



Biogas Technology Ltd
Land at Llay Hall Farm, Llay

Planning Statement

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1. Introduction

- 1.01 This Planning Statement has been prepared by Peacock + Smith on behalf of our client Biogas Technology Ltd (herein referred to as the 'applicant') in support of a planning application for the erection of two generator units and ancillary development on land at Llay Hall Farm, Llay, Wrexham.

Background to the Application

- 1.02 Planning permission has previously been granted at the site for the 'Utilisation of mines gas for the production of electricity' under application ref: P/2002/0985. Permission was granted in 2003 and the development was implemented. However, the mines gas at the site has since been exhausted and the generators have been removed although the compound, fencing and landscaping bund remain.
- 1.03 This application proposes the installation of one 1.95MW generator and one 1.13MW generator as well as ancillary development which includes a transformer, site cabin and oil and coolant storage tanks. It is proposed that both generators will run on natural gas initially.

Purpose and Structure of Report

- 1.04 This Statement seeks to address all relevant planning considerations prior to drawing conclusions as to the merits of the application.
- 1.05 The remainder of this Statement is structured as follows:
- (a) **Section 2:** describes the site and discusses the planning history;
 - (b) **Section 3:** describes the proposed development;
 - (c) **Section 4:** positions the proposals in the context of planning policy;
 - (d) **Section 5:** analyses the planning considerations relevant to the proposal;
 - (e) **Section 6:** describes other material benefits; and
 - (f) **Section 7:** concludes the Statement.

2. Site Description and Planning History

- 2.1 This Section provides information of the application site and its surroundings, and provides details of the relevant planning history on the site.

Site Description

- 2.1. The site is located outside of the western settlement boundary for the village of Llay but is considered to be previously developed land.
- 2.2. The site measures approximately 1.55ha and can be accessed via a track road off Llay Road. The site is in close proximity to the A483, a major A Road which provides access to Chester and Swansea.



- 2.3. Land to the north, south and west of the site is dominated by open countryside with the east of the site occupied by Llay Industrial Estate.
- 2.4. The site is broadly rectangular in shape and is enclosed by a lockable, steel palisade fence. The central compound area is flat, with a bund surrounding the enclosed compound to the north, south and west.
- 2.5. The landscaping bund, extending to approximately 3m in height, made up of mature trees is situated around the perimeter of the site, considerably reducing the visibility of the site from the north, east, south and west. There is a small entrance point through the bund to the south eastern corner but this is screened by landscaping. There are no views of the compound from outside the site.

- 2.6. The site is currently vacant and is mostly cleared of any previous development. However hard surfacing and concrete bases remain, along with a substation permitted under application ref: P/2002/0985 has been retained and is situated to the west of the entrance to the site.

Planning History

- 2.7. The site has a limited planning history with only one previous application.
- 2.8. Application ref: P/2002/0985 was submitted to Wrexham Borough Council in September 2002, for the utilisation of mines gas to generate electricity. The application was approved under delegated powers in 2003.
- 2.9. In approving the application, the principle of development was deemed acceptable and compliant with planning policy.
- 2.10. Following the approval, the development was implemented and the site was in use up until 2014. The mines gas at the site has now depleted and the site has subsequently been cleared.
- 2.11. This application sets a precedent at the site for the generation of electricity and the principle of development.

Key Summary

- 2.13 The planning history demonstrates that the site has a history of industrial use and in particular for the generation of electricity. The previously approved application sets a precedent for the current proposed development and as explained above, the nature of the proposal has already been deemed acceptable and suitable.
- 2.14 The site has most previously been used for the utilisation of mines gas and is currently vacant apart from a compound area which will be re-used. The site is broadly rectangular in shape and benefits from a landscaping bund made up of mature trees.

3. The Proposed Development

- 3.1. This Section provides an overview of the proposed development.

