

FLINTSHIRE COUNTY COUNCIL

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

DATE: **23 JULY 2014**

REPORT BY: **CHIEF OFFICER (PLANNING & ENVIRONMENT)**

SUBJECT: **FULL APPLICATION FOR A COMBINED HEAT AND POWER BIOMASS PLANT**

APPLICATION NUMBER: **051924**

APPLICANT: **WARWICK INTERNATIONAL LIMITED**

SITE: **WARWICK INTERNATIONAL LIMITED, DOCK ROAD, MOSTYN, HOLYWELL, CH8 9HE**

APPLICATION VALID DATE: **01/04/2014**

LOCAL MEMBERS: **NONE**

TOWN/COMMUNITY COUNCIL: **MOSTYN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **NEW NON-RESIDENTIAL DEVELOPMENT WHICH EXCEEDS 15 METRES IN HEIGHT (BUILDING; 15 METRES HIGH AND STACK; 35 METRES)**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 Warwick International is seeking full permission to build a new 8.5 MW combined heat and power (CHP) plant to replace the existing steam generating gas-fired boilers with a steam-and-electricity producing burning plant which would use clean imported biomass as its fuel as opposed to their existing gas fired boilers. The planning application is accompanied by an Environmental Statement. Whilst the majority of the steam and electricity would be used by Warwick International, any surplus electricity would be exported to the grid.
- 1.02 The application site comprises of an area of hard standing 75m x 90m, the building would be 55m x 70m with a stack of 35 metres high.

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

- 2.01 Conditions to include:-
1. Commencement
 2. Approved Documents
 3. Retention of documents on site
 4. Life of the development 25 years
 5. Highways
 6. Plan showing visibility splays
 7. Construction Traffic Management Plan
 8. Access layout
 9. Site investigation works
 10. Implementation of site investigation works including coal issues
 11. Any remedial works for coal stability should it be necessary
 12. Drainage to protect railway
 13. Wood waste only Grade A-C and biomass fuel
 14. Materials of building to be agreed
 15. Chimney Stack height no greater than 35m
 16. Risk Assessment for Piling
 17. Contaminated land scheme
 18. Construction/Decommissioning noise limits
 19. Construction/Decommissioning Environmental Management Plan including noise and dust management/mitigation
 20. Ecological Mitigation
 21. Night time noise Limits
 22. Lighting scheme
 23. Landscaping scheme; include gorse hedge on northern boundary
 24. Standard aftercare of landscaping
 25. Fencing details
 26. Temporary acoustic fencing on the northern boundary
 27. No waste/biomass fuel stored outside
 28. Waste/biomass fuel to be delivered in enclosed containers
 29. Construction/Decommissioning hours of operation
 30. Delivery hours of operation
 31. Permanent closure of access Gate 1
 32. Visibility splay specification and maintenance
 33. Drainage
 34. Maintenance of boundary fence
 35. Liaison committee
 36. Decommissioning
 37. Restoration for the site
 38. Minimum height of the development 7.4m AOD
 39. Details of sea defence wall extending around the building
 40. Drawings of 'pits' within the building
 41. Bollards to be constructed around the perimeter of the site
 42. Flood Action Plan
 43. Pedestrian Access Route constructed at a minimum of 7.4m AOD

3.00 CONSULTATIONS

- 3.01 *Local Member* – Currently, Mostyn does not have a Local Member.
- 3.02 *Town/Community Council* – Mostyn Community Council have objected to the proposal for the following grounds:-
- i. The Community Council support the petition which opposes the application;
 - ii. The 30% level of plastic which is allowed in each load and the subsequent effect on the environment when processed;
 - iii. The contents of the load are not checked on site and therefore there is no guarantee of only clean wood being processed;
 - iv. Impact on the residents of Wirral View;
 - v. Concerns regarding level of carbon emissions from the site because in other areas such as Norfolk, carbon credits have been removed by the Government for this type of process;
 - vi. Concerns regarding the supply of clean wood. Recent press reports indicate Kronospan in Chirk who have a biomass system are in financial difficulties because of the increased cost of clean wood and the withdrawal of subsidy. The Community Council suggests that it would be difficult for the planning authority to resist a request to change fuel if the long term future of the plant was in jeopardy because of the difficult with wood supply;
 - vii. Concerns about the cumulative effect on the highway network. This application will generate a daily increase in large vehicles travelling through the area. The A548 is a busy road with access to the site not particularly good. There have been two major planning applications recently allowed, on appeal, and the Community Council has registered its concerns at the effect these will have on the road network. Despite warnings, some lorries still try to access the A548 from the A55 and have blocked roads in the community on numerous occasions.
- 3.03 The Community Council also feel that it is important to register these objections as the area does not have an elected representative at County Council level at the moment. The Community Council also acknowledges the willingness of the applicant and its agents to attend a meeting of the Community Council and organise a public exhibition.
- 3.04 *Head of Assets and Transportation* – has no objection to the proposal subject to conditions in relation to the submission of a construction traffic management plan, provision of adequate visibility splays, and the submission of detailed siting, layout and design of the means of access to ensure that simultaneous two way vehicle movements can be achieved when accessing and egressing the site.
- 3.05 *Head of Public Protection* – does not object to the proposal subject to conditions in relation to construction/decommissioning hours of operation and the submission of dust and noise management plans.

- 3.06 *Public Rights of Way* – There are no affected public footpaths or Bridleways in the immediate vicinity of the site so there are no observations to make.
- 3.07 *Regional Emergency Planning Manager* - Warwick International Limited have an evacuation plan for the site. It is considered that the addition of this proposal on site would not pose any further risk.
- 3.08 *Welsh Water/Dŵr Cymru* – requests that should planning permission be granted that conditions and advisory notes are included within the development consent to ensure that there would be no detriment to existing residents or the environment and to Dŵr Cymru/Welsh Water's assets. Suggested conditions and an advisory note relating to ensuring that land drainage run-off, surface water and foul water do not drain into the public sewerage system.
- 3.09 *Natural Resources Wales* – does not object to the proposal subject to conditions in relation to Flood Risk and ecological mitigation.
- 3.10 *The Coal Authority* – does not object to the proposal subject to the imposition of conditions in relation to intrusive site investigation works prior to the commencement of development to establish the exact situation regarding the coal mining legacy issues on the site. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.
- 3.11 The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system and meets the requirements of Planning Policy Wales in demonstrating that the application site is, or can be made, safe and stable for the proposed development.
- 3.12 *Airbus* – There are no aerodrome safeguarding objections to the proposal. The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. This location is outside the 15km safeguarding consultation area.
- 3.13 *Clwyd and Powys Archaeological Trust* – There are no archaeological implications for the proposed development at this location.
- 3.14 *Health and Safety Executive* - does not advise, on safety grounds, against the granting of planning permission in this case.
- 3.15 *Sustrans* – No comments received.

- 3.16 *Network Rail* - The proposal is adjacent to a section of Network Rail land and lies in close proximity to the operational railway. Therefore, whilst Network Rail has no objection in principle to the proposal, they have submitted comments and suggested conditions and informatives to ensure that the works on site do not impact upon the safety, operation or integrity of the railway.
- 3.17 *Port of Mostyn* – object to the proposal as the plans present the potential for congestion on the Dock Road which could cause an obstruction and congestion to traffic travelling to and from the Port. The layout shows space for only two HGVs to wait before entering the site. As a result of this design, it is likely that HGVs will be forced to queue out of the site and onto the roadway and probably even back to the traffic controlled overbridge. Local experience is that due to the traffic lights at the junction of the A548 and the Dock Road that there is traffic ‘bunching’ at certain times of the day. This congestion would be exacerbated if the access along the Dock Road is obstructed by a third vehicle waiting to enter the proposed biomass plant. The Port of Mostyn also have expressed concerns that vehicles leaving the site would encroach into the oncoming traffic lane, thus creating further potential to obstruct incoming vehicles. They have suggested that the entrance should be widened so that vehicles exiting the site would not need to cross the centre line of the carriageway, and that space within the site should be utilised to enable more vehicles to queue within the site to avoid congestion and obstruction.
- 3.18 *Liverpool John Lennon Airport* – No comments received.
- 3.19 *Mostyn Rain (Residents Against Incineration)* – object to the proposal on the grounds that it represents an irretrievable harm to the welfare and interests of the local community. They consider the site to be an inappropriate location due to proximity to residential development. They believe that the nature and processes involved with the proposed incinerator are not in the interests of the safety and amenity of the area. They are not satisfied that the infrastructure, especially the highways aspects, as advised in the accompanying application evidence are properly appreciated, and that they could materially damage the local highways provision in the area. They are concerned about the health and safety impacts, and that the geology and flood risks have not been appropriately taken into account.
- 3.20 *North Wales Fire and Rescue Service* – No comments received.

4.00 PUBLICITY

- 4.01 This application was advertised by way of press notice, site notices and neighbour notification letters were dispatched to nearest residential receptors. The application was advertised in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 on 3 April 2014.

