

## Responses of the community consultees

- 5.1 Following consultation with all consultees listed in table 3 and subsequently the public engagement event, the following comments were received.

### **Abermule with Llandyssil Community Council**

- 5.2 Abermule with Llandyssil Community Council issued 13 comments, all of which are copied below in *italics* and a response is provided in where appropriate;

1. *Considering that this particular green-field location was initially granted permission for development - conditional upon the completed site meeting the BREEAM rate of excellence specifications - are we now to understand that this development site has been re-designated, with the 'excellence' stipulation scaled down to a lower level of quality expectations?*

Response to comment 1 – The site has a long planning history, with the first permission for its development for employment use being granted in 1992 (Planning Ref. M22186) with several applications having been granted since. However, none of the planning permissions granted in that time have been subject to planning conditions which require the buildings to be constructed to BREEAM Excellent or any other environmental / energy efficiency targets. The misconception may have stemmed from the fact that from September 2009, Welsh Government, introduced a requirement that all new major non-residential buildings meet "Very Good" under the BREEAM scheme and to meet an "Excellent" standard for reducing Carbon Emissions. Despite this, the Local Planning Authority did not impose any conditions on the 2009 planning application (Ref. P/2009/1353) which enforced this.

Furthermore, the site has been an allocated for employment uses for over 22 years and at no point has the applicable development plan stipulated that any buildings on the site shall be constructed to BREEAM Excellent standards.

The only ever reference to BREEAM Excellent being achieved was in respect of the 2009 outline application (Ref. P/2009/1353) by Welsh Government for a business park which stated a commitment to achieving BREEAM Excellent. However, this was only stated due to the prevailing Welsh Government policy at the time and given the application was only made in outline, there was no cast iron guarantee that the reserved matters application(s) that could have followed would have delivered

BREEAM Excellent buildings as there was no planning condition or legal agreement to enforce it. Unfortunately, Welsh Government did not progress the development past that stage.

Notwithstanding the above, Welsh Government policy in respect of the energy efficiency of new buildings has moved on since 2014 when Building Regulations became devolved in Wales under Part L 2014. This has allowed Welsh Government to abolish the planning policy requirement to achieve certain BREEAM standards and instead, the energy performance of new buildings is now controlled more appropriately via building regulations. Since July 2014, tighter emission targets brought in under Part L 2014 mean all non-domestic buildings must achieve a 20% reduction over Part L 2010. The result is that all the new buildings proposed for this development will therefore be built to a high standard of energy efficiency broadly equivalent to the previous BREEAM Excellent standard.

2. *If the above is the case, why then was not the Business Park re-designated for use by Abermule's local business community, under the re-defined development criteria?*

Response to comment 2 - Response to comment 2 – The site is allocated in the adopted Local Development Plan under Policy E1 (P02 EA1). This policy states:

*“Proposals for B1, B2 and B8 employment development will be permitted on the following allocated employment sites where they comply with the category of the site and permitted uses of the site; ...*

<b>Site Name</b>	<b>Location</b>	<b>Size of Employment Designation Area</b>	<b>Category</b>	<b>Site Allocation Ref. No.</b>
<i>Abermule Business Park*</i>	<i>Abermule</i>	<i>2.6</i>	<i>High Quality / Local</i>	<i>P02 EA2</i>

*“\* Suitable for waste uses through Policy W1”*

The supporting text (Para. 4.4.4) states;

*“Policy E1 also enables the provision of complementary ancillary employment uses that fall outside the B use classes where this improves site viability and enables new site development. Ancillary uses that might be complementary include day nurseries, training centres, waste recycling and vehicle repairs.”*

In the previously adopted UDP (2001 – 2016), the site was identified as a “General” employment site under Policy EC2 which permitted uses within the B1 (Business), B2 (General Industrial), B8 (Storage and Distribution) and A2 (Financial & Professional Services) use classes. Prior to the adoption of the UDP, the site was allocated for business uses in the Montgomeryshire Local Plan (adopted 1995).

In respect of the recycling facility part of the proposed development, this is a use which falls within a B2 (General Industrial) Use Class. As such, if an application had been submitted for the recycling facility under either of the previous development plans then it would have been a use which would have been acceptable in principal in planning policy terms.