Project Introduction

- 3.2. The proposed development will consist of one 1.95MW generator and one 1.13MW generator as well as ancillary development which includes a transformer, site cabin and oil and coolant storage tanks. It is proposed that both generators will run on natural gas.
- 3.3. The purpose of the development will be to provide electricity to the National Grid at times of peak demand to supplement base load provided by other sources (such as larger power plant and renewable generation sources).
- 3.4. Plants such as that proposed are required to operate when there is a surge in demand for electricity associated with a particular event (e.g. where many people across the country boil kettles following the end of a popular television programme) or where there is a sudden drop in power being generated from plant which are constantly operational (e.g. a sudden outage).
- 3.5. By only operating at peak periods, the proposed development would also help to 'balance out' the grid at times of peak electricity demand and will help to support the grid at times when other technologies (e.g. wind and solar farms) cannot generate electricity due to their intermittent operation and reliance on prevailing weather conditions. Development such as that proposed within this application is therefore vital in 'evening out' the power in the grid.
- 3.6. The proposed development would deliver electricity directly to the regional grid via the District Network Operator (DNO) (North Western Power). The plant equipment will supply power at or near the point where power is to be used and helps to support the network at times of peak demand avoiding power fluctuations and blackouts. They also do not 'waste' the generated power in transmission losses which occur when power is transmitted over long distances, as electrical losses occur from cables to the surrounding environment.
- 3.7. The site will operate on a flexible basis to meet peak demand from the national electricity supply grid. The site is not expected to be in constant operation.
- 3.8. The gas generators proposed comprise two separate devices that work together in order to produce power. An engine burns gas in order to produce motion for the generator, which converts the motion into electricity by using electromagnets.

- 3.9. Gas will be supplied to the site via a gas pipeline from the existing local gas grid. The electricity produced will be exported via a proposed underground HV Electricity cable to the local grid.
- 3.10. A site Layout is provided within the planning application submission. The submitted plan shows the maximum extent as to the plant and laydown area within the application red line boundary. The proposed layout plan provides the configuration of the plant, ancillary equipment, access road and laydown area.

The Developer

- 3.11. The developer is Biogas Technology Ltd. The company is a market leading landfill biogas business, with a proven record of delivering gas-to-energy generation projects. The company's advanced technologies help manage gases efficiently to generate energy, reduce CO₂ emissions and meet environmental requirements.
- 3.12. Biogas Technology is committed to the development of assets to support the UK Government drive to a low carbon economy and to underpinning security of supply by delivering a range of power generation options which can be flexibly delivered to meet changing grid demands. Biogas Technology recognises the need to balance commercial benefits with the environmental issues and concerns of energy projects and believe this can be responsibly delivered at a local level.
- 3.13. Biogas Technology is committed to acting in a socially and environmentally responsible manner. The proposed development and supporting infrastructure would be designed and developed to high quality, safety and environmental standards.

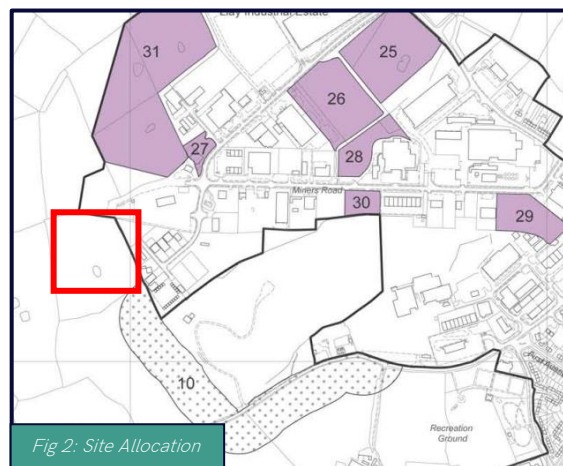
4. Planning Policy

- 4.01 The purpose of this Section is to establish the planning policy against which the application should be assessed.
- 4.02 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act requires that planning decisions should be taken in accordance with the development plan unless material considerations indicate otherwise.
- 4.03 The Development Plan is formed of the following documents:
- The Wrexham Unitary Development Plan (adopted February 2005); and
 - Emerging Wrexham Local Plan (expected adoption Spring 2019).
- 4.04 Material policy considerations include Planning Policy Wales (December 2018) which is supported by the Technical Advice Notes (TAN).

Statutory Development Plan

Wrexham Unitary Development Plan

- 4.05 The Wrexham Unitary Development Plan (herein after referred to as the 'UDP') was adopted by the Local Authority in February 2005 and provides a framework for local decision making and development. A summary of the relevant policies are set out below.
- 4.06 The adopted Policies Map indicates that the site is located outside the Settlement Boundary for the Village of Llay however given the planning history of the site it is considered to be previously developed. An extract of the policy map is provided at Figure 2.



- 4.07 **Policy GDP1** of the UDP sets out that all new development should ensure that the proposal in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.