- 4.02 During the consideration of this application a total of 6 letters of objection have been received in response to the consultation on this application and the material planning issues that were raised are summarised in paragraph 4.06. A total of 3 different petitions have also be received by the Council; the first with 146 signatures against the plans submitted for a biomass incinerator to be built and used at Warwick International, the second with 147 names who's signatories state that they strongly object to the proposal on the grounds of visual and noise impact, the increase in road traffic, the additional risk of explosion at the site which is already under the control of Major Accident Hazard (COMAH) Regulations, and the potential health hazards from airborne pollution; finally the third petition has been signed by 123 people who strongly object to the proposal as the facility would burn waste 24/7, which would give off high levels of carbon and other residual elements of toxins, and such emissions should not be located near any residential development. Flintshire has a key policy of reducing carbon emissions which strongly contribute to Global Warming, climate change and rising sea levels.
- 4.03 The applicant hosted a public exhibition event on 8 April 2014 at Mostyn Community Centre between 1pm and 8pm. Feedback forms were completed by 15 members of the public who attended the event. As part of the feedback form the applicant asked local residents to raise additional facts about the site and the local area that may assist with the development process. The majority of those residents who completed feedback forms were supportive of the proposals as the proposal would:-
- divert waste going to landfill;
 - provide Warwick International with an alternative environmental;
 - friendly source of renewable energy;
 - recycle wood into energy;
 - sustain employment in the area.
- 4.04 The areas of concern raised by local residents who attended the event included air quality, ecology, noise, visual impact and job creation.
- 4.05 Following the event the applicant's agents received letters of concern from two local residents which were passed to the Council by the applicant's agents which are summarised below in paragraph 4.06.
- 4.06 The main planning based representations in objection that are material to the determination of this application include:-
- Impact on health and air quality and increased air pollution;
 - Potential to increase issues with radon gas and many more chemicals;
 - The nature of the material to be incinerated;
 - The project will not assist the reduction of greenhouse gas emissions;

- If the UK Government withdraw Carbon Credits then the facility would be no longer viable;
- Burning tonnes of wood and plastic waste is unacceptable and represents a retrograde move to an obsolete method of energy generation;
- Increased noise pollution which would add to existing high pitched noise from Warwick International which is experienced also overnight;
- Land and water pollution;
- Detrimental impact on surrounding conservation areas and wildlife within it;
- Visual impact;
- Increased traffic;
- Traffic routing through nearby villages rather than main routes which causes disturbance;
- Representations also acknowledge the potential to help employment in the area but this would also increase traffic.

5.00 SITE HISTORY

- 5.01 The site is located within the Warwick International Limited site which has a long history of industrial usage with earliest records in 1878 showing the site as part of a copper work and oil works with a number of lead shafts and brickworks identified on historical maps with some mixed woodland. Subsequently, historical records indicate that the copper works change to a magnetite works, and from oil works into an iron works with increased number of shafts over the years. Historical records also indicate an adjacent coal mine.
- 5.02 The application site was acquired in 1979 by Warwick International and a number of planning permissions have been granted since the early 1980s for chemical processing and metal recovery, and the site has developed incrementally over the years.

6.00 PLANNING POLICIES

- 6.01 The main planning policies and guidance relevant to the determination of this planning application are considered to be:

6.02 LOCAL PLANNING POLICY

Flintshire Unitary Development Plan (Adopted September 2011)

- Policy STR1 - New Development
- Policy STR7 - Natural Environment
- Policy STR10 - Resources
- Policy GEN1 - General Requirements for Development
- Policy D1 - Design Quality, Location and Layout
- Policy D4 - Outdoor Lighting
- Policy WB3 - Statutory Sites of National Importance
- Policy AC2 - Public Rights of Way
- Policy AC13 - Access and Traffic Impact

Policy EM7 - Bad Neighbour Industry
Policy EWP6 - Areas of Search for Waste Management Facilities
Policy EWP7 - Managing Waste Sustainability
Policy EWP8 - Control of Waste and Operations
Policy EWP12 - Pollution
Policy EWP13 - Nuisance
Policy EWP16 - Water Resources
Policy EWP17 - Flood Risk

6.03 **GOVERNMENT GUIDANCE**

Planning Policy and Guidance

Planning Policy Wales (2014)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 8 – Renewable Energy (2005)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2009)

Technical Advice Note 15 – Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 21 – Waste (2014)

Technical Advice Note 22 – Sustainable Buildings (2010)

Technical Advice Note 23 – Economic Development (2014)

6.04 Waste Strategy Policy and Guidance

Towards Zero Waste: The overarching Waste Strategy Document for Wales, June 2010

Collections, Infrastructure and Markets Sector Plan, 2012

Construction and Demolition Sector Plan, 2012

6.05 National Energy Policy

The Energy Act 2013

UK Renewable Energy Strategy (2009)

UK Low Carbon Transition Plan (2009)

Climate Change Act (2008)

Energy Wales: A Low Carbon Transition (2012)

6.06 The main policies to be considered in the determination of this application are the policies of the Flintshire Unitary Development Plan (FUDP) particularly policies relating to waste management and renewable energy, amenity (air quality, noise), visual impact, flood risk, nature conservation and statutory sites. The Policies and guidance contained within TAN21 are also central to the determination of this application. The materiality of the above policies are discussed in the following planning appraisal.

7.00 **PLANNING APPRAISAL**

7.01 Introduction

The details of the proposed development will be outlined below along with a description of the site and location, site constraints and the issues that will be assessed within the main planning appraisal.

7.02 ***Details of Proposed Development***

Warwick International is applying for permission to build a new combined heat and power (CHP) plant to replace the existing steam generating gas-fired boilers with a steam-and-electricity producing biomass burning plant. The existing boilers would remain onsite as stand-by boilers but would not be used when the biomass plant is operational.

7.03 The plant is proposed to be rated at 8.5MW to produce purely electricity when steam is not required. When steam is required for Warwick International then the plant would produce 4MW and 45 bar pressure absolute 450°C steam.

7.04 The proposed CHP facility is designed to combust in the order of 10 tonnes per hour of grade A, B and C waste wood and biomass as fuel for steam raising purposes would be used to generate between 5 to 8.5 MW of electricity. This amounts to an annual throughput of just over 80,000 tonnes of biomass fuel per annum based on 8,000 operational hours. This would also provide converted energy in the form of lower pressure steam for use by Warwick International for chemical production purposes to replace their existing gas-fired boilers. Warwick International are the applicants whilst a company called Dalkia would operate the facility on their behalf.

7.05 The project proposes to burn A-C grades of waste wood and biomass with Grade D wood not being considered. The fuel proposed to be burned is similar to the wood that can be found in a civic amenity skip. Grades A-C are defined by the Wood Recycler's Association categories of wood waste, which separate such wood into four main grades; A-D. The emissions from the facility, should it be built, will be compliant to the Industrial Emissions Directive 2010 in terms of the limits as they relate to the combustion of waste. It may be the case that the plant also burns virgin wood sourced from sustainable sources as required and not just waste. The plant however is only specified and designed to burn clean waste wood, biomass or virgin wood. Therefore, no municipal wastes, and no wastes, other than wood waste graded A-C would be used as a fuel to generate energy in this proposed facility. It is proposed that biomass fuel products would arrive at the facility pre-processed and therefore, they may, in some instances be de-classified as a waste and become a 'product'.

7.06 The biomass fuel that would be burnt would be supplied under contract. The contract would ensure that biomass fuel is supplied in accordance with a product specification and supplied for a duration appropriate that can ensure that the CHP plant can operate throughout its design life. The product specification would ensure that the biomass fuel would be supplied in a consistent condition and will meet the specification required.

- 7.07 Waste which would not be permitted includes for example:
- twigs and branches
 - foliage
 - railway sleepers and telegraph poles*
 - asbestos
 - cardboard
 - felt
 - tar
 - rubber
 - polythene
 - plasterboard
 - soil/bricks/stone/glass
 - plastic
 - foam
 - textiles
 - ferrous and non-ferrous metals.
- * examples of heavily impregnated with halogenated substances, creosotes oils and tars which would not be permitted.
- 7.08 Biomass fuel feedstock would be transported to site in closed articulated lorries by road. The railway and the port exist as potential delivery options in the future but at present they are not commercially viable and are not considered part of the application. Deliveries would result in an average of 11 additional HGVs per day which equates to 22 vehicle movements per day, during normal working hours.
- 7.09 Whilst it is proposed to operate the CHP facility 24 hours per day, 7 days per week, fuel delivery hours would be 07:00 – 19:00 Monday – Saturday with no deliveries on Sundays or Public Holidays.
- 7.10 Biomass fuel would be delivered in ‘walking floor’ lorries which would discharge the pre-cleaned biomass fuel into a material reception area within the building. Material would then be automatically fed onto conveyors and transported to the combustion equipment fuel delivery system as required.
- 7.11 The steam generated in the boilers would be transported via pipework to a steam turbine for generation of electricity and from there transported on to a heat exchanger for conversion to lower pressure / temperature steam for direct use in the Warwick International site. The generated electricity is proposed to be used to satisfy the parasitic load of the proposed plant and any surplus would be transported to the National Grid.
- 7.12 There would be no processing of wood on site, all waste wood is proposed to be pre-cleaned and there would be no external storage of biomass fuel. In respect to fire risk, the biomass fuel would be of a grade size which has a low risk of spontaneously igniting and may be slightly damp when delivered to site.

