

FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JUNE 2016**

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

SUBJECT: **VARIATION OF CONDITION NO. 4 ATTACHED TO PLANNING PERMISSION REF: 053393 TO ALLOW INCREASE OF THE DURATION OF EXISTING PERMISSION AT PORT OF MOSTYN, COAST ROAD, MOSTYN.**

APPLICATION NUMBER: **055363**

APPLICANT: **AETERNIS ENERGY LIMITED**

SITE: **PORT OF MOSTYN, COAST ROAD, MOSTYN.**

APPLICATION VALID DATE: **4/05/2016**

LOCAL MEMBERS: **MOSTYN: COUNCILLOR DAVID RONEY.**

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

REASON FOR COMMITTEE: **REQUESTED BY LOCAL MEMBER.**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 On 4th August, 2015 Planning Application 053393 was granted for Installation and operation of a mobile advanced thermal treatment plant (ATT) and associated operations in existing buildings comprising a 1MW pyrolysis unit and associated gas engine. Condition 4 of this planning application requires that the development shall cease 5 years from commencement. This planning application is to amend the condition to require that the development shall cease 15 years from commencement. The fundamental reason for this application is that the funding sources will require a return and repayment on investment over a number of years so the time currently consented is not sufficient.

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

- 2.01
1. Commencement.
 2. Notification of commencement.
 3. In accordance with stated plans and particulars.
 4. Cessation 15 years from commencement.
 5. Removal of plant and machinery.
 6. Copy of permission and permitted plans to be kept at the site.
 7. Limit on fuel/waste storage capacity.
 8. Limit on annual fuel/waste throughput.
 9. Environmental Management Scheme including noise limits, storage of liquids and materials, dust and lighting.

3.00 CONSULTATIONS

3.01 Local Member for Mostyn: Councillor David Roney:

Would like this application to be determined by the Planning Committee due to such a major increase in length of time. Objects to changing the period of duration from five to fifteen years. Advised that the applicants must provide an explanation of why they were previously wrong about how long it would take to break even and make a profit. If they were wrong about this, can they prove they are correct in averring they will employ between seven and ten local people - some twelve months since approval was given on the basis of their proposed "facts" they still do not have definitive numbers. They list "Temporary Staff Welfare Unit" and "Temporary Reception and Office". Five years could be regarded as temporary - fifteen years is a generation.

Under the three criteria which are noted as not contravened, the first (and arguably most germane to Planning Committee decision) - IS A DEPARTURE FROM THE DEVELOPMENT PLAN is flagged as "NO". However the Development plan states that any waste disposal management must not import waste from outside of Flintshire, and the applicants admit that they do not know where the waste will be sourced but that most if not all of it will probably not come from Flintshire.

Mostyn Community Council:

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proposed “facts” they still do not have definitive numbers. They list “Temporary Staff Welfare Unit” and “Temporary Reception and Office”. Five years could be regarded as temporary - fifteen years is a generation.

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Head of Public Protection:

No adverse comments to make regarding this proposal.

Natural Resources Wales

No comment on the proposed development.

4.00 PUBLICITY

- 4.01 Press Notice, Site Notice,
Publicity: Press Notice and Site Notice. No representations have been received to date.

5.00 SITE HISTORY

- 5.01 The area of the Port that the project site is situated has been previously used as ironworks until the 1960's. Since then a number of warehouses have been constructed. The Stena Line ferry service operated at the Port between 2001 and 2003 which accommodated up to 100,000 Heavy Goods Vehicles movements per annum. The Port of Mostyn is one of the oldest Ports in the country, and has a history of handling a wide range of cargoes from steel to coal to fertilisers. However, today, the Port of Mostyn is acknowledged for being one of the main centres for the assembly and installation of turbines. The Port of Mostyn is designated as an Energy Park. As the majority of the business is now dedicated to the offshore renewable energy sector, the existing warehouses provide a perfect hub for a new sector of renewable energy to be added to the port. On 4th August, 2015 Planning Application 053393 was granted for Installation and operation of a mobile advanced thermal treatment plant (ATT) and associated operations in existing buildings comprising a 1MW pyrolysis unit and associated gas engine.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Local –Flintshire Unitary Development Plan (2011)

- Policy STR1 - New Development
- Policy STR3 - Employment
- Policy STR10 - Resources
- Policy GEN1 - General Requirements for Development
- Policy D4 - Outdoor Lighting
- Policy AC13 - Access and Traffic Impact
- Policy EM1 - General Employment Land Allocations
- Policy EM3 - Development Zones and Principle
Employment Areas
- Policy EM5 - Expansion of Existing Concerns
- Policy EM7 - Bad Neighbour Industry
- Policy EWP1 - Sustainable Energy Generation
- Policy EWP5 - Other Forms of Renewable Energy
- Policy EWP6 - Areas of Search for New Waste
Management Facilities
- Policy EWP7 - Managing Waste Sustainably.
- Policy EWP8 - Control of Waste Development and
Operations
- Policy EWP12 - Pollution
- Policy EWP13 - Nuisance
- Policy EWP16 - Water Resources
- Policy EWP17 - Flood Risk

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)
- The Waste Framework Directive

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

The Waste (England and Wales) Regulations 2011

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)

The proposal **would** comply with the above policies.

