

<i>Application Number:</i>	SCC/3761/2020
<i>Date Registered:</i>	27 October 2020
<i>Parish:</i>	North Petherton
<i>District:</i>	Sedgemoor
<i>Member Division:</i>	North Petherton
<i>Local Member:</i>	Councillor Bill Revans
<i>Case Officer:</i>	Stephen Boundy
<i>Contact Details:</i>	<a href="mailto:stephen.boundy@devon.gov.uk">stephen.boundy@devon.gov.uk</a> (01392 383000)
<i>Description of Application:</i>	Installation of an energy recovery facility together with substation, site access, internal access and yard areas, security measures, access gates, other ancillary infrastructure and landscaping.
<i>Grid Reference:</i>	Easting - 330990, Northing - 135051
<i>Applicant:</i>	Mr Martin Arkins, Bridgwater Resource Recovery Limited
<i>Location:</i>	Land at Showground Road, Bridgwater, TA6 6AJ

## **1. Summary of Key Issues and Recommendation(s)**

1.1 The proposed development relates to the installation of an energy recovery facility together with substation, site access, internal access and yard areas, security measures, access gates, other ancillary infrastructure and landscaping. The main issues for Members to consider are:

- planning policy considerations;
- noise impacts;
- highways and traffic impact;
- landscape and visual impact;
- ecological impacts;
- air quality impacts;
- flood risk and drainage; and
- climate change and sustainability considerations

1.2 It is recommended that, subject to completion of a legal agreement to secure implementation of a travel plan and associated fee of £2,000, planning permission be GRANTED subject to the conditions set out in Section 9 of this report, and that authority to undertake any minor nonmaterial editing which may be necessary to the wording of those conditions be delegated to the Service Manager – Planning & Development, Enforcement & Compliance.

## **2. Description of the Site**

2.1 The 1.5 ha application site is located on the Showground Business Park on the south-eastern edge of Bridgwater, and 1.1km north of Junction 24 of the M5. The Huntworth Business Park is to the south and the motorway is located approximately 75m to the east of the site. Access is from the A38 and Showground Road. A private road and footway continue along Showground Road across the front of the site to a concrete works.

- 2.2 Two pairs of semi-detached houses are located alongside the canal towpath near the application site (however, one pair is located on the opposite side of the M5 motorway). The other closest residential properties are in the Stockmoor development on the west side of the A38. A hedgerow forms the northeast boundary of the site alongside Marsh Lane, beyond which is the Bridgwater and Taunton Canal where the closest properties are at approximately 200 metres
- 2.3 The towpath on the north side of the canal is a public right of way (BW 23/83), as are two routes running northward from the Crossways Swing Bridge nearby. A Right of Way (RoW) also passes through the Huntworth Business Park to the south. A route forming part of the National Cycle Network 'West Country Way' follows along the canal and Marsh Lane alongside the site.
- 2.4 A number of County Wildlife Sites (CWS) are within 1km of the application site. These include the nearby canal, the flooded former Somerset Yard clay pits, and the Screech Owl Brick and Tile Works clay pits (which is also a local nature reserve), the River Parrett (from North Moor to the Screech Owl Nature Reserve), and further flooded clay pits at Dunwear. The closest Site of Special Scientific Interest (SSSI) is located approximately 3.2km to the southeast (North Moor). Langmead and Weston Level SSSI is approximately 3.7km to the east-southeast, and the King's Sedgemoor and Moorlinch SSSIs Ramsar sites are approximately 6.7km to the east. Bridgwater Bay SSSI /Special Area of Conservation (SAC)/Ramsar site is approximately 6.5km to the north. The Quantocks Hills AONB is located over 7km to the west of the site.
- 2.5 The site is located within Flood Zone 3. Prior to development of the site commencing, a topographic survey was undertaken by John Vincent Surveys Ltd in 2019 and identifies that the site is generally level, with a high point of 6.54m AOD, falling to a low point of 5.88m AOD.

### **3. The Proposal**

- 3.1 The proposal is for the installation of an energy recovery facility together with substation, site access, internal access and yard areas, security measures, access gates, other ancillary infrastructure and landscaping.
- 3.2 The planning history of the site is set out in section 4 of this report. This application seeks to regularise the planning position of the site into a single

new consent. Construction of the facility has already commenced under a previous consent.

