

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **18TH JULY 2018**

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

SUBJECT: **CONSTRUCTION AND OPERATION OF A WASTE MANAGEMENT FACILITY FOR THE MANAGEMENT OF MUNICIPAL, COMMERCIAL AND INDUSTRIAL WASTE, COMPRISING: A WASTE RECEPTION HALL WITH GROUND LEVEL PIT TIPPING AREA, SORTING HALL WITH ASSOCIATED EQUIPMENT FOR SEPARATION AND PROCESSING, A REFUSED DERIVED FUEL (RDF) HALL, CONTROL ROOM, ELECTRICAL ROOM AND WORKERS FACILITIES, ANAEROBIC DIGESTION TANK FARM AND ASSOCIATED INFRASTRUCTURE AT LAND OFF WEIGHBRIDGE ROAD, DEESIDE INDUSTRIAL ESTATE.**

APPLICATION NUMBER: **058270**

APPLICANT: **LOGIK WTE LTD**

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

APPLICATION VALID DATE: **19/04/2018**

LOCAL MEMBERS: **COUNCILLOR WHITE**

TOWN/COMMUNITY COUNCIL: **CONNAH'S QUAY**

REASON FOR COMMITTEE: **THE APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT.**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full application which is accompanied by an Environmental Statement for a waste management facility comprising a materials recycling facility and anaerobic digestion facility which would manage residual waste of up to 182,000 tonnes per annum. The main outputs of the facility would be biogas, a refuse derived fuel, compost like output. The AD element of the facility would produce up to 2MW.
- 1.02 The proposal site is the location of the former Gaz De France power station, on the Deeside Industrial Park and comprises an area of vacant employment land approximately 6.27ha. The site is accessed via an unadopted industrial estate road which leads into Weighbridge Road, the A548 and the A55 and motorway network beyond.
- 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 residual wastes to be diverted from landfill and produce up to 2MW of green energy. In terms of absolute capacity requirements there is no compelling need for the facility in terms of North Wales, however, the site represents a sustainable location which is easily accessible via road and rail. 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.
- 1.06 The proposal is therefore recommended for approval subject to no additional material issues being raised by Connah's Quay Town

Council following their Planning meeting on the 30th of July 2018.

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

2.01 Conditions to include:

1. The development shall be commenced within 5 years
2. The development shall be carried out in accordance with the approved plans.
3. The site shall only be used for the management of non-hazardous waste.
4. The submission of a scheme for restoration of the site which would be implemented following the cessation of the operation of the facility.
5. The submission and implementation of a Phase II intrusive contaminated land assessment, remediation where necessary and verification.
6. The submission and implementation of a Construction Environmental Management Plan.
7. The submission and implementation of a Construction Traffic Management Plan.
8. The submission and implementation of a landscaping scheme.
9. The submission and implementation of a scheme for the provision of neutral grassland habitat within the site.
10. The submission and implementation of Reasonable Avoidance Measures (RAMs) for protected species.
11. Surveys for reptiles prior to construction works.
12. The submission and implementation of a drainage scheme for the management of foul and surface water.
13. The submission and implementation of a Flood Warning and Evacuation Plan.
14. The submission of final site levels within the site.
15. A scheme for the protection of the railway which shall include matters relating to fencing, foundations, ground disturbance.
16. The submission of a lighting scheme.
17. The submission and implementation of a scheme for the external storage of waste.
18. The submission and implementation of a Fire Strategy.
19. No surface water and/or land drainage shall be allowed to connect directly or indirectly to the public sewerage network.
20. Hours of operation
21. Sheeting of vehicles
22. The facility shall not operate unless fitted with an effective odour abatement control system.

3.00 CONSULTATIONS

3.01 Local Member Councillor Martin White: No response received at time of writing report.

Neighbouring Ward Member: Councillor C.Jones: Request site visit and Committee determination due to the sensitivity and size of the application site.

Connah's Quay Town Council: Verbally advise that the consultation which was issued on the 4th of May has not been received. Consultation resent but Council meeting not scheduled until the 30th of July. Request that they are given sufficient time to comment.

