

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: DNS/3214813
(PINS Reference)
21/0773/DNS
(PCC Reference)

Grid Ref: E: 326727
N: 310097

Community Council: Trewern

Valid Date: 19.04.2021

Applicant: Mr Alistair Hilditch-Brown, Broad Energy (Wales) Limited

Location: Buttington Quarry, Welshpool, Powys, SY21 8SZ.

Proposal: Application for an Energy Recovery Facility at Buttington Quarry, Welshpool, Powys, SY21 8SZ.

Application Type: Development of National Significance (DNS)

The reason for Committee determination - The Local Member has requested to the Professional Lead – Planning, who is in agreement, that the Committee should consider and approve the contents of the Local Impact Report prepared to assist the appointed Inspector in their consideration of the DNS application.

Unlike conventional Committee Reports, this Local Impact Report is written in the format required by the Planning Inspectorate's: Developments of National Significance Appendix 5: Local Impact Reports, 1 June 2019

RECOMMENDATION

To approve the Local Impact Report (as set out in this report) for submission to the Planning Inspectorate to assist the appointed Inspector in their consideration of the DNS application.

Full Description: Proposed construction and operation of an energy recovery facility for the importation, storage and treatment of municipal, commercial and industrial waste and generation of heat and electricity, involving partial re-profiling of quarry void, earth works, alteration to existing residential access and provision of new vehicular site access from the A458 and site haul roads, ancillary buildings, structures, transformer, sub-station and grid connection, parking, hardstanding including laydown areas for materials storage and plant, workshop, weigh bridge, offices, welfare/mess facilities, fencing, gates, security and CCTV, bicycle storage and electric vehicle charging facilities, sustainable drainage measures, landscape works and ecological enhancements. Buttington Quarry Buttington Welshpool Powys SY21 8SZ

1. Introduction

1.1 This Local Impact Report is prepared to assist the appointed Planning Inspector in their consideration of the proposals for an Energy Recovery Facility at Buttington Quarry, Buttington, Welshpool, which constitutes a 'Development of National Significance (DNS).

1.2 Under the relevant legislation for DNS proposals, this report provides a factual, objective view of the likely impact of the proposed development on the area, based on Powys County Council's local knowledge and robust evidence of local issues. The impacts are presented in terms of their positive, neutral and negative effects.

1.3 In line with the Planning Inspectorate's guidance to Local Planning Authorities on the preparation of a Local Impact Report (LIR), this report does not form a representation on the merits of the DNS proposal and does not include a balancing of the planning issues. Representations, including any that interested persons, organisations, members of the Council or the County Council itself may wish to make, are to be submitted to the Planning Inspectorate.

1.4 No recommendation to grant or refuse planning permission is contained within this report.

1.5 The report contains the following sections:

- Site Context - Local Designations Relevant to the Site and its Surroundings;
- Planning History;
- Relevant Local Planning Policies, Guidance or other Documents;
- Likely Impact of the Development on the Area;
- Likely Impact of the Development in relation to any Secondary Consents Being Granted;
- Draft Conditions or Obligations (Offered Without Prejudice);
- Evidence of Publicity of the Application

2. Site Context

2.1 The overall Buttington Quarry site occupies a total land area of 24 hectares with the area of this application measuring a total of 18ha, the site is bounded by the

A458 to the northwest, Sale Lane to the east and Heldre Lane to the south. The Welshpool – Shrewsbury railway line runs immediately northwest of the A458 in close proximity to the site. The site is accessed from the A458.

2.2 The quarry is surrounded by open countryside with the village of Buttington located approximately 2km to the south-west and Trewern approximately 1.5km to the north-east. 200m to the north-east of the Site is an outlying area of Trewern known as Cefn where Buttington Trewern County Primary School, some isolated houses and larger residential developments are located. Welshpool is located approximately 3 km to the south west and Shrewsbury approximately 20 km to the east of site.

2.3 The quarry worked as a brickworks from the late 19th Century until its closure in 1990. The quarry now operates in accordance with the planning permissions noted in section 3 and mainly serves the local construction and agricultural markets with predominantly bulk fill aggregate. Although there is a stockpile of suitable brick clay on site, very little is used in the manufacture of bricks by now. The former brickwork buildings to the South West are now used for various industrial, haulage and commercial uses.

2.4 Six hectares of the site, including the quarry void, the former brickworks have been allocated within Powys County Council's Local Development Plan, policies SP2, SP6 and E1 for B1, B2 and B8 uses.

2.5 There is a SSSI Geological designation located along the eastern section of the quarry, this however has been excluded from the planning boundary of this application. There are no other statutory conservation designations within the site.

3. Planning History

3.1 20/0575/REM – S73 application to vary condition 1 (extension of time) of planning permission P/2015/0439 (construction of new vehicular access and alteration of existing residential access). Approved 24/09/2020

3.2 20/0445/REM– S73 application to vary condition 1 (extension of time) of planning permission P/2014/1318. Approved 23/07/2020

3.3 P/2014/1318 – S73 application to vary condition 1 (extension of time) of planning permission P/2011/0549. Approved 06/08/2015

3.4 P/2015/0439 – S73 application to vary condition 1 (extension of time) of planning permission P/2010/0400 (construction of new vehicular access and alteration of existing residential access). Approved 18/06/2015

3.5 P/2014/0833 – Full planning application to extend an existing single storey loading bay at Buttington Quarry. Approved 06/10/2014

3.6 P/2013/0740 – Full planning application for the removal of existing canopy and the erection of a loading bay at Buttington Quarry. Approved 09/10/2013

- 3.7 P/2013/0713 – Full planning application Erection of a general-purpose storage building at Buttington Quarry. Approved 07/10/2013
- 3.8 P/2012/0815 – Certificate of Lawful use or Development for existing uses namely A1, B1, B2 and B8. Approved 05/11/2012
- 3.9 P/2012/1445 – Certificate of Lawful Use or Development for an existing use namely the use of land for overflow storage area to the decorative stone business. Approved 11/09/2012
- 3.10 P/2011/0549 – Variation of planning approval P/2008/0519 to extend the time limit for extraction of material for a period of 4 years from 31st May, 2011. Approved 28/06/2011
- 3.11 P/2020/0165 – S73 application to vary condition 7 (hours of working) of planning permission M1997 0088. Approved 19/04/2011
- 3.12 P/2010/0400 – S73 application to vary condition 1 (extension of time) of planning permission M2005 0162 (construction of new vehicular access and alteration of existing residential access). Approved 07/12/2010
- 3.13 P/2009/1301 – Certificate of Lawful Use or Development for an existing use – B8 storage and distribution for area of land to the west of the A458. Refused 16/03/2010.
- 3.14 P/2008/0519 – S73 application to vary condition 1 (extension of time) of planning permission M2004 0439. Approved 07/01/2009
- 3.15 M/2005/0162 – S73 application to vary condition 1 (extension of time) of planning permission M/1999/1032. Approved 05/05/2005
- 3.16 M/2004/0439 – S73 application to vary condition 17 (extension of time) of planning permission M/96/088. Approved 27/07/2004
- 3.17 M/1999/1032 – Full application for the construction of vehicular access to quarry and alteration of existing access to residential access. Approved 20/03/2000
- 3.18 M/1997/088 – Initial Review of Old Mineral Permission under the Environment Act 1995. Conditions Approved 14/04/1997
- 3.19 M/96/088 – Full application to extend the quarry. Approved 17/03/1997
- 3.20 M/24402 – Full application for access improvement works onto the A458 – Approved 06/06/1994
- 3.21 P/P 4928 – Full application to extend the quarry area. Approved 04/07/1961

3.22 P/P 379 - Permission for the winning and working of mineral. Approved 02/08/1948

4. Local Planning Policy Context

4.1 The following policies from Powys Local Development Plan (2011 - 2026), adopted April 2018 are considered relevant:

- Strategic Policy SP2 – Employment Growth
- Strategic Policy SP6 – Distribution of Growth across the Settlement Hierarchy
- Strategic Policy SP7 – Safeguarding of Strategic Resources and Assets
- Policy DM1 – Planning Obligations
- Policy DM2 – The Natural Environment
- Policy DM4 – Landscape
- Policy DM6 – Flood Prevention Measures and Land Drainage
- Policy DM7 – Dark Skies and External Lighting
- Policy DM8 – Minerals Safeguarding
- Policy DM9 – Existing Mineral Workings
- Policy DM10 – Contaminated and Unstable Land
- Policy DM13 – Design and Resources
- Policy DM14 – Air Quality Management
- Policy DM15 – Waste within Developments
- Policy DM16 – Protection of Existing Employment Sites
- Policy E1 – Employment Proposals on Allocated Employment Sites
- Policy E4 – Safeguarded Employment Sites
- Policy T1 – Travel, Traffic and Transport Infrastructure
- Policy T2 – Safeguarding of Disused Transport Infrastructure
- Policy W1 – Location of Waste Development
- Policy W2 – Waste Management Proposals
- Policy RE1 – Renewable Energy
- Policy M1 – Existing Minerals Sites
- Policy M5 – Restoration and Aftercare

4.2 The following Supplementary Planning Guidance (SPG) are considered to be relevant:

- Supplementary Planning Guidance Renewable Energy, Adopted April 2019
- Supplementary Planning Guidance Biodiversity and Geodiversity, Adopted October 2018
- Supplementary Planning Guidance Landscape, Adopted April 2019
- Supplementary Planning Guidance Planning Obligations, Adopted October 2019

5. Likely Impacts of the Development on the Area

The Need for an Energy Recovery Facility to deal with Residual Waste within the Region

- 5.1 Policy W1 of the Local Development Plan seeks to facilitate an integrated and adequate network of waste management facilities in sustainable locations in line with national policy and guidance and in accordance with the waste hierarchy. All proposals for waste management will be considered against the waste hierarchy, in line with Policy W1 and a key consideration within the policy is that there is an identified need within the Region for it.
- 5.2 Supporting information has been submitted by way of Chapter 3 – Need and Alternatives and Technical Appendix – Market Appraisal Report of the ES and the submission of a Waste Planning Statement.
- 5.3 The Market Appraisal Report and Need for the development is justified on the potential for the availability of residual waste from within the North Wales Region and also from a “2 hour drive from site” catchment which captures the following 21 Local Authorities. The applicant specifies that there may be approximately 640,000 – 690,000 tonnes of residual waste potentially available within the catchment.
- Isle of Anglesey
 - Gwynedd
 - Conwy
 - Denbighshire
 - Flintshire
 - Wrexham
 - Powys
 - Ceredigion
 - Cheshire West and Chester
 - Cheshire East
 - Birmingham City Council
 - Dudley MBC
 - Herefordshire
 - Sandwell MBC
 - Shropshire
 - Staffordshire
 - Stoke on Trent City Council
 - Telford and Wrekin Council
 - Walsall MBC
 - Worcestershire
 - Wolverhampton MBC
- 5.4 The site is located within the south of the North Wales Waste Region. In accordance with policy W1 of the Local Development Plan, from a local impact perspective one can only discuss the development within the confines of the North Wales region in accordance with Local Development Plan Policies.
- 5.6 The supporting information indicates there is potential for the proposal to accept around 15,000 – 20,000 tonnes per annum (whole of Powys) of

Residual Local Authority Collected Waste (Market Appraisal Report - page 7) available regionally. This information is supported by Annual Waste Monitoring Reports which suggests that Powys sent 15,757 tonnes of Local Authority Municipal Waste to landfill in 2017/18 (7,732 North & 8,025 South). Although this waste is uncontracted beyond 2021; it should be noted that this resource will become unavailable for a period of 5 to 7 years from mid 2021 as a consequence of a procurement contract currently being sought by the Local Authority

(https://www.sell2wales.gov.wales/search/show/search_view.aspx?ID=FEB359237). Coupled with the contractual obligation of all other Local Authorities in North Wales being tied up in long term contracts under the North Wales Residual Waste Treatment Partnership and Wrexham having entered their own Private Finance Initiative with FCC Environment for the Mechanical Biological Treatment of up to 75,000 tonnes per annum of residual waste, together with increased targets for recycling and reuse of wastes it is very unlikely that any Local Authority residual waste will be available for treatment within the indicative operational date of 2025 from within the region.

