

28th January 2010

T. Walter  
Planning Department  
Cardiff Council  
City Hall  
Cardiff CF10 3ND

Our Ref: 402.0036.00306B

Dear Tim

**RE: PLANNING APPLICATION FOR THE ERECTION OF AN ENERGY FROM WASTE FACILITY TO INCLUDE A COMBINED HEAT AND POWER PLANT, PRE-TREATMENT/RECYCLING FACILITY, INCINERATOR BOTTOM ASH RECYCLING AND ANCILLARY OFFICES AT TRIDENT PARK, GLASS AVENUE, OFF OCEAN WAY, CARDIFF.**

A planning application is hereby submitted on behalf of Viridor Waste Management Limited for the development of an Energy from Waste and Recycling facility with a Combined Heat and Power plant, and ancillary offices at Trident Park, Glass Avenue, off Ocean Way, Cardiff.

Trident Park is located some 1.6 kilometres to the south-east of Cardiff City Centre immediately north of the Port of Cardiff. The sole access to the site is gained from Ocean Way via Glass Avenue. The application site area is industrial land and occupies some 4.5 hectares.

The planning application is accompanied by an Environmental Statement that examines the potential impacts of the facility across the full range of environmental issues.

This application is submitted following the refusal by Cardiff Council of a previous planning application (Ref 08/02616/E) for a similar proposal on the same site in July 2009. An Appeal has been lodged and is due to be considered in July 2010.

This submission provides details of the revised scheme (which includes provision of additional recycling capacity) and updates the previous documents. Section 6 of Volume 1 includes a Report of Change which identifies those parts of the application that have been amended to reflect the current proposal and circumstances. These changes reflect issues raised by members of the public and Members of the Planning Committee during the determination process on the previous application. A summary of this process, and consideration of the issues raised is provided below.

The previous planning application on the site (08/02616) was submitted in November 2008 and recommended for approval at Planning Committees in March, April, May and June 2009 before being formally refused at the Committee on 8th August.

During that period visits to the application site itself, the Viridor EfW that was under construction at Lakeside, Slough, and a visit to an operational EfW in Birmingham were arranged by Cardiff Council for Committee Members and local members from Splott.

Representatives from Viridor were present at each of the Committee meetings in Cardiff, and are therefore familiar with the key issues raised by members during Committee debates held in June and July. The following considers each of those and examines the manner in which they have been addressed.

- a) **Traffic** - Issues were raised regarding the use and capacity of Ocean Way and other roads in the Splott area. Both applications include comprehensive traffic assessments, and the conclusion reached by the Operational Manager Transportation in the 8th July Committee report (Para 5.4) raised no objection to the scheme subject to conditions and financial contributions being secured by a section 106 agreement. It is understood that the assessment was reviewed by external highways consultant and found to be robust. The revised application includes updated figures in respect of traffic movements, modelling and accident reports for the area. As a result of the increased flows on Ocean Way from other recently permitted developments, the application proposes minor amendments to the roundabout at the junction of Ocean Way and Glass Avenue. Details of this are included at Appendix 16 of the Environmental Statement.
- b) **Ecology** – The debate raised concern about the potential impact on Ecology in the area. Both planning applications include comprehensive Ecological Assessments for the site and the surrounding area, and the impact on ecology in terms of emissions has been comprehensively considered in the Air Quality Assessment (Appendix 19). In response to the original application, the Countryside Council for Wales has been assured (by CC) that the Environmental Permit issued by the Environment Agency will address any concerns with regard to air quality issues and ecology.
- c) **Need** – The issue of need was considered by the Committee in terms of strategic implications, and locally in terms of the role that Cardiff has to play in meeting sustainability objectives. This issue is considered in the application primarily in the context of Project Gwyrdd, and the role that Cardiff and the four other authorities involved in the procurement exercise have to play in delivering residual waste management facilities. The Committee report (July 2009) concludes at paragraph 8.3 that there is a need for a facility of this nature.

Since the previous application and that Committee, additional waste management provision within the Project Gwyrdd Area has been permitted. The revised application considers the implication of these in the context of the Trident Park Scheme, and advances made with the Project Gwyrdd procurement exercise. The conclusion is reached that there is a demonstrable need for the Trident Park facility, and that the capacity is appropriate in the context of current and forecast waste arisings.

- d) **Economic Benefits** - The development of the scheme would lead to a considerable investment in the area, and complete the effective redevelopment of the Trident Park site: a strategic location within Cardiff. In

addition, the economies of Cardiff and Splott have been particularly impacted by the economic downturn: between June 2008 and June 2009, Cardiff Council statistics demonstrate that the number of unemployment claimants in Cardiff increased by 85%, and in Splott by 74%. This development would have significant economic benefits.

