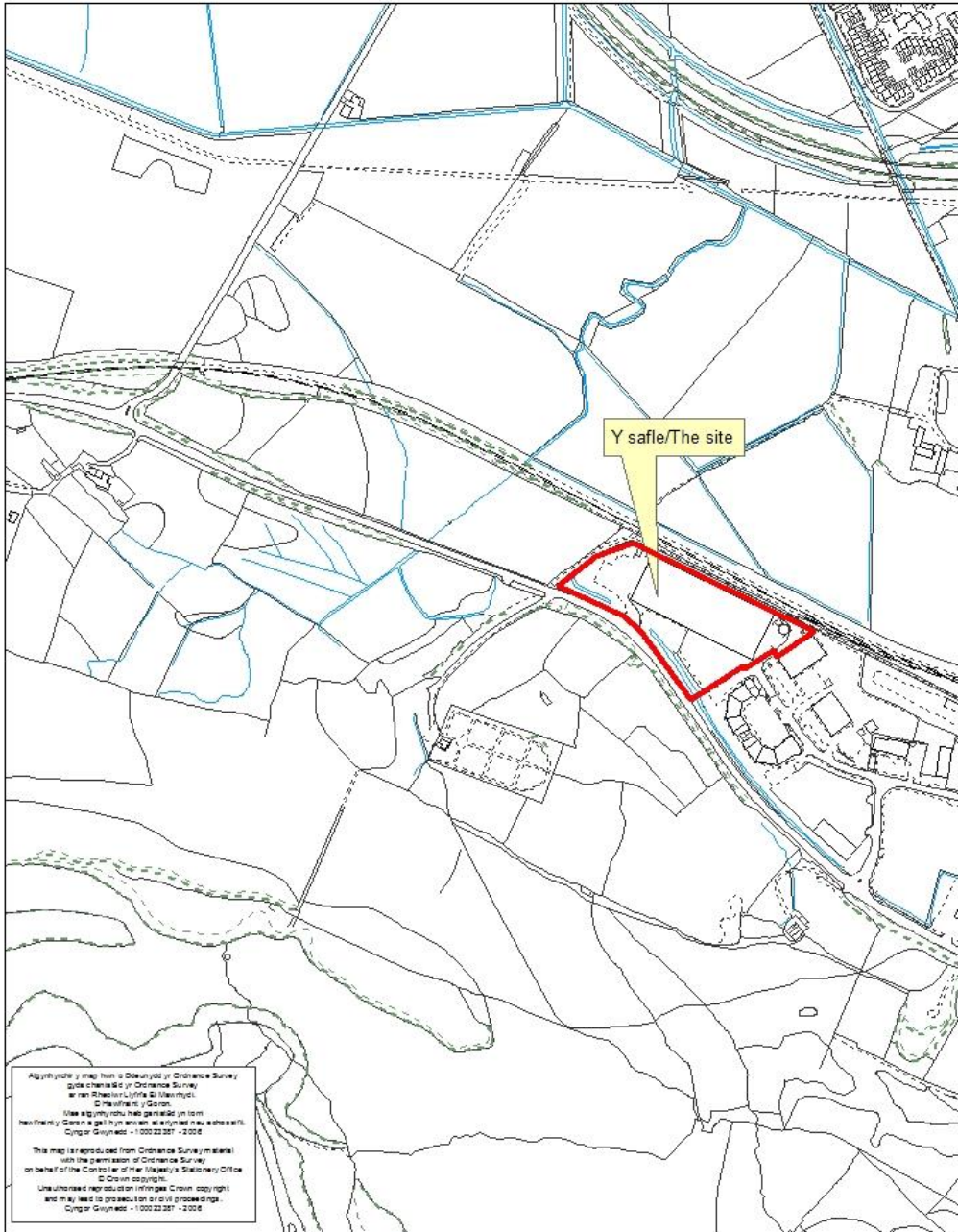


Number: 4



Rhif y Cais / Application Number : C15-0109-44-LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.  
Location Plan for identification purposes only. Not to scale.



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Application No: C15/0109/44/LL  
 Registration Date: 09/02/2015  
 Application Type: Full - Planning  
 Community: Porthmadog  
 Ward: Gorllewin Porthmadog West  
  
 Proposal: CHANGE OF USE TO A MATERIALS RECYCLING FACILITY AND THE  
 MANUFACTURE OF SOLID RECOVERED FUEL  
 Location: GELERT HOUSE, FFORDD PENAMSER, PORTHMADOG, GWYNEDD, LL49 9HG

