

enviroparks

Pre-Application Consultation Report

Amended phase II development and operation
of a sustainable waste resource recovery and
energy production park.

—
February 2017



Pre-Application Consultation Report

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Section One

INTRODUCTION

PURPOSE OF THIS REPORT

1.1 This Pre-Application Consultation Report has been prepared to accompany a planning application by Enviroparks (Wales) Limited (EWL) for an amended phase II development and operation of a sustainable waste resource recovery and energy production park at the Enviroparks site at Fifth Avenue, Hirwaun Industrial Estate, Hirwaun, Aberdare.

Requirement for pre-application consultation

1.2 As required for major development in Wales, EWL has undertaken statutory pre-application consultation in accordance with the relevant procedures. This Pre-Application Consultation Report is submitted alongside applications to RCT and BBNPA to explain the pre-application consultation EWL has undertaken and to confirm that all of the legal pre-application consultation requirements have been met.

BACKGROUND TO THE APPLICATION

The Applicant: Enviroparks (Wales) Limited

1.3 EWL is an energy company that has developed a concept of co-locating waste recycling, energy recovery and associated commercial operations on the same site or 'park'. The company's approach is to recycle diverse waste streams using integrated advanced technologies to maximise recycling and energy generation with the minimum residual waste and environmental impact.

1.4 Based in Abergavenny, EWL was established with the aim of developing a chain of Enviroparks in the UK. EWL is funded by private investors and investing institutions, notably Zeus Renewables which specialises in investments in renewable energy infrastructure. The directors of EWL formerly developed a battery recycling facility in Ebbw Vale which is the most modern of its kind in Europe and one of only two in the UK. Now employing 135 staff, the plant has become one of largest producers of lead roofing materials worldwide.

1.5 EWL is working in partnership with several specialist technology providers to deliver its aims. The combination of technologies brought together by EWL is designed to ensure high levels of efficiency with regard to fuel preparation and electricity production. These technologies are intended to represent Best Available Techniques for the functions they serve.

The consented Enviroparks scheme

1.6 In 2008 Enviroparks (Wales) Limited (then called Enviroparks (Hirwaun) Limited) submitted planning applications to Rhondda Cynon Taf County Borough Council (RCT) and Brecon Beacons National Park Authority (BBNPA) for planning permission for development described as follows:

Development of a sustainable waste resource recovery and energy production park comprising 27,562 m² of buildings and structures, including a 10,240 m² building for use class B1 / B2 use; process buildings; a gatehouse and weighbridge; a visitor centre and administration building; a 20 MW_e net capacity combined heat and power plant; with a 40 m ventilation stack; external anaerobic digestion, liquid and gas holding tanks; 30,352 m² of internal roads and hardstandings; vehicular parking; external security lighting; 17,497 m² of landscaping; vehicular ingress and egress from Fifth and Ninth Avenues, and associated utilities infrastructure.

1.7 Planning applications were made to two planning authorities because the boundary between the two crosses the application site. Planning permission was granted by both authorities on 21 December 2010 (RCT reference 08/1735/10 and BBNPA reference 08/02488/FUL) following the completion of a planning obligations agreement under section 106 of the Town and Country Planning Act 1990.

1.8 Since then the planning permissions have been implemented through the construction of the first phase of the development. The operator, Enviroparks (Wales) Limited wishes to proceed with the second phase of the development. However, since the original scheme design was prepared in 2008, advances in waste recovery technologies and a much-changed policy and commercial landscape for waste recovery and renewable energy generation have necessitated a review of the original master plan for the Enviroparks site. Revised planning applications have been prepared for the site.

The Proposed development

1.9 EWL is applying to the two local planning authorities, BBNPA and RCT for planning permission for the following:

Amended phase II development and operation of a sustainable waste resource recovery and energy production park, comprising the consolidation of the approved gasification yard and pyrolysis building into a 6,270.43 m² gasification hall; an emissions stack measuring 45 m in height and 3.5 m in diameter; a 2,102.86 m² fuel storage hall and a 378 m² turbine hall for electricity generation; and a 4,824 m² open service yard containing ancillary structures including air-cooled condensers for the gasification plant, ancillary fire water tanks and a fire pumphouse, effluent pumps, gas boosters, transformers and a standby diesel generator and fuel tank, with boundary landscape and planting.

1.10 In summary, the main differences between the development approved in 2010 and the amended scheme applied for now are as follows:

- It is proposed that the gasification yard, pyrolysis building and engine house all shown separately in the 2010 scheme should all be consolidated into a single building. This would be achieved by raising the height of the consented but un-built building on the Fifth Avenue frontage of the site by two metres to an eaves height of 14.1 metres and a ridge height of 16.1 metres to accommodate a Fuel Storage Hall and Turbine Hall, and building a Gasification Hall to the north of this revised building, extending towards the centre of the site, with an eaves height of 16.5 metres and a ridge height of 18.5 metres.

- Raising the height of the consented but unbuilt emissions stack at the centre of the site from 40 metres to 45 metres to ensure the effective dispersion of atmospheric emissions without interference to air flow from the proposed Gasification Hall beneath. The stack would also be increased in diameter from 2.5 metres to a maximum 3.5 metres, which will enhance both its operational performance and structural integrity.
- Deletion of the consented anaerobic digestion tanks inside the western boundary of the site. This is because a similar facility has opened at Bryn Pica, nearby.
- The replacement of the consented but unbuilt green wall inside the south-western corner of the site with a belt of tree and shrub planting. The green wall had been proposed to conceal the open gasification yard. With the gasifiers located in the proposed Gasification Hall, this requirement falls away.