- 5.7 The information submitted in support of the possible availability of residual industrial and commercial waste is also submitted in section 5 of the Market Appraisal Report of Chapter 3, listing the same 21 local authorities noted above. Of these Local Authorities one can only comment on those that are within the waste region – namely Anglesey, Gwynedd, Conwy, Denbighshire, Flintshire, Wrexham and Powys. Based on 2017 datasets provided within the applicant’s submission, 78,000 tonnes may be available with no explanation given as to how this waste is currently being dealt with. In relation to existing ERF infrastructure within the Region; Parc Adfer became operational in late 2018 and has capacity to accept between 90,000 and 117,000 tonnes of Commercial and Industrial waste annually within the Northern Region. There is also dedicated capacity for Industrial and Commercial wastes within Trident Parc, Cardiff to account for waste from the Southern part of Powys that is included within the South Eastern Waste Region.
- 5.8 Notwithstanding the documentation submitted by the applicant. The Annual Waste Monitoring Report for North Wales 2018/2019 waste data is based on Natural Resources Wales Industrial and Commercial Waste Survey 2012 and notes that a total of 915,040 tonnes of Industrial and Commercial Waste was generated in the North Wales Region in 2012 with 140,890 tonnes landfilled. Based on information that recycling rates within these sectors have not advanced in the same way as municipal it can be estimated that current waste streams may be comparable. As such the figure of 140,890 tonnes is almost double that noted within the applicant’s ES, however with the capacity of Parc Adfer (which became operational in 2018) to deal with between 90,000 and 117,000 tonnes annually; based on 2012 rates there could be between 23,890 and 50,890 tonnes of Residual Industrial and Commercial waste available Regionally at present that went to landfill in 2012, with increased recycling rates for 2025 (operational due date), there is a possibility that this level will

have reduced.(adjustment for increased recycling rates for operational date of 2025).

- 5.9 As noted within the Authority's pre-application response dated 12th November 2020, the site's geographical location at the southern extremity of the North Wales Region is at a crossroads with other waste Regions of Wales and it was advised to seek information on the availability of residual waste from these Regions for submission. To this effect, the only Local Authority that has been mentioned within Chapter 3 of the ES and Waste Planning Statement is that of neighbouring Ceredigion which has in the region of 15,000 – 20,000 tonnes of possible Local Authority Contracted Waste available from 2022 onwards and potentially 7,000 tonnes of residual Industrial and Commercial waste also available. The procurement of the uncontracted Local Authority residual waste to this proposed facility in both the short and medium term (dependant on contractual arrangements for the LA) does not appear to coincide with the timing of the anticipated operation of the proposal (ERF to commence operations 2025 par 1.2.11 ES) and realistically there is potential for 7,000 tonnes of Industrial and Commercial waste being made available from Ceredigion. As no information has been submitted by the applicant for any other local authority in the South West or South East Regions, it is very difficult to comment on possible residual wastes that may be available as justification for the proposed ERF.
- 5.10 The applicant indicates that the development of an ERF represents a major step in helping Wales achieve zero waste to landfill or recovery by 2050. Although this is mentioned, the proposal appears to be for a permanent ERF on site. The Local Authority contends that should planning permission be granted, a planning condition should be included with an end date of 2050. It should also be noted that very little information is provided for the residual wastes / material produced as part of the ERF process, that includes Incineration Bottom Ash (IBA) and how it is dealt with on site. IBA can vary between 20% to 30% of the amount of feedstock processed, which could as part of this process vary between 30,000 and 50,000 tonnes per annum. With the exception of noting that 7 loads a day may leave site (45,000 tonnes on a 5 day week @ 25 tonne payload) and it will be re-used in the construction market, it is evident that this material will be dealt with off site and there is no commitment within the application documentation that it will be utilised as a secondary aggregate and not a waste. With the current quarry infrastructure in place to supply aggregate to the construction industry, it would have been expected for this material to be made available as secondary aggregate for the local construction industry also.
- 5.11 The aim of policy W1 is not to prevent disposal or recovery proposals from coming forward but to ensure that there is a justified need in the proposed location. Policy DM 13 criterion 6 also requires development proposals to respond to local need. Based on the information provided on need within the Region and information contained within the Annual Waste Monitoring Report for North Wales it is considered that the 167,000 tonnes per annum capacity of this proposed Energy Recovery Facility will substantially overprovide for the Region's waste treatment needs and will have a **Negative** effect locally.

Renewable Energy Generation

- 5.12 Policy RE1 – Renewable Energy provides a presumption in favour of renewable energy schemes subject to meeting other relevant policies in the LDP, proposals shall make provision for the restoration and aftercare of the land for beneficial re-use and where necessary, additional compensatory benefits will be sought by Planning Obligations in accordance with Policy DM1.
- 5.13 The proposal is a Combined Heat and Power Energy Recovery Facility. It is anticipated that the treatment of 167,000 tonnes of non-hazardous residual waste will create in the region of 12.8 MW of electricity for export to the Grid and there will be the potential for waste thermal energy to be harnessed and made available locally with the plant being R1 enabled (Combined Heat and Power).
- 5.14 Due to the high dependence on waste imported from outside of the North Wales Region / Wales, it is questioned whether the low carbon / renewable energy benefits will be offset or diluted by the haulage implications of importing waste over large distances by road.
- 5.15 Limited information has been submitted relating to the restoration of the site after 2050, however it is considered that a detailed scheme of restoration together with beneficial after-use can be adequately controlled by way of planning conditions.

The site's location is predominantly rural in setting and although mention is given within the ES to potentially exporting excess heat and electricity to other heat users locally the proposal is not co-located to existing heat users as recommended by that of site selection criteria within TAN 21.

- 5.16 As previously stated 6 ha of land within the site's boundary is designated for employment uses. It is however unclear if part of this proposal is to also bring forward and develop designated employment land referred to within the application and masterplan as laydown area 1,2,3 and 4 or not. Mention is also given to the development "providing a renewable energy source for export into the local power network." (Technical Appendix 3-1 Market Appraisal Report). Within the Authority's Pre application response it was suggested that such gain was written into the application's description, but no firm commitment has been offered by the applicant to this effect.
- 5.17 Policy DM14 criterion 14 states that applicants should undertake investigations into the technical feasibility and financial viability of community / district heating networks wherever the development proposal's heat demand density exceeds 3MW/km². It is not believed that this has been undertaken as part of this submission.

- 5.18 It is considered from a renewable energy generation perspective the proposal will have a **Neutral** local impact given that the development will generate electricity to supply the national Grid. Subject to securing a local energy network such an impact could potentially have a **Positive** impact.

Economic Development

- 5.19 It is noted within the ES (Chapter 3) should an ERF be developed it is anticipated to generate up to 300 jobs throughout the 3 year construction period and when operational directly employ 30 permanent staff together with further employment opportunities within the supply chain.

- 5.20 The development in its entirety measures 18ha with the LDP showing Buttington Quarry as a Permitted Working Area for Minerals and Policy E1 allocating 6ha of land for B1, B2 and B8 employment development. In relation to the Masterplan submitted in support of this application (BUT-RCA-0-ZZ-DR-A-0201-GA_Site_Plan.) there are 4 laydown areas used in the construction of the ERF that will upon completion of the development be available for future employment uses within the wider site. Paragraph 3.2.4 of the ES notes the applicant's vision for the site and development:

“Broad’s proposals to develop an Energy Recovery Facility within the quarry will not only address the need to drive non-recyclable materials away from landfill and generate renewable electricity and heat, but most importantly, it is anticipated that this anchor facility will open up the development of the wider business park for prospective businesses to build and develop their operations. The ERF will be able to provide sustainable energy, provided as either heat or power, as an economic and environmentally friendly incentive to ensure they can remain competitive in the wider national and international markets.”

- 5.21 The above describes the proposal as an anchor facility that will “more/most importantly” be a catalyst to develop and bring forward the laydown areas for future employment uses together with the possibilities to provide sustainable energy (heat and power) infrastructure as an incentive to attract businesses to co-locate. Although this was specifically noted within the LPA’s pre-application advice of the 12th November 2020 for inclusion as part of the overall scheme; little definitive information is provided within the proposal by way of methodology, design and infrastructure as to how these 4 laydown areas are to be developed.
- 5.22 It is noted that the 4 laydown areas are within the red line boundary of the site, they are also within the employment allocation under policy E1.
- 5.23 Based on the information noted within the Geotechnical Section we are aware that considerable amount of land within laydown area 4 is being lost with the construction of a landscaping bund / green area. By raising the area in accordance with what is suggested by the Geotechnical Engineer and subject

to mitigating landscape and visual effects, it is considered that substantial employment land potential is lost within the present scheme.

- 5.24 Due to the inability to demonstrate a need locally for such a facility and that it may sterilise opportunities for the development of a locally needed business on site (such as that of the existing quarry that supplies aggregate to the local construction market), the proposal could be considered to have a negative economic impact. However, such a development would create undoubted employment opportunities during construction, operation, decommissioning and restoration that could move the proposal to having a neutral impact. If planning permission would be granted and the development of laydown area 1 to 4 to employment uses can be achieved, it is considered that the proposal may have a **Positive** local impact.

Highways and Transportation

- 5.25 The application site is bordered by the A458 Trunk Road, C2044 Heldre Lane classified county highway and U2248 Sale Lane unclassified county highway. A single point of access to the site is proposed directly from the A458 Trunk Road for which Welsh Government is the highway authority. No comment is offered in respect of this access. Other access points currently exist along Heldre and Sale Lanes in the form of field gate type entrances that appear to be disused at present. No reference is made to these in the planning submission and the local highway authority [LHA] consider that any proposed future use of these would require an appropriate application to the LHA or relevant planning authority. Use of these during the construction, operational or dismantling phases would not be supported by the LHA.
- 5.26 The proposal for an energy recovery facility will generate a broadly comparable mix of traffic to existing operations at the site including Large Goods Vehicles [LGV] associated with material movement to and from the site together with smaller vehicles ranging from employee vehicles to service vehicles. An increase in traffic of up to 5.1% is forecast for the operational period. This would most likely be constrained to the Trunk Road network.
- 5.27 The operation will process 167,000 tonnes of inbound material per annum at a rate of 24 tonnes per hour [576t/day] and will operate for 24 hours daily. Deliveries will comprise 40 number 15 tonne loads per operational 12-hour day [average 3.3 per hour] with a further 10 ancillary daily LGV loads. The delivery rate is twice the consumption rate with a 4,100-tonne bunker provided to manage delivery/processing throughput variations. This bunker is projected to store sufficient for between 5 and 7 days operation during non-delivery periods.
- 5.28 Issues for the local highway network [non-Trunk Road] could arise for a number of reasons, the prime ones being:

- Closure of the A458 Trunk Road e.g. road traffic collision, maintenance works;
- Deliveries arriving in the region but not being able to access site e.g. arriving before delivery slot; bunkering at capacity [breakdown, reduced processing throughput, over-delivery], offloading facility not functioning.