- 3.3 The Bridgwater Resource Recovery Facility (BRRF) is an energy from waste plant utilising Refuse Derived Fuel (RDF) to produce electricity and heat. The plant has the capacity to generate 9.58MW of electrical power, with a connection agreement in place with Western Power Distribution (WPD) to export up to 7.75MW to the distribution network. The ERF would provide sufficient electricity for use on the site and so would be self-sufficient in electrical terms.
- 3.4 The site will be operated under an Environmental Permit issued by the Environment Agency. An application has already been made to the Environment Agency for the operation of the Proposed Development.
- 3.5 The incoming waste would likely comprise non-hazardous processed and un-processed commercial and industrial (C&I) waste from transfer stations and would already have undergone sorting and removal of recyclables. The majority of the feedstock material will be sourced from the M5 corridor.
- 3.6 The Refuse Derived Fuel (RDF) will be delivered to a reception hall by means of trucks equipped with walking floors. The fuel will be deposited into a storage area within the hall or directly into a fuel bunker, with materials deposited within the storage area being transferred into the bunker by wheeled loader. The facility will consist of a single step grate incineration line with a nominal annual throughput of 104,000 tonnes per annum of non-hazardous RDF. The maximum annual throughput will be 130,000 tpa.
- 3.7 The proposed facility will operate 24 hours a day and seven days a week continuously throughout the year, except during planned shutdowns for maintenance. In line with the planning conditions attached to the previous consents for the proposed development, delivery vehicle movements entering or leaving the site shall be limited to the hours of 0700 to 1700 hours during Monday to Saturday. No delivery or other vehicles shall enter or leave the application site on Sundays, Bank or Public Holidays.
- 3.8 The application initially proposed to amend the allowed construction hours; however this aspect of the proposal has now been dropped and, consequently, the hours of construction will remain the same as planning permission reference 1/37/17/00101 as amended by 1/37/17/00101/NMA and

1/37/17/00101/NMA2 which varied planning conditions 6 and 7 of that permission, pertaining to extending the hours of construction activities, with specific consideration given to construction noise.

- 3.9 The facility would export clean energy directly to the National Grid for a minimum of 25 years.
- 3.10 The proposed development will offer a mix of skilled and semi-skilled employment opportunities within the local area. The fuel reception facility and general site operation will employ 15 operators based on a single 8-hour shift with three associated staff, with the ERF itself employing 12 operators during any one time period on a continual shift pattern with three associated staff members. The original application set out that through discussions with the District Council the applicant has investigated the potential to implement a local labour agreement to ensure that the local area will benefit and that this will be progressed again upon completion of the project. Approximately 120 to 150 construction workers are anticipated to be required on-site during peak construction.
- 3.11 The main changes of note in comparison to the previous permissions are:
- the relocation and addition of ancillary equipment (as set out in 8.3 of the submitted Design and Access Statement);
  - design changes to the external appearance of the facility such as the addition of an external extracted air scrubber system to the eastern end of the reception building;
  - removal of parking in front of the offices to aid safe vehicle manoeuvring and pedestrian movement around the site. Parking with its own access now separated from the weighbridge and office at the front of the site and introduction of landscaping around the perimeter;
  - the previously proposed Materials Recovery Facility (MRF) has been dropped and it is instead proposed that the waste feedstock imported to the site would already have undertaken sorting and removal of recyclables (e.g. at waste transfer stations); and
  - this application is seeking to increase the maximum permitted capacity for the ERF from 110,00 to 130,000 tonnes per annum and would also increase the maximum energy generation capacity of the site.

3.12 Incineration processes and technology, site size, major building dimensions (including building and stack height), feedstock, overall site tonnages and construction and operational traffic all remain as previously approved. The dual access from Showground Road is also retained as well as the proposal for vehicles being routed around the perimeter of the site.

#### **4. Background**

4.1 Planning permission was granted for a Materials Recovery Facility and Energy Recovery Facility (MRF & ERF) at the application site in April 2015 (ref. 1/37/14/091), which was subsequently varied by a S.73 application changing condition 2 to update the plans and specifications and including 'Condition 15: Site Throughput'; to increase the total annual throughput of waste to both processes from 80,000 tonnes per annum to 130,000 tonnes per annum (ref.1/37/15/093 dated 24 October 2016).

4.2 A further S.73 application was then granted (ref. 1/37/17/00101) to vary conditions 2, 3, 7 & 15 of permission 1/37/15/093. Referencing the Officers Report for 1/37/17/00101, this S.73 application sought to vary:

- Condition 2, to ensure that the approved plans and specifications relate to the consent;
- Condition 3(ii) to change the layout for parking, turning, loading and unloading;
- Condition 7 to revert back to the original wording of the condition in application 1/37/14/091, to overcome an omission in the previous decision; and
- Condition 15(ii) to allow an increase in the maximum of 93,000 tonnes of waste material to 110,000 tonnes to be processed at the ERF in any 12 months.

4.3 The scale of development, total annual tonnage delivered to the site and principle of the scheme remain unchanged.

4.4 Development of the site was commenced under this permission and two subsequent non-material amendments (1/37/17/00101/NMA and 1/37/17/00101/NMA2) were granted varying planning conditions 6 and 7 of

the planning permission, pertaining to extending the hours of construction activities, with specific consideration given to construction noise.