Sealand Town Council: No objection

3.02 **Internal Consultees**

Public Protection: Agree with the conclusion that the emissions would have a negligible effect on amenity or local air quality. The monitoring of emissions would be a requirement of the Environmental Permit. Do not expect noise and dust to be a concern during the construction phase given the distance from sensitive receptors. Odour is likely to be the main issue which the design and process controls proposed would address. Advise that the conclusions would remain of relevance for the approved Northern Gateway development.

Contaminated Land Officer: Provided that the report is a final version and that there are no amendments to the information received, the recommendations made in section 6.4 are reasonable and the report satisfactory. The report does conclude that at least a Phase 2 assessment is required. The remaining phases of the assessment (Phase 2 and any remedial works and verification) could be secured with a suitable condition if a planning permission is granted.

Highways (DC): No objection and do not wish to make a recommendation on highway grounds. The anticipated volume of traffic, approximately one vehicle every 6 minutes, is not considered to be significant.

Ecologist: Advise that due to the proximity of the site to nationally and internationally designation sites 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. Accept that there would be no direct effects on these features but that there could be indirect effects caused by changes in air and water quality due to the potential for critical overload in particular the "in-combination effects". The HRA needs to assess these indirect and in combination issues to determine if there are any potential effects and if there are if they can be remediated through conditions/ mitigation measures. Advise that locally designated sites would not be affected. Agree with the Ecology report conclusions that the unimproved neutral grassland is the key feature of the site and this was also identified as of value for reptiles and butterflies previously. The grassland hasn't been

managed since the 2012 survey so the grassland is taller and the associated species will have changed. Request a number of conditions to secure mitigation for the habitat that would be lost and to ensure the construction of the facility would not have an adverse impact on reptiles and nesting birds.

Tree Officer: No objection to the proposal subject to the inclusion of conditions to secure the provision of landscaping, tree protection and maintenance.

Drainage Officer: Advise that in accordance with the hierarchy in SPG29, infiltration methods should be considered in preference to attenuation and a restricted discharge to a watercourse as originally proposed in their conceptual design. Confirm that there appears to be some form of impediment on the proposed receiving watercourse that the Council is currently in the process of investigating. It would not appear that the impediment is located on land in the ownership of FCC but the Council do have powers under the Land Drainage Act 1991 to enforce a riparian owner to remove impediments from within watercourses located on their land.

Business Support: Supportive of the application which will give rise to 42 new full time jobs within a suitable industrial location adding to the economic sustainability of the area.

3.03 **External Consultees**

Natural Resources Wales: Request a number of conditions to address matters relating to water quality and contaminated land. Advise that due to the proximity of the site to the Dee Estuary and River Dee recommend that the Local Planning Authority carry out a Test of Likely Significance.

Dwr Cymru/Welsh Water: No objection in principle. Request conditions to prevent surface water from connecting to the public sewerage network and the inclusion of advisory notes on any permission.

Network Rail: No objection in principle. Provide detailed comments and request a number of conditions to ensure that the development would not have an adverse impact on the railway line.

Airbus: No objection

Welsh Government Transport: Do not issue a direction.

Fire Service: There are already large water users in this area. Welsh Water have water mains in this area, however, there are no designated fire hydrants within a short distance of the site.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

4.02 In response to the public consultation exercise the Local Planning Authority received a letter of objection on the basis that:

- The technology is not in accordance with national waste policy;
- Insufficient information was provided in the Waste Planning Assessment;
- Question the need for the facility.

4.03 A letter was also received which didn't object to the application in principle but raised concerns about the impact of the proposal on surface water and the receiving drainage system.

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.

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

7.01 The Site and the Proposed Development

7.02 This application is for full planning permission for the construction and operation of a waste management facility. In summary, the proposed development comprises a system where waste which is received is mechanically sorted using water with the biodegradable elements then being treated using Anaerobic Digestion (AD) technology. It is essentially Mechanical Biological Treatment or MBT. Recyclate would be removed during the mechanical separation and sent for reprocessing. Biodegradeable material would then be treated using AD to produce water, digestate and biogas. The facility would manage up to 182,000 (600tpd) tonnes of residual municipal, commercial and industrial wastes per annum.