This could give rise to vehicles seeking to access via the local road network or dispersing to the local road network as a “holding” facility.

- 5.29 Viable routing options to the site are constrained to the Trunk Road network from both the east and west. Local Authority maintained roads to the north and south of the site are generally constrained by traffic regulations for larger vehicles to the north due to Criggion quarry, and height restrictions due to bridges on Heldre and Sale Lanes to the south. Diversions during closures of the A458 are quite lengthy thus giving rise to the possibility that some will seek to use the local road network if access is not available via the A458. The potential for this exists currently.
- 5.30 Between 3 and 4 LGV's per hour would be entering the area for access during delivery times. If they cannot access the site then they will seek to disperse to “holding areas”. These may be designated LGV parking, roadside laybys [both limited in the area] or on-street parking on local highways.
- 5.31 The site has around 500 metres of access and operational road being sufficiently wide for two-way traffic at 7.4m width. This would offer stacking capacity for between 17 and 34 vehicles should delivery access and off-loading be delayed. Further parking may be available within the site.
- 5.32 The Transport Assessment refers to the Wales Parking Standards 2008 rather than the updated 2014 Standards. No formal calculations of provision against the Standards have been provided for car parking, operational or non-operational areas. cursory assessment suggests that the site should be capable of meeting the requirements.
- 5.33 It is probable that the construction and dismantling phases will require access for abnormal indivisible loads [AIL] e.g. cranes for plant assembly/dismantling. The number of movements required is likely to be limited. Routing options are already accommodated within the Trunk and local road networks for likely AIL movement requirements.
- 5.34 With no proposed access via Heldre and Sale Lanes, non-vehicle use [e.g. walking, cycling, equestrian] on these routes is not affected. The site itself generates limited transport movements in relation to staff and visitors. The provision of features such as cycle parking and electric charging points is noted. The production of a Travel Plan will provide an opportunity to encourage and support walking, cycling and use of public transport for the site in line with Planning Policy Wales requirements [Edition 11, February 2021].

- 5.35 The potential highway impacts from the routine operation of the site are likely to affect Trunk Roads in the area for which the Welsh Government are the highway authority.
- 5.36 Impacts for the local road network during routine operations are not considered to be significant. The most likely source of impacts on local roads will arise from closures of the A458 Trunk Road or failure to adequately manage deliveries to the site. Whilst infrequent, consideration needs to be given to these given the rate of LGV movement to/from the site.
- 5.37 Potential mitigation measures are identified in the application with the proposal that these be secured via planning conditions. The use of suitable planning conditions for a Construction Environment Management Plan [CEMP] Traffic Management Plan (incl. HGV routing strategy) [TMP] and Travel Plan is supported as a means to identifying and managing highway safety and operation issues. Should consent be given appropriately worded conditions should be applied to secure these.
- 5.38 In accordance with that of LDP policies DM13 and T1, the proposal as submitted does not adversely affect the safe and efficient flow of traffic along the non-trunk road highway network and will have a **Neutral** impact.

Design, Landscape and Visual Impact

- 5.39 The LPA finds the scope of the LVIA to be appropriate. The LVIA includes, in addition to a landscape and visual impact assessment, a night time effects assessment, a limited cumulative assessment and landscape capacity. Furthermore, it is understood that B&A's assessment work has informed the design development of the appearance of built form as well as the preparation of landscape mitigation proposals.
- 5.40 The LPA has several observations on the methodology employed in the Impact Assessment Methodology for the LVIA and, as a consequence the reliability of the findings. Including issues of landscape value and susceptibility, and some issues with the precise use of criteria and definitions for aspects of the visual impact assessment, which mean some caution when considering these aspects should be applied.
- 5.41 The LVIA provides a comprehensive record of the features and component parts of the landscape context of the study area and, to a large extent, relies on the findings of the various published landscape character assessments and LANDMAP for descriptions of characteristics, scenic quality, and perceptual characteristics of the landscape. In the LPA's assessment the landscape value of the host Visual and Sensory Aspect Area (VSAA) is Moderate-High and its overall susceptibility to this form of development is High, due to its predominantly rural, intimate, unspoilt character and its attractive views both in and out. Its overall sensitivity is judged to be High, in contrast to the LVIA's assessment of Medium.

- 5.42 In principle, the LPA supports the approach to the design of the building's cladding (i.e. Option 2 as defined in the DAS) and agrees that the building would, in most instances, be seen against a landscape backdrop, as opposed to the skyline, in respect of the area of views rather than the number of viewers that would experience these views. The current selection shown on the photomontages work relatively well in summer conditions but less so in winter, the LPA would suggest consideration should be given to a range that may work best throughout the year rather than those suitable for high summer. To this end a selection of 'murkier' greens and shades of brown may be a better compromise than the brighter lighter greens used for the images. It is recommended that this be covered by an appropriate planning condition should the decision-maker be minded to grant consent.
- 5.43 The landscape mitigation proposals for screen bunding and large-scale mass planting of native woodland on the bunds, as identified on the Landscape Masterplan, is considered appropriate and the LPA supports the approach.
- 5.44 For the assessment of the magnitude of landscape effects, for the application site, the LPA considers this to be Large, during operation, and, consequently when combined with its Very Low sensitivity, of only Minor-Moderate adverse significance, well below the level regarded as being a key material factor in the decision-making process.
- 5.45 For the host VSAA, its predominantly rural character would be significantly changed with the introduction of a prominent, large-scale industrial building with a tall stack and occasional plume, and the sparsely developed, more intimate and relatively unspoilt characteristics would be significantly diminished. The present quarry is not widely visible from within the VSAA and where it is noticeable it is only partially visible, largely screened behind the current screen bunds and partially wooded surrounds. The development would appear to emerge from the quarried landform, be seen against the skyline in some views and dominant, and it would become a new key characteristic of the VSAA. Attractive views from the VSAA to adjoining landscapes, especially those from the high ground across the floodplain to the hills beyond to the west, would be changed adversely. The design and coloured cladding would mitigate some of these effects, as would the bunding to some degree and the native woodland planting would, in time, be a slight benefit to the local character, but together these would not offset the significant harm to the landscape character of the VSAA. During operation, the magnitude of effect on landscape character of the host VSAA is considered to be Large adverse overall, and the significance of this effect would be Major adverse. For areas in close proximity to the development, a greater magnitude of change would be anticipated and, correspondingly, this would fall away slightly with distance. The LVIA considers the magnitude of effect to be Medium (neutral) and Moderate (neutral) significance at close range, and Small or potentially Very Small and a Minor (neutral) significance, at medium range.

5.46 The LPA's assessment of the magnitude of change and the significance of these for the other local VSAs are set out in Table 2 below and there is marked difference between these findings and those of the LVIA.

Landscape receptor	The LPA's assessment of landscape sensitivity	The LPA's assessment of magnitude of effect	The LPA's assessment of significance	LVIAs assessment of landscape sensitivity	LVIAs assessment of magnitude of effect	LVIA's assessment of significance
Application Site	Very Low	Large adverse	Minor – Moderate adverse	Low-medium	Medium (assumed neutral)	Moderate neutral
Host VSAA: Crewgreen to Forden Hill and Scarp	High	Large adverse	Major adverse	Medium	Medium neutral reducing to Small/Very Small Neutral	Moderate neutral to Minor neutral
Long Mountain VSAA	High	Medium adverse	Moderate – Major adverse	High	Small (assumed neutral)	Moderate neutral
Breidden Hill VSAA	High	Medium to Large adverse	Moderate – Major adverse	High	Very Small (assumed neutral)	Minor neutral
River Severn Flood Plain VSAA	Medium	Large adverse	Moderate – Major adverse	Medium	Medium (assumed neutral) to Very Small (assumed neutral)	Medium neutral to Minor neutral
Guilsfield Rolling Farmlands VSAA	High	Small adverse	Moderate adverse	High	Very Small (assumed neutral)	Minor neutral

5.47 Overall, there is marked difference in the LPA's assessment and that of the LVIA as reflected in Table 2 below

Viewpoint number, location and distance	The LPA's assessment of visual sensitivity	The LPA's assessment of magnitude of effect	The LPA's assessment of significance	LVIAs assessment of visual sensitivity	LVIAs assessment of magnitude of effect	LVIA's assessment of significance
Immediate vicinity and close range views to the south-east, south and south-west						
1. From Heldre Lane immediately west of Whitehouse Farm (300m)	High and Medium	Very Large adverse	Major to Substantial adverse and Major adverse	High and Low	Medium to Large (potentially)	Major (adverse) to Moderate (adverse) worst case scenario
2. From Heldre Lane (480m)	High and Medium	Large adverse	Major adverse and Moderate	Low	Medium to Large	Moderate (adverse)

			to Major adverse			
3. From public footpath immediately south of Nelly Andrews' Green (710m)	High	Large adverse	Major adverse	Medium	Medium	Moderate (adverse)
4. From Heldre Lane at Upper Heldre (990m)	High and Medium	Large adverse	Major adverse to Moderate to Major adverse	High to Low	Medium	Moderate to Major (adverse) to Minor-Moderate (adverse)
5. From public footpath south of Buttington leading towards the Long mountain (1.3km)	High	Medium to Large adverse	Moderate to Major adverse	Medium	Medium	Moderate (neutral)
6. From public footpath on Heldre Hill (1.4km)	High	Medium to Large adverse	Moderate to Major adverse	Medium	Medium	Moderate (neutral)
7. From Brunant, immediately south of Pob Ceiniog (1.65km)	High	Medium to Large adverse	Moderate to Major adverse	High to Medium	Small	Moderate (neutral) to Minor-Moderate (neutral)
Close and Medium Range Views to the North, North-East and East						
8. From A458 at Cefn (1.1km)	Medium	Medium to Large adverse	Moderate adverse	Medium to Low	Medium	Moderate (adverse) to Minor-Moderate (adverse)
9. From A458 at Trewern (1.9km)	Medium	Medium adverse	Moderate adverse	Medium to Low	Medium	Moderate (adverse) to Minor-Moderate (adverse)
10. From Garreg Bank (lower), Trewern (1.7km)	High and medium	Medium to Large adverse	Moderate to Major adverse and Moderate adverse	High to Low	Medium to Large	Moderate to Major (adverse) to Moderate (adverse)
11.	High and Medium		Moderate to Major adverse		Medium	Moderate (adverse)

From Garreg Bank (upper), Trewern (1.9km)		Medium to Large adverse	and Moderate adverse	Medium to Low		to Minor-Moderate (adverse)
12. From Criggion Lane, Trewern (1.7km)	High and Medium	Medium to Large adverse	Moderate to Major adverse and Moderate adverse	Medium to Low	Medium	Moderate (adverse) to Minor-Moderate (adverse)
13. From lane at Golfa Bank and adjacent to The Old Shop Cottage (2.3km)	High and medium	Medium adverse	Moderate to Major adverse	Medium to Low	Medium	Moderate (adverse) to Minor-Moderate (adverse)
14. From Bacheldre Lane adjacent to Oak Grange (3.5km)	High	Small adverse	Moderate adverse	High to Low	Small	Moderate (neutral) to Minor (neutral)
15. From A458 west of Wollaston (5.6km)	Medium	Very Small adverse	Minor adverse	Low	Very Small	Negligible (neutral)
16. From Moel y Golfa (3km)	High	Medium to Large adverse	Moderate to Major adverse	Medium	Medium	Moderate (neutral)
17. From Middletown Hill (5km)	High	Medium adverse	Moderate to Major adverse	Medium	Small	Minor-Moderate (neutral)
18. From Rodney's Pillar (5km)	High	Medium adverse	Moderate to Major adverse	High	Small	Moderate (neutral)
Close Range Views to the North-West and West						
19. From public footpath near Coppice East Farm (near Pool Quay) (2.3km)	High	Small adverse	Moderate adverse	High to Medium	Small	Moderate (neutral) to Minor-Moderate (neutral)
20. From A483 at Pool Quay (1.8km)	Very High and Medium	Small adverse	Moderate and Minor-Moderate adverse	High to Low	Small	Moderate (neutral) to Minor (neutral)
21. From A483 near Pool Quay at Strata Marcella Abbey (1.8km)	Very High and Medium	Very Small adverse	Minor-Moderate to Minor adverse	High to Low	Very Small	Minor (neutral)
Close and Medium Range Views to the South-West						
22.						