1.11 These amendments are intended to afford a range of operational and amenity benefits. Placing all process elements into a single building is operationally efficient. Plant and equipment would be protected from the weather and operational monitoring would be assisted. Working conditions for staff would improve. From an amenity perspective, enclosing the gasifiers in a building greatly assists noise attenuation and odour containment, helps to avoid light pollution and presents a less industrial and more visually coordinated feature in views from outside the site, including from the elevated terrain in the Brecon Beacons National Park to the north. The new and amended buildings would use the same elevational treatment and building materials approved for the development that was granted planning permission in 2010.

PRE-APPLICATION CONSULTATION REQUIREMENTS

1.12 The Planning (Wales) Act 2015 gained Royal Assent in July 2015 and inserted into the Town and Country Planning Act 1990 a new section 61Z, entitled *Wales: pre-application procedure, Wales: requirement to carry out pre-application consultation*. The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 brought these pre-application requirements into effect by inserting Part 1A: *Pre-application consultation* into the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (the DMPW Order 2012).

1.13 The DMPW Order 2012 requires all applicants for major development to undertake pre-application consultation through making available a final draft version of the application at least 28 days before the submission of the formal planning application. The draft application should be made available to community consultees, specialist consultees and members of the public through the sending of letters, erection of site notices and displaying a copy of the draft application at a public location.

1.14 The amended 2012 Order defines ‘major development’ as residential development of more than ten units or on a site of over 0.5 hectares, the provision of buildings where the floorspace to be created by the development is 1,000 square metres or more, or development on a site with an area over one hectare, or the winning and working of minerals.

1.15 EWL seeks planning permission on a site of over one hectare and for buildings with a floorspace of over 1,000 square metres. Therefore, the proposals are for ‘major development’ for which pre-application consultation must be undertaken.

The requirements in detail

1.16 Applicants applying for major development are required to undertake pre-application consultation. Having undertaken pre-application consultation, applicants are then required to produce and submit as part of the planning application, a Pre-Application Consultation Report ('PAC Report') which includes the following

- i. Information about the method of public notification and how both community consultees and specialist consultees were made aware of the application.
- ii. A copy of the notice given to owners and occupiers of adjoining land.
- iii. A copy of the site notice and declaration that the site notice was displayed in accordance with the statutory requirements.
- iv. Copies of all notices provided to councillors, town and community councils and specialist consultees.
- v. A summary of issues raised in response to the statutory publicity (responses from members of the public), an overview of whether these issues have been addressed and, if so, how they have been addressed.
- vi. Copies of responses received from specialist consultees with an explanation of how each response has been addressed.

1.17 The following section of this PAC Report sets out the pre-application consultation undertaken by EWL. Where appropriate, parts of the DMPW Order 2012 are cited to highlight the applicant's duties and to confirm that the pre-application consultation requirements have been completed.

Section Two

PRE-APPLICATION CONSULTATION UNDERTAKEN BY ENVIROPARKS (WALES) LIMITED

METHOD OF PUBLIC NOTIFICATION AND HOW COMMUNITY AND SPECIALIST CONSULTEEES WERE MADE AWARE OF THE APPLICATION

Article 2F DMPW 2012: Pre-Application Consultation Reports

2.1 Article 2F of the DMPW Order 2012 is entitled *Pre-application consultation reports* and specifies the contents of a PAC Report. Subsection 1 of article 2F requires that the consultation undertaken complies with the requirements in section 61Z of the Town and Country Planning Act 1990 (TCPA 1990).

Compliance with section 61Z of the TCPA 1990

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2F (1) *Where an applicant has been required to carry out pre-application consultation in accordance with the provisions of section 61Z of the 1990 Act and articles 2C and 2D and submits an application for planning permission, that application must be accompanied by a pre-application consultation report which gives particulars of —*

- (a) how the applicant complied with section 61Z of the 1990 Act;*
- (b) any response to the consultation received from any person consulted under section 61Z(3) or (4) of the 1990 Act; and*
- (c) the account taken of those responses.*

2.2 To demonstrate compliance with section 61Z of the TCPA 1990, Table 2.1 (below) sets out the requirements of the 1990 Act and the applicant’s response of how it met each requirement.

Table 2.1: Requirements of TCPA 1990

Town and Country Planning Act 1990	Applicant’s response
<p>61Z Wales: requirement to carry out pre-application consultation</p> <p>(1) <i>This section applies where—</i></p> <p>(a) <i>a person (the “applicant”) proposes to make an application for planning permission for the development of land within the area of a local planning authority in Wales, and</i></p> <p>(b) <i>the proposed development is development of a description specified</i></p>	<ul style="list-style-type: none"> • The proposed planning application is for development falling within Brecon Beacons National Park and Rhondda Cynon Taf local planning authorities in Wales – S.61Z(1)(a). • Article 2B of the DMPW Order 2012 states that ‘<i>major development is specified for the purposes of section 61Z(1) of the 1990 Act</i>’. The proposed development is major development as planning permission is sought on a site over 1 hectare in size and for buildings with a floorspace of over 1,000 square metres – S.61Z(1)(b).