The development plan status of the site has therefore changed very little in over 22 years since it was allocated for employment uses in both of the previous development plans. It is therefore not correct to say that that the designation of the site has changed or been downgraded. The aspiration remains to develop a high quality, prestige Business Park

The planning application submitted to the LPA for consideration is a hybrid application; that is, one that seeks outline planning permission for one part and full planning permission for another part of the same site. The proposal seeks full planning consent for the development of a Bulk Recycling Facility, and outline consent for the construction of 6 business units (B1/B2/B8). If planning approval is obtained, a Reserved Matters application will be required to be submitted to secure the design detail for the business park element of this scheme. The design for the business park is yet to be completed; it is proposed to submit RM applications for approval of the full detailed design, once potential tenants have come forward and the units can be designed around their specific needs. Powys CC would welcome the chance to discuss this opportunity with any local businesses who may wish to occupy one of the business premises.

3. *By what reasoning did Powys County Council have preferential overriding weight over the local business community; thereby creating a situation where Powys CC may potentially end up being the sole operator which will be able to conduct an industrial-scale enterprise on this site?*

Response to comment 3 – Powys CC are developing the recycling bulking facility on only part (circa 1/3) of the site, with the

majority (circa 2/3) retained for the business park. Powys CC are in advanced discussion with at least one potential tenant of the largest proposed business unit. On this basis, Powys CC is not overriding the business needs of the local community and would welcome discussions with local businesses who may be interested in taking units on the business park.

4. *Why has the Applicant for the currently proposed development not included an Environmental Impact Assessment Report with its pre-planning materials that were made available for public scrutiny?*

Response to comment 4 - The proposed development does not fall within Schedule 1 of the Regulations, for which Environmental Impact Assessment would be mandatory. The development does however include more than 1 hectare of urban development (which is not dwelling house) and therefore needs to be considered under Schedule 2.10(b)(i). It is therefore necessary to identify whether it is likely the development would have significant effects on the environment.

Schedule 3 of the 2016 EIA Regulations provides 'selection criteria' which outlines whether an EIA is required. The selection criteria includes the following:

- Characteristics of the development;
- The location of development; and,
- The characteristics of the potential impact of the development.

Having completed the relevant assessment it is considered the proposed development, which comprises a split of circa 1/3 bulk recycling facility and 2/3 business park does not give rise to the potential for unusually complex nor hazardous environmental effects. Furthermore, the site is located within the settlement boundary and on a site allocated for employments uses, included general industrial uses under the B2 use class, within which the recycling bulking facility falls. Furthermore, outline planning permission has previously been granted for the development of the site without the need for EIA. The proposal is therefore a compatible form of development and appropriate for the site and location.

5. *Does the Applicant not consider it unacceptable that this site, which was originally intended for the siting of a modern, prestigious, high-quality, low visual profile, smart, clean, quiet and environmentally pleasant 'Business Park', is now being considered for the siting of a domestic refuse recycling complex?*

Response to comment 5 – Unfortunately, Welsh Government never progressed the development of the business park beyond the construction of the access and the outline permission has lapsed. Powys CC have secured ownership of the whole site and intend to develop a prestige business park on the site and are already engaged in advanced discussions with prospective tenants. The recycling bulking facility will also operate from the site and there is no reason why the two parts of the site cannot operate side by side. Indeed, the prospective tenants of the largest business unit which lies adjacent to the recycling bulking building have expressed no particular concerns regarding its proximity. It is a misconception to think that the recycling facility will be a 'bad neighbour' as it will be operated by the Council under strict NRW permitting rules and it is not in the Council's interest to allow the site to operate inefficiently or in breach of the permitting rules.

6. *In view of 'other' sites within Montgomeryshire having been considered (according to the Applicant) for locating a Powys CC's Recycling Bulking Facility processing centre (to complement the other two PCC sites which are located, respectively, in Brecknockshire and Radnorshire), what were the specific driving factors which determined that this particular location should be selected as the 'preferred' site for the proposed development within Montgomeryshire?*

Response to comment 6 - The site in Abermule equidistant between the two largest population settlements in Montgomeryshire (Welshpool and Newtown) and is therefore ideally located to serve the north of the County. The site is located in close proximity to the Trunk Road network and is located a reasonable distance from sensitive receptors. The site is also well located for staff who live in the aforementioned towns and indeed those who may live in Abermule or the immediate area.

