

DELEGATED REPORT

Application No: P/20/0088

Site Address: Kepak Group Ltd
Pengarnddu Industrial Estate
Dowlais Top
Merthyr Tydfil

Development: Installation of a 6.2MW containerised ground source heat pump system with associated 40 No. 100m deep boreholes

Case Officer: David Cross

Site Visit: 13th May 2020

Application Expiry Date: 22nd June 2020

Consultation reply date expired: 18th May 2020

APPLICATION SITE

This application relates to an area of land, measuring approximately 0.1 of a hectare, located on the north-east side of an abattoir (St Merryn Meat) within Pengarnddu Industrial Estate. The site comprises an area of hardstanding that forms part of the service yard and an area of grassland/woodland that lies adjacent to the access road. The site is bound to the west by the abattoir and to the east is dense vegetation and trees that form a buffer between the industrial unit and the open countryside beyond. To the north and south is the service yards, loading bays and access road.

PROPOSED DEVELOPMENT

Full planning permission is sought for the installation of a 6.2MW containerised ground source heat pump (GSHP) system. It is intended that the development would provide a new renewable and sustainable heating system that will replace the existing gas boilers used within the abattoir.

The proposal would comprise four steel shipping containers to accommodate the GSHP units (measuring 12.2m long by 9.6m deep and 3m high), located on the existing hardstanding adjacent to the industrial unit. Within the area of grassland (measuring 15m wide by 15m deep) on the eastern part of the site, a total of 40 boreholes would be provided, each being 20mm in diameter and 100m deep. A sealed pipe would be inserted into each of the boreholes, which would be connected to a manifold and underground

pipework that links to the GSHP in the steel containers. An underground pipe would also be provided between the GSHP and the industrial unit.

It is noted in the submitted Preliminary Ecological Appraisal that the area of disturbed ground where the boreholes would be located would be restored as part of the development. This would involve the reseeded of the land with native grass and wildflower species.

PLANNING HISTORY

There are a number of planning applications relating to the St Merryn Meat factory, of which the following are the most recent:

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.

Permission GRANTED on 08.12.2016

P/15/0345 - Extension to the current bone trailer loading bays to the rear (east) of the existing factory building complex.

Permission GRANTED on 03.12.1025

CONSULTATION

Engineering and Traffic
Group Leader

- No objection.

Planning Division's Ecologist

- No objection subject to a condition to secure mitigation and enhancement measures.

Planning Division's Landscape
Architect

- No objection subject to a condition relating to the restoration of the land.

Environmental Health Manager

- No objection subject to a condition relating to construction hours and ground contamination.

Natural Resources Wales

- No objection.

The Coal Authority

- No objection.

Welsh Water

- No objection.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, two site notices were displayed within the vicinity of the site.

No objections were raised as a result of this publicity exercise.

POLICY CONTEXT

The following policies are relevant to the determination of this application:

National planning policy

Planning Policy Wales (PPW), Edition 10, December 2018:

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 3.51 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Para 4.1.43 – 4.1.55 sets out the need to reduce the level and speed of traffic in new development, the provision of car parking and how this may be integrated into new development to minimise the reliance of cars. Transport assessments are also an important mechanism to determine anticipated impacts a development proposal may have.

Para 5.9.1 encourages planning authorities to facility all forms of renewable and low carbon energy development.

Para 5.9.5 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 5.9.17 notes that planning authorities should give significant weight to the Welsh Governments targets to increase renewable and low carbon energy generation, as part of an overall approach to tackling climate change and increase energy security

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 18, Transport, March 2007
- TAN 12, Design, March 2016

Local planning policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2006 - 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

Land use

The proposed development would be located within the settlement boundaries 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.

It should be noted that the proposed ground source heat pump system would be utilised by the abattoir to replace the existing gas boiler. This would provide a more sustainable system that transfers the natural heat from the ground to provide a renewable energy resource to heat the industrial unit. This would help to reduce the carbon footprint of the business and would contribute to the Welsh Governments objective towards a carbon neutral economy, which should be given significant weight in the determination of this application. 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 present economic benefits to the abattoir.

Design and landscaping impacts

A large proportion of the development (i.e. boreholes and pipework) would be buried under the ground. It is only the proposed steel shipping containers which house the ground source heat pumps that would be visible and seen in the context of the existing service yard. Within the vicinity of the site, there are already a number of steel containers, trailers and other plant and equipment that are utilised as part of the abattoir. As such, the industrial appearance of the shipping containers would not appear out of place and would not adversely impact on the character of the area.

It is acknowledged that the land beyond the curtilage of the abattoir to the north and east forms part of the open countryside, is designated as a Special Landscape Area (SLA1 – Morlais & Cwm Taf Fechan) and is a Landscape of Outstanding Historic Interest in Wales. The development would largely be screened from the surrounding area by the industrial building and nearby trees and vegetation. Where the proposal may be visible from elevated positions in the landscape, it would appear as a minor feature that forms part of the wider Pengarnddu Industrial Estate. As such, the integrity of the landscape and historic environment would be conserved. In this regard, it is acknowledged that the Planning Division's Landscape Architect has not raised any objection to the development. Therefore, the proposal complies with policies SW11, CW1 and EnW5 of the LDP.