Town and Country Planning Act 1990	Applicant's response
<i>in a development order.</i>	
(2) <i>The applicant must carry out consultation on the proposed application in accordance with subsections (3) and (4).</i>	<ul style="list-style-type: none"> • EWL (the applicant) has completed pre-application consultation in accordance with subsections (3) and (4), details of which are provided below – S.61Z(2).
(3) <i>The applicant must publicise the proposed application in such manner as the applicant reasonably considers likely to bring it to the attention of a majority of the persons who own or occupy premises in the vicinity of the land.</i>	<ul style="list-style-type: none"> • The applicant publicised the proposed application through the erection of five site notices at or near the site to bring it to the attention of the businesses and residents in the vicinity of the Enviroparks site – S.61Z(3). • In addition to EWL's local knowledge of occupiers in premises surrounding the Enviroparks site, a land registry search was undertaken to identify all owners and occupiers of premises in the vicinity of the land. A total of 38 owners/occupiers were written to (with three letters returned due to 'address inaccessible') in order to notify of the proposed development – S.61Z(3). • The applicant considers that the approach it undertook to publicise the proposed application would reasonably bring it to the attention of a majority of the persons who own or occupy premises in the vicinity of the site – S.61Z(3).
(4) <i>The applicant must consult each specified person about the proposed application.</i>	<ul style="list-style-type: none"> • Article 2D(1) of the DMPW Order 2012 sets out who the 'specified persons' are for the purposes of section 61Z(4) of the 1990 Act. Specified persons are '<i>any community consultees</i>' and '<i>any specialist consultees</i>'. • EWL consulted four community consultees (identified in paragraph 2.4 and 2.5 below) for the proposed application – S.61Z(4). • Ten specialist consultees (including both Local Planning Authorities) were consulted of the proposed application (as detailed below at paragraph 2.5) – S.61Z(4).
(5) <i>Publicity under subsection (3) must—</i> (a) <i>set out how the applicant may be contacted by persons wishing to comment on the proposed development;</i> (b) <i>give such information about the proposed timetable for the consultation as is sufficient to ensure that persons wishing to comment on the proposed development may do so in good time.</i>	<ul style="list-style-type: none"> • Occupiers and owners written to by EWL as required by S.61Z(3) were provided with an e-mail address and postal address in order to contact EWL with any comments on the proposed development – S.61Z(5)(a). • Information of the consultation timetable was included on the site notice and notification letters. This provided a start date and end date of the consultation (20 January 2017 to 20 February 2017 at 12pm noon) which allowed those wishing to comment on the proposed development more than the statutory 28 days to comment – S.61Z(5)(b).
(6) <i>For the purposes of subsection (4), a specified person is a person specified in, or a person of a description specified in, a development order.</i>	This section – S.61Z(6) – has been considered under the requirements of S.61(4).
(7) <i>Subsection (2) does not apply—</i>	S.61Z(7) concerns the types of applications where pre-

Town and Country Planning Act 1990	Applicant's response
<p><i>(a) if the proposed application is an application under section 293A, or</i></p> <p><i>(b) in cases specified in a development order.</i></p>	<p>application consultation is not required and is not relevant to EWL's current application proposal.</p>
<p>(8) <i>A development order may make provision about, or in connection with, consultation required to be carried out under this section (including by way of publicising an application under subsection (3)).</i></p> <p>(9) <i>That provision may include –</i></p> <p>(a) <i>provision about how the consultation is to be carried out (including about the form and content of documents, and information and other materials that are to be provided to a person for the purposes of, or in connection with, the consultation);</i></p> <p>(b) <i>provision about responding to the consultation (including provision requiring a person consulted to respond to the consultation, or to respond to the consultation in a particular way, or to respond within a particular time);</i></p> <p>(c) <i>provision about the timetable (including deadlines) for consultation;</i></p> <p>(d) <i>provision for a person consulted by virtue of subsection (4) to make a report to the Welsh Ministers about the person's compliance with any requirement imposed by virtue of paragraph (b) or (c) (including provision as to the form and content of the report and the time at which it is to be made).</i></p>	<p>Section 61Z(8)+(9) sets out when a development order may make provisions about pre-application consultation. The relevant development order for pre-application consultation is the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.</p> <p>This PAC report confirms how pre-application consultation has been carried out in accordance with and complied with the relevant provisions within the development order – S.61Z(8)+(9)</p>

Responses to the consultation received from any person consulted under section 61Z(3) or (4) of the 1990 Act and the account taken of those responses

2.3 Article 2F(1)(b) of the DMPW Order 2012 requires a pre-application consultation report to give particulars of any response to the consultation received from any person consulted under section 61Z(3) or (4) of the 1990 Act. Article 2F(1)(c) of the DMWP Order 2012 requires that the pre-application report gives particulars of the account taken of those responses.

Responses received from persons who own or occupy premises in the vicinity of the land

2.4 EWL received responses from the following who own or occupy premises in the vicinity of the proposed application site:

- Fifth Avenue Guest House (response received: 24 January 2017)
- United Brands of Scandinavia (response received: 20 February 2017)

Responses received from community and specialist consultees

2.5 The following community and specialist consultees provided responses to the consultation:

Community consultee responses:

- Rhigos Community Council (meeting with the Community Council on 20 February 2017)
- Hirwaun and Penderyn Community Council (response received: 21 February 2017)

Specialist consultee responses:

- Welsh Government Department for Environment and Rural Affairs (response received: 30 January 2017)
- Welsh Government Department for Transport (responses received: 8 and 20 February 2017)
- Natural Resources Wales (response received: 20 February 2017)
- Natural Resources Wales: Air Quality Modelling and Risk Assessment Team (response dated: 16 February 2017)
- Rhondda Cynon Taf County Borough Council Highway Development Control (response received: 16 February 2017)
- The Coal Authority (response received: 17 February 2017)
- Dŵr Cymru Welsh Water (response received: 10 February 2017)
- Welsh Government Historic Environment Service (Cadw) (response received: 6 February 2017)
- Health and Safety Executive (response received: 22 February 2017)

Account taken of the responses

2.6 This PAC Report provides an account taken of responses received from persons who own or occupy premises in the vicinity of the proposed development site and community and statutory consultees at **Table 3.1** and **Table 3.2**.

