 In some instances there is a degree of overlap between the planning and the permitting regime, however, in the instance of Padeswood cement works, the permit covers the entirety of the works and all processes as it is a major installation. Calls for additional monitoring or permanent off -site monitoring need to be directed for consideration by Natural Resources Wales, not the Planning Authority.

7.64 The permit requires continuous improvement, and it is noted that there has been a reduction in both noise levels from the site and the intensity of dust releases, and particularly in the past few years, leading to a reduction in complaints made to NRW and the cement works. There have and continue to be episodes of breakdowns, maintenance failures, human error, which lead to localised nuisance dust, but this is reducing and the works are generally well managed. The proposed development would seek to improve the management and containment of dust within the site and the added investment security safeguarding the future of the site will enable the site to attract the necessary maintenance funding, and will also raise staffing morale which can have positive benefits in individual attitudes and responsibility towards site controls.

Natural Resources Wales has, on a number of occasions explained why off site ambient air monitoring is no longer justified or necessary.

7.65 It is probably the release of 'nuisance' fugitive dust which periodically affects the immediate locality which residents consider needs to be monitored, and this can be taken up with the site management and Natural Resources Wales. Major failures should be rapidly controlled and shut down by telemetry and sensors on site, and off-site monitoring would provide no additional control or safeguard in these instances, however, it would pick up persistent and intermittent windblown fugitive dust (spillages, ripped cement bags, etc., caused by human error or unforeseen events) which is not monitored by telemetry and sensors.

There is also an allegation that dust and emission are released at night. There is no plausible logic for this because the cement

7.66 manufacturing process is a continuous 24 hour operation and there is no operational difference between day and night. There would be less materials handling and loading at night. It is possible that people notice dust on windows and cars in the morning because dew and condensation formed at night is more likely to capture any dust, which during the daytime is more likely to be dry and dust is not captures.

Logs of site monitoring compliance visits have also been presented by concerned parties, with allegations that reports are inconsistent.

7.67 The circumstances and operational performance at each site inspection and the extent of compliance with permit conditions will vary. The inspections carried out by Natural Resources Wales are scored, and the lower the score, the better the performance. It would be astonishing for a major cement site to achieve consistent perfect compliance, due to the scale and complexity of the processes, and in general the scores are good.

In recent years the staffing levels have increased which has helped improve performance as problems are more likely to be detected and

7.68 maintenance carried out. Where there are persistent shortcomings of compliance, improvement notices have and will continue to be issued and if not actioned, breach of permit enforcement notices are served. Such actions, and positive working with the site management, has improved the noise and the dust performance of the overall works.

7.69 To summarise, it is unnecessary and inappropriate for the planning regime to impose site monitoring controls to the cement works.

8.00 CONCLUSION

8.01 The development will provide for modern milling capability and enable all of the clinker output of the kiln to be milled on site, negating unnecessary double handling of clinker which is removed from the site to be milled elsewhere. It will also enable up to 5000 tonnes of cement to be exported out of the site by train, reducing long distance HGV lorry movements by 31 per day. There are no significant additional impacts as a result of the proposed development over and above those already associated with a major cement works, and these can be managed and controlled by planning conditions, or will be controlled by the Environmental Permit for the site regulated by Natural Resources Wales. This is a major investment which will safeguard employment and manufacturing capacity of this plant in Flintshire. Recommend that planning permission is **approved** with conditions attached.

Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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