From A458 at Buttington Bridge (2.4km)	Very High and Low	Medium to Large adverse	Major adverse to Moderate adverse	High to Low	Medium	Moderate to Major (adverse) to Minor-Moderate (adverse)
23. From B4381 at Welshpool (5km)	High and Medium	Small adverse	Moderate adverse and Minor-Moderate adverse	Medium to Low	Small	Minor-Moderate (neutral) to Minor (neutral)
Long Range Views to the South-West						
24. From Powis Castle, Welshpool (6.4km)	Very High	Very Small adverse	Minor-Moderate adverse	Very High	Small	Moderate (neutral)
25. From Y Golfa (Welshpool Golf Club) (8.9km)	High	Negligible adverse	Negligible adverse	Medium	Very Small	Minor (neutral)
26. From A483 at Rhiw Bridge (Berriew) (12km)	Medium	No impact	None	Low	Negligible	Negligible (neutral)
27. From public footpath between Y Brywydd and Castle Caereinion (13.4km)	High	No impact	None	Medium	Very Small	Minor (neutral)
Medium and Long Range Views to the North, North-East and North-West						
28. From A483 at Ardleen (5km)	High and Medium	Small adverse	Moderate adverse and Minor-Moderate adverse	Medium and Low	Very Small	Minor (neutral) to Negligible (neutral)
29. From Castlehill Lane, Burgedin (5.7km)	Medium	Very Small adverse	Minor adverse	Low	Negligible	Negligible (neutral)
30. From the Severn Way, east of Trederwen (6.3km)	Very High	Very Small adverse	Minor-Moderate adverse	Medium	Negligible	Negligible (neutral)
31. From Llanymynech Hill (11.7km)	High and Low	No impact	None	Medium and Low	Negligible	Negligible (neutral)
32. From Quarry Lane and Offa's Dyke Path, Nantmawr (14.6km)	Very High	No impact	None	High	Negligible	Negligible (neutral)

33. From Green Hall Hill, Brynelltyn, Llanfyllin 14.1km)	High	No impact	None	Medium	Negligible	Negligible (neutral)
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5.48 In accordance with the EIA Regulations the LVIA appropriately considers the landscape and visual effects of construction and decommissioning. The LPA has reviewed these assessments and agrees with the broad principles of the assessment approach applied. The LPA notes that generally the LVIA considers the magnitude of the construction effects to be slightly greater than the operational effects and the decommissioning effects to be broadly similar to the operational effects. The LPA concurs with this approach as a worst case, noting that these are both essentially transient operations that within each period actual effects may be less or may be greater.

5.49 For the assessment of cumulative effects, the LPA notes the other developments that are considered to form part of the cumulative assessment but notes that these are all existing developments and, therefore, part of the existing baseline context. Cumulative effects are normally associated with assessing the proposed development alongside other similar development that is under construction but not yet complete, has planning consent but not yet under construction and, in some cases, development that is in the planning process but not yet consented, such as land allocated in a Local Plan. There is suggestion that this application is an “anchor facility and will open up the development of the wider business park” (laydown area 1-4). Accordingly, the LPA does not consider this to be an adequate cumulative landscape and visual impact assessment, at least not without further information to demonstrate that no other similar development is ‘coming forward’ that should be assessed in this LVIA and as part of this EIA.

5.50 The LPA concludes that there would be the following higher-level significant landscape and visual effects, in summary, arising from the development proposals, up to around 5km from the development and that these are considered to be key material factors for the decision-maker:

- A **Major** adverse significance of landscape effect on the host landscape receptor, the Crewgreen to Forden Hill and Scarp VSAA, which is a Moderate to High value landscape;
- A **Moderate-Major** adverse significance of landscape effect on three neighbouring landscape receptors, Long Mountain VSAA, Breidden Hill VSAA and the River Severn Flood Plain VSAA, of which Long Mountain is a High value landscape of regional/county importance and Breidden Hill VSAA is a Moderate to High value landscape;
- A **Major to Substantial** adverse significance of visual effect on residents and walkers on Heldre Lane west of Whitehouse Farm and **Major** adverse significance to users of vehicles (Viewpoint 1);

- A **Major** adverse significance of visual effect on walkers and users of Offa's Dyke Path National Trail at the A458 at Buttington Bridge at a distance of 2.4km from the development (Viewpoint 22);
- A **Major** adverse significance of visual effect on residents and walkers on other sections of Heldre Lane, including at Upper Heldre (Viewpoints 2 and 4) and **Major to Moderate** adverse significance to users of vehicles;
- A **Major** adverse significance of visual effect on walkers the public footpath immediately south of Nelly Andrews' Green (Viewpoint 3);
- A **Moderate to Major** adverse significance of visual effect on residents and pedestrians/walkers at Trewern and nearby (Viewpoints 10 to 13); and
- A **Moderate to Major** adverse significance of visual effect on walkers in the Breidden Hills at the summits of Moel y Golfa, Middletown Hill and Rodney's Pillar up to 5km distant from the development (Viewpoints 16 to 18).

5.51 LDP policies DM4, DM13, W2 and RE1 indicates that such a proposal must be able to demonstrate good design, have regard to the qualities and amenity of the surrounding area, there would be no adverse landscape impacts and visual impact is minimised through sensitive location and landscaping. It is considered that the proposal will have a significant and detrimental effect on the valued characteristics and qualities of the Powys landscape and will thus have a **Negative** impact.

Ecology and Biodiversity

5.52 Having reviewed the relevant sections of the ES submitted to support the application the Local Authority are satisfied that the survey effort and assessment methodology undertaken is appropriate and in accordance with current National Guidelines, where deviations have been made from standard survey guidelines these have been adequately justified within the ES.

5.53 The site of the proposed development comprises an existing quarry site, the Ecology Chapter of the ES identifies that desk studies and an extended Phase 1 Habitat survey were undertaken to identify ecology constraints relevant to the proposed development including identification of notable habitats and an assessment of the suitability of the habitats present to support protects and invasive non-native species. An initial extended Phase 1 Habitat survey was undertaken in July 2018, this was updated in May 2020 and identified the presence of the following habitats:

- Bare Ground
- Open Mosaic Habitat on previously developed land - Ephemeral/short perennial vegetation
- Scrub
- Settlement Lagoons

- Ephemeral Pools
- Stream
- Tall Ruderal Vegetation
- Woodland – coniferous and broadleaved
- Hedgerows
- Poor semi-improved grassland
- Semi improved neutral grassland

- 5.54 Whilst several of the habitats identified above would qualify as Environment (Wales) Act 2016 Section 7 Habitats i.e. habitats of principal importance for the purposes of conserving biodiversity it is noted that the species diversity recorded with regards to these habitat types was generally low.
- 5.55 No invasive non-native species (INNS) were recorded during either the 2018 or 2020 survey.
- 5.56 Consideration was given to the potential for the site to support protected/priority species and where considered necessary further surveys were undertaken to establish their presence/absence. It is considered that there is sufficient controls by way of planning conditions and the need to obtain European Protected Species Licenses to protect and help mitigate the development's effects upon Species such as Great Crested Newts, Bats, Birds, Dormice, Otters, Badgers and Reptiles.
- 5.57 The proposed development site is not subject to any statutory designations, the Buttington Brickworks SSSI is immediately adjacent to the north eastern face of the existing quarry void – the SSSI is designated for its geological interest and has been excluded from the development boundary.
- 5.58 The following Statutory Designated sites were identified within the potential Zone of Influence of the proposed development:
- Montgomery Canal SAC/SSSI – approximately 1.8km from the proposed ERF
 - Granllyn SAC/SSSI – approximately 4.35km from the proposed ERF
 - Midland Meres and Mosses – Phase 1 – approximately 7.4km from the proposed ERF
 - Moel-y-Golfa SSSI – approximately 2km from the proposed ERF
- 5.59 No non-statutory designated sites were identified within the Zone of Influence.
- 5.60 12 areas of Ancient Woodland – as identified on the Ancient Woodland Inventory – were identified within 2km of the proposed development site – the closes of which is adjacent to the western part of the development site and includes Plantation on Ancient Woodland Site (PAWS) and Restored Ancient Woodland.
- 5.61 The ES details mitigation measures proposed to address the identified impacts associated with the construction phase of the proposed development.

Where habitat loss has been identified to accommodate the proposed development it has been identified that new habitat creation will provide to compensate for this and exceed the areas that would be lost and therefore result in an overall gain with regard to these habitats and would comply with the requirements of Powys LDP Policy DM2. The ES proposes that the provision of the identified compensation habitats would be delivered via a Habitat Management Plan for the lifetime of the ERF secured by a planning condition, although satisfactory, the ability for monitoring will also be essential to ensure that the management activities are appropriate and to identify any failures and should also be written into any planning condition.

- 5.62 Measures to address impacts associated with construction activities have been identified as being dealt with via a Construction Environmental Management Plan (CEMP), an outline CEMP has been provided within Chapter 4 of the ES - Technical Appendix 4.3 – Document reference ECL Document ECL.001.01.02/CEMP dated February 2021, the outline measures identified are considered to be appropriate and achievable – the measures currently lack site specific detail but it has been identified that this would be addressed via submission of a detailed CEMP following appointment of a contractor. A condition to this effect must address ecological survey works, protection zones, method statements, processes and mitigation.
- 5.63 The ES identifies that impacts of the operational phase of the proposed development can be summarised as:
- Aerial Emissions
 - Site Lighting
 - Pollution incidents associated with site traffic
 - Vehicle movements
- 5.64 Details regarding the assessment of the operational phase of the proposed development with regards to aerial emissions and designated sites and Ancient Woodland have been provided within the Ecology Chapter and the Air Quality of the ES and further assessment of the potential impacts to the Montgomery Canal SAC, Granllyn SAC and Midland Meres and Mosses – Phase 1 Ramsar Site have been provided in the shadow Habitats Regulations Assessment.
- 5.65 It is recommended that confirmation is sought from NRW with regards to the acceptability of the assessment and conclusions with regards to the significance of the predicted process contributions to the Moel y Golfa SSSI and Ancient Woodland Site – PPW identifies that in the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW.
- 5.66 With regards to the Montgomery Canal SAC, Granllyn SAC and Midland Meres and Mosses – Phase 1 Ramsar Site the shadow HRA concludes that whilst the proposed development will result in the generation of aerial pollutants modelling shows that these would be at very low levels and that the

proposed ERF plant is not likely to have a significant effect on the identified SACs and Ramsar Site – having reviewed the shadow HRA the LPA is satisfied with the assessment of the potential for likely significant effects as a result of the proposed development either alone or in combination with other plans and agree with the conclusion that there would be no likely significant effect to the SACs/Ramsar site.

