

Development Management Report

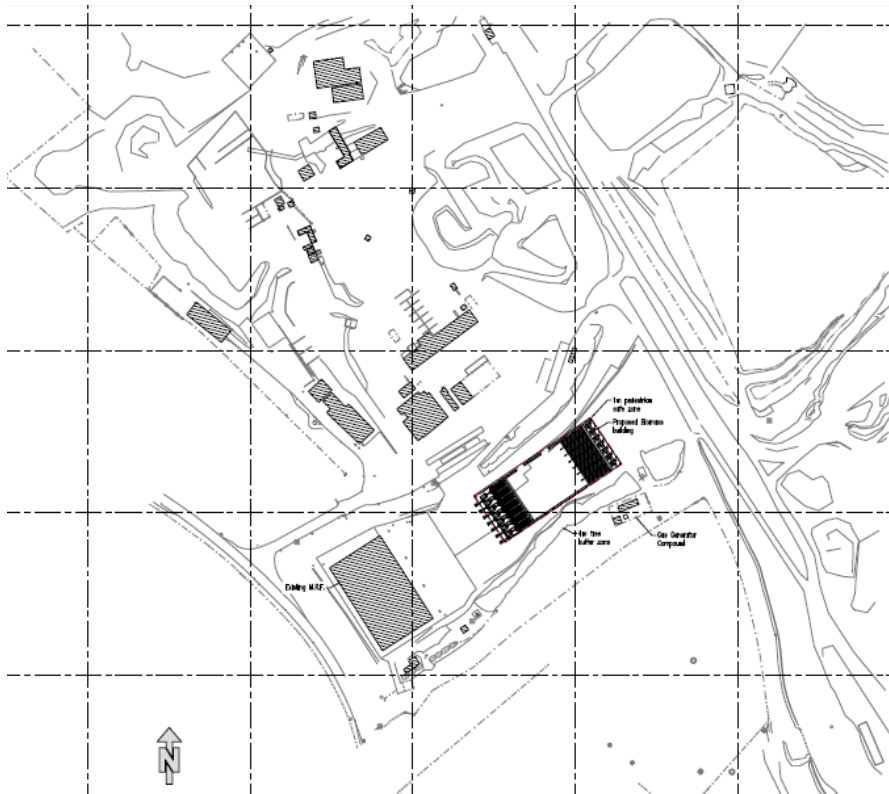
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Officer Appraisal Report

Summary of Application

<u>Application Number:</u> 16/05501/MAW	<u>Parish:</u> Welshampton And Lyneal
<u>Proposal:</u> Proposed Construction of 7 x 995KW Biomass Plant	
<u>Site Address:</u> Wood Lane Quarry, Spunhill, Ellesmere, SY12 0HY	
<u>Applicant:</u> Tudor Griffiths Ltd	
<u>Case Officer:</u> Graham French	<u>email:</u> planningdmne@shropshire.gov.uk

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.



REPORT

1.0 THE PROPOSAL

- 1.1 Planning permission is sought for the construction of a portal framed building (87 x 32 metres and 14.7 metres to the ridge) to house a biomass plant which would be used for the drying of timber reclaimed in connection with the applicant's recycling business. The current application follows the withdrawal in 2016 of a previous application (16/03239/MAW) for a Combined Heat and Power plant (CHP) following a change in the Government renewable heat subsidy regime which rendered the CHP plant unviable.
- 1.2 The need for suitable drying facilities remains the same and the applicant, Tudor Griffiths Ltd (TG), is now proposing to substitute the CHP plant for a series of smaller biomass boilers (7x995Kw). This has an additional benefit of a slight reduction in the overall footprint of the proposed building. As the boilers and fans would be accommodated in lean-tos at each end of the building it would also reduce the length of the building that would be at the full proposed height.
- 1.3 The plant would be fuelled by chipped and/or shredded virgin and/or Grade A (i.e. clean) timber compliant with PAS 111:2012. Heat from the boilers would be fed to perforated drying floors containing various timber products. This would reduce the moisture content of virgin and/or Grade A wood for use as fuel on or off site or as timber products. The material to be dried would include logs sourced from the Applicants own woodlands which would be sold through the Builders Merchants. The floor would also have the capability of drying crops such as cereal. All virgin timber would be sourced from sustainable renewable sources.
- 1.4 Timber to fuel the boilers would be housed in the biomass building. Approximately 9,000 tonnes would be required per annum. Imported timber would be dried to a moisture content of 20 - 25% (suitable for biofuel use) using heat from the biomass boilers. The facility requires far less maintenance than the originally proposed CHP engine. The applicant advises that there is a sufficient market for all products within the local area and high confidence that long-term contracts will be achievable.
- 1.5 Traffic: The company estimates that approximately 5,000 tonnes/annum of Grade A timber to fuel the boilers would be recovered from the existing incoming waste stream. An additional 4,000 tonnes would be required, equating to 250 incoming loads per year. A further 5,000 tonnes would be delivered annually, resulting in 200 importation movements and 150 export movements (given the reduced weight of dried loads). This would yield 600 extra movements per year which equates to approximately 12 per week or 2-3 per day. Other materials that may be brought to site, including cereals and logs for air drying, would result in small numbers of vehicle movements, potentially in the region of 65 – 70 loads per annum. The possibility exists to reducing traffic movements by exporting wood chip in the delivery vehicles

(‘backhauling’). The company would have an economic incentive to do this and it would also lead to environmental advantages.

- 1.6 Access would be via the existing improved site entrance to Wood Lane. This is capable of handling the proposed additional volumes of traffic proposed which are insignificant in terms of the overall traffic generated by other permitted activities at Wood Lane. There is sufficient space to allow waiting and manoeuvring away from the public highway.

2.0 SITE LOCATION / DESCRIPTION

- 2.1 Wood Lane Quarry is located to the south of Ellesmere on the A528 Ellesmere to Whitchurch Road. The site comprises a sand and gravel quarry, a non-hazardous landfill site, a material recycling facility, associated infrastructure and offices and restored quarry areas which now comprise fishing lakes and a wildlife reserve. The proposed biomass building would be located at the centre of the site and adjacent to the Material Recycling Facility building which is of similar size.

- 2.4 Tudor Griffiths Group is a long standing, family run business and employs over 250 people at various sites within Shropshire, Cheshire, Worcestershire and North Wales. The Group’s main office is located at Wood Lane Quarry which is a main location for the Group’s aggregate production business. Other areas of the business include ready mixed concrete production, builders’ merchants and waste management, including materials recycling. The Group has also been responsible for the creation of the Wood Lane Wetland Nature Reserve in conjunction with the Shropshire Wildlife Trust.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals to extend Wood Lane Quarry have been referred to the Committee by the local member as the proposals raise complex issues and have attracted Parish Council objection.

4.0 COMMUNITY REPRESENTATIONS

Consultee Comments

- 4.1 Welshampton and Lyneal Parish Council – Objection on the following grounds. The full comments of the Parish Council are listed in Appendix 2:

- The Planning Statement and accompanying documentation do not contain an adequate detailed explanation of the submission.
- The applicants have abandoned that part of the plan to produce electricity, that is renewable energy, and focus on the drying part of the plan only.
- The annual tonnage required to fuel the plant is not substantiated. More clarity is required on vehicle movements. WLPC have major concerns that the public highway feeding the site is not adequately coping with

existing traffic and further additions will exacerbate the situation. The total traffic tonnage is questioned. There is no clarification on what the existing traffic levels are. The increase may include agricultural vehicles which present additional difficulties. A traffic statement should be provided.