COPY OF THE NOTICE GIVEN TO OWNERS AND OCCUPIERS OF ADJOINING LAND

Compliance with Article 2F(2) of the DMPW Order 2012

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2F (2) The pre-application consultation report must include –

- (a) a copy of the notice referred to in article 2C(1)(a)(i);*
- (b) a declaration that the notice referred to in article 2C(1)(a)(i) was displayed in accordance with the requirements of that article;*
- (c) a list of the addresses of persons who were given notice of the proposed application in accordance with article 2C(1)(a)(ii) and a copy of the notice given to such persons;*

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2C (1) The applicant must publicise the proposed application by –

- (a) giving requisite notice –*
 - (i) by site display in at least one place on or near the land to which the proposed application relates for not less than 28 days*
 - (ii) in writing to any owner or occupier of any land adjoining the land to which the proposed application relates.*

2.7 The pre-application consultation report must include a copy of the site notice. EWL erected five laminated site notices at the Enviroparks site (land to which the proposed application relates). The site notice was displayed for more than 28 days. The site notice was in a form substantially to the like effect of the notice form set out in Schedule 1B of the DMPW Order 2012. A copy of the site notice is included at **Appendix A**.

2.8 Photographs were taken of the site notices when they were erected. Members of the Enviroparks team returned to the site weekly during the consultation period to ensure that the site notices remained in place and legible.

Declaration

2.9 The applicant is required to make a formal declaration that a site notice was displayed at the land to which the planning application relates for not less than 28 days.

Enviroparks (Wales) Limited declares:

- **A site notices was displayed in at least one place on or near to the land to which the proposed application relates.**

(A total of five site notices were displayed at the Enviroparks site.)

- **The site notice was displayed for not less than 28 days.**

(Site notices were displayed for more than 28 days, from 20 January 2017 to 20 February 2017.)

Letters to owners and occupiers

2.10 The PAC Report must include a list of the addresses of people who were given notice of the proposed application and a copy of the notice given to those people.

2.11 EWL sent notices to 38 people who are owners or occupiers of land adjoining the proposed application site. The full list of names and addresses is provided at **Appendix B**. The notice provided was in a form substantially to the like effect of the form at Schedule 1B of the DMPW Order 2012 and was accompanied with a covering letter. Copies of the notice form and the covering letter sent to owners or occupiers are provided at **Appendix C**.

COPIES OF NOTICES PROVIDED TO COMMUNITY AND SPECIALIST CONSULTEES

Compliance with Article 2F(2) of the DMPW Order 2012

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2F (2) The pre-application consultation report must include –

- (d) copies of all notices given to community consultees and specialist consultees in accordance with articles 2D(2) and 2D(3)

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2D (2) Where an applicant is required to consult a community consultee, the applicant must give the community consultee requisite notice in writing of the proposed application.

2D (3) Where an applicant is required to consult a specialist consultee the applicant must give the specialist consultee requisite notice in writing of the proposed application and enclose each of the documents referred to in article 2C(1)(b) or provide a link to a website on which those documents can be found.

2.12 The pre-application consultation report is required to include copies of all notices given to community consultees and specialist consultees.

2.13 EWL provided notices to the following community consultees:

- Rhigos Community Council
- Hirwaun and Penderyn Community Council
- Councillor G P Thomas
- Councillor J Ward

2.14 The notice provided to each community consultee was in a form substantially to the like effect of the form at Schedule 1B of the DMPW Order 2012. Each notice was accompanied with a covering letter and included a CD containing an electronic copy of the draft application documents. A web address was also provided to a website on which the documents could be found (address: www.enviroparks-planning2017.co.uk). A copy of the Schedule 1B notice and covering letter is included at **Appendix D**.

2.15 The following specialist consultees were provided notices by EWL:

- The Welsh Ministers
- Natural Resources Wales
- Rhondda Cynon Taf County Borough Council Highway Development Control (as the Local Highway Authority)
- The Coal Authority
- Dŵr Cymru Welsh Water
- Health and Safety Executive
- Brecon Beacons National Park Authority
- Rhondda Cynon Taf County Borough Council

2.16 Notice provided to each specialist consultee was in a form substantially to the like effect of the form at Schedule 1C of the DMPW Order 2012. The notices were accompanied with a covering letter and included a CD containing the draft application documents. A web address with a link to a website on which the documents could be found (address: www.enviroparks-planning2017.co.uk) was also included. A copy of the Schedule 1C notice and covering letter is included at **Appendix E**.

Availability of draft planning application documents

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2C (1) *The applicant must publicise the proposed application by –*

(a) ...

(b) *making the following information available for inspection at a location in the vicinity of the proposed development for not less than 28 days beginning with each day on which each of the notices referred to in subparagraph (a) or article 2D(2) are given –*

(i) *any documents and particulars or evidence that would be required for a subsequent application, in the same or substantially the same form, to be a valid application except certificates in relation to notices of applications for planning permission required by article 11;*

(ii) *a plan which identifies the land to which the proposed application relates;*

(iii) *any other plans, drawings and information necessary to describe the development which is the subject of the proposed application;*

(iv) *in a case to which article 7 applies, the design and access statement; and*

(v) *subject to article 8(2), the particulars or evidence required by the local planning authority under section 62(3) of the 1990 Act(1).*

(2) *Any plans or drawings required to be provided by paragraph (1)(b)(ii) or (iii) must be drawn to an identified scale and, in the case of plans, must show the direction of north.*

(3) *The applicant must have complied with paragraph (1) before an application is submitted.*