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 has 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.

Natural Resources Wales (NRW) has indicated that the existing slaughter house is currently regulated under the Environmental Permitting Regulations. Whilst no objection to the proposal has been raised, it is advised by NRW that a Water Resources License would be required if the ground source heat pump has an open loop system i.e. groundwater is extracted and reinjected. In this instance, the proposed ground source heat pump system would have a closed loop. In other words, water is simply circulated through the system and passively absorbs the heat from the ground. As such, there would be no impact on the ground water environment.

It has been identified by the Environmental Health Manager that the site is situated within 250m of potentially contaminated land and historic maps show some features such as spoil and slag. Whilst no objection has been raised, it has been recommended by the Environmental Health Manager that a land contamination investigation be carried out to set out any necessary precautionary/mitigation measures, which can be secured by condition.

For the above reasons, the development would not have a significant impact on the environment, would not pose an adverse risk to human health and would not be significantly affected by past coal mining activities.

Ecological implications

A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application to identify the potential impacts the development may have on any features of ecological interests, including protected species and habitats. The report notes that the eastern part of the site comprises an area of semi-improved grassland on sloping ground with a mixed plantation woodland (immature trees and bushes). Within 500m of the site, the report notes that there are 3 ponds which have been assessed as potential habitats for Great Crested Newts.

The PEA concludes that as a whole the survey revealed that the site's habitats which will be affected by works are common and widespread and are considered to be of low intrinsic biodiversity value. The report notes that the woodland environment and nearby structures (to be retained) have negligible potential to support roosting bats. The nearby ponds are identified as having either poor or below average habitat suitability for Great Crested Newts.

The grassland environment within the site would provide a suitable habitat for a low number of common lizard and slow worm. However this habitat is noted in the report to be of limited value to reptiles due to the paucity of potential basking areas, refugia and hibernacula.

To minimise any potential impact on reptiles that may be present and/or nesting birds, a series of mitigation measures have been set out in the PEA to ensure appropriate working practices. It is also recommended in the PEA that 4 bird boxes and 4 bat boxes shall be erected on the trees within the adjacent woodland. Additionally, an identified area of land would be planted with a mixture of native tree and shrub species. In the location of the proposed boreholes, the land would be seeded with a mixture of native grass and wildflower species.

It is acknowledged that the Planning Division's Ecologist has raised no objection to the development subject to the proposed mitigation and enhancement measures being implemented and secured by condition. It has been adequately demonstrated that the development would not have a significant impact on features of ecological interest and that suitable mitigation/enhancement measures can be provided. Therefore the proposal complies with policy EnW1 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 for the boreholes. 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 as part of the abattoir. It is noted in the Design and Access Statement that the development has no requirement for any fuel deliveries and will therefore pose no impact on the local highway network. In this regard, it is acknowledged that the Engineering and Traffic Group Leader has not raised any highway safety concerns with the development. Therefore, the proposal complies with policy SW11 of the LDP.

Residential amenity

The nearest residential property to the proposed development would be Bwythyn Pen Y Bryn, which is situated approximately 430m to the south-west of the site. This residential property is at a considerably lower level to the site with an intervening landscape buffer and the existing abattoir building. Given the location of the residential property and the separation distance away from the development, there would be no adverse impacts on residential amenity during either the installation or operation of the ground source heat pump system. In this regard, it is acknowledged that no objections have been raised as a result of the publicity exercise. Therefore, the proposal complies with policies SW11 and EnW4 of the LDP.

CONCLUSIONS

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.

For the above reasons, the proposed development is acceptable and complies with the relevant LDP policies. Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

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

Drawing No. IP/KG/02 (Site Plan), received 27.04.2020
Drawing No. IP/KG/03 (Container Elevations), received 27.04.2020
Drawing No. IP/KG/04 (Landscaping Plan), received 27.04.2020
Drawing No. IP/KG/05 (Borehole Section), received 27.04.2020
Preliminary Ecological Appraisal, received 05.06.2020
Biodiversity Plan Sheet 1, received 12.06.2020
Biodiversity Plan Sheet 2, received 12.06.2020

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

2. **No development shall take place** until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Reason - In the interest of health and safety and environmental amenity and so as to accord with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

3. The development hereby approved shall be carried out in accordance with the Recommendations and Biodiversity Mitigation Plan as set out in the Preliminary Ecological Appraisal (received 05.06.2020). The proposed planting and seeding shall be implemented in the first planting and seeding seasons following the completion of the development.

Reason - To minimise any potential harm to protected species and to protect/enhance the natural environment in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

4. Construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE: 22/6/20