- e) **Energy Use** – Discussion at the Committee cast doubt on the ability of the development to be able to supply heat to local users. Appendix 7 of both applications includes a Heat Plan that identifies a number of potential users within the Cardiff area. Each of these has been contacted, and meetings have been held with a number of interested parties. In addition, representatives of Viridor also met with Officers from the Welsh Assembly Government and Cardiff Council in order to consider the potential for CHP use in the central Cardiff area. The planning application and Heat Plan acknowledge that at this stage (i.e. without a planning permission) it is difficult to provide any certainty for securing energy users, although there have been positive expressions of interest. It is anticipated that if planning permission is granted, more detailed and constructive discussions can be held with a view to implementing CHP provision. It should be noted that the design of the facility allows for CHP turbines to be included within the building. In summary, Viridor has undertaken significant efforts to secure the most effective use of energy generation and there remains a very realistic possibility that new and existing developments will benefit from the heat produced by the facility by the time it is operational.
- f) **Size/Scale** – The original application sought planning permission for an Energy from Waste Facility with a capacity of 350,000 tonnes per annum. This figure is based on a conservative estimate of the arisings of residual waste from within the Project Gwyrdd area over a 25 year period for both the municipal and commercial and industrial waste streams. The current application proposes a similar capacity, based on assessment of continuing need for residual waste treatment notwithstanding other permissions granted within the sub-region.

Since the application at Trident Park was refused, planning permissions for three residual waste treatment facilities within the Project Gwyrdd area have been granted. The issues associated with this change in circumstance are considered within the Supporting Statement and Environmental Statement. The conclusion is reached that there is inadequate capacity within South East Wales. It is also relevant that waste policy does not place a limit on the development of waste management capacity.

It should be noted that with regard to competing proposals in the area, the Welsh Assembly Government's emerging policy on energy is set out in the Renewable Energy Route Map. It includes the view that a diverse mix of energy technologies, including energy from waste generation, will be required to combat climate change and provide clean, secure and affordable energy.

- g) **Incinerator Bottom Ash (IBA)** – the debate focussed about the most effective reuse of IBA. Since the Committee date the Applicant has considered the potential for treating bottom ash within the Trident Park site

and this application includes provision for a new bottom ash storage area thereby increasing the recycling capacity of the facility.

- h) **Flexibility of Building** – Concern was expressed by Committee Members that the size of the building and its capacity would be inflexible in terms of future waste arisings. The provision of the bottom ash building on the northern flank of the EFW enables space within the main building to be made available for additional waste reception and recycling activities. Initially, this is intended to deal with the residual material that is received that is inappropriate for combustion or can be recycled. As the extent of doorstep recycling increases, and education about recycling improves, it is hoped that this level of rejects will drop significantly. This amendment to the design of the building provides a flexible space that can be further adapted to recycling plans and changes in waste streams throughout the lifespan of the facility.
- i) **Human Health** – Both planning applications include a detailed Air Quality Assessment (Appendix 19) and Human Health Risk Assessment (Appendix 12). It is considered that the conclusions reached within these are robust. Since the Committee date, the Health Protection Agency (HPA) has issued new advice in the form of a report entitled “The impact on health of emissions to air from municipal waste incinerators” (September 2009). In respect of the combustion process the HPA concludes that *“any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques. Since any possible health effects are likely to be very small, if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended.”*

In this respect, the application concludes that there is no discernable impact on health as a result of this proposal.

- j) **Alternative Sites** – The Committee raised the issue of alternative locations for developments of this nature. Since the Committee was held, sites have been approved in Wentloog (Cardiff), Newport Docks and Barry Docks. The October 2008 application identified each of these as potential locations for residual waste facilities, with Barry and Newport scoring highly. The Alternative Sites Assessment (Appendix 13) submitted with that application has been updated and revised to include changes to policy and the availability of sites. The conclusion is reached that the site at Trident Park is entirely appropriate for a development of this nature, and that the remaining options for alternatives is significantly reduced.

- k) **Waste Source** – The Reason for Refusal includes the issue of dealing with waste from outside of a single Authority's jurisdiction. National policy is set out in TAN 21: Waste. The issue of sustainability and proximity is dealt with extensively within TAN 21 in the context of the need for regional coordination, cooperative arrangements and cross boundary liaison. This approach is supported within the South East Wales Regional Waste Local Plan, to which Cardiff Council formally contributed, and also by the Project Gwyrdd procurement grouping, of which Cardiff Council is a member.

Viridor propose in this application to enter into a unilateral undertaking that will ensure that only waste arising from within the South East Wales Region will be processed by the plant: none of the recently permitted residual waste schemes within the sub-region are subject to an agreement of this nature. This region includes the Project Gwyrdd Partnership area and its physical extent is defined as being those Authorities that are constituent Member of the South East Wales Regional Waste Plan.

