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COMMITTEE	Planning and Regulatory
COMMITTEE DATE	29th June 2022

Application No.
P/21/0405

Date
6th December 2021

Determining Authority
MTCBC

Proposed Development

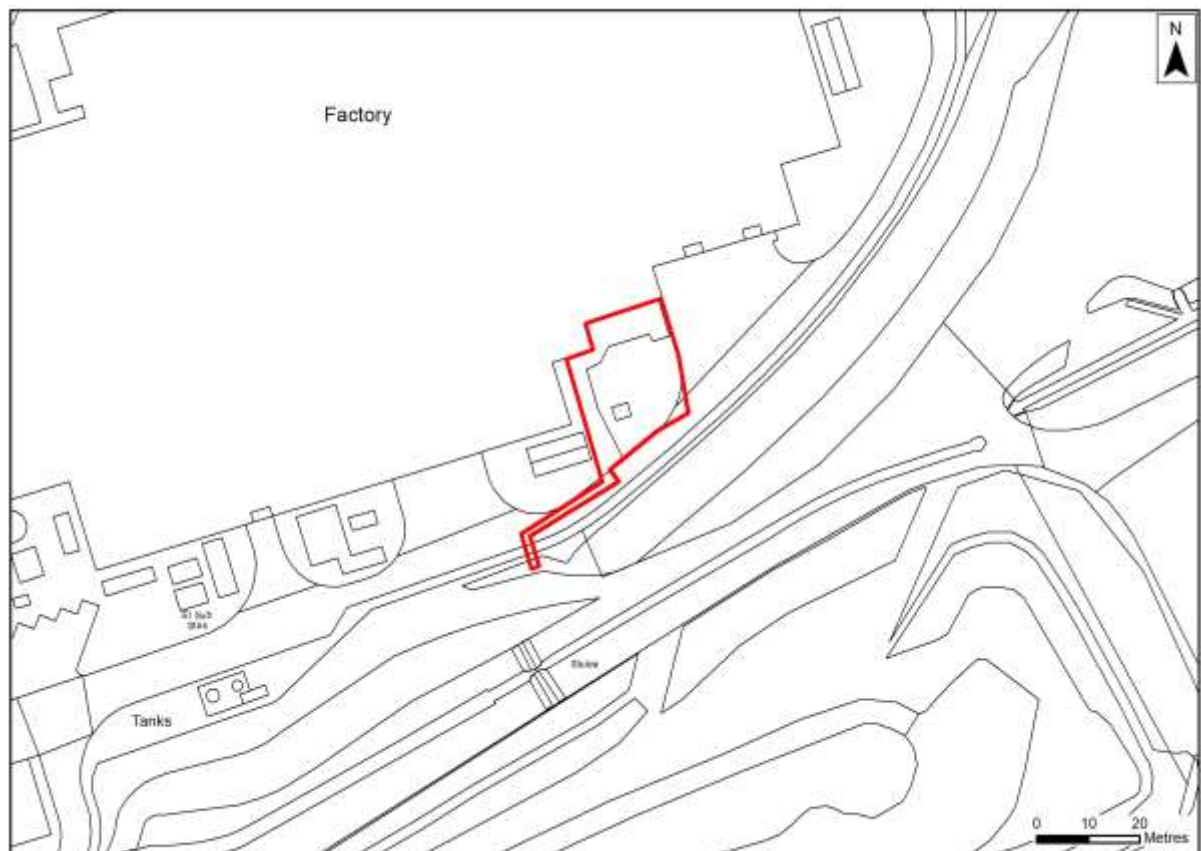
Location

Name & Address of Applicant/Agent

Local Energy Centre, comprising Combined Heat & Power and Energy Storage Scheme

Kepak/St Merryn
Pengarnddu Industrial Estate
Dowlais
Merthyr Tydfil
CF48 2TA

Mrs Laura Tomos Harry
Infinite Renewables Group
Infinite
Number One
Waterton Park



P/21/0405

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Councillor David Hughes has requested this application be reported to committee in order to consider the potential impact of noise from the development on neighbouring properties.