- No details of ash management have been provided. This would equate to 450tpa for 9000 tonnes of biofuel and could be detrimental to the sensitive ecology of the surrounding area including RAMSAR sites.
- Is the intention to operate this 7 days a week, will this include Sunday working?
- Concern is expressed about atmospheric emissions from the plant.
- Drying wood by the application of heat is not benign but creates significant and numerous emissions of hazardous materials.
- The applicant should use readily available acoustic noise cancelling fans in its design in an attempt to mitigate the nuisance impact. No assessment of additional traffic noise from the proposals has been undertaken.
- The applicant should have notified the Parish Council in advance of the intention to submit this application, through the Local Community Liaison process.

4.2. Environment Agency (09/12/15) – No objection. The application site is within an area subject to an existing Environmental Permit issued by us. This permit covers the recovery of waste materials at the existing waste transfer station, including wood. We would regulate the ‘drying’ of waste wood in the facility. Therefore, a permit variation for the drying of waste wood in the proposed facility will be required. This requirement has been discussed with the applicant and we have no objection in principle based on the ability without prejudice to achieve this permit variation. We would not regulate the ‘burning’ of waste wood and on this basis make no comment on potential emissions to nearby sensitive receptors or designated sites. To help clarify, the burning of grade A wood, as defined by the British Standards Institution (BSI) Publicly Available Specification 111 (BSI PAS 111:2012), is excluded from chapter 4 of the Industrial Emissions Directive by article 42(2). On this basis, in light of the capacity of the proposed development to process grade A waste wood, the applicant will need to apply to you (Shropshire Council) about the applicability of a small waste incineration permit under the Environmental Permitting Regulations. We would not regulate this aspect so would make no comment on the related planning issues. We would recommend that you seek the views of your Public Protection team in relation to likely emissions and to join up with any Habitat Regulations Assessment considerations.

4.3 Natural England – Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

- i. International sites – Mildands Meres and Mosses Phase 1 Ramsar, Midlands Meres and Mosses Phase 2 Ramsar and West Midlands Mosses Special Area of Conservation (SAC)

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the above designated sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we note that your authority has undertaken a Habitats Regulations Assessment (HRA) of the proposal. Based on the information within and the conditions and mitigation measures within Natural England would agree with your conclusions that Likely Significant Effects can be ruled out. Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Internal Comments

4.4i. Highways Development Control – No objection subject to the development being constructed in accordance with the approved details and informative notes. Further traffic information has been submitted by the applicant and published on the planning portal on 09.03.2017 in response to the highway concerns and questions raised in the Highway Advice Note dated 22.12.2016. The further traffic information was requested in a tabular format, but the information has been presented in a detailed descriptive manner in an attempt to clarify the earlier information. No further traffic figures have been given. In summary the two sets of traffic information within the Planning Statement and the more recent email appears to imply that:

- The fuel required to run the boilers will be sourced from the existing waste management operations on the site and does not require additional sourced material. Its use potentially reducing some the current exportation of the material once it has been processed on site.
- The primary product to be dried is wood chip. The quantity to be dried being 5,000 tonnes per year transported in 25 tonnes loads which equates to some 200 movements into the site and 200 movements out. This would equate to approximately 8 additional movements per week.
- No additional traffic movements being generated by the export of the dried material with this being removed from site in the empty lorries that delivered the wet wood chip.
- To increase the efficiency of the plant additional products to be dried will be seasonal quantities of cereals and logs produced on the applicant's estate and other local estates. The number of loads stated for this aspect of the process being 65 to 70 loads per year. The type of vehicle has not been specified but could be large modern tractor and trailers.

ii. In terms of additional traffic movements it would appear that it is the drying of the wood chip that will result in the main increase. Based on the submitted information this is anticipated to result in some 8 movements per week over a year, which can be balanced against the potential loss of movements of the processed grade A material no longer being exported from the site. Equating these anticipated movements against the existing traffic movements generated by the existing waste management operations on the site, it is considered that the traffic movements generated by the proposed

biomass plant is not likely to result in a material change in use of the site access to sustain a highway objection. If in assessing the submitted information, there has been a material misunderstanding and that other documentation becomes available, it is anticipated that this would be forwarded to enable a further highway review of the proposal.

- 4.5. Natural Environment (Ecology): – No objection. Conditions and informative notes are recommended. The footprint of the proposed development site boundary is of low ecological value. In order to enhance the site for biodiversity SLR have recommended additional native species tree planting and the installation of bird and bat boxes. A Habitat Regulations Appraisal is included (Appendix 3).
- 4.6 SC Regulatory Services (07/02/17): - No objection. Biomass boilers have the potential to impact on air quality which requires assessment where there are relevant receptors. It is noted that there are no nearby residential properties and therefore no relevant receptors from a Local Air Quality Management perspective. As a result I have no objection to the proposed development. It has been noted that the Environment Agency have placed comments in relation to the need for various permits to allow the proposed development to proceed. I would encourage the applicant to liaise with both the Environment Agency and Local Authority to seek opinions on the most appropriate way to move forward with any permit application process.
- 4.7 Councillor Brian Williams (Ellesmere) has been informed of the application and has referred the application to be determined by the Committee.

Public Comments

- 4.8 The application has been advertised in the press and by site notice and the nearest private properties have been individually notified. The application has attracted a representations from 2 individuals. These concerns are summarised below:
- The technical evidence presented by the parish council must lead to rejection in view of the significant pollution dangers to the sensitive SSSI's & RAMSAR sites and local people.
 - the company has never fulfilled their mandatory duties of consultation with the parish council
 - this area is already fully exploited, indeed the recent extension for sand extraction has lead to significant levels of noise, on many occasions outside permitted working hours
 - Shropshire Council should consider the noise aspect of this proposed project. Already the residents of Colemere are enduring a lot of "commercial" noise from the landfill site on Wood Lane. There has been added "noise" since the council has granted the extension of the quarry as work has now commenced. Granting such an application without the consideration of noise levels would make residents of Colemere feel like they live in an industrial estate rather than a sleepy village where people can enjoy the peace and quiet of the countryside.

Further investigations regarding noise levels should be carried out with this new application.

5.0 THE MAIN ISSUES

- i. Nature of the proposals;
- ii. Planning policy and guidance;
- iii. Development context and justification for the development;
- iv. Assessment of environmental effects (air quality / ecology, noise, dust, visual impact, traffic).

6.0 OFFICER APPRAISAL

6.1 Nature of the proposals:

6.1.1 The proposals involve the use of clean reclaimed wood and sustainably sourced virgin timber to generate heat from biomass boilers which is in turn used to dry timber and potentially also agricultural products. The timber can be dried to a point where its moisture content has been sufficiently reduced for it to be used as a biofuel or a product. 55% (5000 tonnes) of the biofuel required to run the boilers would be sourced from clean timber reclaimed from the company's existing waste management operation which will have already been imported to the site in connection with these existing operations.

6.1.2 The proposals will therefore use reclaimed and / or sustainably sourced timber to generate heat for drying. The dried chipped timber can in turn be used as a biofuel for export or on-site and to create other marketable dried products. As such, the proposals represent a form of low-carbon / renewable heat energy production which is well aligned with the existing business activities at the Wood Lane site.

Planning policies and guidance

6.2.1 Proposals must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Shropshire comprised the Core Strategy and the SAMDev plan. The guidance contained in the National Planning Policy Framework and the associated practice guide on renewable and low carbon energy is also a material consideration.

6.2.2 The NPPF supports the provision of renewable and low carbon energy. Paragraph 97 states: 'To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources'. Paragraph 98 states that 'when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise

- that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable.

The NPPF therefore provides clear support for renewable and low carbon energy schemes where impacts are or can be made acceptable.

- 6.2.3 Planning practice guidance accompanying the NPPF has been provided on Renewable and Low Carbon Energy. The guidance sets out a broad requirement that renewable energy developments should be acceptable for their proposed location. Local planning authorities are advised to ensure that they take into account the requirements of the technology and the potential impacts on the local environment, including from cumulative impacts. The current proposals would therefore benefit from the presumption in favour set out in NPPF paragraph 98 if it can be shown that there are no unacceptable impacts.