- 7.13 The CHP building would be 3,830 square metres, with dimensions of 55m x 70m with a height of 15m at the apexes and the proposed chimney stack would be 35m high. The plant would be completely contained to reduce external noise impact. Dimensions of the total plant including the building and external equipment (tanks, pits, bag filters, chimney and cooling towers etc.) would be 6,880 square metres, with 75m by 90m of hard standing.
- 7.14 **Site Description and Location**
The proposed development site is situated at the Warwick International site in Mostyn, Holywell. The specific site for the power station is located to the south-east of the operational chemical works, to the north-east of the A548. At present the site is generally flat and surfaced with tarmac which serves as an existing car park area for the Warwick International Site. The site also comprises of soft landscaping and concrete. A redundant portal-framed warehouse building exists in the centre of the proposed development area. In general, the area immediately surrounding the site is Warwick International, the Dee Estuary, a railway line and the A548.
- 7.15 The proposed development area extends to cover 13,200m² and is accessed via a private access road that serves the existing Warwick International site.
- 7.16 Warwick International is located on a flat, low-lying (approximately 5m Above Ordnance Datum (AOD) area of land bounded by the Dee Estuary to the east and the A548 (Connah's Quay to Prestatyn road) to the west. The land immediately to the NE, N, E, and SE terminates in embanked sea defences, which peak at 10m AOD, providing protection from the adjacent estuary. The land to the SE is also at an elevation of 5 m AOD and forms the margin of the estuary.
- 7.17 **Relevant Planning Constraints/Considerations**
The Warwick International site is situated within 150-300m to the south of the Dee Estuary. The Dee Estuary is a Ramsar site, Site of Special Scientific Interest, Special Area of Conservation, Special Protection Area, and a RSPB Reserve.
- 7.18 The site is also located within Zone C1 of the Development Advice Map provided by Natural Resources Wales (NRW) under Planning Policy Wales Technical Advice Note 15 (TAN15) and so therefore, a Flood Consequences Assessment (FCA) is required. NRW's indicative flood risk map (September 2013) indicates that the site has between 0.1% and 1% probability of flooding in any one year. Natural Resource Wales Flood Map information, which is updated on a quarterly basis, confirms the site to be within the extreme flood outline. Based on section 5.1 of TAN15, the development is considered to be 'highly vulnerable' to flooding. The site is located on low-lying ground adjacent to the River Dee Estuary.

7.19 The site is allocated within the Flintshire Unitary Development Plan as Employment Land and Policy EM1 applies. Furthermore, Mostyn is also listed within Policy EWP6 as an Area of Search for New Waste Management Facilities.

7.20 **Issues**

The main land use planning issues associated with the determination of this planning application are considered to be:-

1. Need for the development;
2. Principle of the Development and suitability of the location;
3. Need for the management of waste wood;
4. Sustainable Energy Supply;
5. Waste Types and quality control;
6. Ecology, Habitats Regulations and impact on designated sites;
7. Air Quality and Human Health;
8. Landscape and Visual Impact;
9. Noise;
10. Geology, soils and contamination;
11. Highways, Traffic, Transportation and Access;
12. Protection of Water Resources and Drainage;
13. Flood Risk;
14. Residential Amenity, fire risk and risk of explosion;
15. Community and Employment, Socioeconomic impacts.

7.21 ***Need for the development***

Warwick International's electrical demand is currently provided by the National Grid i.e. from fossil fuels. The site's heat demand is currently provided by an existing heat raising boiler plant that produces heat and steam on site. The fuel to the heat raising plant is supplied via a natural gas pipeline. The existing facility produces steam but not electricity. The existing boilers are scheduled for renewal and Warwick International is taking the opportunity to seek to move to an alternative system using a renewable source of energy and a more efficient energy generation process which would be more secure.

7.22 The project is designed to meet Warwick International's onsite future steam and electricity requirements, providing a secure, reliable and consistent heat, steam and electricity supply to avoid future local 'brownouts' which have been experienced on site which have cost and efficiency implications. With increase in cost of fossil fuels and the risk of energy security, Warwick International are seeking an alternative source of energy to produce electricity, steam and heat to ensure they can continue to be competitive and reduce their fuel costs.

7.23 ***Principle of Development and suitability of location***

The site is designated as a General Employment Land Allocation and specifically listed within Policy EM1 for Employment Land. The site is an existing brownfield site within the Warwick International Site which has a current industrial land use as a chemical factory. Policy EM1 states that sites listed within the Policy are allocated for B1, B2, B8

employment uses unless otherwise stated provided that the proposal; is of an appropriate type and scale for both the site and its surroundings, it will not unacceptably harm residential or other amenity or restrict neighbouring land uses, it provides satisfactory on-site parking, servicing and manoeuvring space and that the highway network, including access and egress is adequate to safely cater for the type and volume of traffic generated by the proposal, and it has no significant adverse impact on the integrity of nature conservation sites, the landscape and historic features.

7.24 The site is also listed within Policy EWP6 within the Area of Search for New Waste Management Facilities. Where a proposal is made for the development of a site which would involve the management of waste which is listed within the locations identified within the Area of Search policy, then permission will be granted subject to the proposal meeting other relevant plan policies, particularly Policies EWP7 and EWP8.

7.25 As the proposal is intended to supply electricity, heat and steam to the Warwick International site, the CHP plant needs to be located on site in order for the plant to feasibly supply the Warwick International site.

7.26 ***Need for the management of waste wood***

The submitted Waste Planning Assessment submitted by the applicant as required by TAN21, states that the applicant does not consider the proposal to be a waste development as such, but an energy development and a recovery operation. However, the proposal includes waste wood as a feedstock and the process would also produce some waste such as ash as a bi-product which would be removed off-site for further processing and reuse and/or disposal therefore, waste management is an integral part of the project. As such, the proposal would contribute to the management of waste in accordance with the Landfill Directive and the Waste Framework Directive.

7.27 The use of waste wood as a source of fuel would divert waste from disposal and would create a resource from waste which would otherwise be disposed of. This would effectively move this waste up the Waste Hierarchy. Waste incineration facilities dedicated to the processing of municipal wastes only may be considered to be recovery facilities rather than disposal facilities under certain specified conditions. However, whilst this distinction applies to municipal waste only, the applicant proposes to utilise waste wood rather than municipal waste, they have applied the same principles to this application with respect to energy efficiency. The energy efficiency of the proposed development has been calculated using the energy efficiency calculation and the project is considered to be 'recovery' as opposed to disposal. The proposal therefore accords with the National Waste Strategy, TAN21, and is in accordance with the Waste Hierarchy as it would contribute towards reducing waste disposal.

- 7.28 The Collections, Infrastructure and Markets Sector (CIMS) Plan which is one of the suite of waste sector plans which is part of the National Waste Strategy, looks to create conditions to enable as much waste as possible to be managed in Wales. In order to achieve this, Wales will have to establish a network of facilities to deal with the current and future waste arisings. Significant new capacity is required and this proposal would contribute to the network of facilities which are required to deliver the Welsh Governments vision for zero waste by 2050. The proposal would contribute to providing the County and the Region with a network of new and modern waste management facilities by increasing capacity and producing a valuable product from the raw material which would be recovered from the waste stream.
- 7.29 The Construction and Demolition Sector Plan sets targets for construction and demolition waste to prevent, prepare for reuse, recycle and otherwise recover and dispose which this project would contribute towards meeting. TAN21 states that more waste recovery facilities need to be developed across Wales to ensure that sufficient disposal capacity is maintained at a level appropriate to support the overall aims of the National Waste Strategy; Towards Zero Waste and the CIMS Plan. TAN21 and the CIMS plan have effectively superseded the Regional Waste Plan. Therefore, when assessing compliance with UDP Policy EWP7 we have to look to TAN21 and CIMS which the proposal is considered to accord with.
- 7.30 The submitted Waste Planning Assessment provides evidence that whilst waste wood arisings are not expected to increase in the near future, large quantities are still being disposed of in landfill sites and that advances need to be made in collection and sorting infrastructure and that there is a need for more waste wood recovery facilities in order to meet the Welsh Governments aspirations of Zero Waste by 2050. Due to the landfill diversion targets, it is expected that more waste wood will become available for recovery as opposed to disposal. This facility would therefore meet that need.
- 7.31 ***Sustainable Energy Supply and Climate Change***
The Energy Act 2013 establishes a legislative framework for delivering secure, affordable and low carbon energy and includes provisions on decarbonisation and electricity market reform among other things. The aim of the Act is to reduce dependence on fossil fuels and to increase the generation of electricity from renewable sources by 2020. This project would add towards the aim of secure, affordable and low carbon energy, moving the site on a decarbonised energy source compared to the fossil fuels they currently use. This project would amount to 8.5MW to Flintshire's contribution towards the requirement to increase renewable energy.
- 7.32 The UK Renewable Energy Strategy 2009 shows how the UK can reach the goal of 15% of energy from renewable energy by 2020. It is considered that the project accords with these principles and

contributes towards the 15% target for 2020, thereby contributing to the goals outlined of decarbonising the energy supply, increasing energy security and contributing towards a green economy. The plant would also employ around 17 people, many of whom can be sourced from the local skills base surrounding the application site.