**Summary of Recommendation:**

APPROVE WITH CONDITIONS

**1. Description:**

- 1.1 This is a part retrospective application involving a material change of use of an existing industrial unit into a materials recycling facility for the manufacture of Solid Recovered Fuel (SRF) from locally sourced, pre-sorted non-hazardous skip waste (mainly paper, cardboard, wood, Low Density Polyethylene and other light fractions of material). The development will be subject to a throughput of 72,000 tonnes per annum and contained wholly within the footprint of the existing industrial unit. It is proposed that SRF will be manufactured for sale to power generation companies and other users of solid fuels.
- 1.2 The submitted proposals confirms the manufacturing processes to comprise of the shredding, screening and sizing of non-hazardous waste materials into the required fuel units, where waste materials will be fed through a series of shredders (primary & secondary) under dry conditions to produce different grades of product, i.e. through physical treatment. The treatment of sludge waste, liquids, powders, loose fibres and hazardous wastes are specifically excluded. Processing therefore does not include washing or chemical treatment of the waste material.
- 1.3 Amended details submitted in support of the application confirm the intention to commence production on a single shift pattern, working from 07.30 – 17.30 hrs, six days a week and that this could be the subject of a planning condition. A further application to relax the requirements of the condition could be considered at a later stage if it can be demonstrated that the site could operate without impacting on the amenities of local residents outside of normal working day hours. The delivery and reception of feedstock, loading and despatch of finished product will be restricted to the hours of 07.00 – 19.00 hrs. Monday to Saturday.
- 1.4 Gelert House is located on the northern extent of the Penamser Business Park adjacent to the A497. A public footpath runs between the application area and the Cambrian Coast Railway running along the boundary of the site.
- 1.5 The site has the benefit of an existing planning permission for use as a storage and distribution centre (Class B8) and as offices (Class B1) but also a standard rules permit issued by Natural Resources Wales for waste operations issued in December 2014. However given the degree of mechanized processing proposed in the application, NRW state that the permit will need to varied accordingly. Furthermore, the site may not operate simply on the issue of an Environmental Permit and in isolation of the planning requirements in that a waste recycling operation, in land use planning terms, falls outside the scope of the use classes order for B1, B2 & B8 development and is categorised as sui generis, or a category of its own kind.

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1.6 The application has been screened for the need for an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations (England and Wales) 1999. The application does not fall within the Schedule 1 criteria, however, it falls within the development description in Section 11b, Schedule 2 (Other Projects). Having assessed the development under the criteria in Schedule 3 of the regulations, it was determined that an Environmental Statement was not required.

## 2. Relevant Policies:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

### 2.2 Gwynedd Unitary Development Plan 2009:

STRATEGIC POLICY 2 – THE NATURAL ENVIRONMENT

STRATEGIC POLICY 8 – WASTE

STRATEGIC POLICY 15 – INDUSTRIAL LAND

STRATEGIC POLICY 16 – EMPLOYMENT

POLICY A3 – PRECAUTIONARY PRINCIPLE. Refuse proposals if there is any possibility of serious or irreversible damage to the environment or the community unless the relevant impact assessment can show beyond doubt ultimately that the impact can be avoided or alleviated.

POLICY B12 – PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS. Protect landscapes, parks and gardens of special historic interest in Wales from developments that would cause significant harm to their character, appearance or setting.

POLICY B14 – PROTECTING THE LANDSCAPE CHARACTER OF SNOWDONIA NATIONAL PARK. Protect the landscape character of Snowdonia National Park by refusing proposals which are visually obtrusive and/or are located insensitively and unsympathetically within the landscape.

POLICY B23 – AMENITIES. Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

POLICY B29 – DEVELOPMENT ON LAND AT RISK FROM FLOODING. Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they can conform to a series of criteria relevant to the features of the site and to the purpose of the development.

POLICY B32 – INCREASING SURFACE WATER. Refuse proposals that do not include flood minimisation measures or appropriate mitigating measures that will reduce the volume and rate at which surface water reaches and flows into rivers and other water courses.

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POLICY B33 – DEVELOPMENTS THAT CREATE POLLUTION OR NUISANCE. Protect human amenities, the quality of public health and the natural or built environment from high levels of pollution.

POLICY C3 – RE-USING PREVIOUSLY DEVELOPED SITES. Proposals which give priority to the use of land or buildings previously developed and located within or adjacent to development boundaries will be permitted if the site or the building and use are appropriate.

POLICY C22 – WASTE MANAGEMENT FACILITIES. Proposals for waste management facilities will be approved provided that they are justifiable in terms of the ‘Best Practicable Environmental Option’, the waste disposal hierarchy and the proximity principle provided there is demonstrable local need for the development.

POLICY CH22 – CYCLING NETWORK, PATHS AND RIGHTS OF WAY. All parts of the cycling network, footpaths and rights of way will be protected by encouraging proposals which will incorporate them satisfactorily within the development and by prohibiting plans to extend the cycling network, footpaths or rights of way. Should this not be possible, appropriate provision will have to be made to divert the route or to provide a new and acceptable route.

POLICY CH30 – ACCESS FOR ALL. Refuse proposals for residential, business/Commercial units or buildings/facilities for public use unless it can be shown that full consideration has been given to the provision of appropriate access for the widest possible range of individuals.

POLICY CH33 – SAFETY ON ROADS AND STREETS. Development proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

POLICY CH36 – PRIVATE CAR PARKING FACILITIES. Proposals for new developments, extensions to existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council’s current parking guidelines, and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

POLICY D2 – INDUSTRIAL SITES. Land and units on Industrial Sites will be safeguarded for Classes B1, B2 and B8 uses. To approve developments which are not B1, B2 or B8 uses if they are small-scale supplementary business facilities; provide waste management facilities or other 'sui generis' uses with similar features to activities in B1 and B2 classes; or, does not lead to lack of land units for B1, B2 and B8 uses.