Local Policy

- 6.2.4 In terms of local planning policy Core Strategy Policy CS5 (Countryside and Green Belt) advises that in the open countryside 'new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt'. 'Development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits'. Whilst the site is in technically in the countryside it is well screened at the centre of the existing TG site at Wood Lane Quarry, so cannot be said to lead to any encroachment on open countryside or material deterioration in countryside character.
- 6.2.5 It is considered that Wood Lane Quarry is a potentially appropriate site for a development of this nature, given the positive interrelationship between the proposals and the existing business activities being carried out at the site. At the same time it is considered that the proposals have the potential to support countryside vitality by supporting profitability and employment at Wood Lane Quarry which is an important local employer.
- 6.2.7 Core strategy policy CS6 (Sustainable Design and Development Principles) aims to create sustainable places, ensuring the development is to a high quality using sustainable design principles which amongst other matters mitigates and adapts to climate change. Amongst other matters proposals likely to generate significant levels of traffic must be located in accessible locations and must to respond to the challenge of climate change. The proposals derive support from Core Strategy Policy CS8: Facilities, services and infrastructure provision and Policy CS13 (Economic Development, Enterprise and Employment). The natural and historic environment must be protected and conserved (in accordance with policy CS17) and natural resources must be safeguarded. Proposals must also contributes to the health and wellbeing of communities. There must also be sufficient capacity

and availability of infrastructure to serve any new development in accordance with the objectives of Policy CS8.

- 6.2.8 The proposals would generate low carbon heat energy and, as such, could be said to be inherently sustainable, having regard to NPPF paragraphs 97 and 98. The extent to which the development would give rise to effects on the local environment is considered in succeeding sections.
- 6.2.9 The site is not allocated in the SAMDev and is in an area identified as countryside. The plan acknowledges (in paragraph 3.74) that 'National Policy Guidance requires Shropshire to help deliver radical reductions in greenhouse gas emissions, through the delivery of renewable and low-carbon energy infrastructure'... 'The development of renewable energy generation infrastructure will make a vital contribution to meeting these targets (NPPF Paragraphs 17 and 97) and we must therefore encourage renewable technologies'. The proposed biomass plant would contribute towards the overall reduction in greenhouse gas emissions that are required within the Shropshire area.

6.3 Environment and amenity

- 6.3.1 The extent to which the current proposals are compliant with relevant environmental and amenity criteria is considered below:
- 6.3.2 Noise: An assessment of potential noise impact of the proposed scheme at existing residential premises within the vicinity of the site has been made following the guidance set out in BS4142 and the World Health Organisation guidelines. This indicates that there is not likely to be an adverse impact at residential dwellings in the vicinity of the site. Background sound levels are low in the vicinity so the report considers absolute levels to be more relevant than the margin by which the rating level exceeds the background. This takes account of the fact that the proposed boilers would operate on a 24/7 basis, within the proposed building.
- 6.3.3 Consideration of the absolute levels from the proposed scheme has demonstrated that these are likely to be well below the WHO guide values for sleep disturbance effects and thus would have little impact on residents using their bedrooms at night. Regulatory Services (Public Protection) have not objected to the proposals. There is no history of noise complaints at the site though one resident has referred to noise from the existing operations in responding to the current application. Conditions controlling noise have been recommended in Appendix 1. Subject to this it is considered that noise is capable of being controlled within acceptable limits.
- 6.3.4 Air Quality: Welshampton Parish Council has expressed concerns that the proposals could impact adversely on surrounding designated wildlife sites due mainly to emissions from the proposed boilers. The application is supported by an air quality assessment which considers the potential impact on air quality of the emissions from the proposed biomass boiler installation, through detailed atmospheric dispersion modelling. DEFRA information

indicates that the annual average background concentrations of all modelled pollutants are well below relevant air quality objectives in the vicinity of the site. The impact of boiler emissions from the proposed plant are greater than 1% of the Air Quality Objectives with respect to NO₂ and PM₁₀ at a number of receptor locations, and therefore are not 'insignificant'. However, the report advises that predicted emission levels fall below relevant air quality objectives for all pollutants considered at all relevant locations.

- 6.3.5 There are no predicted exceedences of any relevant air quality standards within the study area. Therefore, predicted environmental concentrations are considered 'insignificant' under relevant methodology for environmental permits. The report also advises that the predicted levels are based on 'worst case' assumptions and actual air quality associated with the operation of the site can be considered to be approximately 43% lower than the predicted worst case situation. As such, the report concludes that air quality is not a material constraint to the development.
- 6.3.6 The applicant has provided further information regarding air quality in response to queries raised by the Council's ecology section which has led to a delay in determining the application. The Ecology section is now satisfied that the applicant has demonstrated that the level of emissions would be below that at which issues might arise for surrounding ecological designations including SSSI's and the Colemere, Whitemere and Sweet Mere RAMSAR sites. This is documented in the Habitat Risk Appraisal which is included as appendix 3 to this report and has been forwarded to Natural England. On this basis the Council's ecology section and Natural England have withdrawn previous holding objections. It is therefore considered that the proposals can be accepted in relation to air quality.
- 6.3.7 Ecology: The application is supported by an Extended Phase 1 habitat survey to identify the potential significant impacts upon important ecological features including an aim to deliver a net gain for biodiversity as required by National and Local Planning Policies. The report involved liaison with Air Quality specialists to consider the potential for deposition of combusted materials and the potential for this to impacts on ecologically designated sites. The ecological survey and air quality assessment have not predicted any significant ecological impacts, either directly or indirectly, to designated sites and predicted no residual impacts to protected or notable species. As no significant ecological impacts are predicted, no specific mitigation or compensation is deemed to be required. Opportunities for enhancement have however been identified. As noted above, no adverse impacts on air quality are predicted and accordingly, SC Ecology and Natural England have withdrawn previous holding objections. The former has requested the inclusion of conditions to provide nesting/roosting opportunities for birds and bats and these are included in appendix 1. A habitat risk appraisal is included in appendix 3. (Core Strategy Policy CS17, SAMDev Policy MD12)
- 6.3.8 Traffic: Welshampton Parish Council has requested further clarity with respect to vehicle movements and the applicant's response can be summarised as follows:

- i. It is confirmed that the additional 4000 tonnes of sourced materials required for biofuel for the boilers will be from the existing waste management operations at Wood Lane. The Grade A timber is separated before being processed as a fuel for the boilers. This wood has been coming to site for years as part of the waste stream and has previously been separated, processed and sent off site by road. The Biomass plant would negate the requirement for this material to leave site, therefore providing a net gain to the traffic leaving the site.
 - ii. The process will be used primarily to produce wood chip for sale to the local market, this will be brought to Wood Lane as wet wood ready for chipping. It will then be dried on the drying floors before resale. The same lorries can potentially be used for import of wet wood and export of dry wood chip to customers. There will also be opportunities to dry wood logs which the company currently imports for sale in its builders merchants chain.
 - iii. The "Other materials that may be brought to site" refers to the drying of cereals and logs, both of these are likely to be seasonal and will be in such small quantities that they are unlikely to have an impact on the highway traffic. The applicant will be producing much of this material locally from their own Estate where possible. Where additional is required this will be sourced from other local Estates, many of which have now installed Biomass boilers for heating and hot water. Furthermore many local farmers have also installed biomass boilers for heating chicken sheds for example this will also provide a ready local market for the dried wood chip.
- 6.3.9 Highways Development Management have withdrawn a previous holding objection on the basis of this confirmation. The NPPF requires that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' (Para 32). The current proposals in highway terms would give rise to a small increase (estimated at less than 2%) to the total traffic movements associated with the Wood Lane site. This level of traffic increase can easily be accommodated by the site's modern purpose build access and would not be 'severe' in the terms meant by NPPF32. Notwithstanding this, it is considered appropriate to impose a maximum tonnage restriction for the amount of timber used as biofuel so that the planning authority can confirm that tonnages and hence emissions and associated vehicle movements are in accordance with the submitted details.
- 6.3.10 Visual amenity: A Landscape and Visual Impact Assessment accompanies the application. This concludes that the scale and type of development is such that the magnitude is not intrusive or significantly high and thus the effects, do not constitute a significant level of effect in landscape terms. Visually, current screening (vegetation) is chiefly associated with the area around the operational yard and a tree buffer zone (c.4m) will be retained adjacent (south-east) of the proposed Biomass Building. The magnitude of change from the 5 identified viewpoints is either small or very small. The other main conclusions are:

