

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **27th October 2021**

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

SUBJECT: **ERECTION OF AN ADVANCED GASIFICATION
PLANT AND ASSOCIATED DEVELOPMENT**

**APPLICATION
NUMBER:** **063104**

APPLICANT: **LOGIK WTE LTD**

SITE: **LAND OFF WEIGHBRIDGE ROAD, DEESIDE
INDUSTRIAL ESTATE, DEESIDE, CH5 2LL**

**APPLICATION
VALID DATE:** **15/ 6/2021**

LOCAL MEMBERS: **CLLR M WHITE**

**TOWN/COMMUNITY
COUNCIL:** **CONNAHS QUAY TOWN COUNCIL**

**REASON FOR
COMMITTEE:** **MAJOR DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for the erection of an advanced gasification plant and associated development. The development has the capacity to treat up to 80,000 tonnes of RDF per annum. The plant will produce 9.9MW of electricity, the majority of which will be used to power the overall waste development site together with powering adjacent business operations. The plant will also produce heat which will be used to dry the incoming waste contained within the (approved) adjacent RDF building.
- 1.02 The proposal site is the location of the former Gaz De France power station, on the Deeside Industrial Park, which is in the process of being development into a waste management facility comprising a materials recycling facility and anaerobic digestion facility.

1.03 The site has previously been raised up out of the flood plain but is located within a wider area which is subject to flood risk. The site is within 2km of a number of statutorily designated sites including the Dee Estuary SAC/SPA/Ramsar/SSSI, Inner Marsh Farm and Shotton Lagoons and Reedbeds SSSI and River Dee SAC/SSSI.

1.04 The main planning issues are considered to be:

- Principle
- Sustainability/Need
- Employment
- Visual Impact and Design
- Highways
- Ecology
- Trees
- Air Quality
- Noise and Vibration
- Contaminated Land
- Flood Risk
- Drainage
- Fire Risk

1.05 The proposed facility would enable the use RDF produced in the adjacent waste management facility to produce up to 9.9MW of energy along with heat which will be used in the adjacent RDF building. Subject to the inclusion of conditions it is considered that there would be no harm to protected species or designated sites or the amenity of the local area. The proposal would enable the beneficial reuse of land which is currently vacant and would provide economic benefit through the provision of both direct and indirect jobs. The proposal is therefore recommended for approval subject to the conditions outlined below

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

2.01 Conditions to include:-

1. Commencement
2. Approved Documents
3. Site shall only be used for non-hazardous waste.
4. Sheeting of vehicles
5. Contaminated land
6. Construction/Decommissioning Environmental Management Plan including noise and dust management/mitigation
7. Operational Environmental Management Plan – Noise, odour, vibration, litter, dust
8. Ecology and Bio security measures
9. Landscaping and fencing
10. Lighting scheme

- 11.Hours of operation
- 12.Lifetime of development
- 13.Decommissioning
- 14.Restoration

3.00 CONSULTATIONS

3.01 Local Member – Councillor M White
No response at the time of writing.

Connah's Quay Town Council
No response at the time of writing.

As this application is for a major development and the site running along different ward boundaries it was decided to consult members and community councils of adjacent wards and not only the present ward members.

Councillor C M Jones
No comment to make on the development.

Councillor I Dunbar
No response at the time of writing.

Councillor I Smith
Objects to the planning application due to the airborne pollution which will be emitted by the operation of this incinerator type plant. The area where this plant is to be situated is already quite heavily polluted. There will be a lot of vehicle movements of diesel powered HGV's, delivering waste to be burnt, which will generate a lot of particulate pollution as well.

There is a large incinerator already in operation very close to the proposed gasification plant, which is already a large polluter and has numerous diesel powered HGV'S delivering there every day.

Councillor A P Shotton
No response at the time of writing.

Councillor J B Attridge
No response at the time of writing.

Councillor S Bibby
No comment to make on the development.

