



**Cyfoeth
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Natural
Resources
Wales**

BRIDGEND COUNTY
BOROUGH COUNCIL

12 JAN 2016

LEGAL AND REGULATORY
SERVICES

Bridgend County Council
Environmental Protection Department
Civic Offices
Angel St
Bridgend
CF31 4WB

Our ref: **EPR/AB3990HF/A001**

Date: 7th January 2016

Dear Sir/Madam,

Consultation on environmental permit application

Reference number: EPR/AB3990HF/A001

Operator: Agrivert Ltd

Facility: Parc Stormy Anaerobic Digestion Facility, Stormy Down, Porthcawl, Bridgend, Mid-Glamorgan, CF33 4RS

Please let us know when you receive this letter and whether or not you will be commenting on the enclosed application. You can email saul.white@cyfoethnaturiolcymru.gov.uk or write to us at the address below.

Please send any comments you have by 8th February 2016.

Please complete the form attached and return it to us along with any other comments you consider appropriate.

Please phone me if you have any questions on 03000 65 3344 or email me at the address below.

Yours sincerely,

pp.

Saul White

Senior Permitting Officer (Regulated Industry)

Ffôn/Tel 03000 65 3344

Ebost/Email saul.white@cyfoethnaturiolcymru.gov.uk

Canolfan Trwyddedu Cymru (Caerdydd), Cyfoeth Naturiol Cymru, Tŷ Cambria, 29 Heol Casnewydd, Caerdydd. CF24 0TP
Wales Permitting Centre (Cardiff), Natural Resources Wales, Cambria House, 29 Newport Road, Cardiff. CF24 0TP

Gwefan/Website www.cyfoethnaturiolcymru.gov.uk
www.naturalresourceswales.gov.uk

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

Planning and Noise

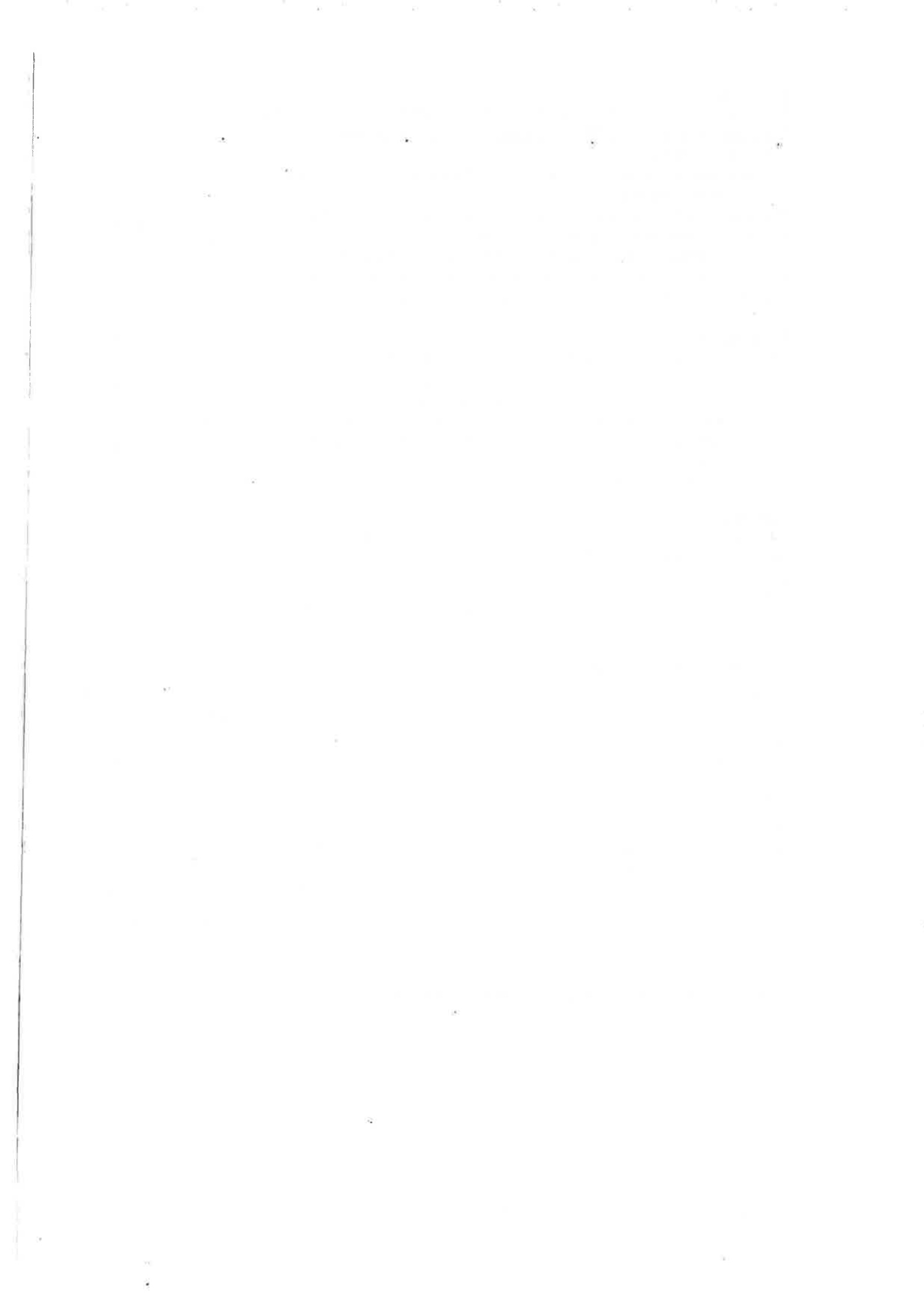
Section 1 planning	
Question 1 Are there any planning conditions relating to noise applicable to this site? If yes, please enclose all relevant certificates with conditions and any advisory notes. If sound level conditions are specified, please enclose a map to enable us to find the monitoring points.	YES/NO <i>See attached.</i>
Question 2 Have any complaints been received alleging non-compliance with any planning conditions relating to noise within the past THREE years? If yes, please provide the following information for each complaint: Date, street name and postcode, noise source, action taken, outcome, comment. (Under comment, please outline any non-noise related issue that might have increased the sensitivity of the complainant e.g. a new planning application, change of process or operator, major emergency).	YES/NO
Question 3 Have formal planning enforcement actions been taken for noise related conditions within the past THREE years? Is there any outstanding planning enforcement action currently being undertaken? If the answer to either part is YES, please provide all relevant information including dates, actions taken, outcomes and present position.	YES/NO YES/NO
Question 4 Have you monitored noise related planning conditions within the past THREE years? If yes, please give details of the monitoring and the outcomes.	YES/NO
Question 5a Are there any noise sensitive developments for which planning consent has been granted or any areas zoned for noise sensitive developments that are likely to be adversely affected by noise from the installation. If so, please provide relevant information.	YES/NO
Section 2 statutory nuisance	