- 5.67 An indicative operational lighting plan strategy has been provided in technical appendix 4-2 of the ES, the ecology chapter identifies that in order to minimise the impact of lighting during the operational phase lighting should be designed to maintain less than 1 lux spill on retained habitats and include use of motion activated lighting along access road at key points where high bat activity was recorded i.e. woodland edge to the west of the proposed development, having reviewed the information provided it is considered the indicative lighting strategy broadly adheres to these requirements with regards to retained habitats. It is recommended that a detailed external lighting plan should be secured through a planning condition and that this should require the submission of details as to how lighting will be installed in order to minimise impacts to nocturnal wildlife with regards to existing retained sensitive areas and new areas of habitat suitable to support nocturnal wildlife that would be created through the proposed development.
- 5.68 Potential for impacts to wildlife as a result of site traffic during the operation of the proposed development have been identified, it has been proposed that mitigation would be provided in the form of a low speed limit at night to avoid harm to newts, badgers and hedgehogs and installation of wildlife friendly kerbs within 250m of the new attenuation features and wildlife ponds – these measures are considered appropriate and implementation should be secured through appropriately worded planning conditions. In addition, as detailed above a Habitat Management and Monitoring Plan condition is required to ensure the long-term success of the proposed habitat creation during the operational lifetime of the ERF.
- 5.69 Limited information has been provided with regards to the impacts associated with the decommissioning phase of the proposed development, the ES identifies that the impacts are likely to be limited to impacts on the species and habitats that have become established within and around the ERF site during its operational lifetime and that impacts on Open Mosaic Habitat, ponds, reptiles, amphibians and invertebrates will need to be considered as a minimum as well as potential effects of deconstruction e.g. dust on ancient woodland habitat would need to be considered.
- 5.70 The ES recommends that a Decommissioning Phase Method Statement is secured via a planning condition and that this will need to be informed by appropriate survey work.
- 5.71 In conclusion subject to NRW confirming that they are satisfied with the conclusions of the Aerial Emissions assessment with regards to the SSSI and Ancient Woodland and the identified mitigation, management and monitoring

requirements and decommissioning strategy being secured through appropriately worded planning conditions it is considered that the proposed development would be compliant with relevant Powys LDP Policies DM2, DM4 and DM7 with regards to the Natural Environment. The proposed development includes appropriate measures to compensate for loss of habitat and the identified proposals would result in a net gain of habitats at the site in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016 which requires biodiversity to be maintained and enhanced through development.

- 5.72 With prospects of the site to remain in an unrestored state until 2042 and with limited control and influence for the site's restoration to high level biodiversity value; it is considered that there is ecological gain in the medium term by way of the landscaping proposal together with substantial enhancement upon the site's restoration post 2050. Impact of development is therefore considered to be **Positive**.

Heritage

- 5.73 Given the nature of the development it is important to assess the impact of the development over a wide area. A Scoping Opinion was sought which identified a number of Scheduled Monuments, registered Historic Parks and Gardens, Listed Buildings and Conservation Areas within the study area.
- 5.74 It is noted that the setting of Scheduled Monuments and Registered Historic Parks and Gardens are undertaken by Cadw and as such for clarity comments are in respect of the listed buildings and Conservation Areas only
- 5.75 The advice has been given with reference to relevant national policies, guidance and legislation together with Local Development Plan policies SP7, DM13 (Theme 4 – Guardianship of natural, built and historic assets), LDP Objective 13 – Landscape and the Historic Environment.
- 5.76 National legislation, guidance and policy afford protection to the setting of listed buildings in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 11th edition 2021
- 5.77 Preserving means “doing no harm” and the harm to the setting of the listed buildings identified should be afforded considerable weight.
- 5.78 The location of the historic assets as captured in the Heritage Assessment dated November 2020 by Orion Heritage Ltd, - Figure 3 – Designated Assets within 1KM and Figure 4 – Designated Assets within 5Km and would consider that these assets have been captured and recorded accurately.

- 5.79 It is commented that the 20 listed buildings identified in section 4.30 of the Heritage Assessment have been assessed, however there are a few other listed buildings that have also been assessed in the subsequent pages that are not on this list in section 4.30.
- 5.80 It is noted that stage 4 of the Cadw assessment requires mitigation measures to be considered. The additional landscaping, bunding and colour of the flue in relation to the impact on the setting of listed buildings together with any mitigation would be better served by consideration of landscape impact.
- 5.81 It should be noted that the impact on the views of the East Wing of Powis Castle have been assessed within viewpoint 24 within Chapter 9 – Landscape and Visual Assessment and as such the LPA are satisfied that the impact on the setting of the Registered Historic park and Garden will be assessed by Cadw and in many respects would carry greater weight than the impact on the listed building, given the lack of intervisibility of Powis Castle from the same viewpoints as the proposal. However the views from the RHPG will be a different consideration undertaken by others.
- 5.82 This designation was not assessed by the Historic Assessment prepared by Orion, but lies within Chapter 9 – Landscape and Visual Assessment. Given the distance and intervisibility with Welshpool Conservation Area the Authority would not disagree with the assessment on page 50 of that document.
- 5.83 The LPA considers that the Cadw Document Setting of Historic Assets has been followed and utilised in the assessment prepared by Heritage Assessment dated November 2020 by Orion Heritage Ltd in respect of listed buildings.
- 5.84 The likely effects of the development on Listed Buildings and Conservation areas locally is considered low and its impact is considered to be **Neutral**.

The Water Environment

- 5.85 A drainage assessment has been completed which considers the current surface water drainage regime at the application site and which specifies onsite surface water management systems, including flood attenuation and controlled discharge, to ensure that existing rates and volumes of runoff are maintained and to prevent increases in flood risk to third party property. These measures include SuDS (Sustainable urban Drainage Systems) wherever possible to promote the onsite management of surface water discharges at source and the enhancement of water quality.
- 5.86 The potential impacts of the proposed development upon the water environment have been identified and assessed, and mitigation including water quality treatment and management measures, recommended ensuring that no detrimental impacts to the water quality of receptors arise from development proposals.

The site will also be operated in accordance with procedures detailed in an Environmental Permit and drainage will also be subject to a SuDS application demonstrating compliance with the statutory SuDs standards for the design, construction, operation and maintenance of surface water drainage systems serving new developments.

- 5.87 Due to the low risk potential to the water environment and that other regimes are better placed in determining the operational effects on the water environment, the impact is considered to be **Neutral**.

Ground Contamination

- 5.88 The Environmental Statement (ES) considers the effects of activities at the development in relation to potential land contamination. The Contaminated Land Officer considers the proposal to have a low level of risk and in accordance with Policy DM10 of the LDP, recommend the following condition to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors:

- 5.89 In the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

- 5.90 Due to the low risk potential of land contamination associated with the proposal, the impact is considered to be **Neutral**.

Air Quality

- 5.91 During the consultation process, concerns have been raised by stakeholders regarding the potential impacts from the development on local air quality and health. The application is accompanied by an Environmental Statement that includes a specific chapter on Air Quality. Within this chapter, consideration is given to potential environmental effects the proposed ERF would have on the baseline environment; the mitigation measures required to prevent, reduce or offset any significant adverse effects; and the likely residual impacts after these measures have been employed.

- 5.92 As part of the Air Quality Assessment, detailed dispersion modelling of combustion emissions from the ERF has been undertaken and a Human Health Risk Assessment, which contains a broad assessment of general health concerns and key pathways during both the construction and operational stages of the proposed development, has been submitted. In addition, a dust assessment and a qualitative assessment of odour have also been undertaken.
- 5.93 The Air Quality Assessment notes the proposed development may have potential implications for local air quality through emissions to atmosphere from construction activities, vehicle movements (during construction / operation), combustion pollutants emitted through the stack, and fugitive odours should no mitigation measures be specified and adopted on site.
- 5.94 The Air Quality Assessment predicts that maximum ground level concentrations (GLCs) are within short and long term air quality objectives and are assessed as not significant for most pollutants. For those of potential significance, further assessment has demonstrated that predicted concentrations have a negligible impact on human health at the maximum point of GLC and at potentially significant human receptor locations. This assessment was carried out with pollutant emissions from the stack at worst-case scenario concentrations. This provides a conservative estimate, therefore in reality GLCs can be expected to be even lower for the vast majority of the time.
- 5.95 The study on potential construction dust impacts concluded that the risk of dust emissions from the excavation and construction process were low risk. By adopting appropriate mitigation measures for controlling dust emissions, it is considered that the impact would be 'negligible'. However, the construction phase of the development is going to entail the movement of extremely large amounts of earth off-site. The dust assessment makes mention of car and HGV movements in its vehicle assessment, but consideration should also be given to the number of earth-moving machinery and plant involved in excavation activities. The proposals for mitigation of construction phase dust should be finalised and agreed in the Construction Environmental Management Plan (CEMP). I would recommend that prior to the commencement of construction, a CEMP shall be submitted in writing to the Local Planning Authority for written approval and shall be implemented as approved throughout the construction phases of the project. The approved plan/scheme shall include a monitoring/mitigation and management plan for dust for the construction phases of the development.
- 5.96 At the pre-planning discussion stage, concerns were raised with regard to a local atmospheric phenomenon known as temperature inversion. As a result, further work was carried out as part of the assessment to ensure that the plume will disperse through the 'ceiling' of the inversion. To ensure the

optimum dispersion of emission from the stack, a detailed stack height screening assessment was undertaken, indicating that a height of 70m will achieve effective dispersion.

- 5.97 The assessment of odour impact concludes that the risk of odour generation from the waste material would be low and the potential for emission would be mitigated by the enclosure of all operations and the extraction of air from the tipping hall. Overall, the risk of impact is considered to be negligible and no further mitigation would be required. Issues relating to the storage of spare parts on site which are essential for enclosure and odour mitigation, would be a matter for the Environmental Permit regulated by Natural Resources Wales (NRW).
- 5.98 It is considered that the Air Quality Assessment and the Human Health Risk Assessment submitted in support of the application demonstrate that the development would not have a significant impact on air quality or human health. Likewise the development should not give rise to any significant odour impacts.
- 5.99 Policy W2 – Waste Management Proposals of the LDP states that developments will be permitted where there would be no adverse impact on amenity, human health or the environment by way of pollution, dust and odour. Policy DM 13 criterion 11 also notes that the amenities enjoyed by the occupants or users of nearby properties shall not be unacceptably affected. As such the LPA are satisfied that there will no adverse impacts associated with air quality, dust or odour associated with the development: **Neutral**
Impact

Noise and Vibration

- 5.100 It is proposed that the construction period working times shall be 0700-1900 hours Monday to Friday, 0700-1200 hours Saturday, with no work on Sundays or Bank Holidays. It is recommended that these times be made a condition of any approval.
- 5.101 The noise assessment in the Environmental Statement predicts that any noise experienced at noise-sensitive receptors (NSRs) as a result of construction activities will not exceed the BS5228 guidance value of LA_{eq} 65 dB. By way of planning condition it is recommend that an agreed noise monitoring programme be conducted at NSRs (Noise Sensitive Receptors) and that where limits are breached work should cease until a plan of corrective measures is put in place. This approach would rely less on complaints being received to prompt reactive or corrective measures.
- 5.102 The other proposals for mitigation of construction phase work and traffic noise should be finalised and agreed in the Construction Environmental Management Plan (CEMP). By way of planning condition it is recommended that prior to the commencement of construction, a CEMP shall be submitted in

writing to the Local Planning Authority for written approval and shall be implemented as approved throughout the construction phases of the project. The approved plan/scheme shall include a monitoring/mitigation and management plan for dust, noise and vibration for the construction phases of the development.