7.03 The main elements of the proposal are:

- Main process building – measuring approximately 122m in

length, with a width of approximately 54m at the southern end and approximately 35m at the northern end and a maximum height of 20.59m. The building would operate under negative pressure with an extraction system to clean the extracted air treated. Fire prevention measures, including equipment, signage and a sprinkler system.

- Weighbridge and kiosk
- Vehicle washing
- Biological area – tanks:
 - 3x Acetogenic tanks measuring 12m in height with a diameter of 9m
 - 3x digesters measuring 12m in height with a diameter of 10m
 - 1x Methanogenic tank measuring 15m in height with a diameter of 16m
 - 1x Balance tank measuring 11.5m in height with a diameter of 10.5m
 - 1x SBR measuring 7m in height with a diameter of 6m
 - 1x Settling tank measuring 6m in height with a diameter of 6m
 - 1x Sampling tank measuring 5m in height and 5m in diameter
 - 1x Biogas holder measuring 12.5m in height and diameter
 - 3x 2.5mm drum screens measuring 4m in height and 1.8
 - 3x 0.77mm drum screens measuring 4m in height and 1.8m in diameter
 - 3x Screw press measuring
- Laboratory – portacabin style building double height.
- Vehicle maintenance shed.
- Admin and welfare facilities.
- Perimeter site road.
- Perimeter fencing and gates.
- CCTV
- Surface water drainage system comprising 5 geocellular surface water attenuation tanks.

7.04 The construction phase is anticipated to last approximately 18 months. The hours of operation during the construction phase would be:

- 8am -6pm Monday – Friday
- 8am – 1pm Saturday

And during the operation phase, hours of operation would be:

- 6am – 8pm 5 days a week
- Deliveries 6am-4pm 5 days a week
- Biological Area 24 hours per day 7 days a week

7.05 The site would employ up to 42 full-time employees. There would be up to 292 vehicle movements a day, comprising 80 Refuse Collection

Truck, 20 residue trucks, 2 Recyclable trucks, 4 RDF trucks and 40 employee vehicles.

- 7.06 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 is elevated approximately 4m above Weighbridge Road. The site was previously occupied by the Gaz de France power station which has now been cleared and constitutes previously developed land.
- 7.07 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) which is currently being constructed, planning reference 052626, a Converter Station to the south, planning permission reference 046311, 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.
- 7.08 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 xkm to the west of the site and the River Dee is approximately 1.4km to the South/South West of the site.
- 7.09 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 has secured planning permission for mixed use development including residential which would be located approximately 1.7km from the site.
- 7.10 Principle
- 7.11 The northern part of 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 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.

7.12 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 Unitary Development Plan.

7.13 Sustainability/Need

7.14 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. Given the change in national policy and guidance and the fact that the data upon which the Regional Waste Plan 1st Review is based is over 10 years old it is considered that it is appropriate to look beyond the 1st Review when assessing need. This is the view that an Inspector took when considering a waste management application previously and is considered to continue to be an appropriate stance in relation to this application.

7.15 The proposed facility would manage up to 182,000 tonnes of residual municipal waste per annum. This facility would comprise two main elements:

- a physical treatment element (the 'front end'); and
- a biological treatment element (the 'back end').

7.16 The physical element comprises a number of different techniques to enable wastes to be sorted into separate streams before being sent off-site for processing elsewhere. The output of the physical element would be recyclate and a refuse derived fuel (RDF) which would then be sent off-site for treatment. Given the process that the waste would go through it is understood that it could potentially be managed at a cement kiln, if the specification is appropriate. The cement kiln at Paedswod is capable of using refuse derived fuel (RDF) but requires a high specification fuel which is comparatively homogenous with a high calorific value. To date no RDF from Wales has been managed at the Paedswod site, with all supplies coming from England and/or Scotland. It is considered that this is likely to be as a result of the required specification of the RDF.