**2.3 Supplementary Planning Guidance**  
Gwynedd Design Guidance 2002

**2.4 Regional Plans**  
North Wales Regional Waste Plan 2003 (First Review 2009).

- 2.5 National Policies:**
- Technical Advice Note (Wales) 8: Renewable Energy, Welsh Assembly Government
  - Technical Advice Note (Wales) 18: Transport, Welsh Assembly Government
  - Technical Advice Note (Wales) 21: Waste, Welsh Assembly Government
  - Technical Advice Note (Wales) 11: Noise, Welsh Assembly Government
  - Technical Advice Note (Wales) 15: Development and Flood Risk, Welsh Assembly Government
  - Technical Advice Note (Wales) 23: Economic Development, Welsh Assembly Government

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Planning Policy Wales 2014. Welsh Assembly Government  
The Collections, Infrastructure and Markets Sector (CIMS) Plan 2012, Welsh Assembly Government  
Towards Zero Waste 2010, Welsh Assembly Government

**3. Relevant Planning History:**

- Planning Permission C03D/0254/44/LL granted subject to conditions on the 19<sup>th</sup> May 2003 for the, '*Erection of building for use as a storage and distribution centre (Class B8) and as offices (Class B1) including provision of car park, alterations to vehicular access and associated developments*'.

**4. Consultations:**

Porthmadog Town Council : Objection on the following grounds:

- Whilst employment opportunities are welcomed, there is concern about the lack of information on the exact nature of the development proposed,
- Application should be supported by an independent assessment of potential noise and air quality pollution as well as transportation impacts,
- Concern that large haulage vehicles would not be able to pass underneath the railway bridge at Penamser which would divert heavy traffic through Porthmadog.

Still object to the development proposals following consultation on the amended details on the grounds that the information submitted does not overcome the Town Council's concerns on the increase in traffic, impacts of noise on residents of Pencyflog & Maes Gerddi as well as the risk of environmental pollution.

Transportation Unit:

No objection:

- The site is located on the periphery of an industrial estate where regular heavy traffic is expected and the pattern of traffic movements associated with the development is comparable with heavy traffic associated with other businesses on the estate.
- The access statement confirms that the development will lead to a percentage decrease in heavy traffic in comparison with the traffic flows associated with the permitted use of the site as a storage and distribution centre,
- The site is located directly adjacent to the A497 with good links to the local road and trunk road infrastructure,
- No evidence to suggest that the height of the railway bridge spanning the A498 at Penamser (4m) restricts vehicular access to the site,
- Access statement emphasises the relationship with other businesses on the estate which will reduce the frequency of local heavy traffic,
- The existing access is suitable for the proposal and

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will not require any alteration,

- Natural Resources Wales: No objection subject to the following comments:
- Degree of mechanised processing proposed in the application will require a variation in the Environmental Permit,
  - Concerns regarding the accumulation of residual waste material on site presenting a pollution and/or fire risk.
  - Satisfied with the information supplied with the Waste Planning Assessment identifying destinations for the end product, including residues and any hazardous materials and markets that will be served by the proposed development,
  - Information submitted with the application confirms that the consequences of flooding can be managed in that there will be no physical changes to the site and no increase in the vulnerability of the use of the site,
  - Site unlikely to provide roosting opportunities for bats.
- Countryside and Public Rights of Way Unit: The Countryside and Access Unit state that it is necessary to ensure that public footpath no.7; (*Porthmadog*) will be protected during, and also at the end of this development.
- Network Rail: No objection in principle, but draw the applicant's attention to a series of health and safety issues requiring compliance under the authority of the railway undertaker.
- Welsh Water: If planning permission is granted, Welsh Water advisory notes and conditions are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru assets in the area.
- Public Protection Service: Highlight a number of concerns in terms of public health and noise.
- Noise assessment submitted in support of the application quantifies the sources of noise based upon manufacturers specifications for the processing equipment together with noise attenuation provided by the building itself. The report demonstrates that noise generated by the development are anticipated to be low and will not impact on local residents,
  - The noise assessment is based on background noise level measurements taken in 2003 & 2006 where the lowest background level of 41dB LA90, has been used in the calculation of predicted noise levels, as measured in the vicinity of the Pensyflog estate. Not considered good practice to rely on old data for new development in that the report does not account for any changes in background noise, e.g. traffic noise,

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- Recommended that the site be the subject of the same noise conditions imposed on the adjacent development of a haulage yard and inert waste transfer station located immediately west of Gelert House with the implementation of a single shift of working between 07:30 and 17:30 hours,
- Concerns regarding the accumulation of waste material presenting a pollution and/or fire risk. Recommend further information to be submitted in support of the application to identify destinations for the end product, and markets that will be served by the proposed development,
- No materials to be stored in the open,
- Request re-assurance that the installed fire sprinkler system is suitable for the development. Recommend that a full Legionella risk assessment be provided and that the water system is operated and maintained in accordance with any appropriate measures for preventing Legionella bacteria from getting a chance to grow within the system.
- Request information on dust control but also details on the collection, treatment, storage and disposal of any polluted water derived from the dust suppression systems.