- In terms of the viewing distance to potential receptors, there is a lack of public access apart from the minor road network;
- There is a relatively small area of potential visibility beyond Wood Lane Quarry;
- It will be located in an existing cluster of built form;
- It will not be visually intrusive. Furthermore, it may simplify existing visual components (e.g. by partially concealing the operational yard or by partially screening the existing MRF Building); and
- Due to the existing character of Wood Lane Quarry; the position of new infrastructure is less significant than it might be in an undisturbed landscape.

The assessment makes some recommendations for landscape proposals which would be in keeping with the current landscape character, including some new trees and strengthening of existing hedgerows, in order to mitigate views from the east. An appropriate landscaping condition has been recommended in appendix 1.

6.3.11 The officer notes from site inspection that whilst the biomass building is significant in scale it is similar to but smaller than the adjacent Material Recycling Facility (MRF) building and is provided with the same surface treatments / cladding. The building is in a location which is not widely visible. To the west it is screened by existing MRF building, itself screened by trees. To the south it is screened by the rising embankment of Wood Lane non-hazardous landfill site and by roadside vegetation. To the north it is screened by established trees and woodland. To the east it is located behind the former zone 3 mineral workings and is well separated from the class 3 road to Colemere which broadly defines the eastern boundary of the site. Localised views from Colemere are possible but are not considered intrusive at this distance and as seen in the context of the other buildings within the site.

6.4 Other issues

6.4.1 Retrospective application: The application is mainly retrospective as the building has now been constructed and trial operations have already taken place. This is regrettable and it has been made clear to the applicant that any construction has been entirely 'at risk' pending determination of this application. Construction in advance of permission cannot be condoned. It is however recognised that there has been a delay of a year in resolving ecological matters, during which time the Government has reduced the renewable heat incentive payment. Had the building not been constructed when it was this may have affected the financial viability of the scheme. Notwithstanding the retrospective nature of the application it is necessary to consider the proposals on their own merits having regard to relevant considerations including the national policy support for low carbon energy schemes.

- 6.4.2 Timber stocking: Timber is being stored in the yard area to the west of the building. This is possible as the yard area benefits from a general storage use. However, there is the potential for a more intensive storage operation to occur than would otherwise have been expected, given the interrelationship with the adjoining biomass building. There is a concern that any over-intensive timber storage in this area as a consequence of the current proposals could have potential implications both in terms of health and safety, internal traffic flows and fire risk, which are material planning considerations. It is therefore recommended that if members are minded to approve the applications a condition is imposed requiring the applicant to submit a scheme for approval which defines the limits of the storage area and the maximum sticking height. An appropriate condition has been included in appendix 1.
- 6.4.3 Waste management: The application is not for waste management development. None of the materials employed by the facility would be classed as waste. Once Grade A timber is reclaimed from the applicant's waste recycling operation it is no longer classed as a waste. Notwithstanding this, the ability to use reclaimed on site timber as biofuel in an on-site drying facility would incentivise maximum recovery of Grade A timber in accordance with the waste hierarchy principle set out in the National Waste Strategy. This also aligns with the Core Strategy Policy CS6 (sustainability) and Policy CS19 (waste management).

7. CONCLUSION

- 7.1 The proposals would allow the company to use reclaimed wood from their existing operations at Wood Lane as fuel to run biomass boilers. The resulting low carbon heat would be used to dry timber which can then be used as fuel or other marketable products. The facility could also be used to dry other materials. Low carbon energy schemes are supported by NPPF paragraphs 97 and 98.
- 7.2 Welshampton Parish Council has expressed a number of concerns with respect to the proposals, particularly with respect to air emissions / ecology and traffic. The applicant has submitted further information and these matters have been assessed in detail through the planning consultation process. There are no outstanding objections from statutory planning consultees.
- 7.3 It is considered that the proposals would not have any unacceptable environmental effects and that any residual impacts are significantly and demonstrably outweighed by the benefits of the proposals in terms of low carbon energy, employment and synergies with the applicant's existing business uses. The proposals can therefore be accepted in relation to relevant policies and guidance, subject to the recommended conditions.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

- 8.2 Human Rights: Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.
- 8.3 Equalities: The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.
- 8.4 Financial Implications: There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

9. BACKGROUND

Relevant Guidance and Planning Policies

9.1 National Planning Policy Framework:

97. To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers).

98. When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

9.1.2 Relevant sections of the NPPF include:

- Achieving sustainable development
- Building a strong, competitive economy
- Supporting a prosperous rural economy
- Promoting sustainable transport
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment.

9.1.3 A technical companion guide to the NPPF includes guidance on renewable and low carbon energy. This has been taken into account in assessing the application.

9.2 The Development Plan

9.2.1 The Shropshire Core Strategy

- Policy CS5 (Countryside and Green Belt) – allowing for development on appropriate sites within the countryside that maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: required community uses and infrastructure which cannot be accommodated within settlements;
- Policy CS6 (Sustainable Design and Development Principles) – requiring designs of a high quality to respect and enhance local distinctiveness, mitigating and adapting to climate change
- Policy CS8 (Facilities, Services and Infrastructure Provision) – seeking the development of sustainable places by preserving and improving facilities and services; facilitating the timely provision of additional facilities, services and infrastructure to meet identified needs in locations that are appropriate and accessible; positively encouraging infrastructure where this has no significant adverse impact on recognised environmental assets
- Policy CS17 (Environmental Networks) – to identify, protect, enhance, expand and connect Shropshire’s environmental assets
- Policy CS18 (Sustainable Water Management) – to reduce flood risk; to avoid an adverse impact on water quality and quantity;
- Policy CS19 (Sustainable Waste Management).

9.2.2 SAMDev Plan - Relevant policies:

- MD2 – Sustainable Design
- MD7b– General Management of Development in the Countryside;
- MD12: The Natural Environment;
- MD13: The Historic Environment.

10. RELEVANT PLANNING HISTORY:

10.1

- NS/04/01201/MIN Retrospective application for landfill gas flare NOBJ 2nd December 2004
- NS/05/01455/MIN Erection of recycling and reprocessing building and formation of composting area NOOBJC 1st September 2005
- NS/08/00456/DEEM Proposed installation of an electricity generation plant fuelled by landfill gas NOOBJC 10th April 2008
- NS/08/01830/OHL Application under Section 73A of the Town and Country Planning Act 1990 to allow for consent under section 37 of the Electricity Act 1989 for the erection of an Over Head Line at Land At Wood Lane, Ellesmere NOBJ 14th November 2008
- 10/05561/EIA Variation of Condition No.4 (time restriction) attached to SC/MN1992/0843/NS to allow for the continued use for landfill operations until 2035 GRANT 1st July 2014
- 12/01951/MAW Erection of storage building for timber GRANT 9th August 2012
- SC/MN2004/1071/NS A retrospective application for landfill gas flare PERMIT 12th January 2005
- SC/MN1992/0843/NS Controlled landfilling with waste materials (Partially Retrospective) PERMIT 19th January 1995
- SC/MN1972/2948/NS Extension to sand & gravel workings PERMIT 16th September 1972

11. ADDITIONAL INFORMATION

List of Background Papers: Planning application reference 16/05501/MAW and the associated application form, planning statement, plans and supplementary reports as listed in condition 3 of Appendix 1 attached.