Question 5b Have any complaints been received alleging a noise nuisance within the past THREE years? If yes, please provide the following information for each complaint: Date, street name and postcode, noise source, action taken, outcome, comment. If there are a large number of complaints, a summary in substitute for individual complaint data would be useful. (Under comment please outline any non-noise related issue that might have increased the sensitivity of the complainant e.g. a new planning application, change of process or operator, major emergency).	YES/NO ☒ NO not yet operating
Question 6 Have you taken any informal or formal action taken in response to any noise complaints within the past THREE years? Is there any outstanding enforcement action currently being undertaken? If the answer to either part is YES, please provide all relevant information including dates, actions taken, outcomes and the present position.	YES/NO ☒ NO YES/NO ☒ NO
Section 3 local noise initiatives	
Question 7 Are the premises in an area where there are local noise initiatives? If yes, we will seek further information.	YES/NO ☒ NO
Question 8 Are you aware of any odour issues at this site? If yes, can you provide details	YES/NO ☒ NO
Section 4 private action	
Question 9 Is the Council aware of any action being taken by anyone against the present or previous operator about noise problems? If yes, please provide details.	YES/NO ☒ NO
Section 5 permit conditions	
Are there any specific points that the Council feel should be addressed in any permit issued by us? If yes, it would be helpful if you would provide a brief outline. - the permit should address potential problem do noise and odour.	YES/NO ☒ NO see attached for suggested no

Please bring to our attention any matter you feel might be relevant to noise, including the effectiveness of any existing conditions.

Due to the piece meal development that was taking place at, Stormy Down within the Cenin site and surrounding businesses, a development brief was prepared by Planning in respect of this site.

The noise limit set in the planning condition was to ensure the cumulative level in the development brief is not exceeded.