Emerging Wrexham Local Plan

- 4.08 The Wrexham Local Plan, is currently under preparation and will cover the period 2013 - 2028. Consultation on the plan ran during November 2018 and the plan is expected to be adopted in 2019. Significant weight has therefore been afforded to this plan and the proposed policies. A summary of the relevant policies are set out below

- 4.09 **Policy SP13** sets out that proposals must demonstrate how they have taken account of the local characteristics of surrounding areas and how innovative design solutions will enhance the quality of the built and natural environment.

- 4.10 **Policy SP15** states development will only be supported where it protects conserves and enhances the natural environment including *inter alia*:

a) natural landscape features such as trees, hedges and woodland and the green networks between them which contribute to the quality and diversity of the natural environment and play an important role in mitigating the impact of climate change.

- 4.11 **Policy SP19** advises that to mitigate against climate change, development proposals will need to demonstrate that they have taken into account; reducing carbon emissions, promoting energy efficiency and increasing the supply of renewable energy.

- 4.12 **Policy DM1** sets out the general policies for development management in Wrexham, which include *inter alia*:

- a) Accord with or enhance the character, local distinctiveness and appearance of the site, existing building(s) and surrounding landscape/ townscape in terms of its siting, layout, scale, height, design, density, use of materials and landscaping;*
- b) Not have an unacceptable effect on the amenity of the occupiers of nearby properties/land by virtue of noise, disturbance and overlooking; and provides a satisfactory standard of amenity for the occupiers/users of the development itself;*
- c) Safeguard the environment from the adverse effects of pollution of water, land, light or air arising from development;*
- d) Contribute to low carbon communities through energy efficiency, be designed to minimise the use of non-renewable energy, water and the production of waste both during construction and when in use; and*
- e) On sites which have previously been developed, new development proposals should make use of existing suitable building materials wherever possible for appropriate uses in order to re-use recyclable materials and reduce the amount of imported materials*

4.13 **Policy MW3** sets out the Council's approach to a sustainable supply of Minerals. The policy advises that proposals for mineral extraction outside the Extraction Exclusion Areas, including unconventional oil and gas will be supported where they are necessary to enable the local authority to meet a need identified at the regional level, or the needs of the industry concerned provided it can be demonstrated that:

- a) There would be no unacceptable impact on the highway taking into account the proposed access and routes to be used for transportation;*
- b) Noise levels would not have an adverse impact on sensitive receptors; and*
- c) There would be no significant adverse visual impact on areas of landscape importance.*

Planning Policy Wales (PPW) (Edition 10, December 2018)

4.14 PPW 10 was published in December 2018 and sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs).

4.15 At the heart of the PPW is a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when taking decisions on individual planning applications. The commitment to sustainable development set out in PPW is a statutory requirement enforced by The Planning

(Wales) Act 2015. The Planning (Wales) Act 2015 introduced a statutory purpose for the planning system in Wales whereby any statutory body carrying out a planning function must exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Wales) Act 2015.

4.16 **Paragraph 2.21** sets out that planning authorities should ensure that key factors are considered in the decision-making process. The key factors in the assessment include:

- Social Considerations;
- Economic Considerations;
- Cultural Considerations; and
- Environmental Considerations.

4.17 **Paragraph 3.7** sets out that developments should seek to maximise energy efficiency and the efficient use of other resources. An integrated and flexible approach to design, including early decisions regarding location, density, layout, built form, the choice of materials, the adaptability of buildings and site treatment are important.

4.18 **Paragraph 5.1** advises that previously developed land should, wherever possible, be used in preference to greenfield sites where it is suitable for development.

4.19 **Paragraph 5.7.7** states that the planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts.

4.20 **Paragraph 5.7.8** states that the benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance. The continued extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change. The planning system should *inter alia*:

- *Optimise the location of new developments to allow for efficient use of resources;*
- *Maximise renewable and low carbon energy generation;*
- *Maximise the use of local energy sources, such as district heating networks;*
- *Minimise the carbon impact of other energy generation; and*
- *Move away from the extraction of energy minerals, the burning of which is carbon intensive.*

4.21 **Paragraph 5.7.9** advises that an effective electricity grid network is required to fulfil the Welsh Government's renewable and low carbon ambitions. An integrated approach should be adopted towards planning for energy developments and additional electricity grid network infrastructure.

4.22 **Paragraph 5.7.11** sets out that Local Authorities should plan positively for grid infrastructure and should support appropriate grid developments, whether or not the developments to be connected are located within their authority.