- 7.17 The biological treatment element is effectively Anaerobic Digestion (AD) which is supported by national policy for the treatment of source separated food waste. The AD element of the facility would be located at the back end of the process, receiving the organic fractions of the residual waste. The outputs of the AD facility would be biogas, which would be used to generate up to 2MW electricity, liquid and digestate, a compost like output. Because the waste would not be source segregated, it would not be possible for the facility to achieve 'end of waste' status through compliance with Publicly Available Specification (PAS) 110. The facility would therefore be a recovery facility, rather than a recycling facility for the purposes of applying the Waste Hierarchy. Not achieving PAS 110 limits the market for digestate which could not be spread on agricultural land without an environmental permit. It would be possible for the AD facility to be operated separately to the front end of the facility, allowing it to receive source separated food waste, thereby enabling PAS 110 to be achieved. This would future proof the facility in the event that there is no outlet for the digestate or there being a significant reduction in the organic fraction within the residual waste.
- 7.18 The proposed facility is an intermediate treatment facility and cannot operate in isolation from other facilities. Recycled materials extracted would be sent off site for processing and the RDF produced would either need to be landfilled or combusted in a dedicated incinerator or at a coincinerator, displacing the need for fossil fuels. The compost like output (CLO) could be spread on non-agricultural land under a permit or dried to create an RDF.
- 7.19 TAN 21 advises that where wastes cannot be recycled, other waste recovery operations should be encouraged and that decisions should be made taking into account the waste hierarchy. Waste hierarchy Guidance published by the Welsh Government identifies MBT as being below Energy from Waste (EfW) where there is a high level of recovery but above Energy from Waste (EfW) where electricity only is produced. Similar guidance in England identifies MBT and EfW at the same level within the hierarchy. The outcome of any assessment depends largely on the assumptions used, economies of scale and how the facility sits within the wider network of facilities.
- 7.20 An objection received in response to publicity on the application raises the point that national waste policy and TAN 21 identify that high efficiency EfW plants are the preferred means of managing residual waste. The objector makes specific reference to studies which were undertaken on behalf of Welsh Government and Regional Waste Groups. The studies referenced actually found limited differences in terms of the sustainability of the different technologies put forwards which included a mixture of Advanced Thermal Treatment Processes (pyrolysis), MBT and incineration, with the exception of MBT where the output goes to landfill which scored

poorly. Therefore, whilst the WG may prefer EfW this doesn't mean that other technology types may not be appropriate as part of the overall mix.

- 7.21 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.
- 7.22 The Applicant has advised that wastes would be sourced from North and Mid-Wales and the North West of England. Whilst contracts have not been secured, the Applicant has provided Letters of Intent from potential suppliers of waste within the region. As discussed above, all North Wales local authorities, with the exception of Powys, are contractually bound by long term contracts for the management of local authority collected residual waste. The Applicant would need to rely on the commercial and industrial waste stream, the need for which is more difficult to predict compared with local authority waste, or importing residual waste from England.
- 7.23 The case for need is not compelling in this instance. Significant capacity has been secured for the management of residual waste both within Flintshire and the surrounding area, including Cheshire West and Chester. TAN 21 advises that overprovision will only be justified on the basis that the proposal represents a sustainably located facility. The site is located within the Deeside Enterprise Zone which is of national importance and is which is accessible by both road and rail and is well connected to the motorway network. The site is therefore considered to be a sustainably located facility. The sustainability of the technology proposed would depend upon how the output is managed. At this stage it is not possible to determine whether any of the RDF or CLO would require landfill, however, as a consequence of the landfill tax it is considered unlikely that this material would be landfilled as there would be fiscal incentive to manage the waste either at a co-incineration plant or Energy from

Waste facility. The proposed development would move the management of waste up the waste hierarchy and enable materials to be recovered which would otherwise be disposed of in landfill. In the event that there is no need for the facility in the locality wastes would need to be drawn from a wider area. As discussed above, the proposal site is a sustainably located facility which would help minimise any harm from drawing waste over a wider area. It is considered highly unlikely that there would be no market for the facility would be well located to receive waste from the Liverpool/Manchester conurbation.