- 7.33 The UK Low Carbon Transition Plan details the actions to be taken to cut carbon emissions by 34% by 2020. This project would allow Warwick International to reduce its use of gas, which is a fossil fuel, for steam raising purposes. It would also contribute towards these overarching UK goals of generation of electricity from low carbon sources and increasing employment in “green jobs”.
- 7.34 The Climate Change Act puts in place a framework to achieve a mandatory 80% cut in the UK's carbon emissions by 2050 with an intermediate target of between 26% and 32% by 2020. This project would add up to 8.5MW to Flintshire's contribution towards the requirement to increase renewable energy.
- 7.35 The Welsh Government's publication Energy Wales: A Low Carbon Transition, provides the energy policy statement. One of the key strands of the policy is relating to the delivery of renewable energy. The current policy is to ensure that Wales benefits economically from energy developments.
- 7.36 Clean waste wood materials would be used to generate heat, electricity and steam which would be used on site at Warwick International, thus replacing existing gas generated boilers which would effectively reduce reliance on fossil fuels on site. It would also recover energy which is a vital component of the waste management system in Wales and is supported by TAN21 and TAN8.
- 7.37 The proposal would also utilise an existing brownfield site, a principle which is supported by the new TAN21 on Waste, as is locating proposals where site infrastructure is present which includes electricity grid connections.
- 7.38 Policy EWP1 of the Flintshire Unitary Development Plan states that there will be a presumption in favour of renewable energy schemes subject to them meeting other relevant requirements of the plan which will be considered in the following sections of the report.
- 7.39 Warwick International currently uses natural gas to provide its heat for steam and mains electricity. Both of these are non-renewable resources. The project has the following benefits:
- The new project is designed to meet Warwick International's onsite future steam and electricity requirements;
 - The security and consistency of electricity supply to Warwick Chemicals would be improved;
 - This project would decrease the carbon footprint of their

operations by about 30,000 Tonnes of CO₂ per year, and therefore reduce the embodied carbon in their products;

- This low carbon form of energy would supply an energy intensive industry that is competing on a global scale;
- For direct power production the proposed CHP plant is expected to replace 100% of Warwick International's 2015 electrical energy demand and initially 92% of the heat demand;
- Warwick International is expected to use only part of the electrical output thereby generating some surplus electricity which would be sent to the national grid.

7.40 TAN 22, Planning for Sustainable Buildings, introduces BREEAM or equivalent scheme to be used for non-residential buildings. National Planning Policy requires that new developments for major non-residential buildings meet "Very Good" under the BREEAM scheme (a recognised standard designed to improve the overall sustainability of new development under a single framework), and to meet an "Excellent" standard for reducing Carbon Emissions (carbon index of 40). 'Major' means a building with either a floor space of 1,000 m² or more or a site with an area of 1 hectare or more.

7.41 From 31 July 2014 Building Regulations will be replacing the BREEAM requirement for the purposes of decision making. However, whilst the BREEAM scheme will be superseded at the end of July, the consideration of the assessment of the proposal against BREEAM is still material until these changes come in to force. However, the applicant has argued that whilst the footprint of the building would exceed the minimum thresholds as set out in TAN22, the application of the policy to this proposal would be inappropriate. The proposed building has been designed as a power station. As such it must meet certain needs, such as heat loss (once steam has been used to turn a turbine, it must be cooled before release, hence the need for cooling at any power station). Therefore putting in place policies to make the building retain heat, while commendable in any normal non-residential development, would be inappropriate in this case.

7.42 However, the office and welfare facilities proposed as part of the proposal would be fully insulated for heat and noise to provide a comfortable working environment. The proposed office and welfare facilities fall well below the threshold of 1,000 m² and therefore, the applicant's have argued that an assessment against BREEAM is not considered applicable in this instance which has been accepted.

7.43 ***Waste Types and quality control***

Concerns have been raised in relation to the types of waste proposed to be processed within the biomass CHP plant. The Community Council believe that 30% of the waste stream would consist of plastic.

7.44 The application provides details of the specification for the wood/ biomass fuel that the proposed development is designed to treat. The

Specification includes waste wood classified by the Wood Recycler's Association as categories Grade A-C. This includes clean recycled wood such as wood off-cuts and wood from civic amenity sites. The likely contaminants from these material streams are incidental, such as metals e.g. nails and metal fixings and some coatings. The specification states that plastic, among others, is considered a 'not acceptable material'. The application proposes wood to be supplied to the facility under a formal contract. Dalkia, the proposed operator of the facility operates other biomass CHP facilities elsewhere in the UK, and therefore have been able to provide an indication of the typical contractual arrangement for the supply of wood that would be received. The contract would specify the minimum biomass content which would typically be a minimum of 96% and an expected 99.5% biomass. The supply contract applies responsibility to both the supplier and the receiver to take independent samples of the material using a common method. Visual inspection of the wood loads delivered into the reception building would be carried out, in addition to a daily sampling exercise. Sampling would be sent to an independent laboratory for analysis.

- 7.45 The level of plastic (as a component of 'other not acceptable material') within the waste stream is conditioned within the contract to be below <0.5% by mass. This would be demonstrated through adherence to the supply contract conditions which would be quality assured on account of daily test results provided from an independent laboratory. Should this quality not be achieved would be considered by the operator a breach of contract. Furthermore, if the site accepted such quality, this would risk damaging the equipment as the plant is not designed to burn plastics as the heat load would be too high.
- 7.46 Concerns have also been raised in relation to the quality control procedures to ensure that only clean wood waste would be accepted. It should also be noted that as the wood is classed as a waste, the wood is subject to the waste regulations enforced by Natural Resources Wales. This would ensure that for all wood movements from their source to the facility would be documented by a consignment system and a duty of care placed on the waste producer and all parties in the supply chain to ensure that the waste is identified, measured and handled appropriately.
- 7.47 Concerns have also been raised by the Community Council in relation to the ability to sustain a supply of clean wood and the viability of the project should alternative fuel stocks be more economic as opposed to clean waste wood. There concerns relate also to the ability of the local planning authority to resist a future request to change the fuel, if the long term future of the plant was at risk should there be difficulty with future wood supply.
- 7.48 The environmental statement and accompanying assessments have been undertaken with the fuel being a clean wood grade A-C. Should

planning permission be granted, a condition would be for only clean wood waste between Grade A-C and biomass fuel. This would ensure that the imported waste is appropriate for the facility, and that no odours would be emitted from the facility. Should a future application be received by the Council to consider a change in fuel stock, a fresh Environmental Statement would be required, and the application would be determined, under its own merits. However, the specified plant has been designed to accept wood/biomass only and would be conditioned accordingly.

7.49 The concerns of the Community Council are understood and any proposed development needs to be viable and sustainable. The operator intends to procure a wood supply contract to provide financial certainty for a long period. In the extreme and unlikely event that the wood/biomass fuel market collapsed, Warwick International could default back to generating their onsite heat and power demand using natural gas as they propose to retain their existing boilers as a back up. The UK Government is taking active steps to develop supply chains in renewable fuels. The proposed development offers a contribution to the UK's efforts to develop renewable fuel markets for both economic prosperity and environmental benefit.

7.50 ***Ecology, Habitats Regulations and impact on designated sites***
The site lies immediately to the south of The Dee Estuary SPA, SAC, Ramsar site, SSSI and the RSPB Reserve. Concerns have been raised in relation to the impact of the proposal on these designated sites and the habitats and species contained within them. The special interests of the Dee Estuary include, but are not limited to the inter-tidal mud and sand flats, salt marsh reeds and swamp, other freshwater transitions and coastal grazing marsh habitats as well as the site's internationally important over-wintering bird assemblages.

7.51 The Ecological Impact Assessment submitted as part of the Environmental Statement highlights that an unmitigated scheme would cause significant negative effects on the ecology at the Dee Estuary. The proposal could have a number of direct and indirect impacts on the designated sites, habitats and species during the demolition, construction, operation and decommissioning phases of the proposal. These impacts could be caused from noise, dust, emissions, light and water pollution and the presence of people.

7.52 Mitigation measures to reduce any impacts during all the phases of the project have been drawn together in a mitigation table and are proposed to ensure that the project would not have an adverse significant effect on the adjacent designated sites, the habitats and species contained within them. This mitigation table, along side the Ecological Impact Assessment which was submitted as part of the Environmental Statement has informed the Habitat Regulations Assessment process in which has been carried out by the Local Planning Authority in consultation with Natural Resources Wales.

- 7.53 The Habitats Regulations Assessment concluded that, providing the development is carried out as detailed within the Environmental Statement with the mitigation measures proposed to avoid disturbance of roosting wintering birds and degradation of water and air quality, that the proposal is not likely to have an adverse significant environmental effect on the Dee Estuary SAC, SPA, SSSI, Ramsar Site or habitats and species contained within them. Natural Resources Wales concurred with the conclusion that, subject to mitigation there should not be an adverse significant effect on the designated sites.
- 7.54 Should planning permission be granted, the implementation of mitigation measures shall be conditioned to be undertaken as detailed within the Mitigation Plan which includes lighting, security fencing, temporary acoustic barriers, and permanent gorse planting. The approval and implementation of a Construction Environmental Management Plan would include a construction Dust Management Plan, avoidance measures for protection of the water environment, rapid response protocol and pollution prevention plan.
- 7.55 Subject to a condition ensuring that the mitigation measures as specified are implemented, it is considered that the proposal accords with the provisions of Policies WB2 and WB3 of the Flintshire UDP, TAN5 and the Conservation and Habitats Regulations (2010).
- 7.56 ***Air Quality and Health***
Concerns have been raised by both residents, RAIN and the Community Council in relation to the proposal and its impacts on air quality and health on surrounding residents and in particular the residents of Wirral View.
- 7.57 The proposed CHP development is effectively an extension to a long established industrial site which is known to have a certain level of industrial process emissions and the Local Planning Authority did not wish to see any further significant increase in process emissions. The introduction of this CHP plant would also result in a reduction in the use of the existing boilers. Therefore, emissions would be offset to a certain extent.
- 7.58 An assessment of the impacts on local air quality arising from the construction and operation of the proposed Biomass CHP Plant at the Warwick International site has been conducted as part of the Environmental Statement. The assessment has also considered the consequences for human health of exposure to any emissions to air from the plant. The proposed development may have potential implications for local air quality through emissions to atmosphere from construction activities, including vehicle movement, also vehicle movements associated with the delivery of fuel and the removal of ash, and the flue gases emitted through the CHP plant stack, should no mitigation measures be specified and adopted on site.