Cabinet Member (Portfolio Holder) Cllr M. Price

Local Member Cllr Brian Williams

Appendices:

Appendix 1 – Conditions

Appendix 2 – Comments of Welshampton and Lyneal Parish Council

Appendix 3 – Habitat Regulation Assessment (HRA) Screening Matrix

APPENDIX 1

Conditions

1. The development to which this planning permission relates shall be deemed to have commenced from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (1a) and to define and provide appropriate advance notice of the Commencement Dates for the development and for mineral extraction (1b, 1c).

DEFINITION OF THE PERMISSION

- 2a. This permission shall relate only to the area edged red on the approved location plan accompanying the application (Drawing no. 816-06-104) and the immediately adjoining yard area, hereinafter referred to as the "Site".
- b. Unless otherwise required by the conditions attached to this permission, the development hereby permitted shall be undertaken in accordance with the approved scheme which comprises the following:
 - i. The application form dated 1st December 2016 and the accompanying Planning Statement and appendices.
 - ii. The submitted drawings, namely:
 - 816-06-100 – Proposed plans and elevations;
 - 816-06-102 – Proposed Site Plan;
 - 816-06-104 – Location Plan;
 - iii. The following further information:
 - Email from S.Lawrence dated 9th March 2017 (Highways);
 - Letter from SLR dated 2nd March 2017 (Air Quality);
 - Letter from SLR dated 23rd March 2017 (Air Quality);
 - Letter from SLR dated 16th August 2017 (Air Quality).

Reason: To define the Site and permission

3. Within 3 months of the date of this permission the applicant shall submit a scheme for approval which defines the limits of the external timber storage area in the yard adjoining the biomass building hereby approved and the maximum sticking height. Stocking of timber shall occur in accordance with the approved scheme.

Reason: To define the limits of the timber storage area associated with the building hereby approved in the interests of health and safety and fire safety.

4. The maximum amount of timber to be used as biofuel under the terms of this permission shall not exceed 9500 tonnes per calendar year. Records of timber tonnages used for biofuel shall be maintained and shall be provided to the Local Planning Authority in writing by 31st March of each full calendar year after the date of this permission.

Reason: To allow the Local Planning Authority to confirm that biofuel tonnages and hence emissions and vehicle movements are in accordance with the submitted details.

NOISE AND DUST

- 5a. All plant and machinery used within the Site shall incorporate silencers in accordance with the manufacturers' specification and those silencers shall be maintained in good condition in accordance with the manufacturers specification for maintenance.
- b. All moving plant and machinery which is required to be fitted with reversing alarms shall be fitted with attenuated or non-audible reversing alarms rather than reversing beepers.

Reason: To assist in safeguarding the amenities of the area from noise disturbance.

6. In the event that a complaint is received regarding noise or other operations attributable to the permitted development and is subsequently validated by the Local Planning Authority the Developer shall submit a mitigation scheme for the approval in writing of the Authority which shall provide for the taking of appropriate remedial action within an agreed timescale. The mitigation scheme shall be submitted within 10 working days from the day when the Developer is notified of the complaint and the scheme shall be implemented in accordance with the approved details.

Reason: To assist in safeguarding the amenities of the area from noise or other amenity impacts by implementing an agreed procedure for dealing with any complaints.

HOURS OF WORKING

7. The operation of the biomass boilers hereby approved shall be approved to take place on a continuous basis. However, operations shall be managed to avoid the need for external loading or circulation to take outside the hours of 06.00 – 19.00hours including weekdays, weekends and Bank Holidays.

Reason: To safeguard the amenities of the area.

8. No external chipping or cutting operations shall take place within the site unless a scheme detailing these operations the location and timing has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To safeguard the amenities of the area.

REMOVAL OF G.P.D.O. RIGHTS

9. Notwithstanding the provisions of Part 17a of the Town and Country Planning General Permitted Development Order (2015) or any re-enactment of this statute, no fixed plant, mobile processing plant, machinery, buildings, structures, or erections of the nature of plant or machinery, shall be erected at the Site without prior planning permission from the Local Planning Authority.

Reason: To ensure that any proposals to erect additional plant or structures within the Site are consistent with the need to protect the environment and visual amenities of the area.

ECOLOGY

10. A total of 10 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site within 3 months of the date of this permission.

Reason: To ensure the provision of nesting opportunities for wild birds

11. A total of 10 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site be erected on the site within 3 months of the date of this permission. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species

12. A lighting plan shall be submitted to and approved in writing by the local planning authority within 3 months of the date of this permission.. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species.

13. A scheme of landscaping shall be submitted to and approved in writing by the local planning authority within 3 months of the date of this permission. The scheme shall be in accordance with the measures recommended in the Landscape and Visual Impact from Bright Associates dated November 2016. The works shall be carried out as approved and shall include:
- i. Planting plans, including wildlife habitat and features (e.g. bird and bat boxes)

- ii. Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).
- iii. Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- iv. Implementation timetables

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

Informative Notes

Ecology

- i. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*
- ii. *Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.*
- iii. *Where it is intended to create semi-natural habitats (e.g. hedgerow / tree / shrub / wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.*

Highways

- iv. *The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.*
- v. *Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.*

vi. *This planning permission does not authorise the applicant to:*

- *construct any means of access over the publicly maintained highway (footway or verge) or*
- *carry out any works within the publicly maintained highway, or*
- *authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or*
- *undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway*

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

vii. *Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012*

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. The applicant sought and was provided with pre-application advice by the authority. Further information was subsequently provided by the applicant in response to the planning consultation process. The submitted scheme, as supplemented by the further information, has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions.

APPENDIX 2

COMMENTS OF WELSHAMPTON AND LYNEAL PARISH COUNCIL

Welshampton & Lyneal Parish Council (WLPC) object to this application and request that permission is refused for the reasons outlined below:

Planning Statement

The Planning Statement and accompanying documentation do not contain an adequate detailed explanation of the submission. WLPC is unable to make a fully informed assessment and therefore object to the application.

The Planning Statement titled “PROPOSED CONSTRUCTION OF 7 X 995KW BIOMASS PLANT” explains that this application replaces the previous application 16/03239/MAW, for a 5MW combined heat and power plant which is now withdrawn. By way of explanation, the Statement gives detail that the original plan was to generate electricity as well as heat for a materials drying operation. The market has changed and electricity generation is no longer financially viable and so the applicants have abandoned that part of the plan to produce electricity, that is renewable energy, and focus on the drying part of the plan only. This is a KEY POINT which is referred to later in this letter of objection.

In section 3.0 “DESCRIPTION OF DEVELOPMENT” paragraph 2 states that “Approximately 9000 tonne/per annum of fuel is required to fuel the boilers...”. This is a major KEY POINT. The figure 9000 tonnes is not accompanied by any detailed information, boiler manufacturer’s specification, case study or any factual evidence that may give assurance that this is an accurate estimate. The figure 9000 tonnes is used as the baseline in all the accompanying studies: Ecology, Noise, Air Quality and Traffic Movements. Without a substantial clarification and technical validation of this number, WLPC cannot accept this as reasonable evidence. Further, in the previous application, now withdrawn, it was stated that the 5MW CHP which the applicant intended only to ever run at 4MW would require 12,000 tonnes of fuel. WLPC were able to verify this as reasonable by consulting the CHP manufacturer’s online documentation. The current application 7x995 KW is equal to 7MW (6.965) which represents an increase of 57% yet it is claimed it will use 4000 tonnes of fuel less. WLPC feel this requires detailed clarification. The current intended supplier, Linka, do not publish specifications online so WLPC has been unable to check this.