## **5. The Application**

### **5.1 Documents submitted with the application:**

- Application form and fee
- Covering Letter (dated 20 October 2020)
- Planning Statement (dated September 2020)
- Design and Access Statement (dated September 2020)
- Transport Statement (15502-HYD-XX-XX-TP-RP-4001 dated 12 March 2021)
- Travel Plan (15502-HYD-XX-XX-TP-RP-6001 dated 12 March 2021)
- Protected Species Report (dated 21 May 2018)
- Reptile Translocation Report (dated 25 September 2018)
- Update on Ecology (dated 5 April 2019)
- EA Energy Efficiency Formula
- Response to Acoustic Officer Comments (dated 01 March 2021)
- Noise Management Plan (dated 24 February 2021)
- Noise Assessment and Acoustic Design Statement Version 4 (dated 21 May 2021)
- Construction Environmental Management Plan
- Aviation Risk Assessment (dated March 2020)
- Fire Prevention Plan and Appendices (dated February 2021)
- Dust Management Plan (dated March 2020)
- Odour Management Plan (dated February 2021)

### **5.2 Plans submitted with the application:**

- Location Plan (1912-D001 Rev v.b)

- General Plan Layout (H171P-PD-00-007-05)
- General Plan Elevations (H171P-PD-00-008-04)
- Materials & Finishes (H171P-G9-00-0048-01)
- Landscaping (H171P-ID-55-0134-03)
- Landscape detailing (H171P-ID-55-0141-02)
- Fencing layout (H171P-ID-55-0133-03)
- Fences and Gates detail 1 (H171P-ID-55-0140-02)
- Fences and Gates detail 2 (H171P-ID-55-0604-01)
- Underground drainage network (H171P-ID-00-0519-03)
- External Areas - Marking Signs and Protection works (H171P-ID-55-0602 Rev 02)
- Showground Road Topographical Survey

### 5.3 Environmental Statement Documents:

- Environmental Statement – Volume 1
- Environmental Statement – Volume 2 - Appendix A (Methodology) and B (Project Team Profiles)
- Environmental Statement – Volume 2 - Appendix C (Landscape and Visual Impact)
- Environmental Statement – Volume 2 - Appendix D (Air Quality)
- Environmental Statement – Volume 2 - Appendix E (Hydrology)
- Environmental Statement – Volume 2 - Appendix E (Flood Risk Assessment + Appendices)
- Environmental Statement – Volume 2 - Appendix E (Drainage Strategy Technical Note)
- Environmental Statement – Volume 2 - Appendix F (Noise Assessment)
- Environmental Statement – Air Quality Appendices (June 2020)



- Environmental Statement – Addendum to the: Landscape & Visual Impact Assessment
- Non-Technical Summary

## **6. Environmental Impact Assessment (EIA)**

- 6.1 The applicant has provided an Environmental Statement as set out in 5.3. Discussion of the findings of the Environmental Statement is set out in section 8 of this report.

## **7. Consultation Responses Received**

- 7.1 The consultation responses outlined below are the most recent from each consultee, with dates provided for each. Multiple consultation responses have been included where they remain relevant.

### External Consultees

- 7.2 **Sedgemoor District Council** (10 June 2021)

No objection.

- 7.3 **North Petherton Town Council** (15 December 2020)

Members considered this application at last night's meeting. They were concerned about the impact on the environment and on the community downwind of the plant. Two Members would like to attend the meeting (presumably virtually) when it is determined.

- 7.4 **Environment Agency** (7 April 2021)

Thank you for your re-consultation on the Noise Assessment and Acoustic Design Statement.

Once the development has been constructed, noise pollution from the energy from waste plant will be regulated by the Environment Agency via an Environmental Permit condition. The applicant has applied for such a permit and this is currently being determined. We advise the applicant should submit the above statement to the Environment Agency National Permitting Service as additional information to be considered during the permit determination.

Previous Response (30 November 2020)

We have no objection this planning application, subject to the comments outlined in this letter and the inclusion of the condition detailed below in any grant of planning consent:

1) Flood Risk

Condition: The development hereby permitted shall be constructed with Finished Floor Levels set at a minimum of 6.75mAOD.

Reason: To reduce flood risk to the site and future users.

7.5 **Highways England** – No response received.

7.6 **Somerset Wildlife Trust** – No response received.

7.7 **Parrett Internal Drainage Board** – No response received

Internal Consultees

7.8 **Lead Local Flood Authority** (16 April 2021)

We note that Condition 9 in relation to foul and surface water drainage has been approved under reference 1/37/17/00101/Cond9. It is our understanding that more additional information in the Underground Drainage Networks – General Layout plan was submitted with this application.