Gwynedd Land Drainage Unit:

No Response

Fire and Rescue Service:

No comment in respect of access for fire appliances and water supplies referred to in the application.

Planning Policy Unit:

No Comments

Public Consultation:

A notice was placed at three locations close to the site and neighbouring residents were informed by letter on 19 February 2015 as well as a notice appearing in the local press. A total of 15 letters of objection have been received at the time of writing this report, which highlight the following concerns;

- Noise,
- Vibration,
- Odour,
- Potential impact on adjacent public footpath,
- Haulage impacts and delivery hours,
- Proximity of sensitive land uses, residential properties, schools, hotels & residential homes,
- Operational hours,
- Suitability of the local road infrastructure, road congestion & low bridge at Penamser,
- Impact on residential amenity and local businesses,
- Unauthorised works/ use of site for waste management,

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- Need for an Environmental Impact Assessment,
- Cumulative impacts with adjacent waste management operations,
- Insufficient information contained in the application to fully assess the impacts of materials processing in terms of low frequency noise,
- Impact on air quality from dust & diesel pollutants and the suitability of the industrial unit to mitigate for such effects,
- Procedures for dealing with potentially hazardous waste materials,
- Limited employment opportunities offered by the development,
- Requirements of UDP policy C22 and the need for the development in addition to existing waste facilities in the area,
- Compliance with the proximity principle & sustainable waste management option with respect to the potential markets for the RDF,
- SRF & RDF production volatile and must be conducted carefully and not so close to leisure and retail developments nearby,
- Concern regarding the reception of co-mingled recyclates for processing & the objectives of the Waste Collection Framework Directive,
- No provision of drainage interceptor systems.

In addition to the above, the following representations were not considered valid planning objections:

- Insufficient publicity & consultation,
- Proposal for the incineration of waste material,
- Environmental Permit & planning compliance issues with adjacent waste management facility,
- Sterilisation of adjacent land for future affordable housing development

Two letters have been submitted in support of the application on the following grounds;

- Provision of employment Increased recycling opportunities in the Porthmadog area

## **5. Assessment of the Material Planning Considerations:**

### **Principle of the Development**

5.1 Welsh Assembly Government has made it clear through the adoption of the overarching waste strategy document for Wales, Towards Zero Waste, that it is committed to a long term strategy for resource efficiency and waste management between now and 2050, based on very high levels of waste recycling and composting together with minimal levels of landfilling. This is an application for the production of refuse derived fuel or solid recovered fuel to generate electricity and heat that can be offset against conventional forms of energy production.



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- 5.2 In exercising its planning functions in dealing with waste management applications; Local Planning Authorities must consider Articles 18 and 20 of The Waste (England and Wales) Regulations 2011 (as amended), which states that the Waste Framework Directive - EC Council Directive 1999/31/EC (Landfill of Waste) and 2008/98/EC must be given weight.
- 5.3 The Collections, Infrastructure and Markets Sector (CIMS) Plan 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. As significant new capacity is required it is considered that this proposal would help provide Gwynedd with a waste management facility that will deliver the Welsh Governments vision to recycle 70% of all waste by 2025 and aim for zero waste to landfill or recovery by 2050. The Industrial and Commercial Sector Plan largely reiterates Towards Zero Waste and the CIMS plan. It recognises the need to reduce the reliance on landfill through diverting residual waste to other forms of recovery, such as high efficiency energy from waste facilities.
- 5.4 The requirements of Technical Advice Note 21: Waste, along with the Regional Waste Plan objectives outline the need to develop a sustainable network of facilities for waste treatment, with particular emphasis on the need to provide facilities for re-using and recycling waste. The demand for reusing or recycling waste materials has increased substantially in response to the European directive by means of the Landfill (England and Wales) Regulations 2000, to redirect waste from landfill sites to sources where sustainable use can be made of it.
- 5.5 The development proposed here is for a change of use of an existing industrial unit that is protected under policy D2 of the Unitary Development Plan, which safeguards the land and units on Industrial Sites for Class B1, B2 and B8 use. In addition, the provision of waste management facilities or other 'sui generis' materials with similar characteristics to the activities of Class B1 and B2 will be permitted as long as the size and design of any new development are in keeping with the local environment and the nature of the site. The objective of Policy D2 is to safeguard industrial sites for some B1, B2 and B8 uses. However, the North Wales Waste Strategy also states the importance of industrial estates as appropriate locations for waste management facilities, as they are activities that provide employment opportunities and have similar features to Class B2 activities.
- 5.6 Policy C22 approves proposals for waste management facilities that manage waste sustainably and where there is a need for the facility, subject to several criteria. The policy notes that proposals must be acceptable in terms of 'Best Practicable Environmental Option' (or the Sustainable Waste Management Option), the waste disposal hierarchy and the proximity principle and that a series of criteria are satisfied, including that the location and scale of the development is suitable and that the size of the site/facility corresponds to the estimated annual input of waste to be recycled. This application is for a facility that would contribute to increased waste recycling rates thereby reducing the dependence on landfill. Policy C3 also recognises the importance of re-using previously developed sites. Proposals which give priority to the use of land or buildings previously developed and located within or adjacent to development boundaries will be permitted if the site or the building and use are appropriate.