Sealand Community Council
No response at the time of writing.

Queensferry Community Council
No response at the time of writing.

Highways Development Management

The proposed development is remote from the adopted highway and anticipated traffic movements will not generate significant highway impacts; the highways officer raises no highway objection or further comment on the proposal.

Community and Business Protection

No adverse comments to make regarding this proposal.

Welsh Water/Dwr Cymru

The proposed development site is crossed by a public sewer. Under Section 159 of the Water Industry Act 1991, DCWW has rights of access to its apparatus at all times, and as such would require a protection zone of 3m either side of the centreline of the public sewer. Should the proposed development be located within the protection zones of the sewer crossings, there would be a requirement to divert the public sewer, which can be applied for under Section 185 of the Water Industry Act 1991.

The developer proposes to dispose of foul flows via the public sewerage system and discharge surface water run-off into an existing watercourse. Domestic foul flows from the proposed development can be accommodated within the public sewerage system. However DCWW requests that a condition is included to ensure no surface water and/or land drainage connect either directly or indirectly with the public sewerage network.

Natural Resources Wales

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching conditions to any planning permission granted:

National Grid

National Grid has no Objection to the above proposal which is in close proximity to their high voltage transmission underground cable. A location plan of the apparatus along with advice for working in close proximity to high voltage cables is been provided and will accompany any decision as an advisory note.

Network Rail

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land has provided guidance for working in close proximity to the rail line.

Welsh Government Department for Economy and Infrastructure

Welsh Government as highway authority for the A494 trunk road does not issue a direction in respect of this application.

Airbus

No response at the time of writing.

RSPB Cymru

No response at the time of writing.

4.00 PUBLICITY

4.01 This application was originally advertised by way of press notices, site notices. Neighbour notification letters were dispatched to nearest properties. In response to the public consultation exercise; the application received one letter raising the following points:

- With SPA/RAMSAR sites nearby the cumulative effects of the development need to be satisfactorily assessed.
- The noise assessment should be a cumulative noise assessment taking into consideration the operation of the proposed facility with Parc Adfer.
- EfW facilities will not be required post 2050 (as set out in National Policy).
- The option of exporting the RDF to the Parc Adfer needs to be considered.

5.00 SITE HISTORY

5.01 Application 97/390 (26890) Shotton Power Station is a 210 megawatt (MW) gas-fired CHP generating station. The station was constructed in 2001 primarily to supply heat to the adjacent UPM Shotton Paper Mill. The station ceased generating power in June 2012 and the decision was taken to close the power station.

5.02 The power station operated under a deemed planning permission which was issued on 3 December 1998 by the Secretary of State for Trade and Industry in accordance with Section 36 of the Electricity Act 1989 and Section 90 of the Town and Country Planning Act 1990. Condition 50 required the site to be restored to the satisfaction of the Council and an application for the restoration of the site, reference 051485, was approved on 20.03.2014. A letter was sent by the Local Planning Authority on the 31.05.2017 confirming that the restoration undertaken within the site was in accordance with the approved scheme.

5.03 Application reference 058270 was approved on 09.08.2018 for the construction of a waste management facility. The development promised of a materials recycling facility and anaerobic digestion facility which would manage residual waste of up to 182,000 tonnes per annum. Development was approved subject to a number of detailed prior to commencement conditions, which have recently been discharged.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1: New Development

STR3: Employment

STR7: Natural Environment

STR10: Resources

GEN1: General Requirements for Development

D1: Design Quality, Location and Layout

D2: Design

TWH2: Protection of Hedgerows

WB2: Sites of International Importance

WB3: Statutory Sites of National Importance

WB5: Undesignated Wildlife Habitats

AC13: Access and Traffic Impact

AC18: Parking Provision and New Development

EM1: General Employment Land Allocations

EM3: Development Zones and Principle Employment Areas

EM7: Bad Neighbour Industry

EWP6: Areas of Search for New Waste Management Facilities

EWP7: Managing Waste Sustainably

EWP: Control of Waste Development and Operations

EWP12: Pollution

EWP13: Nuisance

EWP14: Derelict and Contaminated Land

EWP17: Flood Risk

Supplementary Planning Guidance

Supplementary Guidance Note 3: Landscaping

Supplementary Guidance Note 8: Nature Conservation and Development

Supplementary Guidance Note 11: Parking Standards

Supplementary Guidance Note 21 – Environmental Impact Assessment (2017)