The drainage information submitted provides more detailed layout information for the proposed surface water drainage strategy; however, the principles of the strategy appear to be in accordance with the information submitted under the discharge of condition 9.

The Flood Risk Management Team therefore have no comment on the surface water drainage proposals at this time.

7.9 **Highways Development Management** (6 April 2021)

I can now confirm that a safeguarding fee for the travel plan is no longer required, just the £2,000 travel plan fee.

In terms of the application, the Highway Authority raises no objection to the application subject firstly to the following S106 Heads of terms and the suggested planning conditions below:

1. Travel Plan – Full Travel Plan including a Travel Plan fee of £2,000.

I would recommend that the following condition(s) are attached to the decision notice.

1. The proposed access arrangements shall be constructed in accordance with details shown on the submitted plan, drawing number H171P-ID-55-0602 Rev 02, and shall be available for use before the development hereby permitted is operational. Once constructed the access shall be maintained thereafter in that condition at all times.
2. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access from Showground Road. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.
3. The area allocated for parking and turning and loading and unloading on the submitted plan, drawing number H171P-ID-55-0602 Rev 02, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
4. All the recommendations of the Approved Travel Plan shall be implemented in accordance with the timetable therein. Thereafter the development shall operate the Approved Travel Plan or any variation of the Travel Plan agreed in writing by the Local Planning Authority.
5. The development shall not be operational until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Summary - Full comments available at:

<https://planning.somerset.gov.uk/Planning/Display?applicationNumber=SCC%2F3761%2F2020>

I consider the overall noise impact of the development is not sufficient to sustain planning objection and that the proposed amendment to the noise condition will help to ensure noise does not give rise to disturbance. I have adopted the suggestion of InAcoustic but made a minor change to the term describing the audibility of tonal noise from 'distinct' to 'prominent' so as to align with terminology used by BS4142. In recommending the following noise condition I would also suggest that revision 4 of the Noise Assessment and Acoustic Design Statement dated 21/5/21 would fulfil the requirements of part (i), is in agreement with part (ii) and provides a method to undertake the part (iii) post development requirements.

Noise Mitigation

(i) An Acoustic Design Report shall be submitted and approved in writing by the Waste Planning Authority. The report shall:

- (a) detail the noise mitigation measures proposed to limit operational noise from building enclosures and external processes;
- (b) detail the overall predicted noise emission contributions resulting from the normal and emergency operation of fixed plant; and
- (c) detail a noise monitoring process to confirm post development compliance with the noise control objectives as set out in part (ii);

(ii) The specific sound level at any existing residential property shall between the hours of 23:00-07:00 not exceed a free-field Leq(15minute) level of 42dB(A), or a free-field Leq(1hour) level of 43dB(A) between the hours of 07:00-23:00, outside of the property or result in prominent audible tonality within the property as defined within British Standard 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

(iii) Within 6 months of the development hereby permitted first being brought into use, the operator shall undertake noise conformance measurements and submit a report based on the specification as detailed in the agreed 'Acoustic Design Report'.

It is our understanding that the 2020 application is to regularise the planning position of the site into a single new consent to capture the original permission granted for the MRF, an ERF and associated equipment /infrastructure and access development (ref. 1/37/14/091) in April 2015 and varied with permission (ref. 1/37/15/093) and (ref. 1/37/17/00101) in October 2016 and February 2018. There have also been two subsequent NMA applications determined in 2019 and 2020.

The proposal is now to develop the ERF facility only, the applicant is no longer intending to develop a MRF and the former MRF building will be used for the reception of RDF feedstock. It is our understanding is that this principle had been established though through the 2018 consent, but the applicant had retained the potential to develop an MRF in the future should circumstances change during the operational life of the facility. This submission provides the final detailed design of the ERF facility.

The proposals set out in the 2020 application do not increase the overall permitted capacity of site throughput – 130,000 tpa was established through the 2016 permission. This application is seeking to increase the maximum permitted capacity for the ERF from 110,00 to 130,000 and would also increase the maximum energy generation capacity of the site.

The planning policy team provided a response to the original planning application consultation in 2014 and our position is maintained. The proposed development is considered to be in accordance with policy WCS3 and we have no objection.

As a final observation, the application documents describe that no heat user has been found to date but that there is the capability for this to be used should suitable local demand be identified. Since the application was prepared and submitted to the planning authority, the Somerset Climate Strategy has been adopted. Action plans are being developed and progressed for a number of work streams including the built environment and energy. There are potential opportunities that may arise from the energy work stream in particular that may be of interest to the developer noting the action plan section related to decarbonising heat identifies opportunities for mapping Heat Networks. If not already, the developer may wish to engage in the Somerset Climate Strategy program and further information can be found on our website here: <https://www.somerset.gov.uk/climate-emergency/>

7.12 **Scientific Services (Air Quality)** – No response received

7.13 **Ecology** – No response received

Public Consultation

7.14 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, press notice and notification of neighbours by letter.

