



Chapter Five PLANNING POLICY CONTEXT

INTRODUCTION

5.1 The purpose of this chapter is to consider the principal policy issues relevant to this application, having particular regard to development plan policy for the site. Consideration is also given to policy and strategy at a national and international level.

5.2 More detailed consideration of the scheme against available policy and guidance is given in a *Planning Policy Statement* accompanying this application.

CONTEXT

The global imperative

5.3 The consistent concern of many of the policies reviewed in this chapter is the need to contain global climate change by reducing the emission of greenhouse gases, particularly carbon dioxide (CO₂), that contribute to global warming. The extensive use of fossil fuels that accompanied the industrialisation of the world's economy has released large volumes of CO₂ back into the atmosphere. The accumulation of greenhouse gases in the upper atmosphere reduces the planet's ability to reflect solar radiation back into space, resulting in a gradual increase in mean global air temperature. Amongst other things, this is thought to be causing a retreat of polar icecaps and a trend towards more extreme weather, with hotter, drier summers and warmer, wetter and windier winters anticipated for Wales. Rising sea levels caused by the melting of the polar ice sheets could have profound adverse consequences for coastal communities and residents of other low-lying areas.

5.4 The obvious response to this challenge is to reduce fossil fuel use, partly by using energy more efficiently, and partly by finding alternatives. A recurrent concern of the policies summarised in this chapter is the need to develop renewable sources of energy - forms of energy that occur naturally and repeatedly in the environment, including energy resources that are currently locked up in the waste stream.

This chapter

5.5 This chapter examines the planning and energy policy context within which EHL's development proposals have been prepared. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The application site falls under two separate Local Planning Authorities and the Development Plan thus comprises the following:



For the south-eastern part of the site:

- The Mid Glamorgan (Rhondda Cynon Taff County Borough) Replacement Structure Plan 1991-2006 (adopted January 1999);
- Rhondda Cynon Taf (Cynon Valley) Local Plan (adopted January 2004).

For the north-western part of the site:

- Brecon Beacons NPA Local Plan (adopted May 1999);
- Brecon Beacons NPA UDP (approved for development control purposes but not formally adopted).

5.6 For the avoidance of doubt, BBNPA advises that its UDP provides ‘a more up to date and relevant planning framework’¹ than the Mid-Glamorgan Structure Plan, and therefore the authority ‘has determined to afford greater weight to the UDP in the determination of planning applications’ than to the Structure Plan, despite not having formally adopted it. The Brecon Beacons National Park Authority (BBNPA) advises also that a later ‘Authority-Approved UDP’ (April 2007) is more relevant than the extant Local Plan, despite the fact that the UDP has not formally been adopted. Consequently this plan is considered in this chapter alongside the formally-adopted development plan policies.

5.7 Other material considerations affecting the application include national and regional waste and energy strategies, Planning Policy Wales, the Wales Spatial Plan, and Technical Advice Notes (TANs), and these are also considered in this chapter.

5.8 It is beyond the scope of this chapter to summarise all aspects of national planning policy guidance that might be of relevance to the current proposals. However, the Planning Policy Statement that accompanies this application provides a fuller review, and relevant provisions are also considered in the thematic chapters of this Environmental Statement.

INTERNATIONAL OBLIGATIONS

Global agreements

5.9 The 1992 United Nations Framework Convention on Climate Change was negotiated by an Intergovernmental Negotiating Committee (INC) and was opened for signature at the ‘Earth Summit’ that met in Rio de Janeiro in June 1992, coming into force in March 1994. It recognised that human-induced changes to the atmosphere are affecting the climate and it set out to ensure that atmospheric concentrations of greenhouse gases are stabilised at a safe level.

5.10 The Kyoto Protocol set internationally-agreed and binding targets for reducing emissions of greenhouse gases up to 2012. The Kyoto targets must be seen as only a start, as it has been estimated that a 60-70% cut in greenhouse gas emissions will probably be

¹ Foreword to the UDP



required to stabilise CO₂ levels in the atmosphere. Through the Kyoto Protocol, the UK has a legally binding target to reduce emissions of greenhouse gases by 12.5% below 1990 levels in the period 2008-2012. In furtherance of this, the UK government has also set a domestic goal to reduce emissions to 20% below 1990 levels by 2010.