Technical Advice Note 11: Noise (1997)

4.23 **TAN 11** provides guidance on Noise for any new development. The guidance sets out the measures that can be implemented to control the source of limit the exposure to noise, these include:

- engineering: reduction of noise at point of generation (e.g. using quiet machines and/or quiet methods of working); containment of noise generated (e.g. insulating buildings which house machinery and/or providing purpose-built barriers around sites); protection of surrounding noise-sensitive buildings (e.g. improving sound insulation in these buildings and/or screening them by purpose-built barriers);
- lay-out: adequate distance between noise source and noise-sensitive building or area; screening by natural barriers, other buildings, or non-critical rooms in a building; and
- Administrative: limiting operating time of noise source; restricting activities allowed on the site; specifying an acceptable noise limit.

Key Summary

4.24 From the review of the planning policy framework, we consider that the proposal raises the issues below that require consideration:

- Principle of Development;
- Noise;
- Ecology;
- Highways; and
- Landscape and Visual Amenity.

5. Planning Analysis

5.01 The purpose of this section is to consider the issues raised by the proposed development, and provide an analysis against the planning policy framework set out above.

5.02 From a review of the planning policy framework, we consider that the proposal raises a number of key issues that require consideration:

- Principle of Development;
- Noise;
- Ecology;
- Landscape and Visual Amenity; and
- Highways.

5.03 Each issue is dealt with in turn below.

Principle of Development

5.04 As identified above, the site has no allocation under the Wrexham Local Plan and is located outside but adjacent to the Settlement Boundary.

5.05 The planning history of the site and the previous approval of the use of the site for the utilisation of mines gas (application ref: P/2002/0985) sets a precedent for the use of the site for the generation of electricity.

5.06 In granting application ref: P/2002/0985 the proposal was considered acceptable and the principle of development deemed appropriate.

5.07 Following the exhaustion of the mines gas, the site was cleared in 2014, however the foundations of the previous generators as well as the substation remain on the site. The site also benefits from a steel palisade fence, permitted previously, as well as a mature landscaping bund.

5.08 There are no material changes associated with the proposed development as the location and nature of the development replicate that already approved.

5.09 This application therefore seeks to make the best and most efficient use of the land in the context of its planning history.

- 5.10 By continuing to bring the land into beneficial use, the proposed development directly accords with one of the key principles for the planning system, as set out in **Paragraph 5.1** of the PPW which advises that previously developed land should, wherever possible, be used in preference to Greenfield sites where it is suitable for development.
- 5.11 The land is formed of the existing foundations and landscaping bund and is located in an area dominated by industrial uses. There are no indications of suitable habitats either on the site or within close proximity. The site is therefore considered to be of little or no environmental value.
- 5.12 The proposed development would also accord with the social and environment aspect of sustainable development as described by PPW. The development would provide a low carbon form of energy production, which will only be used for short periods to meet demand and allow the National Grid system to respond positively when there are sudden changes in demand.
- 5.13 As demonstrated throughout the remainder of this section, the proposed development would not pose unacceptable harm to the local environment.

Principle of Development Summary

- 5.14 The proposed development is considered to comply with the aims and provisions of Policy MW3 of the Local Plan. It is considered that the development accords with the Development Plan and that the principle of developing gas generators at the site is acceptable.

Noise

- 5.15 The nearest sensitive noise receptor is a commercial office, located approximately 45m away from the application site. A number of intervening structures are located between the application site and the building, including a thick tree belt which acts as a noise buffer. The site is located in an area dominated by industrial uses, many of which are likely to form significant noise generating operations. Therefore, given the background noise present within the local area and the separation distance and intervening structures between the application site and nearest building, the proposal is not considered to pose an unacceptable impact upon noise sensitive receptors.
- 5.16 A noise assessment prepared by Sharps Redmore is submitted as part of this application and assesses the total noise impact of 2-off gas generators. The assessment found that the gas-engine sound levels are expected to be satisfactory in the context of guideline values and existing local circumstances.

5.17 At times when the equipment is not operating, no noise will be generated from the plant.

5.18 The proposed development would therefore be in accordance with Technical Advice Note 11.

Ecology

5.19 The site consists of an area of hardstanding and as such is considered unsuitable for supporting habitats. A mature landscaping bund forms a site boundary. The loss of the landscaping is not proposed in this application and is therefore compliant with **policy SP15** of the emerging Local Plan.