No representations were received resulting from this consultation.

## **8. Comments of the Service Manager – Planning Control, Enforcement & Compliance**

8.1 The key issues for Members to consider are:

- planning policy considerations;
- noise impacts;
- highways and traffic impact;
- landscape and visual impact;
- ecological impacts;
- air quality impacts;
- flood risk and drainage; and
- climate change and sustainability considerations

### **8.2 The Development Plan**

8.2.1 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the following documents, with their policies of relevance to this proposal being listed in Section 10 of this report:

- Somerset County Council Waste Core Strategy (SWCS) (2013)
- Sedgemoor Local Plan 2011-2032 (2019)

### **8.3 Material Considerations**

8.3.1 Other material considerations to be given due weight in the determination of the application include the following:

- National Planning Policy Framework (February 2019)
- National Planning Policy for Waste (October 2014)
- Planning Practice Guidance

## **8.4 Planning Policy Considerations**

8.4.1 SWCS policy WCS3 (“Other Recovery”) states that planning permission will be granted for waste management development that will maximise other recovery from waste, subject to the applicant demonstrating that the proposed development:

- (a) will not treat waste that could viably be recycled or composted; and
- (b) will facilitate the recovery of energy from waste.

The proposed development is also expected to be in accordance with Development Management (DM) policies, which are contained in the SWCS.

8.4.2 With regards to policy WCS3, as per the existing consents, it is considered that it has been demonstrated that the proposed development will meet both criteria a and b of this policy and is consequently in accordance with the Policy WCS3 of the SWCS. Consideration against policies Development Management Policies 1-9 of the SWCS are set out below.

8.4.3 Policy DM1 of the SWCS sets out that planning permission will be granted for waste management development at locations that are well connected to the strategic transport network, which adhere to the principles of sustainable development and which support delivery of strategic policies (e.g. WCS3). The policy goes on to outline the types of site that waste management development should normally be located on. This includes (but is not limited to) ‘sites with planning permission for waste management facilities’, which is of course applicable to the site proposed in this application.

8.4.4 In addition to having an existing planning permission, the site of the proposed development is readily accessible from the M5 and A38 (the strategic transport network) and consequently is considered to be in accordance with Policy DM1 of the SWCS.

## **8.5 Noise Impacts**

- 8.5.1 The proposed development includes the relocation and addition of ancillary equipment at the site in comparison to the previously approved plans. These changes have the potential to give rise to additional noise impacts over and above those which were previously approved.
- 8.5.2 Policy DM3 of the SWCS states that development will be approved subject to the applicant demonstrating that the proposed development will not generate significant adverse impacts from noise.
- 8.5.3 Whilst the proposed development has the potential to give rise to additional noise impacts over and above those which were previously approved, given the scale and nature of these impacts, they are not considered to be significantly adverse for the purposes of Policy DM3.
- 8.5.4 The SCC Acoustics Officer has commented on the application suggesting that, in order to ensure the development is in accordance with Policy DM3, a noise condition should be included on any planning permission requiring an acoustic design report and its monitoring and imposing a maximum noise level.

## **8.6 Highways and Traffic Impact**

- 8.6.1 The total capacity of the site is established at 130,000 tonnes of waster per annum under the existing consent, as is the principle of the associated construction traffic. This proposal no longer includes the Materials Recycling Facility (MRF) element at the site, which will result in a reduction in operational trips in comparison to the existing consent. This is because trips will no longer be required to remove recyclables from the MRF. Additionally, construction of the facility is now at an advanced stage, meaning that construction impacts upon the highways network going forward are less than those that were accepted under the previous consent(s). Therefore, it is considered that the proposed development broadly accords with Policy DM6 of the SWCS in this regard.
- 8.6.2 SCC Highways Development Management have no objections to the development; however, they have suggested a number of conditions (as set out in paragraph 7.9 of this report). The implementation of a Travel Plan and a contribution towards its monitoring are required to be contained within a Section 106 Legal Agreement. This is reflective of the existing consent.

## **8.7 Landscape and Visual Impact**



- 8.7.1 The proposed changes (as set out in paragraph 3.11 of this report) are minor in scale and nature. It is considered that these changes are likely to be of negligible significance (with regards to their landscape and visual impact) in the context of an existing energy recovery facility located within an industrial estate and bordered by motorway. This is particularly the case, acknowledging that all major building dimensions (including building and stack height) remain as previously approved.
- 8.7.2 Policy DM3 of the SWCS requires that waste development not generate significant adverse impacts with regards to visual intrusion. Given the scale and nature of the changes proposed by this application in comparison to the existing consent, it is not considered that this proposal will generate significant adverse impacts and it is therefore in accordance with Policy DM3 in this regard.