Supplementary Guidance Note 29: Management of Surface Water for New Development

Planning Policy Wales Edition 9

Technical Advice Notes

Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 11 – Noise

Technical Advice Note 12 – Design

Technical Advice Note 15 – Development and Flood Risk

Technical Advice Note 18 – Transport

Technical Advice Note 21 – Waste

Technical Advice Note 23 – Economic Development

7.00 PLANNING APPRAISAL

The Site and the Proposed Development

- 7.01 This is a full application for the erection of an advanced gasification plant and associated development. The development has the capacity to treat up to 80,000 tonnes of RDF per annum. The plant will produce 9.9MW of electricity, the majority of which will be used to power the overall waste development site together with powering adjacent business operations. The plant will also produce heat which will be used to dry the incoming waste contained within the (approved) adjacent RDF building.
- 7.02 The main elements of the proposal are:
- Gasification Building
 - Gasification Island
 - Aero-coolers
 - Emergency Flare
 - 2 x Ash Silos
 - Emergency Flare Stack, measuring up to 15m
 - Storage Silo and Covered Conveyor from (approved) RDF Building
 - Fuel / Ammonia Tanks
 - Odour Control Scrubber Plant
 - 2 x Sprinkler Tanks and Sprinkler Tank Pump House
 - Heavy Reject Bunkering / Storage Building including 3 x Covered Conveyors from (approved) RDF Building
 - Vehicle Maintenance / Parts Storage and Workshop Building
 - Customer HV Switchroom
 - HV Transformer Compound
 - SPEN HV-Switchroom
 - SPEN Substation
 - Car Park comprising of no. 19 car parking spaces
 - 2 x Customer Substations
 - Internal Road including weighbridge (between Zone 03 and (approved) RDF Building).
- 7.03 The proposed development will operate 24 hours a day, 7 days a week. The gasification island and building will be staffed on a shift basis. Management and admin staff within the gasification building offices will typically work on one shift between 8am and 6pm. The site would employ up to 35 full-time employees.
- 7.04 The proposal site is located within Zone 4 of the Deeside Industrial Estate and forms reclaimed marsh land which was developed as part of the Steel Works, comprising made ground underlain by tidal flat deposits and coal measures at depth. The majority of the site elevated approximately 4m above Weighbridge Road. The site was

previously occupied by the Gaz de France power station which has now been cleared.

- 7.05 The site is accessed via the A548 Weighbridge Road, which links to the east with the A494(T)/A550, which in turn provides access to the strategic road network via the M56/M63 and the A55(T). The site is bound to the north by Parc Adfer, an Energy from Waste Facility (EfW), a Converter Station to the south, is bound by the railway line to the east and a number of industrial uses to the west, including, but not limited to, Tata Steel and UPM.
- 7.06 There is mature landscaping to the east of the site, along the railway line and vegetation along the western boundary and either side of the access road into the site. The nearest watercourse is approximately 15m to the east (a drain) and a primary river (main river) approximately 80m to the east. There are no source protection zones or abstraction points within 1km and the underlying strata is a Secondary Aquifer. The Dee Estuary is located approximately 2km to the west of the site and the River Dee is approximately 1.4km to the South/South West of the site.
- 7.07 The nearest sensitive receptor is located approximately 1.9km south west of the site (Connah's Quay) and 2km south east of the site (Garden City). The site is approximately 1.27km from the Northern Gateway site which is currently under development for mixed use including residential which would be located approximately 1.7km from the site.