- 5.103 It is proposed that operational delivery times shall be 0700-1900 hours Monday to Friday, and 0700-1200 on Saturday. It is recommended that these times be made a condition of any approval.
- 5.104 Due to very quiet background sound levels at night, it was agreed that an absolute limit of $L_{A_{eq}}(1hr)$ 30 dB at NSRs would be appropriate, as this complies with all standards for sleep disturbance. For daytime levels, the agreed limit was $L_{A_{eq}}(1hr)$ 4 dB above background.
- 5.105 The noise assessment follows the BS4142 methodology insofar as it predicts rating levels for the development, which can be compared to background levels. However, it does not include any penalties for noise characteristics because it claims that these will all be eliminated by design. Predicted noise levels from the development have been assumed based on library data from similar plants around the UK. It is known that certain components of plant, such as turbines, generators, fans among others, have the potential to generate low frequency tonal noise. Given the prevailing very low background sound levels at NSRs overnight, the potential for disturbance from low frequency tonal noise is of particular concern. This is because low frequency tones can be very annoying and have the potential to disturb sleep even at low absolute decibel levels.
- 5.106 As the assessment is provisional due to the fact that there is still much uncertainty relating to the details of the development. Further acoustic assessments need to be undertaken to ensure that significant noise sources not yet known, are considered, assessed and attenuated through design. This information has not been provided in support of the application and is a material planning consideration especially given the rural application site and quiet nature of its surroundings. If this application is to be approved, one way of ensuring that agreed noise limits are achieved would be to attach a condition to any approval which requires a post beneficial use noise survey to be completed in order to demonstrate that agreed standards have been achieved. This recognises the findings of the assessment and the vital need for further acoustic verification assessment. Such a condition would allow the developer to work closely with the acoustic consultant to refine the design and mitigation in order to achieve the agreed standards.

- 5.107 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 less than 4 db above background (LA90) during the daytime and less than LA_{eq} (1hr) 30 dB at night at the nearest noise sensitive receptors outlined in the Environmental Noise Assessment, when measured and corrected in accordance with BS4142:2014 +A1 2019 (or any British Standard amending or superseding that standard).
- 5.108 In addition to the above it is also recommended that a condition is also imposed to ensure that no tonal noise element will be emitted from the facility during night time operations (2300-0700 hours) as measured by the methodology set out within BS7445.
- 5.109 Policy W2 – Waste Management Proposals of the LDP states that developments will be permitted where there would be no adverse impact on amenity, human health or the environment by way of noise. Policy DM 13 criterion 11 also notes that the amenities enjoyed by the occupants or users of nearby properties shall not be unacceptably affected by levels of noise. The submission however, fails to adequately prove that there will no adverse impacts associated with Vibration and Noise from the proposal: **Negative**

Geotechnical

- 5.110 Policy DM10 of the Local Development Plan states that development proposals on unstable land will not be permitted where it will result in ground instability or if instability cannot be remediated as part of the development.
- 5.111 The site's existing use as a quarry, has created a steep, angular valley formation with limited space within the quarry floor. In order to facilitate the proposed ERF on site, significant engineering works, which will result in the cutting of land in the region 334,600m³ will be required. Circa 172,400 m³ of this material is to be retained on site with approx. 162,200 m³ of material to be disposed off-site. There are significant geotechnical concerns associated with this work and the applicant was made aware of these concerns as part of the pre application response dated 12th November 2020. These concerns have not been fully addressed within the geotechnical or slope stability reports included within Chapter 13 of the ES.
- 5.112 Drawing BT1180-D14 (presented in Chapter 4) shows isopachytes with cut or fill grouped into 10m bands. The proposed on-site retention of 172,400m³ of fill results in up to 18m of fill thickness to be placed in the Northern site area, up to 10m of fill thickness placed on the NW scree slopes and up to 10m of fill thickness on the SE area of Laydown Area 4, which is thought to contain quarry waste over bedrock. The placement of fill has not been considered in the geotechnical or slope stability reports included in Chapter 13. The impact of significant thicknesses of fill being placed onto existing, potentially loose,

made ground and scree has not been considered. Significant concerns are drawn to this, which will require further investigation and assessment to manage slope stability within the site and such methodology and information would be a requirement of submission within the ES for determination. As this is not the case, and if planning permission is granted for the proposal; details relating to the following should be submitted for approval prior to the development commencing:

- Construction drawings and a geotechnical design report for areas of proposed cut slopes, including:
 - proposed stabilisation measures and erosion control measures on the rock face;
 - details of any other containment measures to protect the development from rock slope instability;
 - Analysis of excavation method for rock.
- Method Statement confirming how rock shall be excavated i.e. digging, ripping or blasting.
- A comprehensive ground investigation and geotechnical design report for all areas where fill material placement is proposed, with particular attention paid to existing slopes, areas of scree and / or areas of made ground associated with placement of overburden from past quarrying activities.
- Slope stability assessments and construction method statements for all areas where fill is proposed to be placed over areas of scree slopes and areas of made ground.
- A method statement stating how fill material shall be placed and constructed over existing slopes.
- Earthworks Specification for the development.

5.113 Alternative geotechnical considerations could overcome some of the concerns noted above. The plan and cross-section drawings show that the eastern cut slope is approximately 30m high at a gradient of 60°. There is sufficient area available to consider reducing the slope gradient to a shallower angle. A reduction in the slope angle would represent a significant reduction in geotechnical risk, which would result in the requirement for less, or no, stabilisation measures to the proposed cut slope, and would allow vegetation to be planted on the slope to control erosion.

5.114 Policy DM13 of the LDP states that development proposals must be able to demonstrate good quality design to complement and / or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing. Policy DM15 further states that development proposals shall demonstrate how the production of waste will be minimised during all stages of the development and how the waste materials that do arise will be managed in a sustainable way, in accordance with the waste hierarchy and that adequate provision has been made in the design of the development to accommodate it.

5.115 As noted, there is circa 162,200m³ of material to be removed off site and with no certainty of use as recovered material it can only be described as that of

waste and its disposal off site can have negative environmental and sustainability dis-benefits. The LPA considers that as an alternative to increasing off-site disposal volumes, consideration and design solutions could have been developed revising proposed levels to increase the amount of material reused on site. For example, increasing the finished level of Laydown Area 4 and increasing perimeter bund footprints and heights.

- 5.116 The submission fails to adequately demonstrate how slope instability will be remediated as part of the overall development and has not considered the geotechnical risks of placing significant thickness of fill over scree and made ground slopes. In adopting a cautionary approach to on site geotechnical issues, the proposal is considered to have a **Negative** impact.

Mineral Safeguarding

- 5.117 Policies DM8 and SP7 seek to ensure that mineral resources are not needlessly sterilised by other development, so that they may remain accessible to future generations in accordance with PPW and MTANs. Defining Mineral Safeguarding Areas carries no presumption that the mineral resources will be worked, merely that the location of the mineral is known. Notwithstanding, Buttington Quarry is an active working quarry and it is highlighted within the LDP Proposal and Inset Maps as a permitted working area with the majority of the site falling within Sandstone Category 2 Resource Safeguarding Area and a section to the South and East along the site's perimeter falling within Category 1 Safeguarding Area Sand and Gravel. With the majority of the brick clay mineral having been worked and the diminishing demand for the production of this mineral, the quarry has been predominantly working lower grade shale's for bulk fill purposes in recent years. With the site having also been allocated for employment use within the LDP, as mineral planning authority it is considered that the sterilisation of mineral on site is not critical.
- 5.118 As noted within paragraph 5.111 geotechnical, in the region of 162,200m³ of site won material is destined for off-site disposal. This material is not discussed within the Waste Planning Statement submitted and how it accords with the requirements of the waste hierarchy. Buttington Quarry to this effect is mentioned as a possible destination for an urban quarry where an inert waste repository could be developed to enable the storage and processing of wastes arising from construction and demolition developments. To dispose of 162,200 m³ / in the region of 300,000 tonnes does not accord with the ethos of prior extraction for reuse either within the proposed development or for it to be made available within an urban quarry scenario as supported by policies DM8 and W1 of the LDP. As noted in paragraph 5.10 above, substantial amount of IBA is to be exported from site annually, such material could be processed on site into secondary aggregate that could be balanced against the mineral sterilised and the 162,000 tonnes of construction waste to be disposed of off-site. To this effect it will have a **Negative** impact on mineral sterilisation and on site material management.

6. The likely impact of any application in relation to a secondary consent being granted

6.1 No secondary consents are being sought alongside this DNS application.

7. Draft Conditions and Obligations (Offered Without Prejudice)

7.1 Without prejudice to the future determination of the application, the Local Planning Authority recommends that the following conditions be attached to any permission that the Welsh Ministers are minded to grant:

1. The development to which this permission relates shall begin no later than the expiration of five years beginning with the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Unless otherwise amended by conditions attached to this planning application, the development hereby permitted shall be carried out in strict accordance with the following submitted plans, reports and particulars validated on the 19th April 2021:

- Planning Application Form dated 26/02/2021
- Design and Access Statement February 2021
- Environmental Statement February 2021
- Waste Planning Statement February 2021
- Planning Boundary Plan, Ref: ECL-BQ-000
- Location Plan, July 2020
- Site Plan, Drawing number 0201
- General Arrangement Plan, Drawing number 0202
- Level 00m GA Plan, Drawing number 0205
- Level 7.5m GA Plan, Drawing number 0206
- Level 22m GA Plan, Drawing number 0207
- Roof GA Plan, Drawing number 0208
- Elevations, Drawing number 0210
- GA Building Sections, Drawing number 0211
- GA Gate House Offices Mess Plans & Elevations, Drawing number 0211
- GA Workshop Plans & Elevations, Drawing number 0213
- GA ACC Plans & Elevations, Drawing number 0214
- GA EFW & Turbine Building Plans, Drawing number 0215
- GA EFW & Turbine Building Elevations 1of2, Drawing number 0216
- GA EFW & Turbine Building Elevations 2of2, Drawing number 0217
- GA Sub Station Transformer Compound, Drawing number 0220
- GA Sprinkler Tank Plans & Elevations, Drawing number 0221
- Bunker Floorplan, Drawing number 0222
- Wastewater Plan, Drawing number 0223

In the case of minor amendments identified during the course of construction, commissioning and operations, these should be submitted to the Local Planning Authority by formal procedures including the submission of Non Material Amendment Applications, Applications to Discharge Planning Conditions only carried out upon formal decisions obtained by the Local Planning Authority.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the permitted application details, to ensure that the development is carried out with the minimum harm to the local environment.