## **8.8 Ecological Impacts**

- 8.8.1 With regards to ecology, the site has been cleared and construction commenced in accordance with the existing consent. Any impacts from the proposed development on ecology would be limited to those occurring offsite (for example due to air pollution). The Incineration processes & technology, as well as the feedstock and remain as previously approved. The maximum tonnage to be processed through the ERF would be increased from 110,000 to 130,000 tonnes per annum through this application, however the updated Air Quality Assessment has demonstrated that this increase will not have a significant effect on local air quality. Consequently, any offsite impacts are not considered to be any more significant than those which have already been accepted.
- 8.8.2 With the above in mind, it is considered that the proposed development is in accordance with Policy DM3 of the SWCS and Policy D20 of the Sedgemoor Local Plan.

## **8.9 Air Quality Impacts**

- 8.9.1 Both North Petherton Town Council and Sedgemoor District Council have raised concerns about the impact of the proposed development on air quality and whether this had been properly assessed.
- 8.9.2 The submitted application contains significant supporting information with regards to air quality, including a full Air Quality Assessment as part of the

Environmental Statement. The assessment has demonstrated that the proposed facility will not have a significant effect on local air quality. It is noted that the proposed facility includes a comprehensive and highly efficient gas cleaning system.

8.9.3 The conclusions of this assessment are in keeping with those of previous assessments for previous consents, all of which have demonstrated that the proposed development will not have a significant effect on local air quality.

8.9.4 Overall it is considered that the proposed development will not have an unacceptable adverse impact on air quality as a consequence of emissions. Therefore, the proposal is in accordance with Policy DM3 of the SWCS.

## **8.10 Flood Risk and Drainage**

8.10.1 Fluvial modelling of the Huntsworth Business Park Rhyne indicates that the Showground Road roundabout and the adjacent sections of Showground Road and Marsh Lane are at risk of flooding from the 5% Annual Equivalent Probability (AEP) event. In the 1% AEP present day event, the depth and velocity combination would be considered a 'danger for some' increasing to a 'danger for most' when taking into account the effects of climate change.

8.10.2 There are no flood defences along this section of the watercourse nor is there a dedicated fluvial Flood Warning service. With a relatively short critical storm duration, the onset of flooding may be rapid and without adequate warning to evacuate the site.

8.10.3 Latest modelling indicates flooding of this site in the 1% AEP plus climate change scenarios, however this is predicted to be relatively shallow and slow moving and below the proposed Finished Floor Level of 6.75m AOD.

8.10.4 The planning practice guidance to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

8.10.5 It is acknowledged that the principle of the development of an Energy Recovery Facility is established on this site, however with the above in mind and in order to ensure that the development is safe during a flood event a

condition should be imposed requiring the submission of a flood warning and evacuation plan prior to the development becoming operational. The submitted plan would need to be agreed in consultation with the SCC Emergency Planning Team and the Emergency Services.

- 8.10.6 Surface water drainage remains as previously approved and it is not considered that this proposal will increase flood risk. It is consequently considered that the proposed development is in accordance with Policy DM7 of the SWCS and Policy D1 of the Sedgemoor Local Plan.

### **8.11 Climate Change and Sustainability Considerations**

- 8.11.1 The proposed development includes the removal of the Materials Recycling Facility which was part of the existing consent. Instead of sorting and removing recyclables on site, it is now proposed that this will occur at waste transfer stations where the material to be processed at the site originates. With regards to climate change and sustainability, it is considered that this change will provide an improvement over the previous consent, as it will reduce the number of vehicle movements (none required to remove the sorted recyclable waste from site) associated with the facility. This is broadly in accordance with Policies DM2 and DM6 of the SWCS.
- 8.11.2 The waste hierarchy promotes the recovery (as proposed by this development) over the disposal of waste. The applicant has outlined that the waste processed at this site will originate primarily from waste transfer stations, where recyclables will have already been removed, leaving just non-recyclable waste to be processed at the energy recovery facility (in accordance with Policy WCS3 of the SWCS).

### **8.12 Other Matters**

- 8.12.1 The odour control measures approved under the existing consent will remain unchanged by this proposal. Consequently, the proposed development is considered to be in accordance with Policy DM3 of the SWCS in this regard.
- 8.12.2 In accordance with the requirements of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the applicant has completed an assessment of the alternatives to the proposed development, including 'the no development alternative', alternative sites and alternative designs. Importantly, in this instance, the proposed facility can be constructed and operated under the previous planning permissions with a

negligible difference in environmental impacts (as set out elsewhere in this report). Overall, it is considered that the applicant has provided an acceptable assessment of the main alternatives and it is accepted that the principle of the development and technology is established on this site.