Principle

- 7.08 The site is allocated under Policy EM1 for B1, B2 and B8 employment uses and is within an area identified under Policy EWP 6: Area of Search for Waste Management within which proposals for waste management are supported subject to meeting other relevant Plan policies. The site is also within an area designated under Policy EM3: Development Zones and Principle Employment Areas, which directs B1, B2 and B8 uses to this location subject to a number of detailed tests and Policy EM7: Bad Neighbour Industry which supports development which is potentially polluting on sites designated under policy EM3. Emissions from the proposed facility would be tightly controlled via an Environmental Permit which would be issued by Natural Resources Wales.
- 7.09 The site is located within an area characterised by heavy industry and was formerly part of the steel works before being redeveloped for a power station. Part of the site is allocated for employment uses, including B1, B2 and B8. Although the proposal is sui generis, it is akin to a B2 use, would generate employment and is therefore, considered acceptable, in principle, in this location, in accordance with policies EM1, EM3, EM7 and EWP 6 of the adopted Flintshire.

Sustainability

- 7.10 Policy EWP7 of the adopted Flintshire Unitary Development Plan seeks to ensure that proposals for waste management facilities are rigorously tested to ensure that the facilities proposed are required to meet an identified need within the Regional Waste Plan. Since the Unitary Development Plan was adopted, the requirement to consider the Regional Waste Plan during consideration of proposals for waste management facilities has been removed through the publication of a revised Technical Advice Note (TAN) 21. The revised TAN 21 instead requires consideration of proposals against national waste policy.
- 7.11 TAN 21 cautions against overprovision of certain facility types, particularly landfill and EfW for which there are statutory caps placed on local authorities. Regional Annual Monitoring advises that any proposals for further residual waste treatment should be carefully assessed to ensure that the facility would not result in overprovision. The Collections, Infrastructure and Markets Sector Plan identifies a requirement for between 203 to 468 thousand tonnes per annum capacity of infrastructure for the treatment of residual waste in North Wales. Since the CIMSP was published Parc Adfer secured planning permission in Flintshire which has been procured following a collaboration of five of the North Wales Authorities and would manage up to 200,000tp residual waste, comprising local authority collected waste with head room for commercial and industrial wastes of a similar composition. A facility has also been developed on Bryn Lane in Wrexham, itself an MBT facility, to manage up to 70,000tpa procured as part of a PFI. There have also been a number of planning permissions granted within Flintshire for facilities which would be able to manage residual waste, including a facility which produces an RDF.
- 7.12 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 in accordance with the waste hierarchy.
- 7.13 Towards Zero Waste established targets for the level of recycling in Wales with the target for 70% of all waste being recycled by 2025 to the ultimate goal of zero non-recycled residual waste by 2050. This trajectory leads to a recycling level of around 80% within the mid-2030s. It is therefore considered that the proposed facility will not be required beyond 2050 and should be subject to a temporary permission. The conditions outlined above allow for the lifetime of the development to run until 2050 or until the facilitate ceases to operate,

whichever is the sooner. At which point conditions relating the Decommissioning the facility and restoration of the land will ensure the built development is removed and land restored to allow future development. In the event that circumstances change and the facility is still required beyond this date, a fresh planning application will have to be made for the continuation of the site.

- 7.14 It is also important to note the recent update from Lesley Griffiths, Minister for Environment, Energy and Rural Affairs advising of Welsh Government's moratorium on new energy from waste plants of over 10MW. This scheme is 9,9MW and the plant will produce heat which will be used in the adjacent RDF building. Some of the resulting green electricity will be utilised by the nearby Toyota factory and they will also be contributing to the waste arriving at the site. The energy provided to Toyota will power and heat their plant.