2.17 As part of the pre-application consultation requirements, a copy of the draft planning

application documents is required to be made publically available. The bullet points below confirm the actions EWL completed in respect of making draft documents available:

- EWL made one complete set of printed draft planning submission available at **Hirwaun Library, High Street, Hirwaun, CF44 9SW**.
- The draft planning application documents were available from 20 January 2017 until 20 February 2017 (available for more than the required 28 days minimum).
- The draft planning application documents comprised the following:
 - 2008 Environmental Statement, figures and appendices
 - 2008 Further environmental and supporting information
 - 2017 DRAFT CONSULTATION Environmental Statement Addendum, figures and appendices (including landscape figures and visualisations)
 - 2017 DRAFT CONSULTATION Non-Technical Summary
 - Design and Access Statement
 - Draft BBNPA Application Form
 - Draft RCT Application Form
 - Location Plan
 - Application Plans and Drawings
 - 3D visualisations

2.18 The CDs included in letters to community and specialist consultees and the website hosting the draft application documents included all of the above documents. Electronic plans and drawings were drawn to an identified scale, included a scale bar and showed the direction of north.

Section Three

CONSULTATION FEEDBACK AND ENVIROPARKS (WALES) LIMITED'S RESPONSE

CONSULTATION FEEDBACK

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2F (2) The pre-application consultation report must include –

(a) ...

(b) ...

(c) ...

(d) ...

(e) a summary of all issues raised by any person notified of the proposed application in accordance with section 61Z(3) of the 1990 Act and articles 2C and 2D(2), including confirmation of whether the issues raised have been addressed, and, if so, how.

3.1 The pre-application consultation report is required to include a summary of the issues raised in response to the consultation received following the display of the site notice, reviewing of the available draft planning application documents, notification of owners or occupiers adjoining the application site and from community consultees.

Summary of issues raised from display of site notice, review of available documents, notification of owners and community consultees

3.2 **Table 3.1** below summarises all issues raised through this consultation of 'community' consultees and provides details of whether the issues raised have been addressed, and if so, how.

Table 3.1: Community Consultees – summary of issues and how the issue has been addressed

<i>Consultee</i>	<i>Summary of issue raised</i>	<i>How the applicant has addressed the issue</i>
Owners of Fifth Avenue Guest House	Expressed a concern that the new proposals could increase noise levels at the Enviroparks site which could affect the amenity for them and their guests.	<p>The Enviroparks site already benefits from planning permission to install gasifiers in the open air. Under the current proposals the gasifiers would instead be enclosed in a hall behind the building on the Fifth Avenue frontage. This provides advantages in reducing noise emissions compared to the consented scheme and would be advantageous in amenity terms.</p> <p>EWL provided the owners of the Guest House with the draft noise assessment from the ES addendum, which identified their property as a noise receptor. This confirmed that at Fifth Avenue Guest House, the day-time noise generated by the proposed development would fall 8dB below the typical background sound level of the area. Background noise would fall by 1dB below the typical background level of the area. There would be no significant noise effect from daytime and night time operation of the Enviroparks site. This is illustrative of how EWL’s proposal to enclose the gasifiers at the site would provide improvements in noise attenuation when compared with the consented scheme.</p>
United Brands of Scandinavia	<ul style="list-style-type: none"> Concern that the construction and operation of the site could lead to pollution, rubbish and litter. Required confirmation that litter will be kept to a minimum and there will be no litter / rubbish coming into the factory. Query that there would be adequate fencing or ways to keep vermin that may arise from the increase presence of litter away. Query that the roads will be cleaned of any debris. 	<p>EWL considered the comments of United Brands of Scandinavia and responded to them. EWL is confident the concerns will be managed both during the construction process and during operations. Noise and smell would be regulated by the Environmental permit issued by Natural Resources Wales. EWL agrees that litter is unacceptable and will be dealt with as part of EWL’s operational management, both on and off site if required, and EWL will have a vermin policy in place to eliminate infestation. All waste will be handled under controlled and supervised conditions inside buildings, so there would be no scope for wind-blown external litter to escape from the site.</p> <p>EWL does not intend to hinder United Brands of Scandinavia’s business and would rather be seen as a good neighbour. When the site is operational EWL will have a management liaison committee in place, giving opportunities to discuss any issues that may arise efficiently.</p> <p>EWL confirmed that they are happy to take a call from United Brands of Scandinavia at any time to resolve any matters that may cause concern.</p>
Rhigos Community Council	On 20 February 2017, a meeting between the managing director of EWL and EWL’s	<p>In response to the issues raised by RCC, EWL offered the following clarifications:</p> <ul style="list-style-type: none"> The opening of the Biogen AD plant at Bryn Pica had reduced the need for a similar facility at