- 7.59 The study on potential construction dust impacts concluded that the risk of dust emissions from demolition, earthworks and construction were low to medium risk. Adopting the appropriate mitigation measures for controlling dust emissions as detailed above in the mitigation plan and Construction Environmental Management Plan, it is considered that the impact of construction activities, human health and habitats would be 'not significant'.
- 7.60 The assessment concluded, traffic associated with construction and operation of the project would be well below the assessment criteria, and that the impact of vehicles emissions on local air quality would be neutral and would not require any further assessment.
- 7.61 In relation to impacts on humans and health, the pollutants of interest emitted from the CHP plant are primarily particulate matter, metals and dioxins. Unlike substances such as nitrogen dioxide, which have short term, acute effects on the respiratory system, dioxins/furans and metals have the potential to cause effects through long term, cumulative exposure. The applicants carried out the necessary assessments and created 'realistic' worst case estimates of risk on health of residents. The Head of Public Protection is satisfied that the predicted concentrations of emissions from the proposed CHP at sensitive receptors and that public exposure to fine particles in particular would be negligible. Given the "worst case" nature of the assessments carried out at the request of the Local Authority, the Head of Public Protection is also satisfied that the applicants have demonstrated that the public would not be subject to a significant carcinogenic risk or non-carcinogenic hazard, arising from exposures via both inhalation and the ingestion of foods. The key findings of the assessment are that there would be no meaningful impacts from process emissions on sensitive human receptors for the proposed CHP plant.
- 7.62 The modelling undertaken as part of the application shows that much of the emissions would move to the north and dissipate out well before reaching the Wirral and therefore, harmful emissions would not travel towards the south in the direction of Wirral View. It is also important to note that this project is proposed to replace the existing fossil fuel powered boilers on site. Therefore, the emissions have been offset by a reduction in overall boiler emissions. The emissions to air would be treated (a process referred to as "scrubbed") using commercially available technologies and techniques to meet the requirements of the Industrial Emissions Directive (IED).
- 7.63 Furthermore, the waste derived biomass fuel would be already "pre-treated" and would be biologically inactive and would have the non-combustible components removed. There is therefore little risk of release of pathogens and odour from the storage and handling of the waste derived fuels.

- 7.64 The air emissions modelling that has been undertaken concluded that a chimney stack height of 26 metres would meet the requirements of the Industrial Emissions Directive. However, to improve the emissions reduction the applicants have proposed a chimney height of 35 metres. The increased height of the stack has a minor visual impact which will be examined in the following section. However, it would have an improved effect on emissions. Should planning permission be granted, a condition would be imposed to ensure that the facility would have a chimney stack of no greater than 35 metres which would allow the flexibility in design should Natural Resources Wales accept a chimney stack height lower than 35 metres.
- 7.65 The facility would also be tightly regulated for air quality and emissions by Natural Resources Wales through the Environmental Permitting Regulations via an Environmental Permit. The Environmental Permit, should one be issued, would set the emissions limits to ensure that there would be no risk to human health and the environment. The plant would be subject to the Industrial Emissions Directive which covers all forms of thermal treatment of waste. There is no evidence that the proposed development would give rise to adverse health impacts, or would materially affect well being within the surrounding business and residential communities.
- 7.66 TAN21 states that planning authorities should take into account the ability of Environmental Permits to control the operations of waste facilities, and its interactions with the environment and should not duplicate control more appropriately imposed as part of the permit. Therefore, at this stage, Natural Resources Wales has not made comment on the planning application in relation to air quality and emissions as this is something they will assess when considering the Environmental Permit application. The application for an Environmental Permit was duly made on 3 June 2014 and is under consideration by Natural Resources Wales. The boundary in which the permit would apply to coincides with the planning boundary and therefore the Local Planning Authority should not duplicate any controls in which Natural Resources Wales will impose. Should planning permission be granted, the facility would not be able to operate without an Environmental Permit being in place.
- 7.67 The Community Council has raised concerns in relation to emissions and have commented on other projects where Carbon Credits have been withdrawn by the UK Government for this type of facility.
- 7.68 The application explains that the need for the development is driven by the need to help Warwick International Limited to remain competitive by reducing the financial cost and the environmental impact of the current practice of obtaining energy through burning natural gas. By replacing the use of natural gas with biomass fuel, the use of biomass would be generally classed as 'carbon neutral'

because the Carbon Dioxide released by burning wood is equivalent to the Carbon Dioxide can be absorbed by the growth of new trees.

- 7.69 Whilst concerns have been raised within one of the petitions that this proposal would increase levels of carbon emitted into the atmosphere, this project would actually decrease the carbon footprint of the operations of Warwick International by about 30,000 Tonnes of CO₂ per year, and therefore reduce the embodied carbon in their products; as this low carbon form of energy would supply an energy intensive industry that is competing on a global scale.
- 7.70 If Carbon Credits were removed it would normally be for non-compliance on a project with the feedstock or similar reasons, not policy affecting the sector. For the facility to operate, an Environmental Permit is required ensure that the proposed facility would be operating in line with permits and guidance, and the planning permission would regulate the feed stock by condition.
- 7.71 In summary, the assessments and modelling submitted to support the planning application have concluded that there would be no meaningful impacts from process emissions on sensitive human receptors for the proposed CHP plant during the operation. As discussed previously, there would be a construction environmental management plan which would include a dust management plan which would ensure that dust is controlled during demolition, construction and decommissioning.
- 7.72 In relation to operation, the plant has been designed to meet the requirements of the Industrial Emissions Directive (IED). The facility would also be tightly regulated for air quality and emissions by Natural Resources Wales through the Environmental Permitting Regulations via an Environmental Permit. There is no evidence within the supporting information that the proposed development would give rise to adverse health impacts, or would materially affect well being within the surrounding business and residential communities. The Head of Public Protection does not object to the proposal and is satisfied that the overall operational impact of the installation of this plant would have no material adverse effect on residential amenity or any significant reduction in local air quality. As such, subject to conditions, the proposal complies with Policies GEN1, STR1, EWP8 and EWP 12 of the Flintshire Unitary Development Plan.
- 7.73 ***Landscape and Visual Impact***
The site does not lie within any landscape designations. However it lies on the fringe of the Dee Coastal Estuary and is also close to the registered park and garden at Mostyn Park which rises on the slopes to the south and west of the site. The site is also visible from the Flintshire coastal path. Locally the houses of Wirral View, Mostyn directly overlook the site from an elevated vantage point which is approximately 100 metres away from the application site. The main

coast road A548 and the Holyhead to Chester railway line lies between the application site and Wirral View which is located at an elevated position.

- 7.74 The Community Council has objected to the proposal due to the visual impact on residents of Wirral View. There is an existing industrial building located on the application site and the wider Warwick International Limited site is heavily industrialised in nature. The site already has a number of chimney stacks and wind turbine masts are exported from the Port of Mostyn. Also, other activity of an industrial nature occurs in the back drop of the Warwick International Site.
- 7.75 It is considered that the landscape assessment provides enough detail on each of the viewpoints from which the site will be seen to make a convincing case that the development would not unduly or unnecessarily harm local views. The development would be seen in the foreground of the existing industrial developments around Mostyn Dock and Dock Road so this proposed development would not contribute a significant additional impact from most perspectives. Viewed from the east however, the proposal would present a larger building than is currently on site and would feature more prominently than current building and would have a strong presence as the right hand side part of the middle ground view from the coastal path when looking towards the wooded slope of Mostyn Park.
- 7.76 The development would also be seen directly from the windows and rear gardens of Wirral View. From this position, however, the view is already compromised by the existing industrial development and is also blighted by considerable night time light pollution. It is considered that the impact from other locations, including Pen y Ffordd Road is considerably less significant due to the presence of the existing industrial development and in particular the local dominance of the Port of Mostyn.
- 7.77 In order to mitigation against the visual impact of the development the Council's Conservation and Design officer has recommended that in order to break down the apparent bulk of the building, the long elevations should be broken down visually by differentiating the cladding colour of the two gabled bays, the colour cladding, colour of the roof and external pipe work should be conditioned and approved prior to their use.
- 7.78 Should planning permission be granted, a landscaping scheme shall be required by condition which shall provide for additional planting on site to further mitigate visual impacts of the proposal. Also, a lighting scheme shall be required prior to their installation to ensure that light pollution from the site is kept to a minimum and is acceptable.
- 7.79 Subject to conditions in relation to approval of materials, landscaping and lighting, it is considered that the proposed development would not

have an unacceptable landscape or visual impact and would comply with the provisions of Policies GEN1, D1, D2, D3, WB2 EWP8 and EWP13 of the Flintshire Unitary Development Plan.

7.80 **Noise**

As stated previously, the proposed CHP development is effectively an extension to a long established industrial site which is known to have a certain level of industrial plant noise and the Local Planning Authority did not wish to see any further significant increase in noise as a result of this proposal. The introduction of this CHP plant would also result in a reduction in the use of the existing boilers. Therefore, noise emissions would be offset to a certain extent.

7.81 The potential noise impacts of the construction, operational and decommissioning phases of the proposed CHP plant have been assessed including noise monitoring at the nearest residential area to the development site, night time noise monitoring and computerised noise modelling of the proposed CHP plant has been carried out in order to quantify the potential noise impacts associated with the proposed scheme.