8.12.3 In accordance with the requirements of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the applicant has completed an assessment of the cumulative effects of the proposed development in combination with other existing and/or approved projects. It is considered that the proposed development will not have any significant cumulative effects in combination with other existing and/or approved projects.

### **8.13 Concluding Comments**

8.13.1 The principle of an Energy Recovery Facility on this site is already established through the previous consents. The majority of the environmental impacts associated with the proposed development remain unchanged from those previously approved. The minor changes proposed as discussed in sections 8.1-8.12 of this report, will have a negligible impact on the environment subject to the imposition of the conditions set out in section 9 in this report. Overall, the application is considered to be in accordance with the Development Plan in all other regards and there are no material considerations that would warrant refusal of the application. Consequently, the proposed development is recommended for approval subject to conditions and the prior completion of a section 106 agreement.

## **9. Recommendation**

9.1 It is recommended that, subject to completion of a legal agreement to secure implementation of a travel plan and associated fee of £2,000, planning permission be GRANTED subject to the imposition of the following conditions, and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager – Planning & Development, Enforcement & Compliance.

### **STRICT ACCORDANCE WITH PLANS/DOCUMENTS**

- 1 The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled:

- Location Plan (1912-D001 Rev v.b)
- General Plan Layout (H171P-PD-00-007-05)
- General Plan Elevations (H171P-PD-00-008-04)
- Materials & Finishes (H171P-G9-00-0048-01)
- Landscaping (H171P-ID-55-0134-03)
- Landscape detailing (H171P-ID-55-0141-02)
- Fencing layout (H171P-ID-55-0133-03)
- Fences and Gates detail 1 (H171P-ID-55-0140-02)
- Fences and Gates detail 2 (H171P-ID-55-0604-01)
- Underground drainage network (H171P-ID-00-0519-03)
- External Areas - Marking Signs and Protection works (H171P-ID-55-0602 Rev 02)
- Fire Prevention Plan and Appendices (dated February 2021)
- Dust Management Plan (dated March 2020)
- Odour Management Plan (dated February 2021)
- Construction Environmental Management Plan
- Noise Management Plan (dated 24 February 2021)
- Noise Assessment and Acoustic Design Statement Version 4 (dated 21 May 2021)
- Planning Statement (dated September 2020)
- Design and Access Statement (dated September 2020)
- Transport Statement (15502-HYD-XX-XX-TP-RP-4001 dated 12 March 2021)
- Travel Plan (15502-HYD-XX-XX-TP-RP-6001 dated 12 March 2021)
- Schedule of External Finishing Materials
- Environmental Statement – Volume 1

- Environmental Statement – Volume 2 - Appendix A (Methodology and B (Project Team Profiles)
- Environmental Statement – Volume 2 - Appendix C (Landscape and Visual Impact)
- Environmental Statement – Volume 2 - Appendix D (Air Quality)
- Environmental Statement – Volume 2 - Appendix E (Hydrology)
- Environmental Statement – Volume 2 - Appendix E (Flood Risk Assessment + Appendices)
- Environmental Statement – Volume 2 - Appendix E (Drainage Strategy Technical Note)
- Environmental Statement – Volume 2 - Appendix F (Noise Assessment)
- Environmental Statement – Air Quality Appendices (June 2020)
- Environmental Statement – Addendum to the: Landscape & Visual Impact Assessment
- Non-Technical Summary

unless as varied by the conditions below.

REASON: To ensure that the development is carried out in accordance with the approved details.

#### PRE-OPERATIONAL CONDITIONS

- 2 Prior to the development hereby permitted becoming operational, a Flood Warning & Evacuation Plan will be submitted to and approved in writing by the Waste Planning Authority.

Once approved this plan shall be implemented and adhered to for the duration the development permitted.

REASON: To ensure that the residual risk of flooding at this site is managed safely in accordance with paragraph 163 of the National Planning Policy Framework.

- 3 Prior to the development hereby permitted becoming operational, an Acoustic Design Report shall be submitted and approved in writing by the Waste Planning Authority. The report shall:

- (a) detail the noise mitigation measures proposed to limit operational noise from building enclosures and external processes;
- (b) detail the overall predicted noise emission contributions resulting from the normal and emergency operation of fixed plant; and
- (c) detail a noise monitoring process to confirm post development compliance with the noise control objectives as set out in condition 12.

Once operational, the development shall be undertaken in accordance with this report at all times.

REASON: To ensure that the proposed development does not have an unacceptable impact on residential amenity in accordance with Policy DM3 of the SWCS.

- 4 Within six months of the development hereby permitted first becoming operational, the operator shall undertake noise conformance measurements and submit a report based on the specification as detailed in the agreed 'Acoustic Design Report' required by condition 3.