Consultee	Summary of issue raised	How the applicant has addressed the issue
	<p>environmental consultant was held with members of the Rhigos Community Council (RCC) following pre-application consultation notification to RCC. The following is a summary of the issues raised at the meeting:</p> <ul style="list-style-type: none"> • Query as to why the AD element of the Enviroparks scheme was being removed. • Enquired as to where the waste would come from. • Asked if the stack height increase to 45m mean that there were more emissions? • What comes out of the stack and what is the effect to health? 	<p>Hirwaun. RCC indicated that an article in the Western Mail contradicted this. EWL was able to confirm that the article was incorrect and that the Western Mail had published an apology.</p> <ul style="list-style-type: none"> • Waste to be processed at the site would arise from all over south Wales and that differing wastes went to different processing centres depending on composition. • The proposed reconfiguration of the buildings had slightly altered the air dispersion and the proposed 45m stack provides a better dispersion. When RCC suggested that, if a higher stack gave better dispersions then the stack should perhaps be even taller, EWL explained that this was not necessary to meet the air quality standards. • During the Environmental Permit process, air dispersion would be examined in great detail in conjunction with Natural Resources Wales (NRW) and NRW would also likely to offer public consultation to explain how the permit process works to safeguard health and amenity. • The principal engineering contractor was Bouygues ES and that this was the third plant of this type to be constructed in the UK. • RCC was reminded that the Enviroparks Community Liaison Committee would be responsible for distributing up to £600k for the good of the local communities.
<p>Hirwaun and Penderyn Community Council</p>	<p>The Community Council expressed a concern that the use of meteorological data in the Environmental Statement was not representative of conditions at the Enviroparks site.</p> <p>The response said that <i>'no reference is made to the development's visual impact on peaks of the major Brecon Beacons of the National Parks Dark Sky's Reserve status'</i>.</p>	<p>EWL confirms that a data sensitivity analysis to confirm the appropriateness of using meteorological data from Sennybridge for modelling industry in the Hirwaun area was undertaken in 2009 as part of the original Environmental Statement submitted in support of the consented Enviroparks scheme. This explained that although manipulating the prevailing wind direction could occasionally result in slightly higher process contributions of pollutants to the local area for some alternative wind directions, the use of a prevailing wind from the south west quarter (as per that from Sennybridge) is most likely to impact on the sensitive receptors in the immediate vicinity of the site. Since 2013, EWL has monitored weather conditions locally to the site, and the data obtained confirms that the wind direction is largely from the south-west, west and west south-west, with these directions prevailing for a total of 75 % of the monitored period, where data are presented as a single prevailing wind per month. This supports the use of meteorological data in which the prevailing wind is from the south west quarter. The overall prevailing wind direction measured at the site is west south-westerly (prevailing for 39 % of the monitored assessment period).</p> <p>As part of the consented Enviroparks scheme and for this current proposal, a Landscape and Visual Impact Assessment has been undertaken and the differences in landscape and visual effects between</p>

<i>Consultee</i>	<i>Summary of issue raised</i>	<i>How the applicant has addressed the issue</i>
		<p>the proposed scheme and consented Scheme have been analysed. No significant changes upon landscape elements or landscape character would occur. At no location would the proposed Enviroparks scheme result in significant adverse effects upon visual amenity where previously they were assessed as insignificant. In conclusion, it is assessed that the proposals could be accommodated within the landscape with only localised significant landscape and visual effects. These effects would reduce over time from publicly accessible locations, following the growth of new planting and the weathering of the building facades.</p> <p>The potential for lighting impacts upon landscape character, including the nighttime environment, were assessed in the 2008 Environmental Statement in outline. EWL proposes that the lighting design for the revised development would be subject to a planning condition requiring prior approval. The current Enviroparks proposal would have a reduced night-time impact compared with the consented scheme because more of the plant would be located inside buildings.</p>

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2F (2) The pre-application consultation report must include –

- (a) ...*
- (b) ...*
- (c) ...*
- (d) ...*
- (e) ...*
- (f) Copies of all responses received from specialist consultees with an explanation of the account taken of each response.*

Copy of all responses received from specialist consultees

3.3 As required by the DMPW Order 2012, a copy of all responses received from the specialist consultees is provided at **Appendix F** to this report.

Explanation of the account taken of each specialist consultee response

3.4 **Table 3.2** below provides a summary of the response from specialist consultees along with an explanation of the account taken of each response. It is displayed in corresponding order to the responses provided at Appendix F.

Table 3.2: Summary of the response from specialist consultees along with an explanation of the account taken

<i>Ref:</i>	<i>Consultee</i>	<i>Response/Summary of response</i>	<i>Explanation of the account taken</i>
1	Welsh Government Department for Environment and Rural Affairs	With regard to Agricultural Land Classification and Planning Policy Wales 4.10.1, the Department has no observations to make.	No further action is required by EWL.
2	Welsh Government Department for Transport	The site has a previous consent and the pre-application consultation shows that the development trips would not be material on the trunk road highway network. The construction phase does however have the potential to impact on the A465. We would therefore require sight and input to the supporting Traffic Management Plan which should seek to minimise impacts on the A465 and the travelling public.	Discussion with Richard Jones highlighted that there was confusion as to which proposed development the Department for Transport was initially referring to in their email date 8 February 2017. In their second response dated 20 February 2017 the correct scheme was referred to. When final construction details and phasing are confirmed, a Construction Traffic Management Plan will be prepare and submitted by EWL which will provide details of construction traffic. The implications of the improvement of the adjacent section of the A465 will be considered.
3	Natural Resources Wales	A Habitats Regulation Assessment (HRA) is required. The new proposals result in different emissions (such as Ammonia, Benzene, Heavy Metals, Cadmium, and Poly Aromatic Hydrocarbons (PAH) and different rates of acid and nitrogen deposition. Based on information, we are unable to conclude that the proposals will not give rise to Likely Significant Effects on the SAC. We would advise that it is necessary to carry out an Appropriate Assessment of the potential effects on the integrity of the relevant SACs.	A HRA Report was submitted with the original Enviroparks applications. EWL will submit an updated HRA in respect of the current proposals that will also take account of any changes at the site or within the area. The HRA update will provide details of effects on the SAC.
		It would be helpful to clarify whether any local air quality monitoring has been undertaken to date.	Local air quality monitoring has not yet been undertaken due to lack of certainty of the commissioning programme and the receipt of waste. Air quality monitoring will be put in place at a suitable time after award of the construction contract to establish background data. It will continue after commissioning.