APPLICATION SITE

This application relates to an area of land, measuring approximately 0.05 of a hectare, located on the southern side of an abattoir (Kepak/St Merryn Meat) within Pengarnddu Industrial Estate. It comprises an area of hardstanding that forms part of the service yard that lies adjacent to the access road which surrounds the abattoir building. The parcel of land is bound by the abattoir building to the north. To the south and east there is dense vegetation and trees that form a buffer between the industrial unit and the open countryside beyond. Further to the south and at a lower level to the site is a salvage yard. To the west of the salvage yard are two residential properties known as Bwthyn Pen y Bryn (240m away) and Ty Bryn Du (300m away), both located at Rhymney Road.

PROPOSED DEVELOPMENT

Full planning permission is sought for the installation of a local energy centre, comprising a combined heat & power plant (CHP) which includes a 10m high silencer stack, storage tank, enclosed transformer and inverter housing.

The CHP would generate about 1Mw of electricity and would provide power directly to Kepak/St Merryn Meat at a discounted rate under a Power Purchase Agreement. The proposed CHP would use a gas engine to generate electricity. The excess heat that would be released as a by-product of the electricity generation process, would be recycled so that it could be used for heating, hot water, steam and industrial processes. The supporting information provided with the application indicates that the system may be operated both during the day and night, so effectively the system could run 24 hours a day.

The development would comprise the following elements:

- A CHP measuring 12.2m in length, 2.99m in width and 10m in height (to the top of the silencer stack);
- A container (with two compact air conditioning units) used for energy storage/battery storage measuring 5m in length, 2.4m width and 2.9m in height;
- A transformer housing/switchgear room measuring 3.6m in length, 2.5m in width and 2.57m in height;
- Inverter housing measuring 3.6m in length, 2.5m in width and 2.57m in height;
- An oil storage tank measuring 2m in length, 1.5m in width and 1.5m in height.
- The erection of 2m high palisade fencing around the local energy centre and gate to provide access.

A cable would connect a substation to the mains to provide power directly to Kepak/St Merryn.

The application is accompanied by a Planning Statement and a Noise Assessment Report (Wardell Armstrong – March 2022).

PLANNING HISTORY

The recent history relating to the site is as follows:

P/20/0276	Installation of a 2.7 MW natural gas powered combined heat and power unit to generate heat and electricity Withdrawn 16.02.2021
P/20/0088	Installation of a 6.2MW containerised ground source heat pump system with associated 40 No. 100m deep boreholes Approved – 22.06.2020
P/16/0128	Erection of a single wind turbine with a hub height of 50m and a maximum tip height of 77m and associated works Approved – 08.12.2016

CONSULTATION

Head of Engineering:	No objection.
Planning Division's Policy Officer:	No objection.
Environmental Health Manager:	No objection, subject to the noise emitted from the CHP not exceeding the background noise level of 39db at the monitoring location ESR3 (positioned adjacent to the residential property known as Bwthyn Pen Y Bryn).
The Coal Authority:	No objection.
Natural Resources Wales (NRW)	No objection. Highlights that a variation application will need to be submitted to NRW to add the CHP plant to the existing environmental permit.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and site notices were displayed within the vicinity of the site.

As a result of the publicity exercises carried out as part of the application, two objections have been received on behalf of the occupiers of the residential properties known as Bwthyn Pen y Bryn and Ty Bryn Du. The main concerns relate to the impact of the development in terms of noise and disturbance. Questions have also been raised over the impact of the development on the local environment/ecology.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Policy 17 states that the Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales. Policy 16 also highlights that waste heat can be an effective, efficient fuel source.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant paragraphs are:

Para 3.5 – 3.15 sets out the importance of high quality design to ensure inclusive design, to promote environmental sustainability and ensure high environmental quality. Regard should also be given to the special characteristics of an area, community safety and to encourage sustainable forms of transport.