7.24 Employment

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.

7.25 The proposal is predicted to generate 553 jobs during the construction phase and 42 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.

7.26 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 ES considered the suitability of alternative sites and concluded that given the requirements of the site, and constraints at alternative sites 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. The proposal would produce up to 2MW renewable energy and would capture recycle which would otherwise be disposed of.

7.27 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 considered suitable for this type of facility. 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. The development would generate renewable energy and would enable the recovery of recyclate, keeping material within the economy which would otherwise be disposed of. 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 structures within the site, in particular the biological part of the process since these structures are unlikely to be able to be utilised by the majority of other industrial uses. It is therefore recommended that a condition is included to require that the site is restored in the event that the site ceases operating.

7.28 Visual Impact and Design

7.29 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. Whilst Landscape and Visual issues were scoped out of the EIA, A Landscape and Visual Appraisal was submitted alongside the application. The LVA confirms that there may be distant views from more elevated locations to the north. To the east, south and west, views of the site are prevented by the railway, 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.

7.30 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.

7.31 The proposed design of the development is based on functional requirements with scale minimised where possible. The main reception building would extend up to almost 21m in height but would

be viewed in the context of other buildings within the industrial estate which are of similar scale. The use of different colour tones and orientation in the cladding to break up the mass of the building and suspended canopies used to provide shelter at the pickup help minimise the visual impact of the development.

7.32 Wastes would be delivered into the building to minimise the release of dust and litter. Processing would occur in the main building and in the biological area within closed units. This would help minimise the visual impact of the development on the surrounding area. Baled materials may be stored externally which could have an adverse visual impact, pose a fire risk, impact on local amenity and have an impact on controlled waters. It is therefore considered necessary to include a condition to control any external storage to minimise visual impact, to restrict the type of waste materials which can be stored externally. Fire prevention measures are proposed within the building but no external measures are proposed and should therefore be secured via condition. Although this is a matter which would be considered through the Permit controlled waters within the vicinity of the site are particularly sensitive and the impact of fire on developments to the north and south of the site could have wider consequences. This is discussed in more detail in the Ecology and Fire Risk sections below.

7.33 The Tree Officer, who has provided landscape advice in respect of this application, has not objected to the proposal subject to the inclusion of a landscaping scheme to secure retention of existing vegetation along the western periphery of the site and additional planting within the site. Subject to the inclusion of conditions to address the matters above, 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.

7.34 Highways

7.34 Policy AC 13 permits proposals where approach roads to 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. The site would be accessed over a 14 hour day between 6am-8pm with deliveries limited to 6am – 4pm, by up to 146 vehicles a day, 292 movements, comprising Refuse Vehicles, HGVs and cars. There would be 34 parking spaces and 3 accessible spaces provided in the existing parking area and covered cycle parking and changing facilities within the building.

7.35 The Applicant submitted a Transport Statement in support of the

application which demonstrated that there are no safety issues which would be exacerbated by the development and that the traffic movements generated by the development would be 1% when compared with existing traffic flows on the A4585 Weighbridge Road. 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. The position of the gatehouse and layout of the access road should not result in any undue backup of vehicles accessing the site. The Applicant is, however, advised to carefully consider the operation of the access junction and interaction with other accesses and it is recommended that this matter is raised on the decision notice.

7.36 Ecology

- 7.37 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.
- 7.38 The Applicant has submitted an extended phase I habitat report in support of the application which has informed the Environmental Statement. 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. Surveys of reptiles are recommended, as are ground nesting bird surveys or avoidance of the nesting season. A Biodiversity enhancement plan is also recommended if there is to be a loss of the rough grassland habitat.
- 7.39 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 Local Planning Authority has carried out a Test of Likely Significance, as recommended by NRW and concluded that there would be no direct effects on either the Dee Estuary or the River Dee but there is the potential for indirect effects caused by changes in air and water quality due to the potential for critical overload in particular the “in-combination effects”. 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.