3. Throughout the development of the site and its operation and subsequent restoration/decommissioning phase, a copy of this permission, including all documents hereby permitted, or subsequently approved, and forming part of the permission, shall always be available at the site office for inspection during normal working hours.

REASON: For the avoidance of doubt, to ensure that the development is carried out in accordance with the approved documents. To assist effective monitoring and compliance with the conditions set out in this planning permission.

4. The developer/operator of the facility shall notify the Local Planning Authority in writing within 14 days of the dates of the following events:

- i. Commencement of development/implementation of this planning permission;
- ii. Commencement of the erection of fencing;
- iii. Commencement of improvements of the access to the site;
- iv. Completion of the access improvements;
- v. Commencement of the installation of external lighting;
- vi. Commencement of ground clearance on the site;
- vii. Commencement of piling works required and/or the use of vibro-compacting machinery;
- viii. Commencement of construction of the approved facility
- ix. Completion of construction of the approved facility;
- x. Commissioning of the facility;
- xi. Commencement of importation and processing of waste;
- xii. Commencement of production of electricity, steam, heat;
- xiii. Commencement of the construction of employment land identified as laydown area 1-4.

- xiv. Cessation of processing of waste;
- xv. Cessation of production of electricity, steam, heat;
- xvi. Commencement of decommissioning of the facility;
- xvii. Completion of decommissioning of the facility;
- xviii. Commencement of the restoration of the site;
- xix. Completion of the restoration of the site.

REASON: To enable the Local Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission and timescales set out within it, and to ensure that the development is carried out in accordance with the approved documents

5. All operations and uses associated with the development hereby approved shall cease no later than the 31st December 2050.

REASON: To define the life of this permission and in the interests of flood risk.

6. Within 24 months of commencing the development hereby approved, a decommissioning and restoration scheme and method statement shall be submitted for the written approval of the Local Planning Authority. The scheme shall provide details of:

- the removal of all plant, machinery, buildings, structures, concrete hardstandings, roadways and other erections within the site;
- final land levels for the site;
- the timescale for the implementation of the scheme and each element within it, to include inter alia timing of nature conservation/ecological surveys, decommissioning works, restoration treatments;
- details of measures to manage demolition traffic, dust and noise.

Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme shall be implemented in full throughout the decommissioning phase of the development.

REASON: In the interests of the proper restoration of the site, the visual amenities of the area and to avoid dereliction. To ensure that the site is returned to a condition suitable for future redevelopment.

7. A scheme of aftercare shall be submitted for the written approval of the Local Planning Authority prior to the implementation of any restoration works on site and shall include details of soil analysis, planting, cultivating, fertilising, watering,

drainage, weed control and an annual review of aftercare undertaken. The aftercare period shall run for a period of three years once implemented.

REASON: In the interests of the proper restoration of the site and visual amenities of the area.

8. Unless otherwise agreed in writing with the Local Planning Authority; in the event of the facility hereby approved ceasing operations for a period exceeding 18 months at any time on or prior to the 31st December 2050, the approved decommissioning and restoration scheme shall be implemented in full.

REASON: To define the life of this permission, in the interests of amenity, flood risk and the proper restoration of the site.

9. *Prior to the commencement of development a scheme shall be submitted for the written approval of the Local Planning Authority setting out the detailed design of the site entrance works during the construction and operational phases of the development hereby approved. Upon the written approval of the Local Planning Authority, the approved scheme shall be implemented in full. The scheme shall demonstrate inter alia:

- (a) The provision of a visibility splay of x in both directions measured along the nearside edge of the adjoining carriageway over land within the control of the Applicant and/or the Highway Authority;
- (b) The maintenance of the visibility splay with no significant obstruction to visibility;
- (c) Kerbed and completed to carriageway base course layer up to the internal tangent point of the entrance radii for construction operations;
- (d) Details of the disposal of surface water run-off directed away from the highway.

REASON: For the avoidance of doubt, to ensure the formation of a safe and satisfactory means of access to the site, that adequate visibility is provided for the life of the development in the interests of maintaining highway safety and in compliance with Section 184 of the 1980 Highways Act.

**Indicative standard condition that may be recommended by the Trunk Road Agency*

10. Prior to the commencement of the development hereby approved, including site clearance works, a Construction Traffic Management Plan shall be submitted in writing for the written approval of the Local Planning Authority. The approved Construction Management Plan shall be implemented as approved for the duration of the construction period and shall provide details of:-

- i. Contact names and numbers of personnel responsible for adherence to the monitoring the plan;
- ii. Contact name(s)/number(s) for any site related enquiries including out of hours times;
- iii. Anticipated duration of the construction works;
- iv. Typical working days and hours of construction operations;
- v. Proposed signage types and locations;
- vi. Any barriers/gates preventing vehicles from proceeding further into the site during construction hours shall be at least 12 metres from the public highway to allow queuing of vehicles off the public highway. The site shall be permitted to make use of its perimeter gates, which may be within 12 meters of the public highway, for periods when the site is shut and no vehicles are being permitted onto the site.
- vii. The access and egress route with appropriate traffic monitoring in order to control traffic movements;
- viii. Measures to avoid depositing mud, or other debris onto the public highway by traffic movement;
- ix. The timings of deliveries and main construction traffic arrivals and departures to avoid periods such as school arrival/leaving times;
- x. Site notices informing construction workers and other site operatives of agreed working hours and routes;
- xi. The parking of vehicles of site operatives and visitors;
- xii. Loading and unloading of plant and materials;
- xiii. Storage of plant and materials used in constructing the development;
- xiv. A scheme for recycling and disposing of waste resulting from construction works;
- xv. Details of any wide or unusual loads which may be required to deliver construction materials.
- xvi. A scheme demonstrating protection and mitigation to onsite wildlife

REASON: To ensure the formation of a safe and satisfactory means of access to the site in the interests of maintaining highway safety and the free and safe movement of pedestrians and traffic onto the adjoining highway and in the interests of nature conservation.

11. Prior to the commencement of development, a full Travel Plan and Transport Implementation Strategy shall be submitted for the written approval of the Local Planning Authority. The Travel Plan and Transport Implementation Strategy shall address the construction phase and the operational phase of the development. Following the written approval of the local planning authority both Travel Plan and Transport Implementation Strategy shall be adhered to throughout the duration of the site construction works and throughout the life of the development hereby approved, subject to any minor amendments or updates as may be agreed in writing with the Local Planning Authority.

REASON: To encourage the use of more sustainable forms of travel.

12. Prior to the commencement of construction, a Construction Environmental Management Plan shall be submitted in writing to the Local Planning Authority for written approval and shall be implemented as approved throughout the construction phases of the project. The approved plan/scheme shall include:

- Construction drawings and a geotechnical design report for areas of proposed cut slopes, including: proposed stabilisation measures and erosion control measures on the rock face, details of any other containment measures to protect the development from rock slope instability, analysis of excavation method for rock extraction.
- Method Statement confirming how rock shall be excavated i.e. digging, ripping and/or blasting.
- A comprehensive ground investigation and geotechnical design report for all areas where fill material placement is proposed, with particular attention paid to existing slopes, areas of scree and / or areas of made ground associated with placement of overburden from past quarrying activities.
- Slope stability assessments and construction method statements for all areas where fill is proposed to be placed over areas of scree slopes and areas of made ground.
- A method statement stating how fill material shall be placed and constructed over existing slopes.
- Earthworks Specification for the development.
- Monitoring/mitigation and management plan for dust, noise and vibration for the construction phases of the development.

REASON: For the avoidance of doubt, to ensure that impacts of the construction is mitigated and maintained to an acceptable level, stability issues and site development can be undertaken safely and in the interests of residential amenity and nature conservation.

13. Prior to the commencement of the development hereby approved, an Ecological Compliance Audit Scheme shall be submitted to the Local Planning Authority for written approval. Upon written approval of the Local Planning Authority, the scheme shall be implemented in full. The approved audit should detail ecological avoidance, mitigation and compensation measures to determine if implementation has been carried out in accordance with either planning, derogation licence or other regulatory conditions.

REASON: For the avoidance of doubt, to ensure that impacts of the construction is mitigated and maintained to an acceptable level in the interests of nature conservation and the amenity of the local area.

14. Prior to the commencement of construction, the applicant shall submit for the approval of the Local Planning Authority an Ecological Management Plan and Site Clearance Ecology Method Statement that shall include a pre-constructional survey and report to ascertain the presence of Great Crested Newts, Bats, Birds, Dormice, Otters, Badgers, Reptiles and Invertebrates on site prior to their removal. Mitigating

measures as may be required by the survey and report shall thereafter be implemented including restricting the stripping of the site to months outside the bird nesting season, the erection of a habitat/security fence, traffic management procedures and the relocation of species to an alternative and suitable site before the commencement of construction. The Management plan will include a methodology and implementation strategy for ecological monitoring that identifies compliance and possible failures that may need mitigating. Upon written approval of the Local Planning Authority, the scheme shall be implemented in full.

REASON: For the avoidance of doubt, to ensure that impacts of the construction is mitigated and maintained to an acceptable level in the interests of the amenity of the local area and nature conservation.

15. Mitigation measures as detailed within the approved Ecological Management Plan and Ecological Compliance Audit Scheme shall be implemented through the life of the development. The approved mitigation plan includes lighting, security fencing, temporary acoustic barriers, and planting, the implementation of a Construction Environmental Management plan (which includes a construction Noise and Dust Management Plan), avoidance measures for protection of the water environment, rapid response protocol and pollution prevention plan.

REASON: For the avoidance of doubt, to ensure that impacts of the development is mitigated and maintained to an acceptable level in the interests of the amenity of the local area and nature conservation.

16. If during construction, operation and/or decommissioning of the site, contamination is found to be present; immediate contact must be made with the Local Planning Authority and no further development shall be carried out in that area until the developer has submitted an investigation and risk assessment for the written approval of the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared, which is subject to further written approval of the Local Planning Authority. Following completion of the remedial works identified in the approved remediation scheme, a verification report demonstrating compliance with the agreed remediation objectives and criteria shall be produced, for the written approval of the local planning authority, prior to recommencement of the development.

REASON: The site is in an area of potentially contaminative past uses. To protect the water environment and human health and in the interests of protecting wildlife conservation.

17. Prior to the installation of any external lighting, a lighting scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall be designed to minimise impacts of light pollution and on nocturnal animals. The approved Lighting Scheme shall be installed and implemented as approved and maintained throughout the life of the development.

REASON: For the avoidance of doubt, to ensure that lighting is designed to an acceptable level in which reduces light pollution from the site, in the interests of residential amenity and nature conservation.

18. Noise from Construction and Decommissioning Activities shall not exceed 70dB LAeq 1hr when measured at any noise sensitive properties as identified by the applicant and agreed in writing with the Local Planning Authority.

REASON: For the avoidance of doubt, to ensure that noise during construction is maintained to an acceptable level in the interests of residential amenity.

