

Enviroparks Hirwaun

Paper on planning policy regarding regional waste facilities

Enviroparks (Hirwaun) Limited ♦ May 2009

1. INTRODUCTION

1.1 Enviroparks (Hirwaun) Limited (EHL) has submitted a planning application to Rhondda Cynon Taf County Borough Council (RCT) and the Brecon Beacons National Park Authority (BBNPA) for an integrated energy and resource recovery facility on land at the Hirwaun Industrial estate. The application is the subject of ongoing discussions and meetings with the LPAs and Agencies in an effort to clarify and resolve the requests for further information that have been made and enable the Agencies to withdraw their holding objections.

1.2 At a meeting with the LPAs on 27 April 2009 Mr. Chris Morgan, BBNPA's Head of Planning, advised that a significant issue for BBNPA is whether the proposed development constitutes a 'regional waste facility'. It was suggested that, if it does, then the South East Wales Regional Waste Plan could rule out such development on a site within the National Park.

1.3 This paper clarifies the relationship between the proposed development and planning policy on the development of regional waste facilities as set out in national policy, BBNPA's development plan and the South East Wales Regional Waste Plan.

1.4 The key questions considered are as follows.

- Is there a definition of what comprises a 'regional' waste facility in policy terms?
- Could Enviroparks' Hirwaun proposal be considered as a 'regional' waste facility?
- Do BBNPA's policies preclude a regional waste facility within the National Park?

1.5 This paper begins by examining national policy in PPG Wales and TAN21, followed by the Regional Waste Strategy 2004 and the draft 2007 revision. BBNPA's development plan policy is then reviewed.

2. PLANNING POLICY WALES 2002

2.1 Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Assembly Government and is supplemented by a series of Technical Advice Notes (TANs) and procedural advice given in circulars.

2.2 Reflecting the proximity principle, PPW advises that waste should not be exported to other regions. However, as with all strategic documents it does not provide guidance on the location of new development and does not define what a regional waste facility is.

3. TAN 21 WASTE

3.1 TAN21 confirms that, despite not having collection and disposal responsibilities, National Parks Authorities (NPAs) are waste planning authorities and that the waste management requirements of the NPAs should be part of the relevant regional waste plans.

3.2 Paragraphs 2.15-16 state that whilst it would be for individual local authorities to determine actual locations of facilities and make provisions in their development plans, the RWP should specify the approximate location or type of location of new facilities:

'The RWP would not allocate sites for facilities, but it will indicate areas of need and search for potential sites for future facilities, and where possible, a choice of locations that once agreed in the due local political process and in recognition of existing contractual arrangements, would serve the region.'

3.3 TAN21 paragraph 4.14 refers to the eco-parks concept, which is close to what EHL proposes at Hirwaun Industrial Estate. TAN21 acknowledges the significant contribution that eco-park development can make to meeting Landfill Directive and other targets, and advises that they should be regarded positively by LPAs.

3.4 Paragraphs 5.9-5.10 highlight that, in national parks in Wales, due weight must be given in development control decisions to landscape and scenic beauty. However, there is no explicit exclusion of waste development in national parks.

4. TOWARDS ZERO WASTE: ONE WALES, ONE PLANET NATIONAL WASTE STRATEGY CONSULTATION, APRIL 2009

4.1 In April 2009 the Welsh Assembly Government (WAG) published a consultation paper on the draft Wales Waste Strategy 2009-2050. This will be a complete revision of *Wise About Waste, The National Waste Strategy for Wales 2002*. The consultation document does not define 'regional waste facility' and does not propose guidance on waste development in, or on the edge of, national parks. However, the consultation paper does include a clear statement of WAG's proposed strategy for waste, as follows (pp 14-15):

Our approach in responding to the challenges

To meet all of these commitments we will be ambitious in reducing the amount of waste we produce by taking a 'zero waste' approach, and be bold in how we do it. This means our aim is to produce no waste in the long term, by designing products and services that reduce or reuse waste as far as possible, and developing a local and highly skilled economy for waste management and resource efficiency.

We propose to work towards this long-term aim by:

- Strongly promoting waste reduction, using targets to set goals and encourage action, with support provided where appropriate and needed, and with a strong focus on eco-design.*
- Encouraging everyone to reduce, reuse and recycle, and use waste management treatment and disposal facilities that contribute to tackling climate change and reducing Wales' ecological footprint. To achieve a high level of recycling, we need to make sure that all our recyclates are separated at source so that they are clean and of high value. In particular, we aim to develop an efficient and effective collection system to separate mixed commercial and industrial waste.*
- Prioritising what waste materials we deal with first - these waste materials will be those which, if managed in the best way, will give us the greatest environmental benefits.*

- *Seeking to make producers more responsible for the waste that they produce, or cause others to produce.*
- *Generating renewable energy from biowastes.*
- *Phasing out landfill sites and developing high efficiency energy from waste plants for residual waste.*

At the same we intend to achieve EU Directive targets for waste and, where appropriate, exceed them in order to meet other policy requirements, especially those relating to sustainable development and climate change.