In the event that this report reveals non-compliance with condition 12 of this consent, a review of the Acoustic Design Report (submitted under condition 3) shall be submitted and approved in writing by the Waste Planning Authority within nine months of the development first becoming operational. Any additional mitigation measures required by the review shall then be implemented and remain in place for the duration of the development.

REASON: To ensure that the proposed development does not have an unacceptable impact on residential amenity in accordance with Policy DM3 of the SWCS.

#### CONSTRUCTION AND OPERATIONAL CONDITIONS

- 5 The proposed access arrangements shall be constructed in accordance with details shown on the approved plan reference H171P-ID-55-0602 Rev 02, and shall be available for use prior to the development hereby permitted becoming operational. Once constructed, the access shall be maintained thereafter in the approved condition at all times.

REASON: In the interest of highways safety in accordance with Policy DM6 of the SWCS.

- 6 There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access from Showground Road. Such visibility shall be fully provided prior to the development hereby permitted becoming operational and shall thereafter be maintained at all times.

REASON: In the interest of highways safety in accordance with Policy DM6 of the SWCS.

- 7 The area allocated for parking and turning and loading and unloading on the submitted plan, drawing number H171P-ID-55-0602 Rev 02, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON: In the interest of highways safety in accordance with Policy DM6 of the SWCS.

- 8 Construction activities shall be limited to the following hours:
- 0700 to 2100 hours on Mondays to Fridays; and
  - 0700 to 2100 hours on Saturdays.

There shall be no construction activities on the site on Sundays, Bank or Public Holidays.

REASON: To ensure that the proposed development does not have an unacceptable impact on residential amenity in accordance with Policy DM3 of the SWCS.



- 9 The development hereby permitted shall be constructed with Finished Floor Levels set at a minimum of 6.75mAOD.

REASON: To reduce flood risk to the site and future users.

- 10 A maximum of 130,000 tonnes of waste material shall be delivered to the site and processed in the ERF in any 12 months.

REASON: To ensure that the proposed development does not have an unacceptable impact on residential amenity in accordance with Policy DM3 of the SWCS.

- 11 Delivery vehicle movements entering or leaving the site shall be limited to the hours of 0700 to 1700 hours from Monday to Saturday. No delivery or other vehicles shall enter or leave the application site on Sundays, Bank or Public Holidays.

REASON: To ensure that the proposed development does not have an unacceptable impact on residential amenity in accordance with Policy DM3 of the SWCS.

The specific sound level at any existing residential property shall between the hours of 23:00-07:00 not exceed a free-field Leq(15minute) level of 42dB(A), or a free-field Leq(1hour) level of 43dB(A) between the hours of 07:00-23:00, outside of the property or result in prominent audible tonality within the property as defined within British Standard 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

REASON: To ensure that the proposed development does not have an unacceptable impact on residential amenity in accordance with Policy DM3 of the SWCS.

## **INFORMATIVES**

### Environmental Permitting

It is advised that the applicant should submit the Noise Assessment and Acoustic Design Statement to the Environment Agency National Permitting Service as additional information to be considered during the permit determination.

## **10 Relevant Development Plan Policies**

10.1 The following is a summary of the reasons for the County Council’s decision to grant planning permission.

10.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in:

- Somerset County Council Waste Core Strategy (2013)
- Sedgemoor Local Plan 2011-2032 (2019)

The policies in the development plan particularly relevant to the proposed development are:-

*Somerset County Council Waste Core Strategy (2013)*

- WCS3: Other recovery
- DM1: Basic location principles
- DM2: Sustainable construction and design
- DM3: Impacts on the environment and local communities
- DM6: Waste transport
- DM7: Water resources

*Sedgemoor Local Plan 2011-2032 (2019)*

- S5: Mitigating the Causes and Adapting to the Effects of Climate Change
- D1: Flood Risk and Surface Water Management
- D2: Promoting High Quality and Inclusive Design
- D3: Sustainability and Energy in Development
- D4: Renewable or Low Carbon Energy and Heat Generation projects
- D13: Sustainable Transport and Movement
- D14: Managing the Transport Impacts of Development

- D15: Economic Prosperity
  - D19: Landscape
  - D20: Biodiversity and Geodiversity
  - D21: Ecological Networks
  - D24: Pollution Impacts of Development
  - D25: Protecting Residential Amenity
  - D26: Historic Environment
- 10.3 The Waste Planning Authority has also had regard to all other material considerations, in particular the National Planning Policy Framework and the National Planning Policy for Waste

10.4 **Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015**

In dealing with this planning application the Waste Planning Authority has adopted a positive and proactive manner. The Council offers a pre- application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework, Waste Local Plan and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reasons for approval. The Waste Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.