19. Prior to beneficial use / becoming operational a noise assessment shall be submitted for the written approval of the Local Planning Authority that demonstrates that cumulative operational noise shall not exceed the background noise levels by more than 4dB(A) during the daytime and less than than LA_{eq} (1hr) 30 dB at night at the nearest noise sensitive receptors outlined in the Environmental Noise Assessment, when measured and corrected in accordance with BS4142:2014 +A1 2019 (or any British Standard amending or superseding that standard).

REASON: For the avoidance of doubt, to ensure that noise during the operation of the facility is maintained to an acceptable level in the interests of residential amenity.

20. No tonal noise element will be emitted from the facility during night time operations (2300-0700 hours) as measured by the methodology set out within BS7445.

REASON: For the avoidance of doubt, to ensure that noise during the operation of the facility is maintained to an acceptable level in the interests of residential amenity.

21. No arrival, departure, loading or unloading of waste feedstock vehicles or Incineration Bottom Ash shall take place outside the hours of 0700 – 1900 Monday to Friday, 0700 – 1200 Saturday and at no time on Sundays or Bank Holidays.

REASON: For the avoidance of doubt, to ensure that noise during the operation of the facility is maintained to an acceptable level in the interests of residential amenity.

22. Prior to the commissioning of the facility, an Operational Environmental Management Plan shall be submitted in writing to the Local Planning Authority for written approval and shall be implemented as approved throughout the operational phase of the project. The approved plan/scheme shall also include a monitoring / mitigation and management plan for dust, fugitive litter and odour for the operational phase of the development.

REASON: For the avoidance of doubt, to ensure that impacts of the facility is mitigated and maintained to an acceptable level in the interests of residential amenity and nature conservation.

23. Prior to the commencement of construction, a landscaping scheme shall be submitted in writing for the written approval of the Local Planning Authority. The approved landscaping scheme shall include a timetable for planting indicating when the planting shall be undertaken and shall be implemented as approved in writing by the Local Planning Authority.

REASON: For the avoidance of doubt, to ensure that impacts of the construction is mitigated and maintained to an acceptable level in the interests of amenity and nature conservation.

24. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 23 of this permission that dies, is damaged, diseased or removed within the duration of 5 years following planting shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Local Planning Authority.

REASON: For the avoidance of doubt, in the interest of the amenity of the local area and nature conservation and to ensure development is adequately screened.

25. Prior to the erection of any temporary and permanent fencing at the Site, details of the location and specification/finish of the fencing shall be submitted in writing for the written approval of the Local Planning Authority. The approved temporary fencing shall be erected as approved prior to any construction operations and maintained for the construction period. The approved permanent fencing shall be erected as approved prior to the start of operations and maintained for the life of the development.

REASON: For the avoidance of doubt, site security, in the interests of nature conservation, to ensure that the design is appropriate and adequately screened

26. Unless otherwise agreed in writing with the Local Planning Authority the hours of operation for the construction and decommissioning of the approved facility shall be restricted to:-

- 07:00 - 19:00 hours on Mondays to Fridays
- 07:00 - 16:00 hours on Saturday, Sundays and bank/public holidays

For the avoidance of doubt, activities taking place within any building on the development site such as electrical installation, fitting of plant, equipment and machinery, wiring, plumbing are permitted to take place outside these permitted hours.

REASON: To protect the amenities of local residents and visitors to the area.

27. All waste shall be delivered to the site in suitably enclosed vessels / containers / trailers and no delivery vehicles shall be permitted to leave the site unless the vessels / containers / trailers are suitably enclosed.

REASON: For the avoidance of doubt, in the interests of local amenity and to ensure that no waste or fugitive odour and litter is released and/or emitted during transportation.

28. *The stack shall be lit with medium intensity red obstacle lights as specified by CAP 168 licensing of aerodromes.

REASON: In the interest of aircraft and aviation safety.

**Indicative standard condition that may be recommended by the Civil Aviation Authority*

29. Within 6 months of the date of this permission or prior to the erection of buildings on site. The type and colour of the cladding proposed to be used in the construction of the buildings shall be submitted for the written approval of the Local Planning Authority.

REASON: To ensure a satisfactory standard of appearance of the development.

8. Evidence of Application Publicity

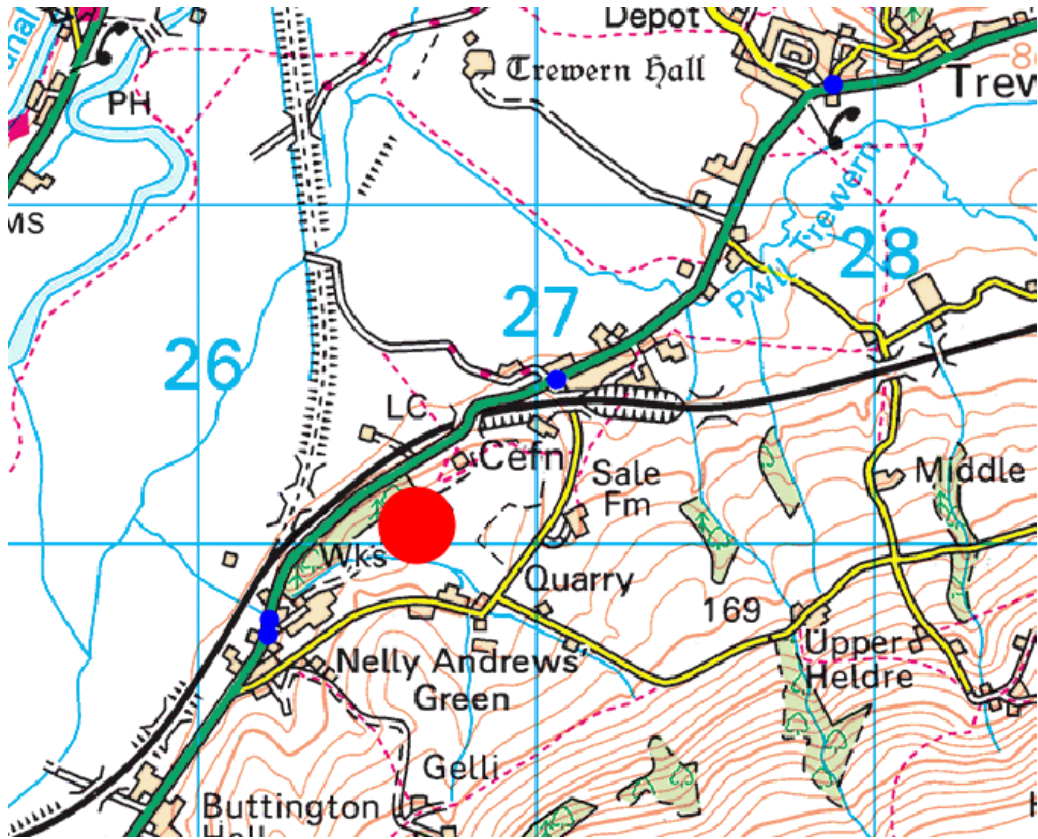
8.1 The application was advertised by 4 no. site notices in the vicinity of the application site between the 22 and 30 April 2021 in accordance with the requirements of the Town and Country Planning Act 1990 (As Amended), The Developments of National Significance (Procedure) (Wales) Order 2016, The Developments of National Significance (Wales) Regulations 2016 and The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

8.2 The site notices were displayed at the following locations:

- Buttington Quarry Main Access Gate A458; 22/04/2021
- Adjacent to Mulberry Cottage A458; 22/04/2021
- Cefn Primitive Methodist Chapel, Cefn A458; 30/04/2021
- Telephone Exchange opposite Garreg Bank Entrance, Trewern A458; 30/04/2021

8.3 A copy of the site notices and photographs of them on display together with a map confirming their locations are attached below.

8.4 Site de-marked red, site notices located in blue.



8.5 Site notice displayed on the site gate



8.6 Site notice displayed adjacent to Mulberry Cottage



8.7 Site notice displayed at Cefn Primitive Methodist Chapel



8.8 Site notice displayed at the Telephone Exchange opposite Garreg Bank Entrance, Trewern



8.9 Welsh Language Site and Press Notice



**Deddf Cynllunio Gwlad a Thref 1990 (Fel y'i Diwygiwyd)
Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol
(Gweithdrefn) (Cymru) 2016
Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol
(Cymru) 2016**

Hysbysir drwy hyn bod Ynni Eang (Cymru) Cyf wedi cyflwyno cais ar gyfer Datblygiad o Arwyddocâd Cenedlaethol i Weinidogion Cymru ar gyfer:

Cyfleuster Adfer Ynni (ERF) sy'n cynhyrchu tua. 13MW o drydan trwy drin 150,000 tonnell / flwyddyn o wastraff preswyl, masnachol a diwydiannol.

Mae'r safle wedi'i leoli ar Chwarel Buttington, Buttington, Y Trallwng, SY12 8SZ

Mae aelodau'r cyhoedd yn gallu gweld dogfennau'r cais ar-lein yn

[https://dns.planninginspectorate.gov.uk/cy/projects/wales/buttington - quarry-erf/](https://dns.planninginspectorate.gov.uk/cy/projects/wales/buttington-quarry-erf/)

Mae'r amserlen ar gyfer cyflwyno tystiolaeth wedi dechrau a gall personau â buddiant gyflwyno sylwadau i'r Arolygiaeth Gynllunio ar ran Gweinidogion Cymru (mae'r manylion isod) erbyn **24/05/2021**. Bydd yr holl sylwadau'n cael eu cyhoeddi ar wefan y Porth Gwaith Achos Apeliadau cyn gynted ag y bydd y dyddiad cau wedi mynd heibio.

Gellir dod o hyd i ragor o wybodaeth am y broses Datblygiadau o Arwyddocâd Cenedlaethol, gan gynnwys canllawiau ar gyfer cymunedau, yn:

[https://llyw.cymru/datblygiadau -o-arwyddocad-cenedlaethol-dns- canllawiau](https://llyw.cymru/datblygiadau-o-arwyddocad-cenedlaethol-dns-canllawiau)

Isabel Nethell
Pennaeth y Gwasanaeth
Yr Arolygiaeth Gynllunio
Adeilad y Goron
Parc Cathays
Caerdydd
CF10 3NQ 0303 444 5940
dns.wales@planninginspectorate.gov.uk

Dyddiad: **19/04/2021**

8.10 English language Site and Press Notice



**Town and Country Planning Act 1990 (As Amended)
The Developments of National Significance (Procedure)
(Wales) Order 2016
The Developments of National Significance (Wales)
Regulations 2016**

Notice is hereby given that Broad Energy (Wales) Ltd has submitted an application for a Development of National Significance (DNS) to the Welsh Ministers for:

Energy Recovery Facility (ERF) generating approx. 13MW of electricity through treatment of 150,000 tonnes / annum of residential, commercial & industrial wastes.

The site is located at Buttington Quarry, Buttington, Welshpool, SY12 8SZ

Members of the public can view the application documents online at

[https://dns.planninginspectorate.gov.uk/projects/Wales/Buttington - Quarry---ERF/](https://dns.planninginspectorate.gov.uk/projects/Wales/Buttington-Quarry---ERF/)

The timetable for the submission of evidence has begun and interested persons may submit representations to the Planning Inspectorate on behalf of the Welsh Ministers (details below) by **24/05/2021**. All representations will be published to the DNS website as soon as the deadline has passed.

More information on the DNS process, including a guide for communities can be found at:

<https://gov.wales/developments-national-significance-dns-guidance>

Isabel Nethell
Head of Service
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Date: **19/04/2021**