Para 5.7.1 states that the Welsh Government's highest priority is to reduce energy demand wherever possible. Para 5.7.2 goes on to explain overall power demand is expected to increase in Wales and collectively, we will need to concentrate on reducing emissions from fossil fuel sources, whilst encouraging further renewable energy generation.

Para 5.7.6 advises '*The planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts.*' Recognition is also given to the importance of decarbonisation and the sustainable use of natural resources.

Para 5.9.11 notes that Welsh Government encourages the use of local renewable and low carbon energy as part of the imperative to reduce carbon emissions. Renewable and low carbon energy developments offer significant potential for communities and small businesses to develop their own projects for local benefit.

Para 6.4.21 – 6.4.23 notes that local authorities should seek to maintain and enhance biodiversity and build resilient ecological networks to ensure that any adverse environmental effects can first be avoided, mitigated or compensated. Regard should also be given to the potential harm to any protected species and habitats.

Technical Advice Notes (TAN)

- TAN 5 Nature Conservation and Planning, September 2009
- TAN 11 Noise, October 1997
- TAN 12 Design, March 2016
- TAN 18 Transport, March 2007

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

- Policy SW4 - Settlement Boundaries
- Policy SW11 - Sustainable Design and Placemaking
- Policy CW1 - Historic Environment
- Policy EnW1 - Nature Conservation and Ecosystem Resilience
- Policy EnW4 - Environmental Protection
- Policy EnW5 - Landscape Protection
- Policy EcW2 - Protecting Employment Sites
- Policy EcW8 - Renewable Energy

Supplementary Planning Guidance (SPG):

- SPG 4: Sustainable Design, July 2013
- SPG 5: Nature and Development, May 2015

PLANNING CONSIDERATIONS

Principle of the proposed development

The proposed development would be located within the settlement boundary where the majority of new development is generally encouraged under Policy SW4 of the LDP, particularly in urban areas and where it involves the re-use of previously developed land. In this instance, the proposal would be located within a well-established industrial estate on land that forms part of an existing abattoir. Therefore, the principle of the development is acceptable. Further to this, it should be noted that the power generated by this system would be utilised by a local employer and the waste heat created through the electricity generation process would also be utilised. As such, the scheme would provide an efficient on-site heat and power system, contributing to the Welsh Governments objective of reducing greenhouse gas emissions. This should be given significant weight in the determination of this application. Also, the development would not only improve the viability of the business, by reducing its energy costs, but would also provide a more environmentally friendly business, which is a requirement in an increasingly competitive industry. As such, the development would also result in economic benefits for the abattoir.

Visual impact

In terms of visual amenity, the CHP plant would be located on a hardstanding area, adjacent to an internal access road, which runs along the perimeter of the factory. It is acknowledged that the proposed development would be functional in terms of its appearance and would comprise steel storage containers and a 10m high silencer stack. The development would be visible from Rhymney Road to the south, but it would not be visually obtrusive as it would be seen in association with the backdrop of the factory building and the other paraphernalia, which surrounds the perimeter of the building (i.e. containers, outbuildings, vehicles). Moreover, the northern and eastern boundary of the site is heavily screened and as such, the visual impact arising from the development and the

installation of the 10m high flue would be limited. Overall, the proposal would not be harmful to the visual amenity of the area and thus accords with Policy SW11 of the LDP.

Residential amenity

The nearest residential properties are on Rhymney Road (to the south-west) and at the closest point are 240m from the site. The proposal therefore raises no issues in relation to loss of light or overbearing impact. However, as there are residential properties within the vicinity of the site, due consideration has been given to the potential noise impact of the development on these sensitive receptors.

A Noise Assessment Report prepared by an acoustic consultant has been submitted to support this application. The noise report outlines that daytime and night-time background noise measurements have been taken at four monitoring locations:

- ESR1: High Street, Dowlais Top
- ESR2: An individual property approximately 800m to south-east of the site.
- ESR3: Bwthyn Pen Y Bryn, Dowlais (240m away)
- ESR4: Ty Bryn Du (300m away).