- 7.40 An Air Quality Assessment submitted in support of the application considered the impact of emissions on air quality at the above ecological receptors. Predicted ambient NOx and nitrogen and acid deposition were identified as well below the screening thresholds contained within guidance. 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. The drainage strategy proposed would prevent the discharge of pollutants from the site and into the nearby watercourse. It is considered that further information is required regarding the drainage strategy and on contamination within the site, which is discussed in more detail below. Mitigation to prevent or minimise the release of pollutants could be secured via condition and is considered able to ensure that the development would not have a significant effect of the Dee Estuary or River Dee.
- 7.41 A number of Section 7 species, list of of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, are understood to be likely to be either using the site or in close proximity to it including the Dingy Skipper, common lizard, whitethroat and skylark. It is recommended that the mitigation proposed within the Extended Phase I Habitat Survey is secured via condition
- 7.42 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.

7.43 Trees

7.44 Policy TWH1 seeks to protect trees which are important in the local landscape. The Applicant submitted an arboricultural report in support of the application which identified small areas of trees within the site. The report includes a number of recommendations including the preparation of an Arboricultural Impact Assessment.

7.45 The trees within the site are of local importance only in terms of landscape. There are trees along the railway line which provide important screening and act as a corridor for wildlife but these are outside of the Applicant's control. The Tree Officer has advised that there are small areas of trees within the site which merit retention and has not objected to the proposal subject to the inclusion of conditions to ensure existing trees are protected during construction and to secure the provision of additional planting in the site, including maintenance. Subject to the inclusion of conditions to address the matters raised above the proposal is considered unlikely to have an adverse impact on trees, in accordance with policy TWH1 of the adopted Flintshire Unitary Development Plan.

7.46 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.

7.47 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 did not 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.

7.48 Construction

Impact of dust during the construction phase was considered as part of the ES and not identified as significant due to the distance of the site from both human and ecological receptors, in accordance with Institute of Air Quality Management (IAQA) guidance. Potential sources of dust would include site plant and vehicle exhaust

emissions. The Applicant has requested that dust control measures are secured via condition through the submission of a Construction Environmental Management Plan (CEMP). The Environmental Health Officer has not objected to the proposal and has advised that similar sized developments in the vicinity of the site have not caused complaint. Notwithstanding this, given the potential for impact on ecological receptors, although low, it is considered reasonable to secure mitigation via condition.

7.49 *Operation*

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.

7.50 Potential sources of dust/odour/bioaerosols during the operational phase would include activities carried out within the main waste reception building; emissions from the exhaust stack from the gas engine (AD), odour from the AD tanks and site plant and exhaust emissions. A number of mitigation measures are proposed including direct tipping of waste within the reception area by HGVs; enclosing the waste handling operations within enclosed buildings; the use of fast acting automatic roller shutter doors in the waste reception building; negative pressure within the building and air extraction through a biofilter; sheeting of vehicles and minimisation of time period for external storage of reject material.

7.51 The Environmental Health Officer has advised that the main issue would be from odour but because of the design of the process and the controls that would be put in place it is not expected to cause any undue problems and that plans for the management and control of odours are adequate.

7.52 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.

7.53 Noise and vibration

Policy EWP 8: Control of Waste Development and Operations supports proposals where they do not result in unacceptable disturbance to local communities through noise or vibration. Policy EWP 13: Noise and Light: Requires proposals which are likely to cause an increase in noise or vibration to demonstrate that there will

be no detrimental impact on users, outside the boundary of the site, who may be sensitive to such nuisances. The nearest sensitive receptors are between 1.9-2km away, and sensitive receptors within the Northern Gateway site would be approximately 1.7km away.