7.00 PLANNING APPRAISAL

7.01 Summary

On 4th August, 2015 Planning Application 053393 was granted for Installation and operation of a mobile advanced thermal treatment plant (ATT) and associated operations in existing buildings comprising a 1MW pyrolysis unit and associated gas engine. Condition 4 of this planning application requires that the development shall cease 5 years from commencement. This planning application is to amend the condition to require that the development shall cease 15 years from commencement. The fundamental reason for this application is that the funding sources will require a return and repayment on investment over a number of years so the years as stated is not sufficient.

Condition 4 currently reads:

The development hereby permitted shall cease 5 years from commencement.

REASON: The planning application was for a temporary facility. To ensure that the site is not left in a derelict state. In the interests of public safety and the amenity of the area. To maximise the potential for the future development of the site. To comply with Policies STR1, GEN1 and EWP8 of the Flintshire Unitary Development Plan.

It is proposed that the following wording is substituted:

The development hereby permitted shall cease 15 years from commencement.

REASON: The planning application was for a temporary facility. To ensure that the site is not left in a derelict state. In the interests of public safety and the amenity of the area. To maximise the potential for the future development of the site. To comply with Policies STR1, GEN1 and EWP8 of the Flintshire Unitary Development Plan.

7.02 **Site Location**

The existing energy centre is located immediately outside of an existing warehouse situated on the far north west side of the Port of Mostyn, and adjacent to Gibbs Steel Fabricators Ltd located immediately to the south west. The majority of the port complex is located to the south east, with Warwick Chemicals some 500 metres distant. The site is separated from the residential areas to the south east by the port access road, the main railway line, the A541 and a block of woodland. The site is in excess of 500 metres from the main residential areas of Mostyn to the south east and the nearest businesses and residences located along the coast road are 150 metres away. The site boundary is within 25m of the nearest water course and the sea defence which defines the boundary to the Port. The sea defence is programmed to be upgraded in 2016 by The Port of Mostyn.

7.03 **Description of the Development**

The existing energy centre is a pyrolysis plant that produces bio-oil, bio-gas and char, a gas cleaning unit and a gas powered engine electricity generator set. It is predicted that the energy centre will use 16 tons per day of refuse derived fuel and generate up to 1 MWh of electricity. The development includes associated temporary staff units and car parking.

7.04 **Description of the Process**

The material for the processing unit is from commercial industrial sources and is non-hazardous, clean and odourless. It consists of shredded Refuse Derived Fuel (RDF) or Solid Recovered Fuel (SRF) and is principally paper, cardboard, wood, textiles and very light plastics (bags). It is anticipated 10,000 tonnes per annum being required for the existing plant which is less than one 30 tonne delivery per day if used on a 7 day week basis. The fuel is then processed in the pyrolysis unit in the absence of Oxygen so there is no combustion.

7.05 **Policy Context**

The site is at the Port of Mostyn which is allocated as a Development Zone by the Flintshire County Council Unitary Development Plan (Policy EM3). There are a number of similar warehouses on The Port of Mostyn land in B2 and B8 employment uses, and the application site is on previously developed land and within an existing warehouse.

7.06 This development is a hybrid in that it is primarily a power generation plant and is also intended to be fuelled by waste derived materials, but could also use virgin or other manufactured fuels. Policies for renewable energy and waste development are both applicable.

7.07 **Environmental Assessment**

The proposed development does not require an Environmental Impact

Assessment as it falls below the relevant thresholds, and the impacts are controllable and localised. The project site lies outside of ecologically sensitive areas but the larger lease site is adjacent to the Dee Estuary European designated Special Areas of Conservation and Special Protection Areas, and the Site of Special Scientific Interest.

7.08 **Need and Sustainability**

The investment at Port of Mostyn will be circa £5 m and will provide employment to approximately 7 – 10 local people who will be trained in 24 hour operation of the plant.

7.09 **Flood Risk**

This application does not introduce any new flood risk considerations from the 053393 planning permission.

7.10 **Pollution Control**

This application does not introduce any new pollution control considerations from the 053393 planning permission.

7.11 **Access**

The existing energy centre is accessible from the A541 Coast Road via the traffic light controlled junction. There is also rail access. This application does not introduce any new highways considerations from the 053393 planning permission.

7.12 **Amenity and Nuisances**

This application does not introduce any new amenity and nuisances considerations from the 053393 planning permission.

8.00 CONCLUSION

8.01 The development is in accordance with the objectives and policies set out in the Flintshire Unitary Development Plan. This Section 73 proposal does not introduce any new impacts or effects which have not previously been considered. It is recommended therefore that permission be granted for the development.

8.02 **Other Considerations**

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

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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

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

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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