

HEARING SESSION 2

HEARING STATEMENT

Introduction

1. Hearing Session 2 will be conducted on Wednesday 24th March at 10.00 a.m. and will discuss the 'Effects on human receptor locations (construction and operational phases).
2. The initial questions and discussion points surround:
 - Air Quality and Odours (including cumulative impacts);
 - Noise and Vibration;
 - External Appearance and Visual Impact, and
 - Traffic Effects.
3. Môr Hafren Bio Power Limited (the Applicant) confirms that the Hearing Session will be lead by Planning Agent, Maureen Darrie (Director, GP Planning Limited) on its behalf.
4. Relevant specialists responsible for preparation of the technical input into the assessment of the above impacts will be available to answer specific technical points raised by the Inspector or in response to matters raised by interested parties attending the Hearing Session.
5. This Hearing Statement is submitted in advance of the closing date for further representations in response to additional information submitted by the Applicant on 1st February 2021, the closing date for which is 11th February 2021.
6. At the time of preparing the Hearing Statement no further responses have been received.
7. The Applicant respectfully requests an opportunity to respond to any comments raised in respect of the matters to be raised at this Hearing Session, either in advance or by way of an Opening Statement, subject to the Inspector taking a view that this would be helpful to proceedings.

Air Quality

8. As indicated in the Agenda, the three key questions surrounding the following:
 - i. Does the additional information provided by the Applicant, including the updated Air Quality Assessment (Version 7), adequately respond to the points raised by the consultation responses concerned?
 - ii. What is NRW's position concerning the respective remits of the Environmental Permitting and planning regimes in considering impacts on human health arising from emissions to air from the development?
 - iii. Is NRW satisfied that the revised air quality modelling and results/conclusions now provided are sufficient and reliable for the purpose of considering whether planning permission should be granted?

9. In respect of point (i), Môr Hafren Bio Power confirms that a full assessment of the air quality impacts associated with proposed Energy Recovery Facility has been carried out by suitably qualified, competent consultants.
10. In order to assist the parties at the Hearing, it is confirmed that the original ES Chapter and associated Air Quality Assessment has been superseded by a revised Air Quality Assessment (Revision 7) (DOC 35 VERSION 2) in response to specific comments raised by NRW thus making it more robust.
11. The findings of the Air Quality Statement are presented in Environmental Statement Addendum 2 (DOC 89, Section 6, pages 43-120).
12. The overall conclusions from the detailed modelling of emissions from the proposed ERF is that the potential impact on local air quality is likely to be minimal and unlikely to result in significant threat to the health of people living and working nearby.
13. In respect of point (ii), the Applicant appreciates the question is directed to the regulator (NRW). It relates to the respective remits of the permitting and planning regimes in considering impacts on human health.
14. The Applicant maintains the view that the planning system controls the development and use of land in the public interest. This includes consideration of impacts on both the local environment and amenity.
15. There are a number of matters which are controlled by other regulatory regimes and, in determining planning applications, it is incumbent on the determining authority to assume that these regimes will operate effectively.
16. The planning system should focus on whether or not the development is an acceptable use of the land and the impacts associated with those uses (as set out in detail in the Applicant's application documents).
17. The other regulatory regimes focus on process controls, health and safety and detailed emissions control. For the proposed ERF, these matters will be dealt with through an application for an Environmental Permit, which will be submitted to NRW. The Environmental Permit will provide the required level of protection to the environment and receptors governed by latest emission standards (BREF). The permit process and associated emission values limits (through conditions on a permit) are aimed at preventing pollution by limiting emissions to the lowest practicable level. The permit process ensures that emissions to atmosphere and water are all controlled.
18. Based on experience of operating a number of similar plants, and ongoing engagement with regulators, the Applicant is wholly satisfied that an Environmental Permit will be issued and will control the emissions from the ERF at levels commensurate with the conclusions of the technical assessments submitted with the planning application.
19. In respect of point (iii), notwithstanding the role of the permit in controlling site operations, the Applicant fully appreciates that the determining authority needs to be assured by the regulator (NRW) that the conclusions of the assessment work and modelling, robust and reliable for the purpose of granting planning permission.
20. With reference to the assessment work carried out, and responses from NRW to date, the Applicant is confident that air quality and odour matters can be adequately controlled without impediment to the grant of planning permission.
21. In the unlikely event that NRW's anticipated response to additional information concludes to the contrary, the Applicant respectfully requests an opportunity to formally respond.

Noise and Vibration

22. In respect of Part 2, two questions are posed in respect of noise and vibration:
- i. Are the proposed CEMP provisions concerning piling methods sufficient to ensure that percussive piling is kept to a minimum and only occurs when ground conditions necessitate that this method is used?
 - ii. Should the condition regulating noise levels be amended to refer to residential properties only? Should Pinewood Studios also be included? Should the condition limit cumulative noise from plant or vehicles to a maximum rated level of 5dB below background noise level, or would a less stringent limit be acceptable? If the condition were imposed as currently proposed, what additional noise mitigation measures would be necessary to achieve compliance?
23. In respect of point (i), Môr Hafren Bio Power confirms that the Draft CEMP (DOC 86 Version 2) at paragraph 5.3.10 (page 21) states that the choice of piling will be determined closer to the time of construction following detailed surveys of the land conditions and with full regard to environmental conditions.
24. The Applicant acknowledges the comments raised by Cardiff City Council in its Local Impact Report but cannot commit to a specific technique until the ground investigations are carried out. Notwithstanding that point, the Applicant accepts that a planning condition and the Construction and Environmental Management Plan will need to be agreed with the Local Planning Authority and Pinewood Studios and Newlands Farm when such details are known.
25. The Applicant is committed to engaging with Pinewood Studios and Newlands Farm regarding the means of mitigating any impacts from piling and other construction activities. This will include the likely timeframe and duration of such activities (DOC 86 Version 2, paragraph 5.3.11).
25. In respect of point (ii), the draft condition proposed by Cardiff City Council states:

13. Noise Management Plan

Prior to beneficial use a noise assessment shall be submitted to and approved in writing by the Local Planning Authority that demonstrates that the cumulative noise from plant and vehicles achieves a rating noise level of 5db below background (LA90) at the nearest noise sensitive receptors outlined in the Environmental Noise Assessment P1844-REP01-REVC-BDH, when measured and corrected in accordance with BS4142:2014 +A1 2019 (or any British Standard amending or superseding that standard).