Employment

- 7.15 The site is located within an area designated under Policy EM3: Development Zones and Principal Employment Areas, which supports B1, B2 and B8 employment uses subject to a number of detailed tests. Part of the site is also allocated for employment uses under policy EM1 (11). Alternative sites were considered by the Applicant but identified as either unavailable or unsuitable.
- 7.16 The proposal is predicted to generate 35 additional jobs during the operational phase. The site is currently vacant land within the Deeside Industrial Park. Development of the site would enable the beneficial reuse of land. The Employment Land Review carried out in support of the Local Development Plan (LDP) demonstrates that there is currently an oversupply of employment land within the County and that the Deeside Industrial Estate has a comparatively high vacancy rate.
- 7.17 Technical Advice Note 23 provides advice on weighing the economic benefit of a proposal. The TAN identifies three tests to assist in weighing the economic planning balance: alternatives; jobs accommodated; and special merit. The site is considered suitable in principle for this type of use and is not considered to cause harm to sensitive receptors, subject to the inclusion of conditions. The planning statement considered the suitability of alternative sites and concluded that given supply of the RDF can be obtained from the adjacent site, via a covered conveyor the proposal site is the most appropriate for this development. The number of jobs that would be generated are considered to be low compared to employment densities which could be generated by a typical B2 use. In relation to 'special merit' PPW advises that the planning system should particularly support the low carbon economy.

- 7.18 The proposed development would enable the beneficial reuse of land which is currently redundant. If planning permission was refused it is considered unlikely that there would be a more suitable site elsewhere which would cause less harm because the proposal site itself is adjacent to its fuel source. There would be economic benefit during both the construction phase and the operational phase and whilst the number of jobs provided would be lower than other industrial uses the vacancy rate in this area is comparatively high. As discussed above, the need for the facility in terms of North Wales waste management capacity is not compelling and in the event that the facility ceases operating it is considered undesirable to leave redundant buildings and plant within the site. However, planning permission has already been granted for the main waste management facility, and this represents a different means of generating the power for the process than was originally proposed. It is recommended that a condition is included to require that the site is restored in the event that the site ceases operating.

Visual Impact and Design

- 7.19 Policy GEN 1 seeks to ensure that development harmonises with the site and surroundings. Policy Policies D1 and D2 seek to ensure that development is of a good standard of design, taking into account location. To the east, south and west, views of the site are prevented by the existing RDF building, Converter Station building and industrial units respectively. The site is located within the Deeside Industrial Park within an area characterised by large scale industrial buildings with varying design and use of colour. Whilst there is limited landscaping within the site there is mature vegetation outside of the site, along the railway line, which acts as a wildlife corridor and provides important screening. Proposed landscaping comprises tree planting along the eastern elevation of the main process building, either side of the main entrance, adjacent to the car park and in the loop adjacent to the weighbridge.
- 7.20 The site is within the Garden City coastal and estuary urban area, classified within Landmap as an extensive, often linear and interconnected urban area along the edge of the coast & estuary, with larger towns, sprawling suburban edges and large scale heavy industry including docks with a low visual and sensory value. The main nearby receptors would be users and customers of the industrial sites on the Deeside Industrial Park and are not be regarded as sensitive receptors. Railway users will have transient views of the site and are not regarded as sensitive receptors either. Although there may be more distant views possible from the north of the site, the impact of the development would be limited because of the wider industrial landscape. The main building would extend up to almost 35m in height and the main stack to 65m but this would be viewed in the context of other buildings within the industrial estate which are of

similar scale. For comparison, the main building of the adjacent site, Parc Adfer, extends to 42m with a main stack of 85m in height.

- 7.21 The use of different colour tones and orientation in the cladding to break up the mass of the building help minimise the visual impact of the development.
- 7.22 Subject to a landscaping scheme condition to secure retention of existing vegetation along the western periphery of the site and additional planting within the site, the proposal is considered unlikely to have a significant adverse visual impact, in accordance with policies GEN 1, D1 and D2 of the adopted Flintshire Unitary Development Plan.