Section headed Traffic and Transport

Again, this starts with the estimated 9000 tonnes fuel figure which WLPC has challenged above. This is now broken down into 5000 tonnes from the waste stream and 4000 tonnes sourced which it is claimed will equate to 250 loads per year incoming. Again it is not at all clear where these figures come from? Is this 4000/250 which would equal 16 tonnes per load? Or 9000/250 which would equal 36 tonnes per load? While in the next paragraph another estimate is based on 25 tonnes per load. This ambiguous explanation is simply not acceptable to us as it cannot be used with any confidence as a basis for decisions. In paragraph 2 of the section, it is explained that additional product will be imported to be dried at the facility and then re-exported. Though not explained here, we understand the product referred to is grain. WLPC is concerned that the additional movements delivering this grain are not the applicant’s own vehicles but local agricultural tractor trailer units. If this is the case, is it the intention to have these local customers collect or will the developer deliver in its own vehicles? WLPC would like to know if this is the case as it has an impact on the local road networks, and noise, which WLPC would wish to consider and comment on. There is a further ambiguous statement that 12 loads per month or 2/3 loads per day will be generated from a total of 600 loads per annum. WLPC cannot evaluate this. Firstly, it's based on the 9000 tonnes figure WLPC have challenged. The working week on which the load

assumptions are based is not defined. While in the next paragraph, the applicant adds in a possible further 70 loads. This is completely inadequate information.

The next paragraph explains access to the site is adequate. WLPC have major concerns that the public highway feeding the site is not adequately coping with existing traffic and further additions will exacerbate the situation. We referred to our concerns that the increase may include agricultural vehicles which present additional difficulties. WLPC note the independent consultant's report reaches the same conclusion and recommends do not approve. The paragraph continues to state that: "It is anticipated that deliveries and exports will be random throughout the week." This is a major concern. If it is possible that the majority of deliveries / exports would fall on one day of the week that would create an extreme situation. The statement does not make it clear which days of the week? Is the intention to operate this 7 days a week, will this include Sunday working? Once again we have to say that we need much clarification before an appropriate decision can be made.

The planning statement contains no information relating to the quantity of output of main product that is dried biomass fuel going to market. WLPC have to assume that for this plan to have some purpose, the output must exceed the fuel input by some considerable factor. If, for example, output is ten times the input then some 90,000 tonnes of material will be produced. There is no reference to this volume which will have the most significant traffic impact by far. The developer must disclose their estimates and ambitions for this quantity before WLPC can consider the full impact.

The impact of the traffic generated is described as "insignificant" in terms of the overall traffic generated by other permitted activities at Wood Lane. WLPC have no way to make a judgement on this as we do not know what the existing traffic movement is. Therefore, in order to reach a decision WLPC would request the applicant provides details of the existing traffic movement. The National Planning Policy Framework 4.32 requires that developments that generate significant amounts of movement should be supported by a Traffic Statement or Traffic Plan. WLPC submit that the quantities of material to be moved in and out of this development are very significant and they are in addition to existing traffic, not simply to be considered in isolation. Also the daily management required to distribute this traffic evenly should be declared and be conditional on approval. As such it should be subject to the requirements of the NPPF and a plan should be prepared. Management of Ash Waste WLPC note with concern that there is no mention of a planned process to manage the ash, both bottom ash and fly ash which should be considered separately. Consultation indicates that the ash produced from the combustion of pelleted wood will vary but assumed to be in the region of 2% to 5% by weight.

Assuming the suggested figure of 9000 tonnes as a guideline this equates to up to 450 tonnes year on year of operation. WLPC would like to know what the plan is for the management and disposal of this material. Of particular concern is that this ash, which is a very fine particulate material, should not escape and become wind-blown as it is phosphate rich. Phosphates are to be considered an effective fertiliser and would have a detrimental on the sensitive ecological nature of the surrounding environment. The planning statement very ambiguously states that wood from the waste stream will be used as fuel and pelleted to become product. No indication is given of what this is or where it comes from. It is reasonable to question the potential risk that this waste may contain trees that have died from pathogenic infection, whether received by them in ignorance or not.

This bio hazardous material is strictly controlled by order. See link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/480103/LIT_7537.pdf

As a minimum, the applicant must be asked to make a risk assessment and plan and demonstrate they have appropriate skill to manage this risk.

Sustainable Energy Production Paragraph

WLPC have no idea why this paragraph is included in this planning statement. It is assumed this is an error and is a remnant left over from the previous planning application, now withdrawn. The clear intention from this statement is that no energy will be generated other than the heat used for the drying process. No electricity will be generated at all, this has been abandoned. What follows in this submission explains the value of sustainable energy generation. Which this plant does not do. The applicant should be requested to reformulate the Statement to more accurately reflect the true nature of its plans.

Concerns re the Ecological and Air Quality reports

As WLPC has stated throughout, we find this application is inadequate, in error and potentially misleading. The lack of specific detail means we cannot accurately appraise the reports on Ecology and Air Quality. However, we do have serious concerns about the methodology adopted for both and will raise them here. These reports both use a standard model with baselines that assume the emissions from this plant are into an atmosphere that complies with their standard model. This is absolutely NOT the case. This plant is intended for the sole purpose of drying materials, the majority of which is wood. The atmosphere into which the combustion emissions are vented, will be extremely high in humidity created by the drying process emissions vented to atmosphere in immediate proximity to the boilers' chimneys. This in turn will mean that, unlike a normal atmospheric model, the combustion emission will immediately hydrate and form airborne aerosols. This will include, though not exclusively, carbonic acid, sulphuric acid and nitric acid. All of the aforementioned acids are heavier than air and will precipitate out on the surrounding environment, carried on prevailing winds primarily on northeast to northwest vectors directly over sites of Special Scientific Interest, RAMSAR wetlands, neighbouring farmlands and local neighbouring residences. Without the specific details, which WLPC has requested elsewhere in this letter, it is not possible to quantify these effects but by way of illustration WLPC outlines below a scenario based on some assumptions, as identified below. This scenario uses a conversion factor provided by DEFRA in their CO₂ reporting obligations 2012. For Biomass wood chip the factor is 183.93 Kg of CO₂ equivalent Green House Gas is produced per tonne of material. (1 Metric tonne = 1000 Kg.)

The proposed plant, based on the information released, may consume around 9000 tonnes of fuel. For the sake of this explanation, let's assume that's 10,000 tonnes of wood pellets. The annual CO₂e output will therefore be circa 1840 tonnes of CO₂. Now this may seem a lot but it is a fact that Biomass wood fuel produces much more CO₂ than natural gas because gas is a hydrogen rich fuel, wood is not. Though wood is considered renewable, currently the planet harvests more wood than it plants. This makes various carbon neutral claims challengeable. This fuel is to be used to dry pelleted / chipped wood and other products such as grain. WLPC has no reliable information about how much material is to be dried, and how much moisture is to be dried out. So again some assumptions need to be made. For the proposed development to be worthwhile, the produced material must exceed the fuel consumed by a significant degree. WLPC have assumed a factor of x10.

As for the moisture content, WLPC are assuming there is a need to reduce this by at least 20% by weight. We conclude this by extrapolating from something said in the statement (drying reduced the weight by 25%) and, drying less moisture than this would probably not be worth this effort. So assuming approx. 100,000 tonnes of product releasing around 20% by weight of water vapour = 20,000 tonnes of water vapour per annum. Accepting that these are estimates the scale of the emissions this can be seen to justify the following conclusion. At this plant it is intended to release by emission to the atmosphere something in the region of: 1500 to 2000 tonnes of CO₂e per annum, alongside something like 15,000 to 20,000 tonnes of water vapour (see below).

