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LATE REPRESENTATIONS

Committee PLANNING COMMITTEE

Date and Time of Meeting WEDNESDAY, 13 JUNE 2018, 1.30 PM

Please see attached Late Representation Schedule received in respect of applications to be determined at this Planning Committee

Late Reps 13.06.18 (pages 1 – 8)

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LATE REPRESENTATIONS SCHEDULE
PLANNING COMMITTEE - 13th June 2018

PAGE NO. 1	APPLICATION NO. 17/2130/MNR
ADDRESS :	LAND AT ROVER WAY
FROM:	Air Quality Officer
SUMMARY:	<p>He has the following comments to make in regards to the concerns raised by third party representatives (Celsa Manufacturing and Traveller Community on Rover way).</p> <p>The air quality assessment (AQA) and technical note submitted by Air Quality Consultants (AQC) Ltd underpins the air quality impacts associated with emissions from the operation of the proposed biomass CHP facility. In accordance with relevant IAQM guidance; EPUK- Combined Heat & Power: Air Quality Guidance for Local Authorities, February 2012, the reporting undertaken by AQC conforms to Table 2.3 of the guidance; Common CHP Fuels & Associated Pollutants. Coordinating with Table 2.3, when considering CHP installations and usage of biomass fuel the pollutants of concern are highlighted as Nitrogen Dioxide (NO₂), PM₁₀ & PM_{2.5}.</p> <p>It is understood that the proposed facility will be conditioned to utilise 'Virgin' wood only as its fuel source. It is agreed that the site will be administrated via an environmental permit issued through the Medium Combustion Plant Directive (MCPD). NRW are the Regulatory Authority for the MCPD and therefore the scope of any modelling required to support a permit application will be sanctioned by NRW. The MCP permit will control the combustion phase of the plant implementing an emissions to air schedule which will enforce and specify emission limit values for specific pollutants.</p> <p>The submitted air quality modelling reports have utilised 5 years of sequential met data between 2012-2016. The data was gathered from a representative met data collection site which displays similar characteristics to that of the proposed site. This is deemed a best practise approach to any dispersion modelling undertaken.</p> <p>The AQA is specific to the proposed facility. Table 11 displays an understanding for air quality projections with and without the proposed facility in place. It is not a requirement to demonstrate what influences the baseline figure.</p> <p>The AQA demonstrates that no further consideration is necessary for the understanding of air quality impacts associated with proposed traffic movements generated via the proposed facility. AQC have utilised best practise methods to ascertain and screen out the inclusion of air quality impacts associated with expected traffic movements. Section 6; Impact Assessment- Initial Screening Assessment of Development-Generated Road Traffic Emissions highlights the make up of the projected fleet and highlights figures</p>

below threshold levels that would instigate the need for further assessment. These threshold levels are available to view in Table 6.2 of the EPUK and IAQM guidance “Land- Use Planning and Development Control: Planning for Air Quality, January 2017”

Table 6.2: Indicative criteria for requiring an air quality assessment

The development will:	Indicative Criteria to Proceed to an Air Quality Assessment
1. Cause a significant change in Light Duty Vehicle (LDV) traffic flows on local roads with relevant receptors. (LDV = cars and small vans <3.5t gross vehicle weight).	A change of LDV flows of: - more than 100 AADT within or adjacent to the development - more than 500 AADT elsewhere.
2. Cause a significant change in Heavy Duty Vehicle (HDV) flows on local roads with relevant receptors. (HDV = goods vehicles + buses >3.5t gross vehicle weight).	A change of HDV flows of: - more than 25 AADT within or adjacent to the development - more than 100 AADT elsewhere.

The objective values referenced for each pollutant modelled are appropriate. The list of sensitive receptors for which the objective values have been compared with are representative of worse case locations. It must be noted that the Ocean way monitoring site is not considered a site of relevant exposure, the monitoring site is a kerbside location situated up to 650m from any relevant exposure. It must be noted that consideration within the report is given to the nearby caravan site situated in close proximity to the proposed facility, noted as Receptor 1. The report concludes that at this location the impact of air quality in terms of NO2 is negligible. From a particulate matter perspective, the report examines both the potential impacts of PM10 & PM2.5. Projected levels for both PM10 & PM2.5 are highlighted as below the objectives and not significant.