7. *With the Court Close housing estate located at such close proximity to the proposed development, what provisions are projected to be put in place to serve as a noise-baffling barrier between the two respective sites?*

Response to comment 7 - First and foremost, it is not considered that the recycling bulking facility will be a particularly noisy facility as borne out by visits to the existing facilities in Brecon and Rhayader, the latter of which lies directly adjacent to existing residential properties. No complaints have been raised by any

local residents in respect of the Rhayader site, despite the fact that it is not a purpose-built facility. Abermule on the other hand will be a purpose-built facility, designed, sited and operated so as to minimise disturbance to a minimum. The recycling bulking facility is located approximately 380m from the nearest properties on Court Close and is separated from these properties by the railway line, lines of mature trees and vegetation which run alongside the line and by other trees and vegetation. The building on the site will be constructed with acoustic baffling internally and is sited at the furthest end of the park to maximise separation. The building is also orientated to face away from the settlement.

8. *What does the Applicant intend to do to avoid a repeat scenario of regular extensive flooding at this site, such as occurred even as recently as five years ago in 2013 - photographs of which were shown to the Applicant's engineers at the Questions and Answers meeting held at the Abermule Community Centre on Thursday evening of the 17th May 2018?*

Response to comment 8 - The photos seem to show surface water flooding (ponding) in the lowest lying areas of the site. This is in accordance with the modelling WSP have undertaken, and is shown in the Flood Consequence Assessment.

Ground levels at the proposed development site are to be raised to reduce the risk of flooding to the development to acceptable levels. Compensation measures for the loss of this ponding area have been drawn up and agreed with Graham Astley, Drainage Engineer. These are shown at the southern end of the site (which also serves as ecology mitigation and enhancement), and at the northern end through provision of a swale. Allowance has been made for surface water flows to pass safely through the site. We have also discussed and agreed with Graham floor levels of buildings and accesses, which will remain safe in the 1 in 100 annual probability event (including for climate change) for surface water.

With regards to river flooding; the site was originally shown on the Development Advice Map as being within a flood zone C (1 in 1000 event). However the modelling WSP have undertaken over the last two years is far more comprehensive and takes into account a full topo survey of the site, adjacent watercourses and drainage routes, and more recent flow records for the River Severn. This modelling showed that the site is outside of the 1 in 1000 event area. The data used has been checked by NRW who have incorporated it into the development advice maps. This means that the site is now shown as being within flood risk zone

A, (considered to be at little to no risk of fluvial or tidal/coastal flooding), in accordance with WAG Planning Policy Wales TAN 15 Development and Flood Risk.

9. *Could the Applicant please produce maps showing the location of an ancient Roman Road - a protected feature of archaeological significance, within the proximity of the Abermule Business Park site; and could the Applicant explain what steps will be taken to mitigate any potential damage to this feature - which is an important aspect of the historical heritage of the Abermule area, particularly for attracting visitors and tourism to the village?*

Response to comment 9 – Clwyd Powys Archaeological Trust (CPAT) were fully consulted as part of the Pre-Application Consultation process. CPAT confirmed that *“that there are no archaeological implications for the proposed development based on the results of an earlier watching brief when the access roads were constructed in this area”*. It is considered therefore that the proposals are acceptable in archaeological terms and pose no threat to the historical heritage of the area.

10. *Could the Applicant please confirm that this site being considered for locating a Powys CC's Recycling Bulking Facility processing centre does not include within its curtilage any portion of land designated with a category of SSSI (Site of Special Scientific Interest) or SAC (Special Area of Conservation)?*

Response to comment 10 – The submitted Ecological Appraisal prepared by Gerald Longley Ecological Consultants states:

*“A 2km buffer desk study for sites and wildlife records revealed that there were no coincident statutory wildlife sites or SSSIs. The nearest SSSIs were the Montgomery Canal SSSI, approximately 400m north of the site at the nearest point, and Hollybush Pastures SSSI, approximately 1.2km north of the site. The stretch of the Montgomery Canal closest to the site is also designated as a SAC for its population of floating water plantain (Luronium natans).”*

On this basis, no part of the site forms part of a SSSI or SAC.