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- 5.7 A waste planning assessment has been submitted in accordance with Annex B of TAN 21 (Waste) to address the need for such a facility and to demonstrate that it offers a sustainable waste management option, taking into account the waste hierarchy. The Waste Planning Assessment should be appropriate and proportionate to the nature, size and scale of the development proposed and should provide all of the information necessary for the local planning authority to make a decision on the application.
- 5.8 The proposal is to divert pre-treated, residual Industrial and Commercial skip waste from landfill. As such, the proposal would treat residual waste as a resource and move it up the Waste Hierarchy and contribute to the sustainable management of waste in accordance with the Landfill Directive, the Waste Framework Directive, Planning Policy Wales, and other national waste policies and guidance. The Waste Framework Directive requires that a network of waste treatment facilities shall enable waste to be disposed of, or be recovered, in one of the nearest appropriate installations by means of the most appropriate methods and technologies in order to ensure a high level of protection for the environment and public health.
- 5.9 The application states that at present, the residues from MRF and transfer stations in Gwynedd and Anglesey are transported by road to sites in Abergele, Deeside and Cheshire. The input materials processed at this site are themselves the product of waste management processes which follow the waste hierarchy. The feedstock is material from which all recyclable materials have been removed at other Waste Transfer Stations. This site will operate a recovery process by preparing fuel from material which would otherwise be taken to landfill.
- 5.10 In accordance with Annex B to TAN 21, the applicant has been requested to provide information relating to the sources of feedstock available as RDF/SRF and potential markets served by the proposed development and destination of the end product. In response, the applicant has submitted information that is commercial in confidence which confirms a written offer of contract from a customer contracted as broker by power companies located outside of Wales to purchase all of the output from the proposed plant for use as fuel in heat and power production. Both the local planning authority and Natural Resources Wales are satisfied that sufficient information has been submitted by the applicant to demonstrate that there is a market for the RDF/SRF product.
- 5.11 The anticipated throughput in year 1 is approximately 30,000t; in year 2 it is 50,000t and the full operational capacity would be reached in year 3. At full capacity it is estimated that a throughput of 72,000 tonnes feedstock sourced from pre-segregated skip waste will yield approximately 63,500 tonnes of fuel product to sale with 3,000 tonnes of recycled material salvaged from the processing operations and/or other residues set aside for disposal. These figures take account of a 15 – 20% moisture content, some of which evaporates during processing and so the net output weight does not equate to the total inputs. All of the material processed or produced as a by-product will be taken off site.
- 5.12 The development of a facility for the manufacture of solid recovered fuel is acceptable in principle at this location and complies with national and regional planning policies and guidelines, and also with Policies C3 and C22 and D2 of the UDP, subject to an assessment of the relevant planning considerations noted below.

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### Visual Amenities

- 5.13 Gelert House is located off the A497 highway on the Penamser Industrial Estate within 330m of the Pencyflog residential estate and 500m of Awel y Grug in Porthmadog. The location is characterised by a mixture of office, industrial and retail development but also a hotel and existing waste transfer station located along the boundary with the railway line.
- 5.14 The application statement confirms that all waste handling, reception and treatment/processing operations will be undertaken within the existing industrial unit. It is not considered that the proposal for a change of use will have a direct impact on any of the surrounding environmental designations and in terms of landscape and visual impact and it may be concluded that there would be no material change to the setting of the National Park or the character of the Aberglaslyn landscape of outstanding historic interest.
- 5.15 It is therefore considered that the development itself would not have any negative impact on the visual amenities of the area and, therefore, conforms with Policies B12 and B14 of the Unitary Development Plan.

### General and Residential Amenities

- 5.16 The application proposals confirm that all waste handling, reception and treatment/processing operations will be undertaken within the industrial unit, which has the benefit of being located on an industrial estate and served by all of the necessary infrastructure requirements. Whilst on the periphery of an industrial estate, Gelert House is located immediately next to existing and consented waste transfer stations and the cumulative impacts will need to be considered, having due regard to the proximity of residential properties to the development, e.g. Pencyflog & Maes Gerddi Estates 330m north-east of the site, Awel y Grug at a distance of 500m and the closest properties at Pencyflog Farm located 230m north-east of the site.
- 5.17 The principle concerns are the potential impacts of operational noise, dust and odour derived from the reception, processing and despatch of materials. The impacts of heavy traffic are specifically addressed below but the significant change from the consented use of a warehousing and distribution centre would be the introduction of operations involving the processing and manufacture of a refuse derived fuel or solid recovered fuel.
- 5.18 Raw feedstock would be delivered in bulk loads, accessing the 6m wide roller-shutter doors on the south elevation of the building. The reception of loads will be undertaken within the building where the material will thereafter be stored in purpose-built concrete bays for mixed waste and wood waste. Similarly, processed fuel prepared for despatch will be baled and stockpiled in separate zones within the building. Once sold, the product will be loaded onto vehicles within the building and transported through the Penamser estate. Appropriate provision will be available to enclose all loads in a sealed containers/skip where all vehicles that arrive and leave with have sufficient provision to cover loads to prevent waste from escaping. Further provision for a wheelwash or other measures to dampen haulage surfaces outside the building should be secured to prevent the migration of fugitive dust.
- 5.19 The processing and manufacturing of the material involves the use of a low-speed primary shredder, two high-speed shredders, a baler and pelletiser to manufacture the fuel units according to customer demand. Magnetic and eddy-current separation is incorporated into the process to remove any metals remaining in the raw material. With the exception of the telescopic handler and mobile plant which are diesel