He is satisfied with the proposed condition.

REMARKS:

Noted

PAGE NO. 1

APPLICATION NO. 17/2130/MNR

ADDRESS :

LAND AT ROVER WAY

FROM:

Head of Planning

SUMMARY:

Following further consultation with consultees and a dialogue with the applicant's agent, the following amendments to conditions are proposed:

1A. ‘...in writing for each phase of development before any development within that phase is commenced.’

4. New Title: VIRGIN WOOD FUEL SOURCE AND LIMIT. New opening sentence: Prior to beneficial occupation of the Biomass Plant hereby approved, details of the sustainable source of virgin wood to be processed at the plant shall be submitted to and approved in writing by the Local Planning Authority. Revised Reason: The

application has been assessed on the basis of this annual tonnage limit and that the wood would derive from a sustainable source.. where issues related to potential depletion of resources at the origin, and the carbon impacts of transportation can be understood and managed.

9. Insert title: CONTAMINATED LAND MEASURES – REMEDIATION AND VERIFICATION

14. Amended opening sentence: “No works below the membrane underlying the original capping layer or elsewhere below the overburden shall take place until a scheme of repairs to restore and maintain the integrity of the membrane where necessary following site investigation locations have been submitted to and approved in writing by the Local Planning Authority.

16. Amended wording: No development shall take place within any phase, with the exception of the removal of overburden from the site, until a drainage scheme for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how that part of the development will be effectively drained; the means of disposal of surface water and demonstrate how foul flows will communicate to the public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the completion of that phase and no further surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

18. Prior to the approval of any reserved matters application for the Biomass Power Plant an Air Quality Assessment (AQA) for the detailed design of the Biomass Plant shall be submitted to and approved in writing by the Local Planning Authority. The AQA shall include an assessment of the impact of the plant emissions and any necessary mitigation measures to ensure the overall impacts of the plant are acceptable. The plant shall be constructed in accordance with the approved details and maintained thereafter. Reason: To ensure air quality is maintained to satisfactory levels and to avoid any adverse effect upon the integrity of the Severn Estuary European Sites and the Severn Estuary SSSI.

19. Prior to beneficial occupation of the Biomass Power Plant a Noise Assessment (NA) shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background - 10dB at the nearest noise sensitive premises (Rover Way Traveller Site) when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard). This assessment shall include an assessment of the impact of the noise from this proposed development after the removal of material from the site which may currently act as a noise barrier to the nearest noise sensitive receptors at the traveller site on Rover Way. The NA shall include details of any necessary mitigation measures to ensure the overall impacts of the plant are acceptable, which shall be implemented prior to beneficial occupation and maintained thereafter.

	<p>20. Deliveries, loading and unloading shall only take place at the site between the hours of 09:00 and 17:00 Monday to Saturday and at no time on Sundays or Bank Holidays.</p> <p>21. Insert 'fill' before 'material' in opening two sentences. Amend last sentence to '...prior to the removal of any fill material.'</p> <p>24. Delete 'hereby approved.' Insert '...and/or to heat and power consumers in the vicinity and the...'</p> <p>26. Amend to read 'Prior to the commencement of any development on any phase...' (i) is missing. Amend number formatting accordingly. Replace last sentence with: 'The development shall be carried out in accordance with the approved CEMP for that phase. Amend Reason: 'In the interests of highway safety, protection of the environment and public amenity, and to avoid any adverse effect upon the integrity of the Severn Estuary European Sites and the Severn Estuary SSSI.'</p> <p>27. Amend to read 'Prior to the commencement of any development on any phase...'</p> <p>28. Amend: 'Prior to the construction of any building, the Rover Way/Site Access priority junction hereby approved (Drawing No. 173097/SK/11 Revision A) shall be approved in writing by the overseeing highway authority and implemented to their written satisfaction.</p> <p>Add new Condition 38: INDUSTRIAL FLOORSPACE LIMIT No more than 130,000 square feet of industrial accommodation (B8 Use Class) shall be constructed on the application site. Reason: The application has been assessed on the basis of this amount of floorspace.</p>
REMARKS:	Amend and update conditions accordingly