Reason: To safeguard the amenities of neighbouring occupiers, in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

26. In response to the above, DOC 102 (Technical Note 3 Noise and Vibration), confirms (page 3) that the condition is clarified to note that BS4142:2014 +A1 2019: 'Methods for rating and assessing industrial and commercial sound' methodology is applicable only to dwellings or premises used for residential purposes.
27. The Applicant's Noise Consultant confirms this is standard and appropriate.
28. The Applicant proposes amended wording of the condition, in line with the conclusions of the Environmental Noise Impact Assessment (DOC 38):

13 REV1. Noise Management Plan

Prior to beneficial use a noise assessment shall be submitted to and approved in writing by the Local Planning Authority that demonstrates that the cumulative noise from plant and vehicles achieves a rating

noise level of 5db below background (LA90) at the nearest noise sensitive residential receptors outlined in the Environmental Noise Assessment P1844-REP01-REVC-BDH, when measured and corrected in accordance with BS4142:2014 +A1 2019 (or any British Standard amending or superseding that standard).

Reason: To safeguard the amenities of neighbouring occupiers, in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

29. The ENIA confirms (Table 16, page 41) that the calculated and assessed Rating Level are below the existing Background Sound Level during both daytime and night time periods and is therefore an indication of *'low impact, depending on context..'* as defined in the relevant British Standard (BS4142).

External Appearance and Visual Impact

30. As confirmed in the Hearing Agenda, additional Photomontages have been prepared, at the request of the Inspector, from Viewpoints 9, 11, 14 and 19. These are referenced DOCS 90, 91, 92 and 93 and are verified winter photomontages. It should be noted that the assessment, viewpoints and montages were agreed with Cardiff Council at the outset and confirmed in the Scoping Opinion as appropriate (Section 7.4, page 8).
31. The question posed in the Agenda is directed at the other relevant parties (.i.e. do these additional montages alter the respective stances in respect of the landscape and visual impact of the development).
32. The impacts from these Viewpoints are assessed in the Landscape and Visual Impact Assessment, and associated Chapter in the Environmental Statement (DOCS 45-48 and Technical Appendices – DOCS 59, 61, 66 and 72).
33. The Applicant does not consider that the montages impact on the conclusions in the documents referenced above.
34. As stated above, no responses have been received in respect of the additional montages, to date. In the event that comments are received, the Applicant respectfully requests an opportunity to respond in advance of the Hearing or by way of an opening statement at Hearing 2, should the Inspector find that helpful to proceedings.
35. Point ii of the Agenda relates to the aviation lighting and the basis upon which the Applicant confirms that aviation lighting is not required on the proposed 70m stack.
36. The statutory requirements for the lighting of onshore en-route obstacles in the UK is set out in the UK Air Navigation Order 2016 (ANO)20091 (last updated 15 January 2021).
37. Article 219 defines an 'en route obstacle' as any building, structure or erection which is 150 metres or more above ground level.
38. From a Policy perspective, in the UK, the need for aviation warning lights depends in the first instance upon any structure's relationship to an aerodrome. If it penetrates the obstacle limitation surfaces of an aerodrome it is for the operator of that aerodrome to assess the need for aviation lighting.
39. The proposed ERF is not within a relevant area for aerodrome protection.
40. Article 219 of the Order expresses the requirement for 'en route' structures (i.e. those away from the vicinity of a licensed aerodrome) and dictates a statutory requirements for aviation warning lighting on structures of 150m in height or greater.

41. Notwithstanding the above, some structures lower than 150m might need aviation lighting although this is not routine. No evidence has been presented by relevant aviation stakeholders that the presence of a 70m stack in its proposed location would require aviation lighting.
42. In the absence of the above, the Applicant relies upon? the Order as providing statutory requirements in respect of this matter.

Traffic Effects

43. The final matter on the Agenda are traffic effects.
44. Point (i) relates to the mechanism proposed to ensure that all HGV movements would use the intended route, avoiding residential areas, to and from the site.
45. DOC 73, Technical Appendix 12 Transport Assessment, describes the proposed lorry routeing at paragraph 4.11, page 22. Appendix G of the TA shows the proposed HGV routeing plan and confirms that routeing can be controlled through legal agreement with the suppliers.
46. The Applicant confirms that 'suppliers' will, in fact, be controlled through one supply feedstock contract. The Applicant will ensure that the agreed HGV route forms part of the contractual arrangements with the supplier.
47. This will be enforceable by the Applicant through contract requirements. The Applicant will also put in place a complaints procedure to ensure that any alleged breaches of the routeing agreement are properly investigated and appropriate action taken.
48. It is commonplace for feedstock suppliers to use local hauliers. The Applicant will operate a Considerate Construction and good Neighbour Policy and will not tolerate actions by suppliers that impact on local residents. Appropriate financial and dismissal policies will be put in place, acted on and recorded.

Maureen Darrie, Director
GP Planning Limited

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