EHL's proposals at Hirwaun Industrial Estate are entirely consistent with this emerging national strategy.

5. SOUTH EAST WALES REGIONAL WASTE PLAN (2004 and 2008)

5.1 Each of the local planning authorities in South East Wales endorsed the 2004 Regional Waste Plan (RWP) for use in preparation of their local development plans and in the planning process. The RWP provides the framework for dealing with wastes arising from all sources in South East Wales needing treatment and disposal. The area covered by the RWP includes all but the most western extent of Brecon Beacons National Park.

5.2 The RWP is primarily a land use planning document setting the regional framework for planning and control of the development of waste management facilities. Whilst the 2004 RWP estimated the capacity requirements for each waste stream by local authority area, and listed locational criteria, it did not identify specific locations/sites. As a result of this omission, the Plan did not comply with the requirements of the EU Waste Framework Directive.

RWP first review: recommended draft 2008

5.3 To take account of changing circumstances the RWP is monitored and reviewed on a three-year cycle. As a part of the review process, RPS Consulting was commissioned to carry out a study to identify areas of search for regional in-building and open-air facilities across each of the three regions in Wales.

5.4 During the review process the WAG indicated that, with regard to in-building facilities serving more than one authority area, it wished to see the review include:

'The identification of a list providing a choice of locations / sites (e.g. named industrial estates, business parks etc) suitable for the location of additional 'within building' waste facilities with capacity for greater than one local authority area...Each local authority should identify a list providing a choice of preferred potential locations or sites for additional waste facilities with capacity for greater than one local authority area for inclusion in the RWP.'

(para 10.1.5)

5.5 However, the RWP first review does not provide a definitive definition of what is considered to comprise a regional waste facility.

5.6 Section 12 of the RWP first review sets out the process used to generate and assess areas of search for use in identifying new sites for facilities. Land use class B2 'general industrial' employment sites, existing major industrial areas, and new B2 sites allocated in development plans are identified as suitable locations for the new generation of in-building waste management facilities. Notably, Paragraph 12.4.14 states that:

National Parks and Areas of Outstanding Natural Beauty have both been excluded from the search¹⁰³. In addition, locating waste management facilities around these areas has been assessed so that impacts from distant views are eliminated as far as possible.

5.7 A significant clarification to this is provided in the footnote:

¹⁰³ *In exceptional circumstances there may be sites on the edge of but within National Parks where facilities with capacity to serve more than one local authority area may be acceptable. Such exceptional circumstance could include, for example, B2 sites that for historical reasons are located on the edge of but within National Parks, or facilities for managing agricultural waste.*

5.8 EHL would contend that Hirwaun Industrial Estate is one such site. As an existing B2 employment site, Hirwaun Industrial Estate is identified as an area of search for in-building facilities by the RWP review (Figure: JER7167-014 rev C). The application site is specifically identified as an existing and allocated B2 site, and included as potentially available land for waste industry development in Appendix G to the RWP review.

6. BBNPA PLANNING POLICY

6.1 The BBNPA development plan comprises the Brecon Beacons NPA Local Plan (adopted May 1999). The Brecon Beacons NPA Unitary Development Plan has been approved for development control purposes but not formally adopted.

6.2 The latter document is considered by BBNPA to provide a more up to date and relevant planning framework and therefore the authority *'has determined to afford greater weight to the UDP in the determination of planning applications'* than to the Local Plan, despite not having formally adopted the UDP.

Brecon Beacons NPA Local Plan 1996-2006 (adopted May 1999)

6.3 The 1999 Local Plan adopted a permissive approach to waste recovery facilities that would mainly serve the plan area. The plan does not address or define regional waste facilities.

6.4 Paragraph 13.9 of the 1999 plan notes that various techniques are available for sorting, recycling, composting, and incinerating waste, saving resources, making useful products while reducing the need for landfill sites. In view of the fact that the Enviroparks operation would entail waste reclamation rather than disposal, local plan policy WP2 applies:

Policy WP2

Proposals for waste transfer stations, facilities for the reclamation or recycling of waste materials or the storage or disposal of inert wastes will be permitted where:

- i) they conform fully to the other policies in this Local Plan;*
- ii) they relate entirely or mainly to waste material arising within the Park;*
- iii) no equally suitable site is available outside the Park, given the desirability of minimising transport distances.*

**Brecon Beacons National Park Unitary Development Plan April 2007
(approved for development control purposes but not formally adopted)**

6.5 Land at Hirwaun Industrial Estate is allocated for employment use by BBNPA UDP 2007 Policy SS4 and Table 7.5 (HW1):

Policy SS4: Allocation of Land for Employment Uses

Land is allocated for industrial and business uses at the following employment and redevelopment sites. The supply and take up of land will be regularly reviewed.

