

Dear Ms Bingham,

Re: Planning application DM/2018/01641, Trostrey Court Farm Barns, Clytha Road/ Trostrey Common, Gwehelog

Thank you for notifying us of the new consultation about this application for a waste and biomass gasification plant, following the developer's submission of new documents.

Biofuelwatch once more objects to this proposal. We are aware of local residents' serious concerns related to air quality, traffic and visual impacts, which we share. However, our objection is based on the following grounds:

- 1) The proposal goes against Policy W3 (Waste Management Facilities) of the Monmouthshire County Council Adopted Local Development Plan, 2014;
- 2) The proposal does not reflect the Waste Hierarchy and the Waste Proximity principles as set out in the Planning Policy Wales Edition 10, in the Overarching Waste Strategy - Towards Zero Waste, and in TAN21;
- 3) The proposal conflicts with Policy EP1 of the Monmouthshire County Council Adopted Local Development Plan, 2014.

Background: The application involved an incineration or co-incineration of waste development, which constitutes a material change of use from the previously approved plans:

The developer states that the planning proposal relates to minor physical alterations to a previously approved development. However, the documents submitted since the previous consultation on this application show that Morgan & Co is looking to develop a waste recovery / waste co-incineration facility, instead of the bioenergy plant previously approved.

This is confirmed in the developer's "Simplified information about fuel types", dated 10th July 2019, which states that the feedstock will be "pre-processed, shredded waste" including shredded waste wood, paper, textiles and non-recyclable plastics". This information confirmed and clarified feedstock information first submitted on 30th May 2019

NRW confirmed in its comments, dated 24th June 2019: "*The proposals as described will require an EPR permit on the basis that the proposed waste inputs meet the following thresholds: Section 5.1 (b) The incineration of non-hazardous waste in a waste incineration plant or waste co-incineration plant with a capacity exceeding 3 tonnes per hour.*"

Previous planning consents related to this site did not involve 'energy recovery from waste' or waste (co-)incineration. Instead, previous planning consent was granted for an agricultural development, or "Agricultural and Forestry Buildings".

Relevant planning history:

When the original planning consent for a generator building was granted in 2007 (DC/2007/01200), the delegated report recommended approval in accordance with Policy RE3 New Agricultural and Forestry Buildings within the

Monmouthshire Unitary Development Plan, on the basis that *"the building would be used for agricultural purposes"*. Clearly, this decision was appropriate for the developer's plan to generate energy for the farm by burning biodiesel or recycled vegetable oil. A subsequent decision in 2009 (DC/2008/0083) upheld the same planning principle and involved the same feedstock.

In 2017, substantial alterations to the originally approved plans were approved (DC/2016/01465). Once again, the Delegated Report stated that the development made *"a positive contribution to agriculture or its diversification"*, in accordance with Policy RE3 of the Local Development Plan. We note that the approved proposal included a dryer intended to allow locally grown virgin wood to be used.

1) The proposal is not compatible with Policy W3 (Waste Management Facilities) of the Monmouthshire County Council Adopted Local Development Plan, 2014

Policy W3 of the adopted LDP states:

"Proposals for waste management facilities, except those involving the final deposit of waste on land at the site or open windrow composting, will be permitted within industrial sites (Class B2 of the Town and Country Planning Use Classes Order 1987) subject to detailed planning considerations, other LDP policies and national policy considerations. Where such proposals cannot be accommodated on existing or proposed Class B2 industrial sites they will be permitted provided that all the following conditions are met:

(a) the proposed site is within or adjoining development boundaries of towns and other main settlements or existing and proposed industrial/business sites; and

(b) there is a demonstrable need for the type and scale of development in that location...."

Trostrey Court Farm is not a Class B2 industrial site. It is an agricultural site. Nor is it located in a town or main settlement or in an existing or proposed industrial or business site. The developer has not attempted to demonstrate the need for an energy from waste development at that location.

Section 6.3.78 further states that *"details of those employment land allocations that are considered suitable for the provision of waste management facilities are provided in the Site Allocations chapter"*. Again, Trostrey Court Farm is not listed as such a site.

We therefore cannot see how the proposal can be reconciled with the Waste Management Facilities policy of the Local Development Plan.