To repeat our assertions made above. Carbon dioxide and water vapour have a strong affinity for each other. They will readily combine to form Carbonic Acid (H₂CO₃). This forms

as a heavier than air aerosol which will precipitate out creating a fallout shadow. Driven by prevailing winds, mainly to the northwest to north east of the plant, Carbonic Acid is known to be impactful on bodies of water in particular. It has the potential to alter pH and affect soil and therefore growing conditions. The report identified NO_x and SO_x will be produced. These will hydrate readily also producing nitric and sulphuric acid respectively. These are the main constituents of ACID RAIN whose impact on flora and fauna are widely understood. The above illustration is intended to raise concern, to explain why it is important to review this application carefully and in the light of full disclosure of the missing details WLPC have outlined.

Drying of Wood: Ecological Impact

This is an extremely important issue. It is assumed in the applicant's submission that the drying of wood is benign, simply driving moisture from the material to dry it by the application of heat. This is absolutely NOT the case. Drying wood by the application of heat creates significant and numerous emissions of hazardous materials. This topic has not been addressed at all in this submission. The subject is complex. Factors affecting emissions include, though not exclusively, the nature of the wood itself, that is where it was grown, hard woods, soft woods, moisture content. The amount of heat used to dry the wood. At temperatures above 100 degrees centigrade emissions of Volatile Organic Compounds (VOC's) increase significantly. These emissions include Terpenes, Formaldehyde, Methanol, Acetaldehyde, trace elements and various particulate matter. Consider the above assumed illustration, 20,000 tonnes of evaporate, per year, every year with the above contaminants dissolved within it in quantity. The potential impact of which is as yet un-assessed. (Note WLPC have consulted various scholarly articles on this matter, links to them are below for reference) WLPC consider that to proceed with this application, without making serious research and study of the above and its potential impact on the ecology of this most important and sensitive environment would be irresponsible in the extreme.

Further, we would ask that the recently proposed Shropshire Council Scheme "Shropshire Great Outdoors" relating to the enjoyment of its public open spaces be taken into material consideration when reviewing the application. In this proposed scheme, the public are encouraged to contribute financially to be able to continue to enjoy specific benefits attached to public open space and country parks. "Clean Air" and "Tranquil Nature" are features highlighted on www.shropshiresgreatoutdoors.co.uk. It is plainly obvious that Colemere Countryside Heritage Site is immediately threatened by this planning application. Shropshire Council itself must consider the threat posed to the recent public offer they have made.

Report on Noise.

As may be appreciated, WLPC's response to this application has taken significant effort to produce and at this time we have not been able to fully assess the report on noise. WLPC would observe however that as good practice, and good neighbour policy the applicant should be encouraged to:

- 1) Engage in consultation with those immediately affected.
- 2) Be encouraged to use readily available acoustic noise cancelling fans in its design in an attempt to mitigate the nuisance impact.

WLPC are concerned that the pelleting/shredding of the wood materials, an inherently noisy process has not been included in the assessment and we feel it should be. WLPC are concerned that the noise assessment does not appear to include the traffic arising from the export from site of the dried wood product. Estimated/assumed awaiting details at 100,000 tonnes.

WLPC are concerned that the report assumes regular transport vehicles only will be used in servicing this plant. WLPC have queried above whether agricultural tractor trailer units will be used to service the proposed grain drying operation as the noise emissions from these are much higher. WLPC ask for this to be investigated.

Other concerns

Research such as this should also be considered in determining this application:

<http://www.explosionhazards.co.uk/the-state-of-dust-explosion-prevention-in-the-biomass-industry/>

CONCLUSION

Welshampton and Lyneal Parish Council acknowledge the economic importance and Contribution made by local business. We welcome growth and success and are supportive of sustainable well planned and managed development as our record shows. WLPC would also point out in this case that the applicant is subject to a Section 106 duty to consult with the Parish Council, via a Liaison Committee, which they have completely failed to do. Had they taken advantage of the opportunity, WLPC might have saved much time and resource. WLPC would encourage them to do so in future and welcome opportunities to work in partnership towards sustainable outcomes.



APPENDIX 3

Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

16/05501/MAW
Wood Lane Quarry
Wood Lane
Ellesmere
Shropshire
SY12 0HY
Erection of 7 x 995 kW Biomass Plant

Date of completion for the HRA screening matrix:

29th June 2017

HRA screening matrix completed by:

Nicola Stone
Shropshire Council Planning Ecologist
Nicola.stone@Shropshire.gov.uk

Table 1: Details of project or plan

Name of plan or project	16/05501/MAW Wood Lane Quarry Wood Lane Ellesmere Shropshire SY12 0HY Erection of 7 x 995 kW Biomass Plant
Name and description of Natura 2000 site	<p>Cole Mere Cole Mere Midland Meres and Mosses Ramsar Phase 2 is one of the largest of the Shropshire meres, with an almost complete fringe of woodland. There is a comparatively rich flora of aquatic macrophytes and the aquatic invertebrate fauna of Cole Mere is particularly diverse. It is included in the Ramsar Phase for its Open water, Wet pasture and Carr habitats with the plant species <i>Carex elongata</i></p> <ul style="list-style-type: none"> • White Mere <p>White Mere Midland Meres and Mosses Ramsar Phase 1 (31.97ha) is one of the richest of the North Shropshire meres for aquatic plants. It is included within the Ramsar Phase for its open water and carr habitats with the plant species <i>Carex elongata</i> and <i>Eleocharis acicularis</i></p>
Description of the plan or project	Erection of 7 x 995 kW Biomass Plant.
Is the project or plan directly connected	No

with or necessary to the management of the site (provide details)?	
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

I have read the above application and the supporting documents including the;

- Ecological Assessment conducted by SLR global environmental solutions (July 2016)
- Proposed Combined Heat and Power Plant Air Quality Assessment conducted by SLR global environmental solutions (July 2016)
- Stuart Lawrence email dated 9th March 2017 to address Highways concerns for the proposed development.
- Response from SLR to Natural England Ref: 403.03441.00006 dated 23rd March 2017
- Natural England's comments dated 28th March 2017
- SC Highways formal comments dated 6th April 2017

Shropshire Council has assessed the SLR emissions report (July 2016) and from it has drawn the following conclusions:

Long Term Effects: Risk based screening criteria have been applied to the nature conservation sites dependent on their level of legal protection.

- X is a standard screening distance from the application;
- Y is the long term process contribution calculated (PC) as a percentage of the relevant critical level or critical load;
- Z is the long term predicted environmental concentration (PEC) calculated as a percentage of the relevant critical level.

Screening Criteria	European Sites	SSSI	NNR, LWS, AW
X (km)	10	2	2
Y (% threshold)	1	1	100
Z (% threshold)	70	70	Not applicable

Assessment Stage 1: If the process contribution is < Y% of the critical level and load then the long term emissions from the application are not significant.

SLR Predicted Nitrogen Oxide Critical Level Impacts on Sensitive Ecosystems (Annual Mean)

Ecological Receptor	Designated Site	The long term process contribution calculated (PC) as a percentage of the relevant critical level
ER1	Newton Mere LWS	0.94
ER2	Blakemere, Kettlemere & SU Canal LWS	1.56
ER3	Near Shropshire Union Canal, Colemere LWS	1.78

ER4	SW Clarepool Moss LWS	0.80
ER5	SW Corner of White Mere LWS	1.80
ER6	Woodland Near Colemere LWS	4.24
ER7	Croise Mere Non SSSI LWS	0.84
ER8	Baysil Wood Fen LWS	3.49
ER9	Wood lane Reserve LWS	26.2
ER10	Black Coppice Mire LWS	1.19
ER11	Lee/Yarnest Woods AW	1.77
ER12	White Mere SSSI	2.13
ER13	Clarepool Moss SSSI	0.83
ER14	Cole Mere SSSI	1.99
ER15	Sweat Mere and Croise Mere SSSI	0.70
ER16	Midlands Meres and Mosses – Phase 1	2.13
ER17	Midlands Mere and Mosses – Phase 2	1.99
ER18	West Midlands Mosses SAC	0.83
ER19	Cole mere Ramsar	2.28

The long term process contribution calculated as a percentage of the relevant critical level screens out below the Environment Agency's threshold for ER1 – ER11, ER13, ER15 and ER18. The long term emissions from the application are not significant for these sites and no further assessment is required.