Agrivert Ltd- Consultation on Environmental Permit Application : EPR/AB3990HF/ A001

Problems of odour and noise could arise from this installation. Bridgend County Borough Council therefore feel that conditions controlling these emissions should be imposed. Any permit conditions relating to noise should achieve the noise limits stipulated in the planning permission so that the cumulative levels set in the development brief for the Cenin site are not exceeded. (see point 1 below). I have also suggested conditions relating to the investigation of noise complaints should complaints be received due to the extent of development that is being undertaken on the site.

1. Noise generated from all operations on the installation expressed as an A-weighted equivalent continuous sound pressure level (LAeqT) shall not exceed the following as measured (or where this is not possible, calculated) at the boundary of the noise sensitive premises specified below:

(i) the noise rating level in any one hour period between 0700-2300 shall not exceed an LAeq (1hour) of 36dB at Cae Cornell and Mywydd Farm and 30dB at Mount Pleasant Farm.

(ii) The noise rating level in any 15 minute period between 2300-0700 shall not exceed an LAeq(5mins) of 28dB at Cae Cornell and 28dB at Mount Pleasant Farm.

2. The operator shall have a noise management plan in place based on the following:

- A statement of policy with regard to dealing with complaints, in particular with regard to the plant and equipment identified in Plan C accompanying this permit.
- A documented complaint procedure for the investigation, analysis, determination, and resolution of noise problems.
- Details of routine maintenance undertaken in particular to deal with noise issues.
- Details of complaints regarding noise emissions from the installation.

3. In the event of the Regulator receiving a complaint of noise associated with any activity within the installation boundary, the operator shall:

- (i) Be required to investigate the source of the complaint within 48 hours of receipt of the complaint.
- (ii) Carry out such monitoring, surveys or modelling of the source of the complaint to demonstrate within a time period to be agreed with the Regulator and to the satisfaction of the Regulator, either:
 - (a) that the complaint is unfounded, or
 - (b) the complaint is justified

4. Where the complaint is found to be justified, the operator shall arrange to carry out such works or change procedures or processes in such a way, that the complaint is resolved to the satisfaction of the Regulator.

If you have any queries regarding the noise, please do not hesitate to contact Helen Williams on 01656 643272

Bridgend County Borough Council Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr



Planning Reference No : **P/14/700/FUL**

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012

PERMISSION FOR DEVELOPMENT

To : AGRIVERT LTD
THE STABLES
RADFORD
CHIPPING NORTON
OXFORDSHIRE
OX7 4EB

Whereas you did on the 21st October 2014 make application in writing for permission to develop, short particulars of the development being as follows:

Applicant Name : AGRIVERT LTD
Development : ANAEROBIC DIGESTION FACILITY FOR 30 YEAR PERIOD WITH ASSOCIATED BUILDINGS & WORKS
Location : PARC STORMY STORMY DOWN AIRFIELD STORMY DOWN

BRIDGEND COUNTY BOROUGH COUNCIL as the Local Planning Authority, hereby PERMIT the proposed development to be carried out in accordance with the plans (if any) submitted with the said application, subject to the development being begun on a date which is not later than five years from the date of this permission and subject also to compliance with the condition(s) specified below:

CONDITIONS

- 1 The development shall be carried out in accordance with the following approved plans and documents: plan numbers A312.1000 P001C, A312.1000 P003B, A312.1000 P004B and A312.1000 P005A received on 21 October 2014.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

- 2 Notwithstanding the submitted details, no development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the buildings and tanks hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason : To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

- 3 No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme. All hard and soft landscaping shall be carried out in accordance with the agreed details. The works shall be carried out prior to beneficial use of any part of the approved development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

- 4 The Anaerobic Digester plus any associated works hereby permitted shall be removed from the site on or before 31 March 2045.

Reason: - To enable the Local Planning Authority the matter to be reviewed at the end of the period of the temporary consent and to protect identified reserves of limestone.

- 5 The 'Water Management Plan' received on 21 October 2014 shall be implemented prior to the beneficial use of the Anaerobic Digester facility hereby approved commencing and shall be applied for the duration of the approved operation.

Reason: To ensure effective drainage of the site.

- 6** Prior to the beneficial use of the facility commencing a 'lighting design strategy for biodiversity' for the development shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall:-

a) Identify those areas/features, on and surrounding the site, that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interest of biodiversity.

- 7** The mitigation recommendations as detailed on page 8 of the Ecological Report received by the Local Planning Authority on 21 October 2014 shall be applied to the construction phase of the Anaerobic Digester facility hereby approved.