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powered, all of the equipment used in the processing of material will be electrically powered.

- 5.20 A noise assessment has been submitted in support of the application to quantify the sources of noise based upon manufacturers specifications for the processing equipment together with noise attenuation provided by the building itself. The report concludes that noise will not impact on local housing estate residents at Pencyflog Porthmadog at a distance of 333m, Isgraig estate at a distance of 568m and also guests at the Travelodge Hotel which is located at a distance of 157m from the development.
- 5.21 The noise assessment is based on background noise level measurements taken in 2003 & 2006 where the lowest background level of 41dB LA90, has been used in the calculation of predicted noise levels, as measured in the vicinity of the Pencyflog estate. In response to consultation, the Public Protection service stated that it is not considered good practice to rely on old data for new development in that the report does not account for any changes in background noise, e.g. traffic noise. However, in reality, the report demonstrates that noise levels generated by the development are anticipated to be low.
- 5.22 In respect of operational noise derived from the SRF manufacturing process and the cumulative impact with other waste facilities in the area, it is recommended that the site be the subject of the same conditions imposed on the adjacent development of a haulage yard and inert waste transfer station located immediately west of Gelert House, together with the implementation of a single shift of working between 07:30 and 17:30 hours. A further application to relax the requirements of the condition could be considered at a later stage if it can be demonstrated that the site could operate without impacting on the amenities of local residents outside of normal working day hours. The delivery and reception of feedstock, loading and despatch of finished product will be restricted to the hours of 07.00 – 19.00 hrs. Monday to Saturday.
- 5.23 In respect of measures taken to control dust emissions derived from the processing of material, a condition could be imposed to keep the building under negative pressure but the planning application also proposes that water be used as a means of suppression. The only stage of the processing that is likely to generate any dust is the secondary shredding, as the initial stage will be carried out in a slow-speed shredder. In response to concerns regarding the impacts of dust migration as well as the accumulation of waste material presenting a pollution and/or fire risk, the applicant confirms that the building has been equipped a modern fire system with water storage, pumps and pipework that can be used to supply a specific dust suppression misting system in the location where it is needed. Consequently the suppression system can be closely targeted on the secondary shredding stage by using a fine water mist.
- 5.24 It is critical however that the quantity of water needed to remove airborne dust from immediately above the shredder would not raise the moisture content of the raw material or product significantly as customers dictate that the moisture content of product does not exceed set percentages.
- 5.25 Gwynedd Public Protection service have requested re-assurance that the installed fire sprinkler system is suitable for the development given that the system is fed by a substantial water tank located behind the building, not directly off the mains water network. Storing water for a long time in this way may generate its own public health

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risks and the Public Protection service therefore recommend that a full Legionella risk assessment be provided and that the water system is operated and maintained in accordance with any appropriate measures for preventing bacteria from getting a chance to grow within the system.

- 5.26 This requirement would be more appropriately addressed under the Environmental Permitting regime under the remit of Public Protection and/or Natural Resources Wales. However, the local planning could impose a pre-commencement condition to confirm the equipment and infrastructure required for dust suppression. Where an option is available for the applicant to connect the dust suppression system directly to the mains water, the installed fire sprinkler system could be maintained and operated in case of emergencies. In addition, a condition could be imposed to limit the amount of waste material and fuel product stored within the building at any given time.
- 5.27 In addition to the planning conditions to ensure that alleviation measures are set to control noise, dust and odour, the site will be operational under an environmental permit under the control of Natural Resources Wales. However given the degree of mechanized processing proposed in the application, NRW state that the permit will need to varied accordingly.
- 5.28 Therefore, with appropriate management via planning conditions, it is not considered that the activities associated with receiving and processing waste and maintenance of the developer's machinery on the site would contribute substantially to the levels of industrial noise in the area and the development therefore conforms to Policy B23 of the Unitary Development Plan – Amenities.