Ref:	Consultee	Response/Summary of response	Explanation of the account taken
		<p>Land contamination planning conditions are suggested by NRW.</p> <p>Landscape – We have reviewed the Landscape and Visual Impact Assessment (LVIA) submitted and we do not consider that there would be a significant adverse landscape or visual impact on the Brecon Beacons National Park.</p> <p>We recommend that any proposals taken forward should be accompanied by a Landscape and Ecological Management Plan.</p> <p>Technical Advice Note 21 As this application is substantially different to the previous application, the LPA may require a TAN21 needs assessment. We believe that this may be necessary as the original planning application was submitted a number of years ago. We suggest you discuss this further with the LPA.</p>	<p>EWL would accept the suggested land contamination planning conditions to be attached to any future planning permission.</p> <p>No further action is required in respect of landscape and visual effects by EWL as it is confirmed by NRW that they have assessed that the proposal would not have significant adverse landscape or visual impacts.</p> <p>EWL is receptive to a planning condition requiring a Landscape and Ecological Management Plan to be submitted to the local planning authorities for approval.</p> <p>Paragraph 4.2 and Annex B of TAN21 advise that Waste Planning Assessments should be submitted alongside planning applications for new waste facilities. According to paragraph 4.2:</p> <p><i>To enable proper consideration of the principles contained in the Technical Advice Note, a Waste Planning Assessment should be submitted with all applications for a waste facility classified as a disposal, recovery or recycling facility. The purpose of the Waste Planning Assessment is to ensure that the information necessary for making a decision is provided by the applicant when a planning application is submitted. The Waste Planning Assessment should be appropriate and proportionate to the nature, size and scale of the development proposed . . .</i></p> <p>A Waste Planning Assessment has not been submitted alongside the current planning applications because the applications amend the extent and layout of buildings in an existing partly-implemented planning permission and do not propose any increase in waste feedstocks or introduce recovery technologies that were not envisaged in the scheme that secured planning permission in 2010.</p>
4	Natural Resources Wales: Air Quality Modelling and Risk Assessment Team	No supporting information regarding the derivation of estimated likely emissions and emission concentrations during abatement failure.	Estimates of worst-case emissions in the event of all of the abatement systems failing were calculated by the technology providers. No further detail has been included at this stage, but can be considered as part of EWL’s future Environmental Permit application as required.

<i>Ref:</i>	<i>Consultee</i>	<i>Response/Summary of response</i>	<i>Explanation of the account taken</i>
		Location of Sennybridge weather station is actually 35 km from site (at a significant distance from Sennybridge).	The location of the Met. Office weather station has been confirmed as being closer to Tirabad in Powys than to Sennybridge (which is approximately 22 km north of the site), and hence the distance stated within the report has been amended.
		Appropriateness of Sennybridge data may be checked with a sensitivity analysis using NWP-UM.	A sensitivity analysis of the data was undertaken in 2009, albeit not using the NWP-UM. Differing prevailing winds were modelled and a summary paragraph of the analysis was included in the 2009 report. A similar summary paragraph has now been included in the current submission, based on the 2009 assessment. Additionally, monitored data from the site have been assessed (2013 – 2015) and a paragraph summarising the comparison has been included.
		Potential use of higher resolution grids in the region of the maximum predicted concentrations, to ensure that the highest process contribution has been captured.	Both human health and ecologically sensitive receptors are included in the modelling in addition to the gridded data. Although a more detailed grid could be used in the location of the maximum process contributions, the results are almost all screened as insignificant either using the primary or secondary assessment, and thus any small increases which may be identified using a very detailed grid are unlikely to suggest a significant impact. No amendment has therefore been made.
		Co-ordinates for sensitive receptors are not necessarily located at the closest point of the receptor to the source.	Moving the co-ordinate is not likely to have a significant impact as most pollutants are screened as insignificant. This could be done, if considered necessary, as part of the Habitats Regulations Assessment Report or the Environmental Permit application.
		Potential to include ancient woodland (43 areas) and three additional residential receptors into the model.	NRW notes that these suggested additional receptors are all within 2 km of the site, and therefore would be covered by the gridded assessment. Whilst it is true that the exact concentrations at each of these specific points might not have been identified, the model does cover the area and most pollutants are screened as insignificant.
		Misquote of Critical Levels for Ammonia.	Typographical error checked and amended. The calculations informing the modelling report were found to be correct and the only error was in the text.
		No additional detail has been provided on how the in-combination models were run.	Detail was provided on pages 13, 14, and 17 of the Atmospheric Dispersion Modelling Assessment at Appendix 9.6 of the Environmental Statement Addendum. Environmental Visage Limited will liaise with NRW's AQMRAT team to