We further note that Monmouthshire Council's 2019 LDP Review Report found that *"Any proposals for further residual waste treatment should be carefully assessed to ensure that the facility would not result in overprovision"* and that *"that there is no current need for residual waste facilities in Monmouthshire"*.

2) The proposal does not reflect the Waste Hierarchy and the Waste Proximity principles as set out in the Planning Policy Wales Edition 10, in the Overarching Waste Strategy - Towards Zero Waste, and in TAN21

The Waste Hierarchy and Waste Proximity principles are integral parts of the Waste Framework Directive. In Wales, they are incorporated into the Planning Policy Wales Edition 10, the Overarching Waste Strategy - Towards Zero Waste, and TAN21.

The Overarching Waste Strategy states: "*The waste hierarchy should be applied by everyone else in Wales making waste management decisions, unless a life cycle assessment guides otherwise*". No such life cycle assessment has been submitted by the applicant.

The Overarching Waste Strategy further states:

"The Waste Framework Directive also establishes the principle of 'proximity' within the context of the requirement for member states to establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including where such collection also covers such waste from other producers, taking into account best available techniques. The Directive requires that the network shall enable waste to be disposed of, or the wastes referred to in the preceding paragraph to be recovered, in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health."

The applicant has provided no information about the proposed plant's compatibility with this principle.

TAN 21 states in Section 2.1:

"When considering development proposals for all types of waste management facilities, planning authorities should take into account their potential contribution to the objectives, principles and strategic waste assessments set out in Towards Zero Waste and the relevant waste sector plans and the relevant development plan for the area. The extent to which a proposal demonstrates this contribution, in environmental, economic and social terms, will be a material planning consideration. The aim is to ensure that the right facilities are located in the right place to meet environmental, economic and social needs."

As stated above, the developer has provided no information to show that the proposed plant would contribute to the objectives and principles of the Overarching Waste Strategy. Furthermore, it does not accord with the Local Development Plan, as shown above.

It says in Section 2.7.4:

"Waste incineration facilities dedicated to the processing of municipal wastes only may be considered to be recovery facilities (R1) rather than"

disposal facilities (D10) under certain specified conditions. The R1 Formula, defined in Annex II of the Waste Framework Directive, allows a distinction to be made between disposal and recovery in respect of incineration based upon the energy efficiency of the facility. Under the R1 Formula, incineration facilities dedicated to the processing of municipal waste only must have energy efficiency above 0.60 for installations in operation and permitted before 1 January 2009 and 0.65 for installations permitted after 31 December 2008 to be categorised as recovery operations."

No evidence has been provided to show whether the proposed plant can be considered a waste recovery as opposed to a waste disposal facility.

The same principles discussed above are also incorporated in Planning Policy Wales 10, hence we cannot see how the application can be reconciled with this national planning policy.

3) The proposal conflicts with Policy EP1 of the Monmouthshire County Council Adopted Local Development Plan, 2014:

Policy EP1 – Amenity and Environmental Protection of the Adopted Local Development Plan 2014 states:

"Development proposals that would cause or result in an unacceptable risk /harm to local amenity, health, the character /quality of the countryside or interests of nature conservation, landscape or built heritage importance due to the following will not be permitted, unless it can be demonstrated that measures can be taken to overcome any significant risk:

...Or any identified risk to public health or safety".

We believe that the proposal to replace the flare stack that was approved in 2017 (DC/2016/01465) with a flue stack raises serious health and safety concerns. A gasifier such as the one proposed by the developer requires both a flue and a flare stack for safe operation.

In 2009, the European Commission issued Final Guideline for Safe and Eco-friendly Biomass Gasification, to which two authors from the UK's Health and Safety Executive had contributed. The Guideline set out in detail why an emergency gas flare is vital for preventing a build-up of pressure and thus an implosion or explosion or the need for venting dirty gas straight to the air. It further details how the flare should be designed and operated:

https://ec.europa.eu/energy/intelligent/projects/sites/iee-projects/files/projects/documents/gasification_guide_final_guideline_for_safe_and_eco_friendly_biomass.pdf. Whether biomass, Refuse Derived Fuel or both are gasified makes no difference in this respect.

No health and safety assessment has been provided by the applicants.

Yours faithfully,

Almuth Ernsting
Biofuelwatch