- 7.54 The Applicant has carried out a BS4142:2014 Noise Assessment and considered noise and vibration as part of the ES. BS5528:2009 +A1 2014 was used to assess HGV movements beyond the site boundary. Background noise within the site is identified as dominated by traffic and other industrial uses. Noise arising from the development during construction and operation is predicted to be negligible at nearby residential receptors as it would be below background noise levels. As such, no mitigation, beyond those included within the design of the building, is proposed. The Assessment did not consider the impact on occupants of the Northern Gateway site, however, given the distance from the site the conclusions are considered to remain relevant. The Environmental Health Officer has not objected to the proposal and has advised that with regards to noise from the construction phase other similar sized sites have not generated complaint.
- 7.55 It is considered that the proposed development would not have an adverse impact on nearby sensitive receptors as a result of noise and vibration, in accordance with policies GEN 1 and EWP 8 of the adopted Flintshire Unitary Development Plan.
- 7.56 Contaminated Land
- 7.57 Policy EWP 14: Derelict and Contaminated Land supports proposals subject to any contamination being adequately dealt with as part of the development so that no risks remain on site for future receptors.
- 7.58 The site comprises made ground and was occupied by a number of heavy industrial uses including the steel works and the Gaz de France power station. A Phase I Site Investigation Report was submitted in support of the application which did not identify any significant contamination risks that cannot be appropriately managed through standard design or mitigation techniques. A series of recommendations were made within this report which includes carrying out an intrusive investigation to identify whether any remediation works are required. Where such works are required, it is recommended that a verification report should be submitted.
- 7.59 The assessment concludes that there is no significant source of contamination and therefore the likelihood of significant risk to the proposed development, its users and controlled waters is identified as low. It is recommended that a Phase 2 Intrusive investigation is undertaken to inform the detailed design and construction risk assessment for the site. Both the Contaminated Land Officer and Natural Resources Wales advised that a condition should be included

to secure a Phase 2 intrusive investigation and any required remediation and verification. Subject to the inclusion of conditions to address the matters raised above, the proposal is considered acceptable with respect to policy EWP14 of the adopted Flintshire Unitary Development Plan.

7.60 Flood Risk

7.61 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 majority of the site is within flood zone B with site levels of between 8.3m and 10.3m AOD. There is a small proportion of the site within flood zone C1 along the western boundary of the site with levels of between 5.2m and 8.3m AOD. The wider access route to the site is within zone C1. The proposed development is classified as 'highly vulnerable' for the purposes of TAN 15.

7.62 The Applicant has submitted a Flood Consequences Assessment and Conceptual Surface and Foul Water Management Plan in support of the application, which includes a Flood Warning and Evacuation Plan. The Assessment concludes that the majority of the site would not be at risk from flooding from river, coastal, surface water groundwater or reservoir breaching. A small portion of the site, along the western boundary and site entrance, may be subject to a tidal risk but would remain largely undeveloped and comprise water compatible infrastructure such as pipes, manholes, a culvert and grassed ditches.

7.63 The site comprises previously developed land within an area identified for employment use within the Unitary Development Plan. The majority of the site would not be at risk of flooding during a flooding event. Natural Resources Wales have not objected to the proposal subject to a number of conditions to secure further information regarding drainage and have advised that the local planning authority should secure a Flood Risk Plan which should include details of access and egress. A Flood Risk Plan was submitted alongside the planning application but did not include details of access and egress. It is therefore recommended that a revised Plan is secured via condition.

7.64 Proposed drainage is designed to attenuate run-off from the site so that it is equivalent to the greenfield run-off rate. The drainage scheme is discussed in more detail below, however, generally, it is considered that the development would not increase the risk of flooding off-site. Subject to the inclusion of conditions to address the matters raised above the development is considered to be justified, in line with the tests contained within paragraph 6.2 of TAN 15 and Policy EWP 17 of the adopted Flintshire Unitary Development Plan.