The report highlights that the standard sound pressure from the equipment would be 65dB at 10m. To establish the noise level at each of the four noise sensitive receptors (ESR), the report applies a point source distance correction to the noise level. At the nearest noise receptor location ESR3 (Bwthyn Pen y Bryn), the total noise level would be 37dB and at ESR4 (Ty Bryn Du), 35dB. This is below the background noise levels recorded at these two locations both with (55dB and 48dB during the daytime and 52dB and 42dB during night-time) and without (39dB) the nearby turbine in operation. At locations ESR1 and ESR2 there would be no detriment to residents.

The noise assessment demonstrates that noise levels from the proposed development would not have an adverse impact on nearby noise sensitive properties. It concludes that the proposed development would cause a low impact, having regard to the background noise levels and the rating level of the equipment. The Council's Environmental Health Manager has reviewed the report and has raised no objections subject to a condition being imposed to ensure that the operation of the CHP does not exceed +2db above background noise when the nearby turbine is not in use. As such, the proposal is acceptable in terms of its impact on the amenities of the nearby residential properties and accords with Policy EnW4 of the LDP.

Highway implications

Access to the site would be via the existing adopted highway network that serves the wider Pengarnddu Industrial Estate. This highway is of an adequate standard to accommodate the traffic that would be generated during the installation stage of the development, which would include any large vehicles that may be required to transport the machinery. Furthermore, the existing service road within the site is of a suitable standard to serve the development and is already used to provide access for lorries and heavy goods vehicles. In this regard, the Head of Engineering has not raised any highway safety concerns with the development. Therefore, the proposal complies with Policy SW11 of the LDP.

Air Quality

Comments received from NRW confirm that the existing facility at Kepak/St Merryn Meat is regulated by an Environmental Permit. Their comments confirm that this proposal would fall under the jurisdiction of this permit, which would specify what controls must be in place to minimise releases from the process to acceptable standards (to protect the environment and its ecology). This matter falls outside the control of this planning application.

Ground conditions

It has been highlighted by the Coal Authority that the development lies within an area that is deemed to be at high risk to past mining operations, which have the potential to pose ground stability concerns. However, given the scale and nature of the development the Coal Authority has indicated that in this instance a coal mining risk assessment is not required and has raised no objection to the development. Therefore, there are no significant ground stability concerns that would undermine the development.

Conclusion

The proposed development would support the delivery of a renewable energy project that would enhance the infrastructure associated with the existing abattoir and result in the creation of a more sustainable form of development. The proposals would be sited within the existing service yard adjoining similar plant, machinery and equipment thereby not appearing out of context. The height and design of the proposed flue would not have an adverse visual impact on the character of the area. The proposals would not raise any issues with respect to noise or air quality and would not result in an increase in parking demand at the site.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following CONDITIONS

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Proposed Site Plan Drawing no. IR-Pengarnddu-001 Rev C received on 06.12.2021

Noise Assessment Report March 2022 received on 24.03.2022

Planning Statement received on 06.12.2021

Layout Drawing no. QUO-10690-G9L3M7 received on 04.01.2022

Layout Drawing no. QUO-10690-G9L3M7 received on 06.12.2021

Drawing no. 035214 Issue 001 received on 06.12.2021

Drawing no. TR17 EKV0091 received on 06.12.2021

Drawing TPS-E 20ft HC layout Plan received on 06.12.2021

Drawing TPS-E 20ft HC Layout Plan received on 06.12.2021

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. The level of noise emitted from the proposed Combined Power and Heat Plant and/or associated machinery or equipment shall not exceed noise levels of 39dB at the nearest noise sensitive premises referred to as ESR3 and ESR4 in the noise assessment report undertaken by Wardell Armstrong - March 2022.

REASON - To protect the amenities of neighbouring residential properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. The developer shall obtain all other necessary consents **BEFORE** works commence including BUILDING REGULATION approval.

3. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

5. The developer's attention is drawn to the advice and comments received from Natural Resources Wales during the application process with regard to permits, licences and pollution prevention.