### **Transport and Access**

- 5.29 The site is served by the A497 Penamser Road which extends westwards towards the Llŷn peninsula and is connected to the A487 northwards to Caernarfon. HGV vehicles delivering waste material for processing will secure access via the industrial estate road with the provision of a separate access to the A497 for employees and visitors.
- 5.30 The proposed operation is for 72,000 tonnes per year. This is equivalent to an average 250 tonnes per day for a 6-day working week, 48 weeks of the year. As this material is of low density a single HGV load amounts to only 12 - 13 tonnes, and so an average of 20 loads per day (40 movements) would be accepted if the site is working to full permitted capacity. Similarly, finished product will be transported from the site by HGV. Baled or pelleted fuel has a greater density than the raw material, so typical loads of 20 tonnes can be achieved, reducing the output to 12 HGV loads per day (24 movements).
- 5.31 In response to consultation, Gwynedd Council Transportation Unit stated that the site is located on the periphery of an industrial estate where regular heavy traffic is expected and the pattern of traffic movements associated with the development is comparable with heavy traffic associated with other businesses on the estate. In addition, the access statement emphasises the relationship with other waste management businesses on the estate which will reduce the frequency of local heavy traffic.
- 5.32 Third party representations on the application have cited concerns about the suitability of the local road network to accommodate heavy traffic flows associated with the development with particular reference to the low railway bridge at Penamser restricting access to heavy vehicles. The access statement confirms that the

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development will lead to a percentage decrease in heavy traffic in comparison with the traffic flows associated with the permitted use of the site as a storage and distribution centre. There is currently no restriction imposed by condition on planning permission C03D/0254/44/LL with respect to working hours, delivery times or the frequency of HGV movements associated with the permitted use.

- 5.33 Furthermore, the access statement confirms that there is no evidence to suggest that the height of the railway bridge spanning the A498 at Penamser (4m) will restrict vehicular access to the site. The standard 'bulk bin' skip vehicles bringing raw materials to the site are 3.7m maximum in height and there would be little or no need for vehicles to pass through the town centre.
- 5.34 In addition to the above planning considerations, a response from Network Rail lists the various guidance and activities that are beyond planning control, but require consultation in the interests of railway users. The Countryside and Access Unit have stated the need to ensure that public footpath no 7 (Porthmadog) located outside the eastern boundary of the site should be protected during the development period. It is not anticipated that a change of use of the Building will alter the current position in terms of the impact on the railway or public footpath in that no external alterations are proposed. However, it is suggested that a copy of Network Rail's letter as a 'Note to the Applicant' be included with the resolution.
- 5.35 Therefore, the development is not likely to have a detrimental effect on nearby roads and the proposal is in accordance with the aims of Policies CH22, CH33 and CH36 of the Unitary Development Plan.

#### **The Local Water Environment and Flood Risk**

- 5.36 In terms of flood risk, the site lies entirely within zone C1, as defined in the updated development advice maps of TAN 15; (Development and Flood Risk). The advice note states that; *"the susceptibility of land to flooding will be a material consideration in deciding a planning application. For proposals located in zone C developers will need to demonstrate, to the satisfaction of the planning authority, that the development can be justified in that location (section 6) and that the consequences associated with flooding are acceptable, with reference section 7 and appendix 1"*
- 5.37 A Flood Consequences Assessment has been submitted with the application and in response to consultation, Natural Resources Wales have confirmed that flooding consequences can be managed taking into account that no physical changes are proposed to the site and that the site will remain a less vulnerable use, i.e. the vulnerability of use will not increase as a consequence of the proposal.
- 5.38 With respect to possible leachate derived from waste materials brought onto the site, the application statement confirms that there would be two bays for each raw material so that strict rotation could be practised. Each bay would be completely emptied before being re-filled, and so retention times would be too short for any degradation of the raw materials.
- 5.39 No seepage of moisture from feedstock is expected, but absorbent material will be kept on site in case of minor puddling on the concrete floor, arising from delivery vehicles in wet weather. As mentioned previously, the building has a modern fire system with water storage, pumps and pipework that can be used to supply a specific dust suppression misting system in the location where it is needed.

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- 5.40 The application does not propose the use of drainage interceptor systems, rather shredded material derived from the processing operations will be used to absorb any pools of water standing on sealed concrete, with the material thereafter re-incorporated into the production process. Once shredded the material's absorbency increases and any free moisture will be re-absorbed. Consequently, there will be no leachate discharge to drains or loss by other routes from the building.
- 5.41 The site will be licensed by Natural Resources Wales and although there is no intention to duplicate the regulations under their authority, it would however be appropriate to include a list of their desired conditions and attach a copy of their letter as a 'Note to Applicant' with the resolution in order to draw the applicant's attention to licensing issues under their authority. Similarly, the same may be applied to the Dwr Cymru response in that the application does not involve any alteration of the existing sewerage system or surface water disposal system and the applicant is content that the conditions proposed should be included with the permission.
- 5.42 It is therefore considered that the development itself would not have any negative impact on the local water environment and, therefore, conforms with Policies B29, B32 and B33 of the Unitary Plan.

#### **Sustainability Issues**

- 5.43 The development in terms of its nature is sustainable as it will increase the amount of waste treated in a sustainable manner to reach the Assembly targets, which has already been assessed in this report under 'Development Principle'.
- 5.44 A waste planning assessment in accordance with Annex B of TAN 21 (Waste) outlines the need for such a facility, and that it offers a sustainable waste management option, taking into account the waste hierarchy.