European Union

5.11 The EU Framework Directive on Waste provides the overarching legislative framework for the collection, transport, recovery and disposal of waste, and includes a common definition of waste. The Directive requires all member states to take the necessary measures to ensure that waste is recovered or disposed of without endangering human health or causing harm to the environment, and includes permitting, registration and inspection requirements. The Directive requires member states to take appropriate measures to encourage first, the prevention or reduction of waste production and its harmfulness and, second, the recovery of waste by means of recycling, re-use or reclamation or any other process with a view to extracting secondary raw materials, or the use of waste as a source of energy. Member states are also required to prepare a waste management plan in order to attain these objectives and establish an integrated and adequate network of disposal installations.

5.12 The Landfill Directive aims to prevent or reduce as far as possible negative effects on the environment from the landfilling of waste, by introducing stringent technical requirements for waste and landfills. It also sets targets for the reduction of biodegradable municipal waste going to landfill. In response, the government is seeking a reduction to 50% of 1995 levels by 2013.

5.13 The EU's Emissions Trading Scheme (ETS) came into force on 1 January 2005 and aims to reduce emissions of CO₂ and combat the threat of climate change. Member states must ensure that each industrial or electricity generation plant covered by the scheme holds a greenhouse gas emissions trading permit - in effect, a licence to operate and to emit CO₂. The ETS provides financial incentives for large energy users to reduce CO₂ emissions, and procuring energy from renewable sources is an important means of doing this. However, for the desired CO₂ emissions reduction to take place there needs to be a substantial increase in renewable energy generation capacity.

5.14 In 2001, the European Commission approved a Renewable Energy Directive which aims to achieve an increase in renewable energy's share of total energy consumption from 6% to 12% by 2010 across the EU, and to create a basis for a future European Community renewable energy framework. The Directive sets the UK an indicative target of increasing the percentage of electricity production derived from renewables to 10% by 2010.



NATIONAL CLIMATE CHANGE AND ENERGY POLICY

The UK Government Sustainable Development Strategy (2005)

5.15 This sets out a framework for all government policy, seeking to emphasise sustainability in all areas, which is summarised as 'living on the earth's income rather than eroding its capital'. The document stresses that there is a pressing need for the economy to become less reliant upon CO₂, less damaging to the environment, and more efficient. To this end it highlights the need for sustainable consumption and production. The reduction, re-use and re-cycling of waste in accordance with the waste hierarchy is fundamental in this. The strategy also particularly highlights the need for a 'profound change' in energy production and use, particularly in terms of the major greenhouse gases CO₂ and methane, in order to minimise climate change. The development of the renewable energy sector is vital in this regard.

UK Climate Change Programme (2006)

5.16 This programme describes Climate Change as '*the greatest long-term challenge facing the world today*' and sets out actions in furtherance of commitments under Kyoto. The energy supply sector is identified as being the biggest single contributor. Renewable energy is a particular priority and a variety of benefits to biomass use are highlighted, particularly in terms of the local economy and the ability to simultaneously address problems arising from landfill.

DTI Energy White Paper (2003)

5.17 The White Paper maintains the 2010 national target for the share of electricity generated from renewables at 10%, whilst raising the aspiration for 2020 to 20%. In addition to the environmental and low-carbon benefits of renewable energies, other important benefits are noted such as reliability of energy supply, promotion of competitive markets, and affordability of energy for households.

UK Biomass Strategy 2007

5.18 This strategy outlines the particular benefits of biomass energy as a low-carbon and sustainable replacement for fossil fuels, and confirms that this sector 'will need to increase significantly and sustainably', reflecting similar aims at the European level. Implementation of the strategy is intended to exploit an estimated potential resource of around 96.2 TWh, whilst also significantly offsetting methane, which constitutes around 3% of total UK greenhouse gas emissions.



DEVELOPMENT PLAN POLICY

Mid Glamorgan (Rhondda Cynon Taf) Replacement Structure Plan (1991-2006)

Employment allocation

5.19 Policy E1 provides a clear policy basis whereby employment development of the application site is, in principle, considered acceptable subject to detailed matters, and this is supported by a specific employment allocation for the planning application site made under policy E4.

Environmental policies

5.20 Structure plan policies EV5-6, relating to nature conservation, are applicable and their overriding objective is to prevent harm, particularly to nationally and internationally-designated sites. The Ecology chapter of this Environmental Statement has particular regard to the presence of a Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSIs) in the locality. The overall finding is that there would be no significant adverse effects on nature conservation interests.