Ref:	Consultee	Response/Summary of response	Explanation of the account taken
			confirm whether this has been considered and to identify any further detail AQMRAT may require prior to an Environmental Permit application being submitted.
		Recommendation of the use of standard deposition rates for different terrain types at ecological receptors.	Further modelling will be carried out as NRW has requested in its response to the pre-application consultation process that an appropriate assessment is undertaken for European Sites. This data will be provided alongside the appropriate assessment.
		Wet and dry deposition of HCl does not appear to have been included in the acid deposition calculations.	This is correct. The inclusion of HCl is not specified in the Air Pollution Information System (APIS) calculations. The data have now been included, with total deposition of HCl assumed as dry deposition x 3.
		External sources have not been included in the deposition calculations.	This is correct. An additional table has now been included in the modelling report which provides the deposition calculations from Enviroparks and the other in-combination effects considered by the modelling.
		A single mapped background figure has been included for pollutants when considering the receptor locations. It is not clear whether or not this represents a precautionary approach.	Sensitive ecological receptors were assigned a local background where this was available, but this had not been extended to other local receptors. This has now been included where data are available.
		A measured background figure for Ammonia at Llyn Brianne is applied rather than the local background figure of 0.64 ug m^{-3} obtained from APIS. This could raise questions over the representativeness of the chosen background concentration, especially as the APIS figure is higher than the measured data.	The Ammonia data obtained from Llyn Brianne are measured data from the nearest local monitoring site, and are the average of 10 measured results from 2015. The UK maps of pollutant air concentrations and deposition are generated by a combination of models and measurements, and data are mostly available at a 5 km grid resolution. For many pollutants there is real sub-grid variability which is not revealed in the 1 km or 5 km averages. The uncertainties are particularly large for the concentrations of primary pollutants e.g. NH_3 , NO_x and SO_2 . However, by way of providing a robust scenario, the use of the 0.64 ug m^{-3} general background figure (2012 – 2014) has now been included to all assessments.
		Use of background concentration data. NRW recommend that the most recent year of data should be used.	2016 data have been applied (calculated from earlier background maps where available and as per the guidance). It is unclear whether NRW is suggesting that additional consideration could have been made and hence this will be explored with NRW and any additional information required by AQMRAT will be provided

<i>Ref:</i>	<i>Consultee</i>	<i>Response/Summary of response</i>	<i>Explanation of the account taken</i>
			prior to the Environmental Permit application being submitted.
		While it is unlikely that turbine wake will have an effect on plume behaviour in this instance, sensitivity studies may be undertaken un ADMS if required using the 'wind turbine effects' option.	It is recognised that the 'wind turbine effects' option is available within the ADMS model and can be applied but is justified within the assessment as not being considered in this instance due to the distance of the turbines from the study site. Environmental Visage Limited attempted to obtain the relevant data from the wind turbine operators to undertake a sensitivity analysis, but limited information was available. As such, and in light of the distance of the turbines from the stack which determines that there is unlikely to be an effect on plume behaviour, no detailed sensitivity model was run.
5	Rhondda Cynon Taf County Borough Council Highway Development Control	Development will result in fewer heavy goods vehicle movements than that approved under application 08/1735 with less impact on the highway network. The proposal provides adequate car parking for cars, motorcycles, bicycles and visitors. Therefore without prejudice to any future planning application no objections would be raised subject to conditions.	No further action is required by EWL.
6	The Coal Authority	The proposed development site falls within the coalfield, but outside of the defined Development High Risk Area. Accordingly, there is no requirement to submit a Coal Mining Risk Assessment in support of a planning application for the redevelopment of this site. The LPA will not consult the Coal Authority on any planning application for this site.	No further action is required by EWL.
7	Dŵr Cymru Welsh Water	General layout shows SUDS / swales would encroach the easement for the foul sewer which would have required the sewer to be diverted into Fifth Avenue. However, the revised swales / suds have been located outside the easement of the sewer. The features appear to be significantly smaller than previously.	EWL proposes to meet with Dŵr Cymru Welsh Water (DCWW) to discuss this issue further and satisfy their requirements . This will include diversion of DCWW where appropriate. Following discussions and agreement with DCWW, a detailed SUDS and swales design will be prepared and submitted to the local planning authorities for approval.

<i>Ref:</i>	<i>Consultee</i>	<i>Response/Summary of response</i>	<i>Explanation of the account taken</i>
		<p>Landscape plan shows significant planting of shrubs and trees along the boundary with both Fifth Avenue and Ninth Avenue. Almost certainly within the easement of our sewerage assets. This would severely restrict access to our assets and potential damage to our assets.</p> <p>Could find no mitigation measures for example a diversion. This has been raised previously.</p>	<p>A Landscape and Ecological Management Plan will be prepared with reference to the SUDS and swale design following discussions with DCWW.</p>
8	Welsh Government Historic Environment Services (Cadw)	<p>No scheduled monuments or registered historic parks and gardens within the vicinity of the proposed development. We therefore have no comments to make on the proposed development.</p>	<p>No further action is required by EWL.</p>
9	Health and Safety Executive	<p>For verification, this was seen by the Principal Inspector.</p> <p>To confirm, HSE has no comments to make on the above pre application consultation.</p>	<p>No further action is required by EWL.</p>



Section Four

CONCLUSIONS

 **CONCLUSION**

4.1 Enviroparks (Wales) Limited undertook pre-application consultation on its proposed planning application for an amended phase II development and operation of a sustainable waste resource recovery and energy production park at the Enviroparks site at Fifth Avenue, Hirwaun Industrial Estate, Hirwaun, Aberdare. The pre-application consultation followed the requirements set out in section 61Z of the Town and Country Planning Act 1990 (as amended) and the requirements set out in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

4.2 EWL undertook pre-application consultation for more than 28 days. Site notices were erected, owners or occupiers of land and premises adjoining the proposed application site were written to, a copy of the draft application documents were made available at Hirwaun Library and specialist consultees were provided with a CD containing the draft application documents. A dedicated website was set up allowing people to view the draft application documents online. Those consulted were provided with a postal and email address so they could write to Enviroparks and its planning agent with comments on the proposed application.

4.3 The pre-application consultation process resulted in four comments from members of the community (including community councils) and nine comments from specialist consultees. When finalising the planning application, EWL and its consultant team have taken account of the responses received through pre-application consultation.

4.4 The final planning application submitted to Brecon Beacons National Park Authority and Rhondda Cynon Taf County Borough Council is the culmination of the input of specialist technical consultants and the responses of those consulted through the pre-application consultation process. This has allowed EWL to present a planning application proposal most likely to address concerns and issues that could be raised during the determination of the application.