Assessment Stage 2; If the process contribution is >Y% of the critical level and/or load then we must now consider the relevant predicted environmental concentration (PEC) at the European site(s) and/or SSSI(s):

☑ PEC = PC + background (PEC is not considered at NNR, LNR, LWS or ancient woodland as Y% = 100% critical level or load).

If the predicted environmental concentration (PEC) is <Z% of the critical level and load then conclude 'no likely significant effect' (alone and in combination)

Ecological Receptor	Designated Site	The long term predicted environmental concentration (PEC) calculated as a percentage of the relevant critical level
ER12	White Mere SSSI	15.8
ER14	Cole Mere SSSI	15.7
ER16	Midlands Meres and Mosses – Phase 1	15.8
ER17	Midlands Mere and Mosses – Phase 2	15.7
ER19	Cole mere Ramsar	15.8

A detailed assessment is not required as the SLR (2016) modelling predicts that Process Contribution (PC) >Y% but the Predicted Environmental Contribution (PEC) <Z% of the long term critical levels and/or loads for Ecological Receptors ER12, ER14, ER16, ER17 and ER19.

Short Term Effects: Consideration must be given to the short-term effects of pollutants on nature conservation sites. Short-term critical levels must be assessed for NO_x. There are no short-term critical loads. Detailed assessment and modelling at nature conservation sites is required where the

output predicts that the PC >10% critical level for European and SSSI sites. For NNR, LNR, LWS and ancient woodland the threshold is 100% of the critical level.

SLR Predicted Nitrogen Oxide Critical Level Impacts on Sensitive Ecosystems (Daily Mean)

Ecological Receptor	Designated Site	The short term process contribution calculated (PC) as a percentage of the relevant critical level
ER1	Newton Mere LWS	3.86
ER2	Blakemere, Kettlemere & SU Canal LWS	6.10
ER3	Near Shropshire Union Canal, Colemere LWS	8.52
ER4	SW Clarepool Moss LWS	3.39
ER5	SW Corner of White Mere LWS	10.5
ER6	Woodland Near Colemere LWS	11.6
ER7	Crose Mere Non SSSI LWS	5.65
ER8	Baysil Wood Fen LWS	12.5
ER9	Wood lane Reserve LWS	55.4
ER10	Black Coppice Mire LWS	4.59
ER11	Lee/Yarnest Woods AW	14.2
ER12	White Mere SSSI	14.4
ER13	Clarepool Moss SSSI	3.32
ER14	Cole Mere SSSI	7.10
ER15	Sweat Mere and Crose Mere SSSI	4.78
ER16	Midlands Meres and Mosses – Phase 1	14.4
ER17	Midlands Mere and Mosses – Phase 2	7.10
ER18	West Midlands Mosses SAC	3.32
ER19	Cole mere Ramsar	8.05

Based on the information above the short term process contribution calculated (PC) as a percentage of the relevant critical level is over the threshold that is normally considered acceptable by the Environment Agency at sites ER12 and ER16. The SLR report note that the PC is greater than 10% on an area of 32,943m² compared to the total area of the designation of 320,603m², representing 10.3% of the entire SSSI (ER12) and Ramsar (ER16). Due to the biomass boilers operating for 5,000 hours a year (and not 24/7) this has been taken into account when assessing the long term impact from the development. However, short term (24 hour mean NO_x), modelled impacts remain relevant as these outputs could occur within the projected 5000 hours typical operation. The detailed assessment must ensure that the application will not:

- result in an 'adverse effect' on the integrity of a European site (ER16);
- be an operation likely to damage (OLD) a SSSI (ER12);

Screening Criteria	European Sites	SSSI
Y (% threshold)	1	1
Z (%threshold)	70	70

In accordance with the EA operational Instructions 67_12, 'if the PC background (i.e. PEC) is less than 100% of the appropriate environmental criteria, it can be assumed that there will be no adverse effect.

Therefore whilst the Process Contribution (PC) from the site is above the 10% threshold stated within EA Operational Instruction 66_12 for the daily mean oxides of nitrogen (NOx) Critical Level (CLE), as the Predicted Environmental Concentration (PEC) is less than 100% of the CLE it can be concluded that there will be no adverse effect on the European (Ramsar) or SSSI designations. I note that the maximum PEC is less than 35% of the daily mean CLE so there is a large amount of headroom between PECs as an absolute concentration and the CLE (70%).

The judgement of whether a conclusion of no adverse effect on integrity can be reached for a permission should be made either 'alone or in combination with other plans and projects'. Both the alone and in-combination assessment should be made in the context of the prevailing environmental influences on the site. An application must be assessed in-combination with existing permitted installations. SC Ecology is not aware of any proposals which should be included in an in-combination assessment.

Based on the Air Quality Assessment report, conducted by SLR global environmental solutions July 2016, SC Ecology is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the designated sites have been notified.

Vehicle Movements: SLR conclude that - an agreement was reached previously for Tudor Griffiths Limited to upgrade wheel wash facilities at the site to address this and a trial of a new system is currently underway. As part of the recently determined 'Zone 4' application, it has also been agreed to install two additional interceptors to gulley drainage systems between the main site entrance and White Mere SSSI. It should also be noted that vehicle movements associated with the Biomass Plant would not be entering the mineral extraction or landfill areas of the Wood Lane site, and it is therefore considered unlikely that vehicles associated with the proposal would generate additional dust/sediments on the A528 alongside White Mere SSSI to any extent that could result in adverse effects upon the SSSI or require any further mitigation measures.

SC Highways conclude that: In terms of additional traffic movements it would appear that it is the drying of the wood chip that will result in the main increase. Based on the submitted information this is anticipated to result in some 8 movements per week over a year, which can be balanced against the potential loss of movements of the processed grade A material no longer being exported from the site. Equating these anticipated movements against the existing traffic movements generated by the existing waste management operations on the site, it is considered that the traffic movements generated by the proposed biomass plant is not likely to result in a material change in use of the site access to sustain a highway objection. In order to ensure that drainage arrangements are provided which ensure that surface water from the driveway and or vehicular turning area does not discharge on the public highway – or impact on designated sites, the following condition should be on a planning decision notice;

1. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or

- implemented and where ecological enhancements (e.g. to ensure drainage from the site does not impact designated sites) will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c) Requirements and proposals for any site lighting required during the construction phase;
 - d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
 - e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
 - f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - vi) Provision of training and information about the importance of ‘Wildlife Protection Zones’ to all construction personnel on site.
 - g) Pollution prevention measures: All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

Conclusion: Shropshire Council has not identified any potential effect pathway by which the proposed works might impact upon the European Designated Site at Cole Mere and White Mere Ramsar.

The Significance test

There is no likely significant effect on European Designated Sites; Cole Mere and White Mere, from the proposed works under planning application 16/03239/MAW.

The Integrity test

There is no likely effect on the integrity of the European Designated Site at Cole Mere and White Mere from the proposed works under planning application 16/03239/MAW.

Conclusions

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.

Natural England must be consulted on this HRA prior to a planning decision being granted.