5.21 Structure plan policy EV12 resists proposals that would be at risk from flooding, or which would be likely to increase flood risk elsewhere. The requisite Flood Risk Assessment has been undertaken, and necessary mitigation measures form part of this application, as chapter 11 of this ES explains. Policy EV13 seeks to protect trees in the landscape, and promotes the planting of native species in development proposals. This guidance is taken into account in the landscape design and mitigation strategy for the project, explained in chapter 12 of this ES.

Transport

5.22 Structure plan policies T8, T9, T15 and T16 encourage a modal shift away from car use with support for public transport, walking and cycling. Policies T10, T11 and T12 oppose development that would have adverse implications on the highway network. These policy requirements are considered in chapter 8 of this ES. As chapter 4 of this ES explains, transport and access considerations influenced the choice of site for the Enviroparks development. The Hirwaun Industrial Estate is close to a junction with the A465(T) Heads of the Valleys road, is connected to local communities by bus, and is conveniently reached from these communities by bicycle.

Energy and utilities

5.23 The structure plan supports the development of utility services and an increase in renewable energy use, subject to environmental considerations. Energy crops, landfill gas, sewage gas, and waste-sourced energy are considered by the authority to be locally relevant. Structure plan policies U1, U2, U4 and U5 state that environmental effects and conflicts should be minimal and that damage or disturbance to important sites should be



avoided. The applicant has taken these considerations into account in the formulation of the current proposals, as later chapters of this ES explain. The current proposals include renewable energy generation whilst ensuring that processes are contained within buildings and subject to appropriate environmental control and monitoring.

Brecon Beacons National Park Authority Local Plan (1996-2006)

5.24 In summary, the local plan's strategy for employment and economic development is to provide for limited employment and industrial growth in the National Park on allocated sites, whilst preventing detrimental environmental effects on the surroundings – with landscape amongst the foremost considerations. The current proposals would occupy land allocated for industrial development by policies EM1 and EM2 of the local plan. Later chapters of this ES examine how EHL has responded to the local plan's concerns to avoid significant adverse effects on the National Park.

5.25 The National Park Authority regards this plan as outdated and superseded by the Unitary Development Plan.

Brecon Beacons National Park Unitary Development Plan (April 2007)

5.26 The overall objectives of the Plan are²:

- 1). conserving and enhancing the natural beauty, wildlife and heritage of the park;
- 2). promoting public understanding and enjoyment of its special qualities;
- 3). fostering socio-economic wellbeing in its communities; and
- 4). ensuring that development is sustainable.

5.27 These objectives were taken into account by EHL during the site selection process for the Enviroparks project, and were taken into account in the scoping of the current environmental impact assessment, as chapter six of this ES explains.

Employment, renewables and waste

5.28 UDP policy SS4 allocates the planning application site for B2 (general industrial) uses, effectively creating a presumption in favour of proposals for industrial or business uses subject to other material considerations. In this context it is relevant to note that the Enviroparks proposal corresponds with the 'eco-park' concept for integrated resource and energy recovery, as identified in the Welsh Assembly Government's Technical Advice Note 21: Waste. TAN21 regards industrial estates as appropriate locations for eco-park development.

5.29 UDP part 1, policy 8 encourages sustainable energy generation. UDP policy S11 is supports biomass proposals, subject to neighbourhood amenity and transport considerations.

² These are paraphrased for brevity, however the Planning Policy Statement quotes them in full.



The proposed Enviroparks development would employ liquid and solid biomass materials as sources of renewable energy. Chapters 8-14 of this ES examine the effects of the proposals on amenity and transport.

5.30 UDP policy S13 allows for waste schemes within the National Park where there is a need identified within the Regional Waste Plan and where detriment to Park objectives in terms of landscape, nature conservation and tourism would be avoided. In the current context, the need for integrated waste recycling facilities is identified in the South East Wales Regional Waste Plan (RWP), as explained in the previous chapter of this ES. The RWP includes the Hirwaun Industrial Estate in an 'area of search' for sites for such facilities.

5.31 An Enviroparks development would also be consistent with UDP Part 1 Policy 9, which promotes the efficient handling of energy and waste and increased recycling.

Design

5.32 UDP policies G3-G6 promote a high quality of design in the National Park and minimal development impacts, necessitating respect for surrounding landscapes and local amenity whilst avoiding adverse effects. EHL's planning application is accompanied by a Design and Access Statement which explains how these principles influenced the design of the current proposals. The effects of the Enviroparks proposals on views towards, in and out of the National Park are analysed in chapter twelve of this ES.