7.82 From the results of the investigations submitted with the planning application, environmental statement and ongoing discussions with the applicant's consultants, the Head of Public Protection is satisfied that the overall operational impact of the installation of this plant would have no material adverse noise effect on residential amenity in terms of noise pollution. Indeed the Authority's need to adequately control both the overall level of noise and potential tonal noise from the proposed new plant formed an integral part of the discussions with the applicant, and ultimately has had a positive effect on the design and layout of the plant.

7.83 The noise impact of the proposed development, for the construction, operational and decommissioning phases, was determined by reference to the existing noise climate at the nearest residential area to the development site. Baseline noise monitoring surveys have been carried out at our request by the applicants consultants at the nearest residential area in order to quantify the prevailing noise climate. In addition the Local Authority have not had any noise complaints relating to the existing facility at Warwick International, and it has been demonstrated within the submitted assessments that this new installation would not increase the noise levels from the site.

7.84 A major reduction in predicted noise emissions has been achieved by the changes to the plant layout, in particular the moving of the cooling towers to the north of the installation, increases the distance to receptors and effectively is screened by the plant building. This then would effectively reduce the overall noise emissions and they would be lower than predicted. In noise terms, this represents a significant reduction. As a result, operational noise from this new facility would

be even more unlikely to add to the overall site emissions or affect the amenity of the nearest sensitive receptors.

- 7.85 The main potential source of impact on the community would likely to be from the construction and to a lesser extent the future decommissioning phases of the installation. However, it is considered that as construction/decommissioning would be temporary in nature, it would not appropriate to impose the higher standard of control that the permanent ongoing sources associated with the development would be required to achieve. The Head of Public Protection has recommended conditions to minimise the impact of these phases on nearby receptors which include limiting hours of operation during construction/decommissioning and to require the submission of management plans for the control of noise.
- 7.86 It has been concluded that the construction of the CHP plant would not result in any unacceptable noise impact at residential locations during the proposed daytime working hours.
- 7.87 The operational noise impact assessment found that there would be no perceptible increase in the existing noise levels and therefore the operation of the CHP Plant will result in no impact in terms of noise. Furthermore, as the design of the project was developing the cooling towers were moved to the north of the site which has an improved effect on noise levels. It is important to note that there would be no waste wood processing on site, and that the site lies within an existing industrial chemical plant.
- 7.88 Mitigation Measures have been identified for the construction and operational phase of the development which would be included as part of a construction environmental management plan which would be conditioned and include:
- Construction/decommissioning hours of operations limited to 07:00 – 19:00 hours on Mondays to Fridays and 07:00-13:00 hours on Saturday mornings;
 - Delivery hours limited to 07:00 – 19:00 hours on Mondays to Saturday;
 - ensuring that all works are completed in accordance with the guidance for noise control set out in BS5228: 2009;
 - ensuring that modern construction plant is used, complying with the relevant EC noise emission requirements;
 - ensuring regular and effective maintenance of plant and machinery on the site e.g. lubrication of bearings, maintaining the integrity of silencers, engine covers etc.;
 - when loading wagons and dumpers, minimising the height from which material is dropped by loader/ excavator;
 - Good management practices;
 - site roads should be kept in a state of good repair to reduce noise from the passage of empty vehicles;
 - using localised temporary noise screening measures for any

- breaking out concrete foundations during demolition works;
- front part of building to be constructed of double-skin insulated cladding;
- effective acoustic enclosure;
- Construction/Decommissioning noise management plan to be included as part of a site environmental management plan.

7.89 Should planning permission be granted, a condition would be imposed setting construction noise limits and also night time noise limits for the operational phase of the development.

7.90 As stated above within the air quality section, once the site is operational, Natural Resources Wales would regulate pollution control through the Environmental Permit which would include noise controls and therefore the local planning authority should not impose conditions in relation to operational noise however we would ensure that noise from construction and decommissioning would be controlled to acceptable levels. There is no evidence within the supporting information that the proposed development would give rise to adverse noise levels, or would materially affect well being within the surrounding business and residential communities. As such, the proposal complies with Policies GEN1, STR1, EWP8, EWP 12 and EWP13 of the Flintshire Unitary Development Plan.

7.91 ***Geology, soils and contamination***

The potential impact of the proposed CHP power station on geology (including soils) and potential contaminated land at the site has been assessed by a combination of site investigations and literature review.

7.92 The application site falls within the defined Development High Risk Area in relation to legacy coal mining. Therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

7.93 It is considered that the applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Coal Mining Risk Assessment which accompanies the planning application. The Coal Mining Risk Assessment has been informed by an appropriate range of sources of information including; BGS maps, historic ordnance survey maps, past intrusive site investigation findings and a Coal Mining Report.

7.94 The Coal Mining Risk Assessment correctly identifies that the application site has been subject to past coal mining activity. The Coal Authority records indicate that the site is in the likely zone of influence from 8 coal seams at shallow to 234m depth, last worked in 1890. The shallow mine workings are recorded at a depth of 23m. The site is also in an area of likely historic unrecorded underground coal mine workings at shallow depth.

- 7.95 Section 6 of the Coal Mining Risk Assessment concludes that intrusive site investigation works should be carried out on site in order to establish the exact situation in respect of coal mining legacy issues on the site. The report recommends that four boreholes are drilled on site to depths of 20m to 35m in order to intercept the anticipated coal seams and to inform any mitigation measures which may be required and also to provide additional information for the further assessment of mine gases.
- 7.96 The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.
- 7.97 The Coal Authority recommends that the Local Planning Authority impose a condition should planning permission be granted to require these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.
- 7.98 The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system and meets the requirements of Planning Policy Wales in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above. As such, it is considered that, subject to the condition, the application complies with the provisions of Policies EWP15 and MIN8 of the Flintshire Unitary Development Plan.
- 7.99 Once in operation the power station would likely have a minimal effect on the soils, geology and contaminated land at the site. Due to the industrial history of the site the land, the ground investigation found the presence of asbestos and elevated levels of cyanide and lead in the soils together with copper, selenium and trichloromethane in groundwater which is expected due to the previous use of the site and not as a result of Warwick International's activities. Therefore, during construction protection measures would be imposed to ensure the health and safety of the construction workers. The project would have a full and thorough Construction Environmental Management Plan to manage these risks.
- 7.100 The study team took the risk management approach into account and

re-assessed the remaining risk and conclude the risks would be moderate for contaminated soils and asbestos, moderate for ground gases and slight for risks of the site to the ground (e.g. through a spill). It is considered that the potential risk for contamination into the Dee Estuary can be managed. The proposed ground disturbance works would be confined to a relatively small area and comprise piling and some ground clearance. It is considered that any potential contamination that would be brought to the surface during construction works can be managed and would be relatively low. Furthermore, there has been no past history of problems with contamination from construction works at this location.

7.101 Should planning permission be granted, prior to the commencement of piling or ground clearance works taking place, a scheme to deal with the risks associated with contamination of the site, shall be submitted to and approved in writing by the Local Planning Authority. As such, subject to the submission and subsequent approval of scheme to deal with the risks of contaminated land it is considered that the proposal would comply with the provisions of Policies GEN1 and EWP14 of the Flintshire Unitary Development Plan.

7.102 ***Highways, Traffic, Transportation and Access***

The proposed application would generate, during the operational phase of the development 22 HGV movements on a daily basis, which would, if spread out evenly during the day result in 2 vehicle movements per hour during the proposed 12 hour day for deliveries. At this level, it is not anticipated that traffic resulting from this proposal would cause any significant traffic disruption. The proposal is to access the development site through an existing access point on site, and then on to the highway. Whilst the access is not currently in use, it has been in the past when it was used as the main entrance to a concrete block manufacturing plant. During which time, vehicle movements from this activity were more than the proposed use.

7.103 The proposed access is in close proximity to two other access gates that lead on to the Dock Road which could present inter-visibility issues. One is located immediately to the west of the development access point and at present is used to access the car park on the development site. Therefore, should planning permission be granted, the use of this site as a car park would cease rendering the access point to the west redundant. Visibility from the adjacent gateway to the east is restricted by an overgrown hedge. However, the hedge is maintained by the applicant and they would ensure that the necessary visibility is achieved through the life of the development. A plan will be required to demonstrate that the required visibility can be achieved which would be secured by condition.

7.104 Concerns have also been raised in relation to vehicles queuing on the public highway waiting to access the site should the gates be closed prior to delivery hours commencing at 7.00 am. The access gates

would be set back from the public highway allowing 2 HGVs to park off the public highway should it be required which is considered adequate. Additional concerns have been expressed with regards to vehicles queuing to use the weighbridge which is located within the site. However, it is considered that there is sufficient room on the site to allow vehicles to park and wait before using the weighbridge, should there be a queue, and it is considered that this is an internal management issue which would be addressed by the operator.