6.6 The introductory text to the detailed UDP waste policies advises that waste arising within BBNP is exported rather than managed or disposed of within the Park (UPDP para 4.60), and goes on to state in paragraph 4.63:

‘... no authority has indicated that sites for new facilities will be needed in the Park in the medium term. The NPA considers that a National Park is not the place where facilities to serve the region, such as for special or hazardous waste, should be developed. No land is therefore allocated or areas of search identified for waste uses in this UDP.

6.7 Enviroparks Hirwaun would not deal with special or hazardous waste. The reference by the UDP to waste related allocation of land is expressed in Policy 10: Allocation for Waste:

In accordance with the South East and South West Wales Regional Waste Plans and Municipal Waste Plans, no land is allocated specifically for waste related development in this UDP.

6.8 Having established this, the UDP acknowledges that private waste disposal companies or others may make applications for waste related development at any time. It goes on to define criteria within Policy S13 against which to assess waste related proposals:

Policy S13: Waste Development Serving the Region

The use of land for waste-related development to cater mainly for wastes from outside the Park will be subject to the most rigorous examination and will only be permitted in exceptional circumstances where it is demonstrated to be in the public interest, that is where all the following criteria are met:

- i) there is a regional need identified in a Regional Waste Plan;*
- ii) the need cannot be met in another way or in another location outside the National Park;*
- iii) the benefit to the economy of the Park can be shown to outweigh the detriment that would be caused to tourism and other economic activities; and*
- iv) there are no significant detrimental effects on the Park's special qualities, its natural beauty, wildlife and cultural heritage or communities.*

6.10 Many of the waste recycling components of the proposed Enviroparks development would occupy that part of the site that lies within Rhondda Cynon Taf, with the principal built element in the BBNPA area comprising a conventional industrial unit intended for a B1 or B2 user with high energy demands. Nonetheless, the proposals would fulfil a need identified in the Regional Waste Plan, and the RWP first review identifies Hirwaun Industrial Estate as a suitable location for in-building facilities, as noted above. There is a clear public interest in the environmental benefits of enhanced waste management and renewable energy use, and in the creation of new employment. There would be no significant detriment to features of landscape, natural or cultural interest, or to tourism. For these reasons, it is concluded that EHL's proposals do not conflict with UDP policy S13.

6.11 The accompanying text recognises that, in any event, proposals could be at very different scales, and therefore emphasises that the criteria will be applied with the significance of the effect of a specific proposal in mind. The UDP does not define 'regional waste facility' and does not preclude the possibility of such development on the edge of the national park.

7. CONCLUSIONS

7.1 Prompted by BBNPA, EHL has reviewed relevant waste and planning policy at national, regional and local levels to clarify the position with respect to what a 'regional waste facility' comprises, and whether such development could be considered appropriate on the edge of a national park. The conclusions of this review are as follows.

- i). 'Regional waste facility' appears to be a term of convenience rather than having specific meaning in the context of waste or planning policy in Wales.
- ii). the site search work undertaken by RPS to inform the draft South East Wales Regional Waste Plan first review excluded the Brecon Beacons National Park from the area of search for locating waste facilities,. However, the first review explicitly acknowledges that there may be existing use class B2 site allocations on the edge of but within the national park where waste facilities may be acceptable. Hirwaun Industrial Estate is specifically identified as a potential location for advanced waste recovery facilities.
- iii). BBNPA's waste planning policies do not preclude the possibility of waste development within the national park. Unadopted UDP policy S13 acknowledges that the use of land for waste-related development to cater mainly for wastes from outside the national park might be contemplated if, amongst other considerations, there is a regional need identified in a regional waste plan.
- iv). The principal built element proposed by EHL Limited on that part of the application site within the national park comprises a conventional industrial unit intended for a B1 or B2 user. The site is allocated for this use by BBNPA.
- v). In general, the proposed Enviroparks development at Hirwaun responds closely to relevant policy and guidance, including TAN21 *Waste*, the emerging national strategy *One Wales, One Planet*, and the draft *South East Wales Regional Waste Plan* first review. The Enviroparks development would be the first comprehensive fulfilment of the 'eco-park' approach promoted in TA21 and the Regional Waste Plan first review.

7.2 In view of these considerations, it is concluded that there is no basis in policy and guidance for refusing EHL's planning application on the ground that it would constitute a regional waste facility within the national park.

7.3 Having undertaken this policy review, EHL consulted WAG on the definition of regional waste facilities. WAG indicated that the Hirwaun proposal would not be regarded as a regional waste facility, not least because the project would be a merchant scheme, operating without the benefit of a municipal waste contract or local authority funding.

7.4 EHL has provided a separate *Position paper on waste sources* (April 2009) that explains the contribution that the proposed Enviroparks development would make to waste management locally and in South East Wales as a whole. When operating at full capacity, the Enviroparks scheme would be able to process the equivalent of a third of the waste volume currently disposed of in the three local landfills. For further comparison, the Enviroparks proposal would process a maximum 5% of total controlled waste arisings in south-east Wales. The regional significance of this contribution to regional waste recycling and landfill diversion targets might be open to debate but it is suggested that this should not impede the positive determination of EHL's planning permission.

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