- l) **Fly Ash** - Similarly, TAN 21 advises that in terms of the proximity principle, waste should be treated and/or disposed of as near to the source of origin as possible. In terms of the self sufficiency principle TAN 21 requires that "as far as practically possible, waste should be treated or disposed of within a sensible defined region where it is produced." It is therefore relevant to consider whether it is "practically possible" to treat fly ash in Wales.

There are no facilities within Wales capable of treating hazardous material (i.e. the classification of fly ash). This situation is accepted by the Environment Agency, and reflected in the South East Wales Regional Waste Plan Hazardous Waste Supplement (July 2005). The Supplement concludes that there are currently no hazardous disposal locations within Wales, and that there are none in the planning system. This situation remains the case. The most "practically possible" option is therefore to transport the waste to a suitably licensed landfill outwith Wales. The closest to Cardiff is located in Gloucestershire.

The Reason for Refusal also includes reference to a "substantial quantity" of fly ash being transported. This material will constitute some 10,000 tonnes per annum, equivalent to only 3 HGV loads per day.

In terms of alternative use of fly ash, Viridor is currently researching possible uses for the material and has entered into initial discussions with industries that could utilise fly ash in their manufacturing processes. Although these discussions are at an early stage, Viridor is very confident that at some point in the future there will be alternative solutions to disposal by landfill.

In conclusion, Viridor has considered carefully the concerns raised by Members of the Planning Committee during the extensive debates on the previous application. This revised Planning Application and Environmental Statement has considered the issues raised both during debate and more formerly in the Decision Notice. Clearly the revised application and ES will be subject to the careful scrutiny of statutory and non-statutory consultees following receipt of the planning application, and it is hoped that the above information will form an important part of decision making in this respect.

The findings of the EIA for the facility have concluded that having taken into account the proposed mitigation; the effects of the development are not considered to be significant. The impacts which could be considered to be most contentious (air quality/human health, landscape and visual impact, traffic, and nature conservation) have been considered and, where appropriate, mitigated as a result of the iterative design process and through careful consideration of emissions control and abatement techniques and high quality architectural design.

In respect of air quality, the findings of the assessments demonstrate that the proposed development will not give rise to significant adverse air quality effects for either human or ecological receptors in either the short-term or the long-term.

The potential impact of the development in respect of issues such as noise, site conditions, the water environment, amenity and cultural heritage, were also subject to detailed assessments. The conclusion in respect of each of these is that the nature of the development and the design process will ensure that there are no adverse impacts in respect of these issues.

On the basis that there are no adverse environmental impacts, the appropriateness of the proposed development must be considered in terms of the potential benefits. These include:

- The facility will provide much needed recycling and resource recovery capacity for local businesses and authorities to allow them to improve environmental performance and reduce costs through the avoidance of landfill and landfill tax;
- The facility will maximise the recovery of resources through the production of energy in the form of electricity and potentially heat;
- The effective implementation of site specific objectives of the Regional Waste Plan;
- The facility will generate approximately 30MW of electricity for export to the National Grid (enough to power some 30,000 homes), maximising the recovery of resources;
- The facility is in compliance with national, regional and local planning policies for siting waste management facilities and will enable national, regional and local waste and recovery targets to be met;
- Will satisfy the principle of sub-regional self sufficiency helping South East Wales to be at the forefront of sustainable waste management;
- The facility will provide approximately 50 permanent jobs and in the region of 200 or more temporary jobs during the 3 year construction period; and
- Enable the local economy to benefit from additional employment and be sustained by wages and salaries received and spent in the local economy by people directly employed on the operational side.

The following is enclosed and constitutes the planning application (10 copies of each):

- Volume 1:
  - this letter;
  - set of appropriately completed and signed planning application forms;

- signed Certificates;
- a full set of application plans;
- The Supporting Statement;
- Design and Access Statement; and
- Report of Changes
  
- Volume 2:
  - The Environmental Statement
  
- Volume 3a: Environmental Statement
  - Sections 1 – 10
  
- Volume 3b: Environmental Statement
  - Sections 11-15
  
- Volume 3c: Environmental Statement
  - Sections 16-21
  
- Volume 4:
  - Non-Technical Summary

A full set of the application is also included on a CD and twenty copies of that are also enclosed.


In accordance with the Fees Regulations, no fee is payable in respect of this application, the submission coming within 12 months of a refusal for a development of a similar character on the same site.

The Company acknowledges that further consultation will be necessary, and will be pleased to discuss this application with all stakeholders.

Should you require further copies or any additional information relating to the scheme, please do not hesitate to contact me.

Yours sincerely

**for SLR Consulting Limited**



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Encs.