7.65 Drainage

- 7.66 Policy GEN 1: General Requirements for Development, criterion i) states that development should not result in problems related to drainage or flooding, either on or off site. Policy EWP16: Water Resources supports development where it would not have an adverse impact on groundwater or surface water. A surface water drainage scheme is proposed which would limit run-off rates to below the maximum permissible discharge rate of 27.5 l/s (Greenfield Qbar), for all rainfall events up to and including the 1 in 100 year plus 20% for climate change allowance. The scheme comprises a series of subsurface geocellular attenuation tanks, two bypass oil and silt separators, two grassed drainage ditches, two hydro-brakes and four non-return valves. The surface water drainage would connect to the existing Weighbridge Road culvert at the site main entrance located at the western boundary of the site.
- 7.67 The surface water drainage scheme is based upon the existing levels at the site. It is therefore considered necessary to condition final levels so that it is clear the drainage scheme would still work. Concern was raised in response to publicity on the application regarding the potential impact on the receiving drainage system. In particular, it was noted that there has been flooding on the road outside of the site suggesting capacity issues. Concern was also raised regarding the potential for contaminants to drain from the site to the watercourse. The Drainage Officer has advised that whilst there have been issues with flooding on the road there appears to be some form of impediment on the proposed receiving watercourse that is currently being investigated by the local authority. It would not appear that the impediment is located on land in the ownership of FCC but the Council do have powers under the Land Drainage Act 1991 to enforce a riparian owner to remove impediments from within watercourses located on their land.
- 7.68 The Applicant has advised that the water from tanks 1-4 would be used in the process and the water from tank 5 could be allowed to leak, thereby providing the attenuation required whilst complying with the Council's SPG on Drainage. The Drainage Officer has advised that infiltration testing would be required to demonstrate that such a design would be appropriate in this instance. Furthermore, such an approach would not be acceptable if the site is contaminated. It is therefore recommended that a condition is imposed to secure the submission of a detailed drainage scheme for the site which would need to be devised taking into account the findings of the Phase II Contaminated Land Assessment.
- 7.69 Subject to the imposition of condition/s to address the matters raised above the proposal is considered in accordance with policies GEN 1 criterion i), and EWP 16 of the adopted Flintshire Unitary Development Plan.

7.70 Fire Risk

7.71 Policy GEN 1 supports development where it would not have a significant adverse impact on other users of nearby land/property. The proposal includes the management of waste which is potentially flammable. Fire, if not controlled, could pose a risk to neighbouring users of land and property, including the railway line to the east, the converter station to the south and Parc Adfer to the north, the impact of which could have wider consequences. The Applicant has proposed fire mitigation, including equipment, signage and the installation of a sprinkler system. There are capacity issues in this area in relation to water supply and it is important to ensure that water supplies for firefighting would be sufficient in the event of a fire. Although sprinklers could help prevent the spread of fire, their use could potentially limit the availability of water for firefighting if adequate supply is not available. It is therefore recommended that an assessment is secured, by condition, to evaluate the capacity of the water network, taking into account the proposed use of sprinkler systems and, in the event that capacity is deemed insufficient, to secure the provision of fire hydrants and associated equipment.

7.72 The Fire Officer has also requested the submission of a Fire Strategy. Other conditions, including the submission of a detailed drainage strategy for the site, discussed in the drainage section above, would ensure that any firewater would not have an adverse impact on sensitive ecological receptors within the vicinity of the site. Subject to the inclusion of conditions to address the matters above, the proposal is considered in accordance with Policy GEN 1 criterion d).

7.73 Environmental Impact Assessment

The planning application was accompanied by the submission of an Environmental Statement. A substantial body of environmental information has been submitted. In making this determination, the Council has taken all the environmental information available to it into consideration, including the information presented in the application and the Environmental Statement. It has also considered the responses from consultees and to representations received from third parties.

8.00 CONCLUSION

The proposed facility would enable residual wastes to be diverted from landfill, producing up to 2MW of green energy and maximising the recovery of recyclate. The site is currently vacant and is located within an area identified for employment use within the UDP, surrounded by industrial uses of a similar scale. Its development would enable the beneficial reuse of the land and bring economic benefit through the provision of jobs, both direct and indirect. In terms of absolute waste management capacity requirements, there is no compelling need for the facility in terms of Flintshire or North Wales.

However, the site represents a sustainable location which is easily accessible via the trunk road and motorway network. There is also the potential for access by rail, though movement by rail is not proposed as part of the application. Any adverse impacts would be mitigated through the design of the facility or through the use of conditions and it is therefore considered that no harm would arise from granting planning permission. The proposal is therefore, on balance, recommended for approval subject to conditions.

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

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