Reason: In the interests of biodiversity.

- 8** The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute of Field Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development, of the nature of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason: To identify and record any feature or archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

- 9** No more than 48,500 tonnes of waste annually shall be imported into the site for processing in the Anaerobic Digester operation hereby approved. Written records of tonnages imported into the site shall be available for inspection by Planning and Public Protection Officers on request at all reasonable times.

Reason: In the interests of highway safety.

- 10** No development shall commence on site until a scheme for highway widening works has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed prior to any works commencing on site in respect of the Anaerobic Digestion Facility

Reason: In the interests of highway safety.

- 11** A direction signage scheme for the proposed control of vehicle movements at the site access onto/from Mount Pleasant Road shall be submitted to and agreed in writing by the Local Planning Authority. The direction signage scheme shall be implemented in accordance with the details prior to the approved development being brought into beneficial use and then retained in perpetuity.

Reason:- In the interests of highway safety.

- 12** No vehicle movements associated with the site operations, including any operations involving the importation of waste, removal of waste and finished products and transportation of waste outside the reception building, shall take place outside the following times:-

Monday - Friday 0700-1800

Saturdays and Bank Holidays 0700-1600

Sundays -0800-1400

Reason: In the interests of residential amenity.

- 13** No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

Reason : To ensure that the general amenities of the area are protected.

- 14** No development shall take place until a Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall be implemented as agreed.

Reason: In the interests of highway safety.

- 15** Not later than 12 months before the cessation of the Anaerobic Digester Facility, a site restoration scheme including a timetable, shall be submitted to and agreed in writing by the Local Planning Authority. Such a scheme shall include the management and timing of works and a traffic management plan to address highway issues arising during the decommissioning period. Full site restoration shall be carried out in accordance with the agreed scheme and timetable.

Reason: In the interests of highway safety.

- 16** Odour shall be controlled in accordance with the scheme of control measures specified in the Air Quality and Odour Assessment Rev A report submitted to the Local Planning Authority on 21 October 2014.

Reason: In the interests of residential amenity.

- 17** The biological filtration system hereby approved shall consist of both a biofilter and water scrubber.

Reason: In the interests of residential amenity.

- 18** All operational vehicles arriving at and leaving the site shall be appropriately sealed or covered so as to prevent material spillage and odour nuisance.

Reason: In the interests of residential amenity.

- 19** Noise generated from all operations on the site expressed as an A-weighted equivalent continuous sound pressure level (LAeqT) shall not exceed the following as measured (or where this is not possible, calculated) at the boundary of the noise sensitive premises specified below:

(i) the noise rating level in any one hour period between 0700-2300 shall not exceed an LAeq (1hour) of 36dB at Cae Cornell and Mywydd Farm and 30dB at Mount Pleasant Farm.

(ii) The noise rating level in any 15 minute period between 2300-0700 shall not exceed an LAeq(5mins) of 28dB at Cae Cornell and 28dB at Mount Pleasant Farm.

Reason: In the interests of residential amenity.

- 20** Construction noise shall be controlled in accordance with the scheme of mitigation measures identified in Section 9 of the Noise and Vibration report submitted to the Local Planning Authority on 21 October 2014.

Reason: In the interests of residential amenity.

- 21** The loading and unloading of vehicles and pre-treatment of waste shall be carried out inside the reception building hereby approved which shall be fitted with fast acting doors.

Reason: In the interest of residential amenity.

- 22** No development shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and agreed in writing by the Local Planning Authority.

i. A preliminary risk assessment which has identified:-

- all previous uses,
- potential contaminants associated with those uses,
- a conceptual model of the site indicating sources, pathways and receptors,
- potential unacceptable risks arising from contamination at the site.

ii. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site

iii. The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are due to be undertaken.

iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identify and requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as agreed.

Reason: Prevention of pollution and to protect the water environment.

- 23** The development hereby approved shall not commence until such time as a Method Statement detailing all necessary pollution prevention measures for the operational and post operational phase of the development is submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify as a minimum:-

- Storage facilities and emergency containment for all fuels, oils, chemicals and explosives and any other polluting substances
- Construction compounds, car parks, offices etc.
- Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off
- Details of maintenance of site access/coal haulage to ensure no polluting discharge
- measures for dealing with any contaminated material (demolition waste or excavated waste)
- Details of emergency contacts, for example the Natural Resources Wales Pollution hotline 0800 807 060

The Method Statement should then be efficiently communicated to all contractors and sub-contractors and any deficiencies rectified immediately.