5.20 The compound area has been in use for the generation of electricity since 2004. It is covered by hard standing with concrete bases and secured by a steel palisade fence. Therefore, it is considered to be of very little ecological value. Any ecological value is considered to be contained within the landscaping bund which will not be affected by the proposed development.

5.21 There is not considered to be any loss of habitat at the site as a result of the proposed development. The site is an existing area of no ecological value and therefore the proposed development will have no detrimental impact on the ecology of the site.

Landscape and Visual Amenity

5.22 The application site is located within an area which is characterised by existing industrial uses and dominated by medium and large-scale warehousing. The area is therefore not considered to be of a high landscape value and is of low sensitivity to change.

5.23 Notwithstanding this, the site is surrounded by a significant landscaping bund. The existing landscaping provides effective buffering of the site from public views. The development would be located within the central part of the site and would be largely hidden from public viewpoints. Due to the nature of the proposals, the proposed development is considered to assimilate well in to the existing area.

5.24 Given the above, the proposed development would therefore comply with **policy GDP1** of the Unitary Development Plan.

Highways

- 5.25 The site will continue to be accessed via an existing access off Llay Road, which is a tarmacked junction with a bell mouth and gates set back at a distance from the road. The site is currently vacant but was previously in use for the utilisation of mines gas. There are no highway changes required in order to accommodate the proposed development.
- 5.26 In the operational phase, access to the site would also be consistent with the existing site access arrangements.
- 5.27 As the site would not be required to have staff present on-site each day there would be limited activity during the operation of the plant, with only routine service visits necessary. Staff visiting the site would utilise the space available at the site compound or on entrance to the site, with no additional car parking required to service the proposed development. There would be no change to the surrounding transport networks.
- 5.28 The delivery of generators will take place via HGV as already undertaken at the site. The vehicle would be able to enter and exit the site in forward gear.
- 5.29 Given the above, the proposed development would comply with **policy MW3** of the Emerging Local Plan.

Key Summary

- 5.30 A detailed assessment of the planning policy framework and all key issues has been undertaken for the proposed development. The development accords with the Development Plan and there are no other material considerations which would warrant the refusal of the planning application. Accordingly, it is considered that in accordance with the Local Plan and PPW, planning permission should be granted.

6. Benefits of the Proposed Development

6.01 The purpose of this section is to consider the benefits arising from the development were the scheme to be approved planning permission.

6.02 It is considered that there are a range of benefits including:

- The low-carbon production of energy;
- Increased energy security by responding at times of peak energy demand;
- The creation of economic development on a under-used site; and
- The delivery of additional employment opportunities through construction and installation of the plant.

6.03 The proposed development also accords with paragraphs 5.7.7 - 5.7.11 of Planning Policy Wales, which relates to low carbon development and energy infrastructure and states that the Local Planning Authorities should support proposals for renewable, low carbon and decentralised energy schemes provided they will not result in unacceptable harm to the local environment.

7. Conclusion

- 7.1. This Planning Statement has been prepared by Peacock + Smith on behalf of our client Biogas Technology Ltd in support of a planning application for the erection of two generator units and ancillary development on land at Llay Hall Farm, Llay, Wrexham.
- 7.2. The proposed development comprises of one 1.95MW generator and one 1.13MW generator as well as ancillary development, which includes a transformer, site cabin and oil and coolant storage tanks. It is proposed that both generators will run on natural gas.
- 7.3. As demonstrated at Section 2 of this statement, the Site has a history of industrial use and in particular for the generation of electricity. The previously approved application sets a precedent for the current proposed development and the nature of the proposal has already been deemed acceptable and suitable.
- 7.4. Full consideration has been paid to both the adopted and emerging Development Plan, as well as Planning Policy Wales. It is considered that the application accords with the provisions of the UDP and the emerging Local Plan and PPW.
- 7.5. Policy MW3 of the Local Plan encourages the development of renewable, low carbon or decentralised schemes provided they would not pose unacceptable harm to the local environment. The proposed development would present a low-carbon form of energy production in an area dominated by existing industrial uses. As demonstrated at Section 5 of this statement, there are no other material considerations which suggest that the proposed development is unacceptable.
- 7.6. In conclusion, we consider that the application proposal accords with relevant development plan policies and assist in achieving the Government's sustainable development aspirations as set out within the PPW. Furthermore, the proposal delivers a range of significant planning benefits. In this regard, and in light of all of the above, we recommend that planning permission should be granted.