- 7.105 Concerns have been raised in relation to the proximity of the access in relation to the traffic signals on Dock Road. These signals are located 60m away from the proposed entrance gate and under normal operation queuing for the lights should not cause a significant problem.
- 7.106 Swept path plans have been provided by the applicant of a vehicle accessing and exiting the site from the existing gateway. It is noted that the path of the exiting vehicle would collide with that of an oncoming vehicle and that these two manoeuvres can not occur simultaneously. The swept path diagram would suggest that if an exiting vehicle were to avoid the path of an incoming vehicle it would have difficulty in negotiating the exit onto the highway without over running the verge. However, with access improvements in terms of access widening a safe and adequate access/egress would be achieved to ensure that two-way vehicle movements can be achieved safely. A plan would be required to demonstrate that this can be achieved prior to the commencement of development and improvements works would have to be carried out prior to the commencement of construction which would be secured by condition.
- 7.107 Concerns about the cumulative effect on the highway network have been raised by residents and the Community Council. The Community Council claim that this application would generate a daily increase in large vehicles travelling through the area and that existing development consents in the vicinity would exacerbate problems on the A548 which is a busy road with poor access to the site. Residents and the Community Council have also raised concerns with regards to the routing of vehicles as they feel they would travel through outlying villages as opposed to the main routes.
- 7.108 As part of the Environmental Statement, an independent specialist consultant carried out a Transport Assessment. This assessment considered the impact of the development in the construction, operational and decommissioning phases on the surrounding road network. Current traffic levels on the A548 were obtained and the traffic anticipated to be generated by the proposed development assessed against it. The assessment found that the percentage increase on traffic on the A548 at would be on average less than 1%. It is also worth reminding members that the vehicle movements associated with the operation of the development is for the delivery of

fuel for a replacement boiler system. Should Warwick Chemicals have chosen to replace their existing boilers with coal fired boilers, then this coal would be required to be delivered to the site. Furthermore, a planning application would not be required.

- 7.109 It is considered that the application is adequately supported by a Transport Statement which shows that during the operational stages, traffic generation from the proposed development would not have a significant impact upon the operation of the highway. The construction phase however could have a more significant impact and a construction management plan would be provided which would be required by condition.
- 7.110 The Head of Assets and Transportation has not objected to this proposal subject to conditions in relation to the submission of a construction management plan, provision of adequate visibility splays which would be maintained throughout the life of the development, and the submission of detailed siting, layout and design of the means of access to ensure that two way vehicle movements can be achieved accessing and egressing the site.
- 7.111 Concerns have also been raised in relation to vehicles accessing the site via minor roads and causing traffic disruption in outlying villages. The operator would ensure contractual arrangements which would ensure that all deliveries use main roads. If suppliers are observed breaching this contractual condition they would lose the contract. Companies such as Warwick International Limited and Dalkia, the proposed operators, currently operate this type of approach as part of demonstrating the commitment to quality and community relationships.
- 7.112 ***Protection of Water Resources and Drainage***
The applicant has assessed the potential for spillage on site. Existing drainage and interceptors present on the site would be used. The potential for spillage on site has been assessed and the sources of potential contaminants have been identified in a hazard register as part of the Environmental Permit application.
- 7.113 There would be a number of measures in place to ensure that contamination from the facility should not occur. All chemical storage containers would meet relevant standards i.e. self bunded etc. and would be housed within the building. There would be no storage of chemicals outside of the building. No waste wood/ biomass fuel would be stored outside of the building. In the event that wood spillage occurs on site roads, there would be negligible potential for runoff contamination due to the nature of the waste. Site road drainage would be routed to the Warwick International drainage system.
- 7.114 Surface Water pollution can be avoided by standard pollution prevention measures, a requirement of the Environmental Permit

issued by Natural Resources Wales. There is some distance between the construction site and the River Dee Estuary for contaminants to enter the estuary through surface water and existing drainage on site would intercept any surface water.

7.115 Dŵr Cymru/Welsh Water have not raised any objections to the proposal, but have suggested a number of conditions and advisory notes in relation to drainage and water resources.

7.116 ***Flood Risk***

The site is also located within Zone C1 of the Development Advice Map provided by Natural Resources Wales (NRW) under Planning Policy Wales Technical Advice Note 15 (TAN15) and so a Flood Consequences Assessment (FCA) is required. NRW's indicative flood risk map (September 2013) indicates that the site has between 0.1% and 1% probability of flooding in any one year. Natural Resource Wales Flood Map information, which is updated on a quarterly basis, confirms the site to be within the extreme flood outline. The site is located on low-lying ground adjacent to the Dee Estuary.

7.117 The existing use of the site is classified as 'less vulnerable development' whereas based on section 5.1 of TAN15, the development is considered to be 'highly vulnerable' to flooding.

7.118 ***Development Lifetime and Climate Change***

The applicant has considered predicted flood level over the 35 year development lifetime which has been agreed with Natural Resources Wales and the Local Planning Authority. The Welsh Government, in their letter to Chief Planning Officers (9th January 2014) indicated that the development lifetime for all applications other than residential ones should be 75 years. However, in this particular case, the site and its surroundings are already developed and there is an existing building on the application site. The site has a history of previous industrial/employment land use development and therefore, by virtue of previous development, there is already an established employment/industrial use on this site, and the granting of a further consent on this site would have to take that into account. Furthermore, departing from the advice from the Welsh Government would not be considered to be setting a precedent as each application would have to be determined on its own merits.

7.119 Should planning permission be granted, a condition should be attached to provide an end date for the development which would be 25 years from the commencement of development. This would ensure that flood risk has been mitigated appropriately. A period of 25 years is below the proposed mitigation provided with the submitted Flood Consequence assessment (which is 35 years) and is in line with the life expectancy of this type of plant and technology. There would also be a conditional requirement to decommission the plant and restore the site at the end of the 25 year period.

7.120 *Flood risk to the development*

The reports submitted by the applicant have considered both the predicted 'still water level' (0.5% probability flood event, with an allowance for climate change) and the impact of wave action. The report concludes that the still water level would be 6.66m AOD in the year 2050. Natural Resources Wales welcomes the fact that this level incorporates an estimate of 'uncertainty' (based on inherent uncertainties in predicting flood levels).

7.121 The report has considered the impact of both wave action as well as inundation modelling. The largest waves predicted by the model would be 1.80m in height (based on a north-easterly wind direction) and would result in large volumes of overtopping. The resulting peak of waves approaching the shore would therefore be expected to approach 7.56m AOD. However, the site is protected to some extent by a sea-wall made of rock and masonry blockwork - with an effective crest height of 6.8m AOD. It is therefore accepted that wave heights would diminish as the wave travels inland.

7.122 In terms of inundation modelling, the report concludes that still water levels on the site would only be elevated (above the estuary still water levels) in the vicinity of the existing sea-wall. This is considered to be primarily due to overtopping water being trapped behind the sea-wall. In view of the above, the developer's proposals to set a development platform at 7.40m AOD in height is considered to be sufficient to ensure that the development remains dry in the design flood event with respect to 'still water levels'.

7.123 Estimates of wave heights immediately adjacent to the development platform not been provided, however, given that it is located some distance behind the coastal frontage and sea-wall, it seems probable that the wave heights would not be as high as the 7.56m AOD predicted for the frontage. Nevertheless, the developer proposes to provide a continuous dwarf-wall around the site, with a crest height of 7.70m AOD. The only areas within the building which do not comply with section A1.14 of TAN 15 are the 'pit' areas which house conveyors and machinery associated with the development. Strictly speaking, these areas cannot comply with TAN15 as they are below the predicted 0.5% probability flood level, however these areas would be 'lockout' areas i.e. not normally accessed by workers. Additionally, it is understood that there would be no way for water to enter the pits other than if flood levels exceeded the 7.4mAOD development platform.

7.124 Should planning permission be granted, a condition would require the height of the building and surrounding development platform to be constructed to a minimum level of 7.4m AOD. The only exceptions to this would be vehicle access ramps. Also, details of the flood defence wall which would extend around the site shall be provided for the

approval of the Local Planning Authority and the existing sea-wall shall be reinforced, if it is deemed necessary. Drawings shall also be submitted demonstrating that water cannot enter the 'pits' within the lower areas of the building.

7.125 *Access/escape routes car parking*

The submitted Flood Consequence Assessment Reports have considered risks on land adjacent to the raised development platform. The submitted model considers the volume of overtopping and concludes that the predicted rate of overtopping "would be dangerous to even trained staff". The Addendum report concludes that the risk classification on the seaward side of the development would be 'danger to all'. It is therefore clear that neither the car parking area nor part of the access road to the site comply with TAN15: all four parameters in section A1.15 are exceeded.

7.126 Notwithstanding the above, it is accepted that the site has a current use which could lead to vehicles being parked in the flood risk area. It may therefore be argued that the proposals do not constitute a detriment beyond the existing situation. The Regional Emergency Planning Manager has been consulted and does not object to the proposal as it would not pose any further risk. However, mindful that materials could be stored in the car park area and access road, Natural Resources Wales have requested that suitable fencing / bollards should be provided around the perimeter of the site to minimise the risk of objects being washed from the site during the event of a flood. Details of such fencing must be submitted to the local planning authority for approval prior to commissioning of the site.

7.127 The Addendum to the Flood Consequences Assessment suggests that an emergency evacuation procedure for Flooding be adopted for the site. Should planning permission be granted, a condition would require the developer to produce and maintain a Flood Action Plan for the site, addressing matters such as evacuation procedures.

7.128 A pedestrian access set at minimum level of 7.40m AOD would be provided between the development platform and Dock Road which would ensure a safe access route for workers/visitors to the site in the event of a flood. This would be secured by condition should planning permission be granted.

7.129 *Impacts elsewhere*

The Flood Consequence Assessments conclude that parts of the Warwick International site adjacent to the development site would be flooded to an additional 340mm, as a result of the displacement of water due to the raising of the 'development platform'. This is clearly in conflict with TAN15 which states that there should be no increase in flooding elsewhere. However, the Warwick International, Health, Safety & Environment Manager has confirmed that Warwick International accepts this additional risk.