Reason: Prevention of pollution and to protect the water environment.

- 24** No development shall commence until such time as a scheme to dispose of foul drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed.

Reason: To protect the water environment.

- 25** No development shall commence until a scheme for the provision of a widened access / egress (supported by vehicle swept path diagrams) has been submitted to and agreed in writing by the Local Planning Authority. The improved access shall be implemented in permanent materials for a distance of no less than 15m before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

- 26** * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) Notwithstanding the objections received, this application is recommended for approval because the development complies with National and Local policy, Council policy and Council's guidelines and does not adversely affect visual amenities nor so significantly harms residential amenities, air quality or highway safety as to warrant refusal. The proposal would also assist in the Welsh Government and the Authority reaching targets for recycling and would generate 2.4MW of renewable energy.

b) The developer is advised to consider the provision of nest boxes within the development for bird species and the incorporation of bat boxes, bat tiles and bat bricks.

c) Rainwater run off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under the Highways Act 1980.

- d) Foul water and surface water discharges shall be drained separately from the site.
- e) No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system.
- f) Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
- g) The developer is advised that an Environmental Permit will be required and are advised to contact Natural Resources Wales regarding this matter.
- g) The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via <http://www.bridgend.gov.uk/planningapplications/search.php>

Dated : 6th May 2015

Signed :



CORPORATE DIRECTOR COMMUNITIES

YOUR ATTENTION IS DRAWN TO THE FOLLOWING (some of which may not be applicable):-

a. Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developer's) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

b. The enclosed notes which set out the rights of applicants who are aggrieved by the Council's decision.

c. This planning permission does not convey any approval or consent required by Building Regulations or any other legislation or covenant nor permits you to build on, over or under your neighbour's land (trespass is a civil matter).

To determine whether your building work requires Building Regulation approval, or for other services provided by the Council's Building Control Section, you should contact that Section on 01656 643408 or at <http://www.bridgend.gov.uk/buildingcontrol>

d. Developers are advised to contact the statutory undertakers as to whether any of their apparatus would be affected by the development

e. Attention is drawn to the provisions of the party wall etc. act 1996

f. Attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and in particular to the need to not disturb nesting bird and protected species and their habitats.

g. If your proposal relates to residential development requiring street naming you need to contact 01656 643136

h. If you are participating in the DIY House Builders and Converters scheme the resultant VAT reclaim will be dealt with at the Chester VAT office (tel: 01244 684221)

i. Developers are advised to contact the Environment and Energy helpline (tel: 0800 585794) and/or the energy efficiency advice centre (tel: 0800 512012) for advice on the efficient use of resources. Developers are also referred to Welsh Government Practice Guidance: Renewable and Low Carbon Energy in Buildings (July 2012):- <http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/energyinbuildings/?lang=en>

j. Where appropriate, in order to make the development accessible for all those who might use the facility, the scheme must conform to the provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. Your attention is also drawn to the Code of Practice relating to the Disability Discrimination Act 1995 Part iii (Rights of Access to Goods, Facilities and Services)

k. If your development lies within a coal mining area, you should take account of any coal mining related hazards to stability in your proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or www.coal.gov.uk

l. If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.

m. The Local Planning Authority will only consider minor amendments to approved development by the submission of an application under section 96A of the Town and Country Planning Act 1990. The following amendments will require a fresh application:-

- * re-siting of building(s) nearer any existing building or more than 250mm in any other direction;
- * increase in the volume of a building;
- * increase in the height of a building;
- * changes to the site area;
- * changes which conflict with a condition;
- * additional or repositioned windows / doors / openings within 21m of an existing building;
- * changes which alter the nature or description of the development;
- * new works or elements not part of the original scheme;
- * new works or elements not considered by an environmental statement submitted with the application.

n. The developer shall notify the Planning Department on 01656 643155 / 643157 of the date of commencement of development or complete and return the Commencement Card (enclosed with this Notice).

o. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, should be brought to the attention of the Public Protection section of the Legal and Regulatory Services directorate. Developers may wish to refer to 'Land Contamination: A Guide for Developers' on the Public Protection Web Page.

p. Any builder's debris/rubble must be disposed of in an authorised manner in accordance with the Duty of Care under the Waste Regulations.