Highways

- 7.23 Policy AC13 permits proposals where approach roads to the development are of an adequate standard and safe vehicular access can be provided to and from the main highway network. The access to the site was retained from the former Gaz de France site and rises up into the site from the industrial estate road which links up to Weighbridge Road and the A548 which connects to the motorway network.
- 7.24 The Applicant submitted a Transport Statement in support of the application which demonstrated the gasification plant proposals would be expected to result in a small increase in staff car movements to/from the site with possibly a minor reduction or neutral impact on HGV activity when compared to the consented development. The Highways Officer has not objected to the proposal on highway grounds and has advised that the anticipated level of traffic generation is not considered to be significant. The site is accessed off an un-adopted section of road, therefore access/egress does not directly affect highway users.

Ecology

- 7.25 Policy WB1 supports development where it would not have a significant adverse effect on important species or their habitats. Policy WB2: Sites of International Importance seeks to ensure that development will not have an adverse effect on internationally designated sites. Policy WB3 Statutory Sites of National Importance states that there is a presumption against development which would have a significant adverse effect on the nature conservation interest of the site. Policy WB4 Local Sites of Wildlife and Geological Importance and Policy WB5 Undesignated Wildlife Habitats seeks to protect habitats of local importance. The Dee Estuary SSSI/SPA/Ramsar/SAC is 200m to the north of the application site while the River Dee SSSI/SAC over 1.5km to the south west. The Dee

Estuary is designated for its wintering bird populations (SPA/Ramsar site) and for its estuarine habitats (SAC). The River Dee SSSI/SAC is primarily designated for its migratory fish eg Atlantic Salmon but also for Otter. The Shotton Lagoon and reedbeds SSSI is 830m to the south west and Burton Mere and Wetlands RSPB reserve (includes Inner Marsh Farm SSSI) is over 1km to the north west, both contribute towards breeding and wintering bird populations of the Dee Estuary and form part of the Dee Estuary SPA and Ramsar designations.

- 7.26 The Applicant has submitted an Preliminary Ecological Appraisal in support of the application. The report confirms that to the north of the site is an area of rough grassland which provides grassland habitat suitable for reptiles and which has moderate ecological value. A Reptile Mitigation Strategy and Biodiversity Enhancement Strategy are suggested which can be secured via condition.
- 7.27 Planning permission can only be granted if it can be demonstrated that there is no likely significant effect on the designated features of the Dee Estuary SAC/SPA/Ramsar and the River Dee SAC. Under the precautionary principle if there is an element of doubt then permission cannot be granted. The applicant has carried out a Test of Likely Significance, and concluded that In summary, the emissions from the proposed installation are predicted to be insignificant at all designated ecological sites within 10km, with the exception of a portion of the Dee Estuary, which are predicted to be of minor adverse significance. A number of measures are proposed in order to prevent or minimize impacts. In line with the requirements of the Conservation of Habitats and Species Regulations the LPA has carried out an Appropriate Assessment which has considered the impacts of the development, alone and in combination with other plans and projects.
- 7.28 An Air Quality Assessment submitted in support of the application considered the impact of emissions on air quality at the above ecological receptors. The emissions from the proposed installation are predicted to be insignificant at all designated ecological sites within 10km, where impacts are predicted to be <1% of the Critical Levels and Critical Loads. NRW has advised that they agree with the conclusions of the air quality assessment in relation to designated sites and conclude that emissions from this development are not likely to cause a significant effect on the features of the designated sites.
- 7.29 Within the site itself the unimproved neutral grassland is considered to be habitat of value and mitigation should be provided and secured via condition including appropriate management. Reptiles could be present within the site and it is therefore recommended that a survey is carried out prior to commencement of development. Subject to the inclusion of conditions to address the matters raised above and to secure reptile surveys and reasonable avoidance measures; lighting to minimise impacts on protected species; the submission of a biodiversity enhancement plan; and ground nesting bird surveys or

avoidance of the nesting season, the proposal is considered in accordance with policies WB1, WB2, WB3, WB4 and WB5v of the adopted Flintshire Unitary Development Plan.