#### **The Economy**

- 5.45 Technical Advice Note 23, Economic Development states; in determining planning applications local planning authorities need to bear in mind that traditional business use, classes B1-B8, only account for part of the activity in the economy. It is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations. It further 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.
- 5.46 The proposal will create 11 full-time jobs and therefore conforms with strategic policies 15 and 16 of the UDP and is likely therefore to have a positive impact on the area's economy.

The workforce anticipated for the site is:

- 4 general operatives
- 3 plant operators
- 3 sales and accounts staff
- 1 manager

#### **Response to Public Consultation**

- 5.47 The main third party concerns in response to the consultation on the application deal mainly with the need for such a facility and the possible impact of noise, dust, odour,

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traffic and operational hours having regard to the proximity of residential properties and sensitive development.

- 5.48 The Local Planning Authority has considered these objections as relevant considerations when preparing recommendations for this application. In addition, the relevant considerations to this proposal have been assessed bearing in mind the relevant planning policies and guidance.

## **6. Conclusions:**

- 6.1 Having assessed all of the above issues, it is considered that the development is acceptable in principle and is in accordance with the aforementioned local and national policies. Gwynedd must significantly increase the amount of waste to be handled in a sustainable way if it is to meet the Assembly's targets; and contribute towards reducing the percentage of waste that is sent to landfill. Implementing the waste strategy and meeting Welsh Government's targets is a priority for the Council, and a network of sites should be provided to deal with waste collection in order to fulfil the task. This development would contribute towards providing a network of sustainable waste facilities in the County in accordance with the requirements of Policy C22 of the UDP.
- 6.2 The main issues associated with this proposal would appear to be, potential impacts of haulage, noise, vibration, dust and odour derived from the reception of waste, together with the treatment of a specific waste stream in the manufacture of a refuse derived fuel. The proposal does not involve the handling and/or sorting of skips, rather the reception of feedstock from pre-sorted skip waste sourced locally from existing MRFs, where aggregates, metals & useable recyclates have already been recovered. In short the proposal involves the manufacture of a treated fraction of the residual waste stream into a RDF/SRF.
- 6.3 In the assessment of this application, the potential impact of the development on the amenities of the area has been given full consideration given the position of the proposed working in relation to surrounding properties and the cumulative impact with other waste operations in the immediate vicinity.
- 6.4 The submitted details confirm that all waste handling, reception and treatment/processing operations will be undertaken within the existing industrial unit, which has the benefit of being located on an industrial estate and served by all of the necessary infrastructure requirements. Consequently, it is not considered that the proposal for a change of use will have a direct impact on any of the surrounding environmental designations and in terms of landscape and visual impact, there will be no material change to the setting of the National Park or the character of the Aberglaslyn landscape of outstanding historic interest.
- 6.5 The site already has the benefit of a planning permission for warehousing and distribution centre and currently there is no restriction imposed by condition with respect to working hours, delivery times or the frequency of HGV movements associated with the use. Given that the reception and dispatch of materials would be restricted to between 07.00 – 19.00 hrs, there would be no detrimental effect on the users of the existing road network and the Transportation Unit has no objection to the application.



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- 6.6 The development would not create pollution, add to the surface water or threaten flooding and Natural Resources Wales have no objections to the application subject to the planning conditions;
- 6.7 In relation to the likely impact on the nearby area, industrial developments already exist or have planning consent in the area and it is not envisaged that there would be a significant detrimental effect on the amenities and privacy of nearby residents as a result of this development as long as mitigation measures are agreed via planning conditions to control noise, dust, odour and working hours.
- 6.8 The proposal is situated on land earmarked for employment use under policy D2 of the UDP but also complies with policy C3 which gives priority to the use of land or buildings previously developed and located within or adjacent to development boundaries will be permitted if the site or the building and use are appropriate. The proposal will provide employment and make good use of a substantial and well equipped industrial unit which has been empty for many years.

## 7. Recommendation:

- 7.1 To delegate powers to the Senior Planning Service Manager to approve the application, subject to the expiry of the consultation period and the following conditions: -
- Noise and dust monitoring and management plan,
  - Further details on measures to keep the building under negative pressure,
  - No stock piles of waste material or finished product to be stored outside of the building,
  - Provision for wheelwash or other measures to dampen haulage surfaces outside the building to prevent the migration of fugitive dust,
  - Noise conditions,
  - Working Hours 07.30 – 17:30 hrs, reception and dispatch of materials between 07.00 – 19.00 hrs,
  - Further details on dust suppression equipment & proposed water feed,
  - Sprinkler systems to be retained as a fire precaution measure,
  - Limit the total tonnage of raw material and finished product to be stored within the building at any time,
  - Submission of a Legionella risk assessment prior to the commencement of operations,
  - No cause to pollute water courses when the site is operational,
  - Note to applicant in respect of NRW, Dwr Cymru & Network Rail statutory requirements.