PAGE NO. 108	APPLICATION NO. 18/00762/MNR
ADDRESS :	304A CAERPHILLY ROAD
FROM:	Julie Morgan AM
SUMMARY:	<p>I have seen the officers' report to the Planning Committee published last Friday and have the following further comments to make which please place before the Planning Committee. Whilst I am glad that the most significant of the issues raised appear to have been addressed and changes made in consequence I am concerned about three matters.</p> <p>1. I note Recommendation 1, paragraph 4, proposes that the applicant must submit further details of the proposed highway access on to Caerphilly Road, including any changes to the existing parking bays, bollards and crossovers for consideration of the Council as LPA (vindicating my criticisms on the absence of sufficient detail on access which I note the Highways Department also</p>

says is needed - see paragraph 5.2) and that the LPA's approval must be obtained and the approved scheme implemented before the development can be put into beneficial use. The access arrangements and impact on the highway is not simply a private matter between the Council as Highway Authority and the developer for disposal under S278 Agreement. There is a public interest and one of the disadvantages of proceeding in the above way is that consultation on the final scheme for access in the normal course of events does not take place. In my opinion this is undesirable when there is significant public concern, as here, and I would ask that the objectors be sent a copy of the further details when they are submitted with an opportunity given to them to comment before final approval is given.

2. The observations at paragraph 7.9 are insensitive and unfortunate and I feel do not reflect the overall view of the Council. The observations indicate a lack of knowledge of the recent history of this part of Caerphilly Road where small traders have suffered significantly from poor management of highway alterations and careless traffic regulation resulting in a defective TRO. Nobody is suggesting that a local authority cannot alter highways by adding bus lanes or other measures in the interests of the wider community but the impact on small businesses, which are a driving force in expanding the local economy, must be considered and efforts made to mitigate adverse impact. I am sure that the Council would not want to convey otherwise.
3. I am particularly concerned at the comment in paragraph 7.9, viz. *"In this case, it should also be noted that this proposal will result in the loss of only one parking bay (which is likely to be replaced elsewhere as part of the future highway works) and that there will be a large new car park on the opposite side of the road."* The "large new car park on the opposite side of the road" referred to is, of course, the privately owned car park being constructed by Aldi for its customers. It seems that Planning and Highway officers have come to see this car park as a panacea for car parking difficulties in this area. This notion is quite misconceived and the car park is irrelevant in the formulation of public policy. It is true that Aldi have been flexible and helpful (not least in the information that they have provided directly to me in writing). Parking in their car park will be monitored by a "Parking Eye" but in their absolute discretion they have agreed to turn this off at 10 p.m. and not turn it back on till 8 a.m., permitting residential neighbours to use it between

	<p>these hours without risk of being penalised. When the Parking Eye is on, those customers who park beyond a 2 hour limit will be subject to a penalty (£70). I have been informed categorically that it is not the policy of Aldi to encourage use of its car park by non-customers between 8 a.m. and 10 p.m. Whilst Aldi may turn a blind eye to occasional use by a non-customer, widespread abuse is likely to lead to tighter controls being imposed. As I understand the position, there is no enforceable agreement between the local authority and Aldi on public use of the Aldi car park, merely an understanding limited to the 10 p.m. – 8 a.m. Parking Eye concession. It is therefore quite wrong for public policy on parking provision for this area to be formulated relying on the availability of a privately owned car park where a change in management policy could result in the imposition of restrictions without notice.</p>
REMARKS:	Noted

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