- 7.130 Furthermore, correspondence between Natural Resources Wales and the consultant working on behalf of the developer has confirmed that the risk of impact from the development on third party receptors beyond the Warwick International is low. Natural Resources Wales have also confirmed that they would agree with this assessment given the extensive width of the estuary at this location, the risks to third parties away from the immediate area would seem to be low.
- 7.131 Whilst this element of the proposal and the car park and part of the access road does not comply with the requirements of TAN15, Warwick International, the applicants have confirmed that they accept this additional risk to their land. Furthermore, TAN 23 Economic Development states that where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. On balance, the importance of the proposal to Warwick International as it would provide a secure and affordable fuel supply to allow them to continue to complete globally, would outweigh the potential low risk to third parties. The proposal would also provide a facility to manage waste wood and divert waste wood from landfill which would assist achieving waste disposal targets and comply with the Waste Hierarchy.
- 7.132 As such, it is considered that confirmation from NRW that they would concur with the conclusions of the Flood Consequence Assessment and that the risk to third parties would be low and therefore this, with the importance placed on TAN23 and Economic Development this is sufficient to override the requirements of TAN 15.
- 7.133 ***Residential Amenity***
All waste imported to the site would be pre-treated wood waste grade A-C or biomass. These materials would present a very low risk of producing odour, creating litter or attracting birds and vermin. Comprehensive management systems would form part of the requirements of the Environmental Permit for the site and would be set out in detail in the Waste Management System that will be required under the Permit should planning permission be granted. It is considered that there would be no conflict with Policies GEN1, EWP8, EWP12 and EWP13 of the Flintshire Unitary Development Plan.
- 7.134 TAN21 advises that where a proposal would cause adverse impacts on amenity, and the problems cannot be mitigated to an acceptable standard by conditions, planning permission should be refused. As discussed above, it is considered that dust and noise can be controlled adequately by mitigation, management and control limits, and that the highway network has sufficient capacity to accommodate the proposed movements. The Head of Public Protection has concluded that there would be no material adverse effect on residential amenity. As such, it is considered that there would not be

an adverse impact on amenity as the predicted impacts could be adequately controlled by condition. Therefore, the proposal would accord with the provisions of TAN21, and Policies GEN1, EWP6, EWP12 and EWP13 of the Flintshire Unitary Development Plan.

- 7.135 The risk of fire is often considered to be a concern associated with waste facilities and the storage of waste. Fire risk and emergency procedures are assessed by Natural Resources Wales as part of the Environmental Permitting Regulations.
- 7.136 One of the petitions raised a serious concern in relation to the increased risk of explosion at the site, especially given that site is regulated by the COMAH regulations. It is considered that the proposal would not increase the risk of the explosion on site which is already highly regulated by the Health and Safety Executive and they have not advised on safety grounds against the proposal.
- 7.137 ***Community and Employment – Socioeconomic Impacts***
Warwick International is one of five global plants which manufacture and supply of bleach activators for the detergent and biocides industries and they supply 53% of the world's requirements. The Mykon TAED is an activator which produces the powerful oxygen based bleach which is found in washing detergent products such as Vanish and dishwasher tablets.
- 7.138 The main focus of the planning application project is to provide the Warwick International plant, with a more secure, renewable source of energy for the next 25 years. This would allow them to compete on a global scale with other manufacturers of their bleach activating chemical. By raising steam and supplying power to Warwick International, the project would secure this large local employer to this site for 20-25 years. It would also provide a more reliable, cheaper and greener source of energy, which would allow Warwick International to be more competitive and ensure that the 'brownouts' in energy supply do not occur.
- 7.139 In addition to ensuring the continual employment of workers at the Warwick International Site, the plant would create jobs itself. The likely job creation will be between 8-25, with 17 being the average on a shift pattern basis. During construction there would also be a requirement for a workforce with particular skills for each stage of the development. Construction workers of varying skill and speciality would be required could be formed from the local base available as Mostyn has the skills required.
- 7.140 The study undertaken as part of the Environmental Statement found that the project would have a positive impact on the local community not just through job creation, but by securing Warwick International's power supplies and therefore stability for the next 25 years.

- 7.141 TAN23; Economic Development states that local planning authorities should recognise market signals and have regard to the need to guide economic development to the most appropriate locations, rather than prevent or discourage such development. This proposal is not speculative, the applicant would be the end user of the steam/heat/electricity but they have sourced an operator who has designed the plant to their specification and requirements.
- 7.142 The applicant and operator are supportive of forming a Liaison Committee for the site, which would provide a formal forum for liaison with the local community which would seek to address concerns that the local community may have in relation to the proposal. The applicant would also ensure that the Community Council and local residents are able to make direct contact with the site manager as and when required, so that more informal, day to day contact is possible for the local community. Should planning permission be granted, a condition would require a scheme setting out the terms of reference of a liaison committee.

8.00 CONCLUSION

- 8.01 The proposal involves the construction of a new 8.5 MW combined heat and power (CHP) plant to replace the existing steam generating gas-fired boilers with a steam-and-electricity producing burning plant which would use clean imported biomass as its fuel as opposed to gas. The planning application is accompanied by an Environmental Statement. Whilst the majority of the steam and electricity would be used by Warwick International, any surplus electricity would be exported to the grid. The project would provide Warwick International with a secure, low carbon fuel which would ensure they can continue to be competitive within a global market and would reduce their reliance on fossil fuel consumption and intern reduce their CO₂ emissions.
- 8.02 The proposal accords with the UK and Welsh Government's energy policies which support the diversification of energy generation which displaces the use of fossil fuels. Not only would the proposal contribute to renewable energy targets, it would also contribute to carbon dioxide reduction targets.
- 8.03 The application site is allocated as employment land and is within the area of search for new waste management facilities and is in principle appropriate for waste management development. The proposal accords with the National Waste Strategy; Towards Zero Waste, TAN21 and is in accordance with the Waste Hierarchy as it would contribute towards meeting landfill diversion targets for waste wood. The proposal is considered to be a recovery operation as opposed to disposal due to the efficiency of the proposed plant.

- 8.04 To meet the Welsh Government's vision for zero waste by 2050, the CIMS Plan state that significant new waste management infrastructure capacity is required and this proposal would contribute to the network of facilities required to assist in meeting landfill diversion targets. The proposal would contribute to providing the County and the Region with a network of new and modern waste management facilities by increasing capacity and producing a valuable product from the raw material which would be recovered from the waste stream.
- 8.05 The Construction and Demolition Sector Plan sets targets for construction and demolition waste to prevent, prepare for reuse, recycle and otherwise recover and dispose which this project would contribute towards meeting.
- 8.06 TAN 21 states that where a proposal is environmentally unacceptable, or would cause impacts on amenity, and the problems cannot be mitigated to an acceptable standard by conditions, planning permission should be refused. It is considered that the proposal would be acceptable and would not give rise to an unacceptable impact on amenity and therefore planning permission should be granted. The proposed biomass CHP plant would only be permitted to operate with an Environmental Permit which would be subject to strict regulatory controls and compliance with the Industrial Emissions Directive. During the construction and decommissioning stages there would be adequate controls on dust, noise, and vehicle movements through the imposition of conditions and good management practices.
- 8.07 Whilst the site is in close proximity to the Dee Estuary Ramsar, SPA, SAC, SSSI, the Habitats Regulations Assessment concluded that, providing the development is carried out as detailed within the Environmental Statement with the mitigation measures proposed to avoid disturbance of roosting wintering birds and degradation of water and air quality, that the proposal is not likely to have an adverse significant environmental effect on the Dee Estuary SAC, SPA, SSSI, Ramsar Site or habitats and species contained within them.
- 8.08 It is considered that the highway network would accommodate the proposed vehicle movements, and the improvements to the existing access, maintenance of adequate visibility splays would facilitate safe access and egress into and out of the site. Subject to the approval of a construction access management plan there is no reason to refuse this application on highways grounds.
- 8.09 Provided the conditions are included on any planning permission as detailed above, it is considered that the development platform itself complies with the requirements of TAN 15 in relation to Flood Risk. Nevertheless, it is clear that the area around the development would remain vulnerable to flooding in terms of the vehicle access routes and car parking areas which fail to comply with TAN 15. However, on balance, taking into account the importance of the project in economic

terms and the ability to provide a secure, low carbon and affordable fuel for the applicants, and the advice provided in TAN 23, it is considered that the economic importance would outweigh the low risk of flooding in the other areas of the site. A Flood Action Plan would be required by condition and a pedestrian access route built at a minimum elevation of 7.4m AOD would ensure the safety of operatives of the site in the event of a flood.

- 8.10 In considering this application the Council has taken into account all the environmental information and matters that are material to the determination of this application, as set out in the Application, Supporting Statement, Environmental Statement and technical appendices. The environmental statement has considered and assessed the impacts on ecology, nature conservation and adjacent designated sites/protected species, air quality and human health, landscape and visual amenity, noise, geological and geo-environmental impact, transport and highways, flood consequences and hydrology, and socio-economic impacts of the proposed development.
- 8.11 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.
- 8.12 In determining this application, the Council has had regard to the Policies of the Development Plan, and regional and national policy, legislation and guidance. Subject to the imposition of conditions as listed above, there is no sustainable planning reason why planning permission should be refused. Accordingly, it is recommended that planning permission should be granted subject to conditions.

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