7.30 Air Quality

Policies GEN 1, EWP 8 seek to ensure that development does not have a significant adverse impact on recognised habitats or the safety and amenity of nearby residents as a result of the adverse effects of pollution. Policy EWP 12 supports development where it would not create or increase risk to the general public outside the boundaries of the site.

7.31 Gasification is a process which heats feedstock to a very high temperature with a restricted supply or absence of oxygen to change the feedstock into a gas with a residual char or ash. The exhaust gas is in turn used to power generating turbines. The process is inherently cleaner than traditional energy from waste incineration and produces very little emissions other than the normal gases of combustion such as carbon dioxide and water once it has been burnt in the generating turbine or piped to a customer for heating. The solids recovered can be sold for commercial use.

7.32 The Applicant has carried out an Air Quality Assessment (AQA) in support of the application which considered the impact of the development on air quality during the construction phase and operational phase. The assessment confirmed that there are no Air Quality Management Areas (AQMA) within close proximity of the site and the closest sensitive receptors are located at distance. Ecological receptors within 2km include River Dee and Dee Estuary SAC/SPA/RAMSAR/SSSI. The AQA concluded that the impact of the development on human health would be negligible and that the impact on ecological receptors would be insignificant and is discussed in more detail under the Ecology section. The Assessment does not appear to consider the impact of the development on the Northern Gateway site, however, given the distance from the site the findings are considered to remain of relevance.

7.33 The site would require an Environmental Permit and would be regulated by Natural Resources Wales (NRW) and would be required to employ Best Available Techniques (BAT), which means the available techniques which are the best for preventing or minimising emissions and impacts on the environment. Permitting is a separate consenting process but both planning and permitting would be required to operate the site. It is understood that the Applicant is in discussion with NRW regarding the submission of a Permit application, however, no Permit has been determined to date.

7.34 Subject to the inclusion of conditions to ensure that the development is carried out in accordance with the proposed mitigation measures it

is considered unlikely to have an adverse impact on amenity, in accordance with policies GEN 1 and EWP 8 of the adopted Flintshire Unitary Development Plan.

7.35 Flood Risk

Policy EWP 17: Flood Risk supports development within areas at risk of flooding where it is justified and subject to detailed tests to ensure that any flood risk can be effectively managed and would not increase the risk of flooding off-site. The development is classified as highly vulnerable land use, in accordance with Figure 2 of the Technical Advice Note 15 (TAN15) (July 2004). Our Flood Risk Map confirms the application site is fully within Zone B of the Development Advice Maps (DAM) as contained in TAN15. There are no records of historical flooding on the site.

7.36 Given the flood zone designation and the lack of historical flooding NRW have no objections to this application on flood risk grounds. A Flood Consequences Assessment (FCA) has been submitted. The FCA confirms that the site is not at risk. The FCA confirms that the site is not at risk from fluvial or tidal flooding due to its elevation and location.

8.00 CONCLUSION

8.01 The proposed facility would enable the use RDF produced in the adjacent waste management facility to produce up to 9.9MW of energy along with heat which will be used in the adjacent RDF building. Permission will be temporary and will expire in 2050. In the event that circumstances change and the facility is still required beyond this date, a fresh planning application will have to be made for the continuation of the site.

8.02 Subject to the inclusion of conditions it is considered that there would be no harm to protected species or designated sites or the amenity of the local area. The proposal would enable the beneficial reuse of land which is currently vacant and would provide economic benefit through the provision of both direct and indirect jobs. The proposal is therefore recommended for approval subject to the conditions outlined in section 2.0.

8.01 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

Contact Officer: Mr D J McVey

Telephone: 01352 703266

Email: daniel.mcvey@flintshire.gov.uk