Rhondda Cynon Taf (Cynon Valley) Local Plan (Adopted Jan 2004)

Overall strategy

5.33 The Strategy of the Cynon Valley Local Plan is 'to secure the economic regeneration of the Cynon Valley by providing opportunities for new investment through the allocation of land and the control of new development, without prejudice to the conservation and enhancement of the built and natural environment'.

Employment, energy and waste

5.34 Local plan policies B1 and BP3 allocate the application site for 'large-scale industrial and business users'. These policies suggest that the site is, in principle, a suitable location for an Enviroparks development. Policy B4 seeks environmental improvements in industrial and commercial areas where possible. This is consistent with EHL's aspiration for a high quality development capable of showcasing the Enviroparks approach to resource recovery.

5.35 Policy ENV21 of the local plan supports renewable energy schemes where adverse landscape effects are avoided. Local plan policy WD1 relates to waste recycling facilities and supports such development in principle, provided subject to the satisfactory outcome of EIA studies. This ES has been prepared for EHL to inform such considerations.



OTHER PLANNING POLICY

Planning Policy Wales

5.36 Planning Policy Wales (PPW) contains various objectives relating to energy, pollution and waste, which seek collectively to maximise use of renewable resources, minimise waste, and encourage sustainable patterns of land use which do not cause or exacerbate environmental harm or risk. EHL's proposals and its design approach for the Hirwaun site, which has involved an iterative process of site and scheme assessment and design mitigation, seek to respond to these priorities.

5.37 Economic growth and regeneration is a priority of PPW, and the relationship between the economy and social well-being and quality of life is made explicit. Chapter seven of this ES thus examines the economic and community effects of EHL's proposals.

Wales Spatial Plan

5.38 The Wales Spatial Plan sets out a strategy that would meet the needs of society through economic change whilst protecting the natural environment and the distinctive identity of Wales. The plan specifically identifies the Heads of the Valleys area as an economically disadvantaged area in need of regeneration. Again, chapter seven of this ES examines the economic and community effects of EHL's proposals. In a regeneration context, it is noteworthy that EHL is a local company seeking to establish an exemplar development template that can be replicated elsewhere in the UK.

Technical Advice Notes (TANs)

5.39 The applicant and its design and EIA team took account of the following TAN documents during the preparation of the planning application. These include

- **TAN 5: Nature conservation and planning** – the guidance of which is taken into account in chapter 13 of this ES.
- **TAN8: Renewable Energy** – which refers to the renewable energy generation target of 10% of UK demand by 2010, and which offers explicit support for the energy recovery technologies included in the current proposals, including anaerobic digestion and combined heat and power.
- **TAN12: Design** – the advice of which is reflected in the Design and Access Statement that accompanies EHL's planning application.
- **TAN15: Development and flood risk** - the guidance of which is taken into account in chapter 11 of this ES.



- **TAN18: Transport** - the guidance of which is taken into account in chapter 8 of this ES.
- **TAN21: Waste** – which establishes general principles for waste planning that EHL took into account in the site search for and formulation of the current proposals. Amongst other things, TAN21 promotes the waste hierarchy, the proximity principle and self-sufficiency in waste development.

5.40 TAN21 supports materials recovery and recycling facilities, energy recovery and combined heat and power systems. Of the various types of waste plant described in TAN21, the EHL scheme corresponds most directly to the ‘eco-park’ concept which is ‘commended to local planning authorities’ and ‘should be regarded positively by local planning authorities’. For this type of development, existing industrial estates are identified as potentially appropriate locations.

5.41 TAN21 echoes the general concern that the landscape and scenic value of national parks should be strongly protected. However, it notes that national park authorities are also waste planning authorities and should participate fully in regional waste planning, and that no specific restrictions are placed upon proposals for waste handling facilities within their boundaries.

CONCLUSION

5.42 This chapter has outlined a wide range of planning, waste and energy policy of general or specific relevance to EHL’s proposal for an Enviroparks development on the Hirwaun Industrial Estate. A more detailed review is, as noted, provided in the *Planning Policy Statement* that accompanies EHL’s planning application. Based upon these reviews, it is evident that the Enviroparks development would respond positively to a wide range of policy concerns concerning waste recycling, energy production, environmental protection and economic and social regeneration. At the same time, the review highlighted a range of environmental considerations to be addressed in the EIA. These have been reflected in the scoping exercise for the environmental assessment of EHL’s proposals, as the following chapter explains.