11. *Has the Applicant taken into consideration the prevailing South-Westerly winds (i.e., blowing in a North-Easterly direction down the Severn Valley) which, as all the residents of the Abermule village will readily testify, is a recognised topographical and climatic feature of this area's landscape, will certainly carry with them the minutest amounts of noise, odour, dust and potentially some stray*

*refuse items emanating from the Recycling Bulking Facility processing centre?*

Response to comment 11 – Yes, the design team is familiar with the prevailing winds, having visited the site on numerous occasions. Despite the prevailing winds, the applicant is entirely confident that noise transmission from the site will be relatively insignificant given the controlled nature of the facility, its design and orientation and significantly, its separation distance and the intervening vegetation to the nearest properties on Court Close which are located some 389m distant. In respect of odour, it is not expected that the site will give rise to any significant levels of odour as food waste will be transported to site in sealed containers, then transferred on-site into sealed skips which are then taken off-site once full. There are no opportunities for any significant levels of odour to escape from the sealed skips. The resources which will be stored on site will not generate any significant level of dust. There will be limited opportunity for wind-blown debris from the site as all lightweight material, such as plastic and paper, will be unloaded undercover within the building.

On this basis, it is not considered that the development will give rise to any nuisance by way of noise, odour dust or wind-blown debris.

*12. As this site was infrastructured for development on the strength of received external public money, in the form of an European Funding arrangement, is it now legal for Powys CC to assume ownership of it, as opposed to allowing the site to be offered to local private business enterprises within the Abermule area?*

Response to comment 12 – Powys CC has lawfully purchased the site from the Welsh Government and now have full control over the whole extent of land, including the infrastructure with no clawback. The aim of the funding was, it is understood, to facilitate economic development. The development of the site for a business park and recycling bulking facility will fulfil those aims and Powys CC are committed to delivering development which will secure and generate employment for Powys residents. In respect of local business, as noted above, Powys CC are open to discussions with any local business who may wish to occupy any of the proposed business units.

13. *With the type of development you propose, will this impact on the type of future developments on the site to such a point, that Powys County Council will be the only occupant for the whole site.*

Response to comment 13 – Powys CC have already received interest from third parties who wish to occupy the site and are in advanced discussions. It would not be within Powys CC interest, as the owners of the whole site, or as a competent developer, to sterilise the wider site coming forward for development.

**Adjoining land owners and third parties consulted as part of the public engagement event**

- 5.3 The following responses were received from local residents. The responses were received both as part of the PAC process and during the public consultation event held on the 17<sup>th</sup> May at Abermule Community Centre.
- 5.4 The nature of responses totalled 84 persons in objection and 1 person in support of the proposed development. The responses are summarised below as follows;

**Comments in objection**

- 5.5 82 respondents were in objection to the application for the following reasons;
- I. Concerns regarding flooding and surface water;
  - II. The absence of an Environmental Impact Assessment to support the application.
  - III. Noise pollution;
  - IV. The use of the site as a Recycling Bulking Facility rather than a prestigious business park;
  - V. Air pollution;
  - VI. Increased traffic into and around the village;
  - VII. House price depreciation;
  - VIII. Smell emanating from food waste facility;
  - IX. Pests (rats and seagulls);
  - X. Scale and design of the building is not in keeping with the area;
- 5.6 Asbri Response – comments I - IV. have previously been addressed through responses to Abermule with Llandyssil Community Council (see para 5.2). The remaining comments are addressed in turn below;

**Air pollution**

- 5.7 There will not be any treatment or recovery processes at this Facility. It is provided for the collection and storage of material prior to onward transportation only and therefore will not result in any air pollution

***Increased traffic into and around the village***

- 5.8 A Transport Statement has been completed to accompany the planning application. The Transport Statement concludes that the level of traffic generation will have a marginal impact on the performance of B4386 during the AM and PM peak hour periods, or throughout the course of the day.

***House price depreciation;***

- 5.9 Property value and saleability is not a material planning consideration.

***Smell emanating from food waste facility;***

- 5.10 All green/food waste will be stored in sealed skips to prevent any odor pollution.

***Pests (rats and seagulls);***

- 5.11 Given that all green/food waste will be stored in sealed skips the presence of pests will be limited.

***Scale and design of the building is not in keeping with the area;***

- 5.12 The height of the building reflects the need for refuse/recycling vehicles to enter the bulking shed to unload material. The elevational treatment of the Recycling Bulking Facility which comprises of matt black plastic coated profiles steel cladding has been selected to respect existing agricultural buildings within the locale.