



# The Planning Inspectorate Yr Arolygiaeth Gynllunio

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Sarah Burley (Applicant's Agent)      Ein Cyf / Our Ref:      DNS/3214813

Powys County Council      Dyddiad / Date:      12<sup>th</sup> July 2021

Natural Resources Wales  
Buttington Incinerator Impact Group  
The National Trust, Powis Castle  
Welsh Government Dept. for Economy and  
Infrastructure (Trunk Road Highway Authority)

(Sent via e-mail)

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Dear Sir/Madam,

## **Town and Country Planning Act 1990 The Developments of National Significance (Wales) Regulations 2016**

**Application by:** ALISTAIR HILDITCH-BROWN (BROAD ENERGY (WALES) LTD)  
**Site:** BUTTINGTON QUARRY, BUTTINGTON, WELSHPOOL, SY12 8SZ

The appointed Inspector, A McCooey BA (Hons) MSc MRTPI, has asked me to contact you regarding the above Developments of National Significance (DNS) application. This communication constitutes official notification of important matters related to the DNS application. Please read the following and contact us if anything is unclear.

### **1. Notice under section 319B of the Town & Country Planning Act 1990 (as amended) as to the procedure by which this examination will proceed**

The Inspector has now reviewed all duly made representations and, after careful consideration, has decided that hearing sessions are required to discuss several aspects of the submission. This letter therefore comprises formal notice under Section 319B of the Town & Country Planning Act 1990 (as amended) as to the procedure by which the examination will proceed. Annex A identifies the topics to be discussed at the hearing sessions and includes a list of the parties that will be formally invited to take part at such events. The applicant, local planning authority and NRW are invited to take part in the hearings; it would be very helpful to the Inspector if they did so. Full details of the topics and hearings, including the exact number of sessions, the dates and times of each session and who is invited to participate in each session will be confirmed at least 4 weeks before the event. It is currently envisaged that there will be 4 Hearing sessions as detailed in Annex A. It is intended that they will be held on 13, 15, 17 and 20 September 2021. However, we will be in contact regarding arrangements for the hearing sessions closer to the time. If you are willing to

attend, please make every effort to ensure that the relevant people from your organisation are available for any hearing sessions to which you are invited.

A note setting out the matters for discussion in more detail will be issued in due course. Those participating in a hearing will be formally invited to submit a hearing statement in response to matters and issues identified by the appointed Inspector, should they wish to do so. Such invitations will be sent out at the same time as the full confirmation of the hearing details. **Hearing statements must not exceed 3000 words and must be submitted to the Inspectorate two weeks prior to the relevant hearing session.** Any statements that are excessively long or contain irrelevant or repetitious material may be returned. Any technical evidence should be limited to appendices, and should be clearly related to the case. Should any party decide that it is not necessary to submit a statement, but rather rely on information previously submitted, they should confirm this in writing prior to the relevant hearing session. All written submissions will be published to the DNS Portal website:

<https://dns.planninginspectorate.gov.uk/projects/Wales/Buttington-Quarry---ERF/>

In addition to any unilateral hearing statements from participating parties, the Inspector encourages continued dialogue between the Applicant and relevant statutory parties, with a view to resolving or narrowing outstanding issues where this is possible. Statements of common ground, which set out succinctly the matters on which the parties are in agreement and crystallize any remaining points of difference, will assist greatly in focussing the subsequent hearing sessions on the key matters in dispute. These should also be provided two weeks before the relevant hearing session.

All hearing sessions shall be held in public, and any other person may observe proceedings. If anybody who has not been invited to participate wishes to take part at a hearing, they may request that the Inspector allows them to do so. The DNS Regulations make it clear that this is entirely down to the discretion of the appointed Inspector. It is the intention that any matters not identified within Annex A of this letter shall be considered using the written representations procedure.

After conducting the hearings, the Inspector will decide whether he wishes to carry out an accompanied site visit in addition to the unaccompanied visits that he proposes to undertake. There will be no opportunity to make representations to the Inspector at any accompanied site visit should one be arranged.

## **2. Formal request for further information under Regulation 15(2) of the Developments of National Significance (Wales) Regulations 2016 (as amended) for further information.**

This information is requested for the purposes of the hearings to be held into this application and must be submitted **no later than 3 August 2021.**

### **From the applicant Broad Energy (Wales) Limited**

1. A response to the objection of the National Trust (REP003) regarding the impact of the proposal on the RHPG and listed buildings at Powis Castle (see also the comments of Cadw). The applicant should cross-refer to the analysis of the impact from Viewpoint 24 in the LVIA and consider if supplementary viewpoints and information should be supplied as suggested by the National Trust.
2. The Welsh Government has recently published its Programme for Government 2021-26 and Well-Being Statement (available on Gov.Wales). The Well-being Statement

sets out the Welsh Government's latest well-being objectives, which are aligned to the well-being goals derived from the Well-Being of Future Generations Act; the Programme for Government sets out a series of actions through which the objectives will be met. The fifth well-being objective is to *Embed our response to the climate and nature emergency in everything we do*. The associated action commitments indicate a drive to reduce and avoid waste including legislation to abolish the use of more commonly littered, single use plastics and the introduction of an extended producer responsibility scheme to incentivise waste reduction by businesses. The applicant is invited to comment on the proposal's consistency with these objectives/commitments and the direction of travel that they indicate.

3. Any response that the applicant wishes to make to the Local Impact Report (LIR) from Powys CC. for information, the Inspector wishes to discuss the following issues in the Hearing sessions: the regional need for Energy Recovery Facility (ERF) [5.1-5.11]<sup>1</sup>, the Landscape and Visual Impact (LVIA) of the proposal and the assessment of significance [5.39-5.51], impacts on nearby properties as a result of noise [5.100-5.109], geotechnical issues including slope stability [5.110-5.116] and the potential for the re-use of material within the site and as secondary aggregate [5.10, 5.115, 5.118]. These matters may be addressed in the Hearing Statements.
4. Any response that the applicant wishes to make to the objections made by BIIG (and other objectors). Issues raised include matters to be addressed in the Hearings and the following: sustainability issues (including Carbon generation as a result of incineration), the applicant's consideration of alternative sites for an ERF, the effect of the ERF on air quality especially possible issues with temperature inversion, impacts on human health, highway safety issues, the effect on the local economy, the adverse impacts on local cultural heritage and BIIG comments on the waste planning statement.

There is no need to address matters that will be discussed at the hearings or to repeat evidence already provided, a reference to the document and location of the earlier response relied on will suffice.

The applicant has requested an opportunity to submit further information on the Welsh Government Strategic Assessment. This may be submitted in response to points 3 and 4 above or as a Hearing Statement for Hearing 1 (see Annex A).

### **From Powys County Council**

Full copies of all the policies (together with associated explanatory text) of the Powys Local Development Plan listed in paragraph 4.1 of the Local Impact Report and the relevant parts of the Supplementary Planning Guidance documents listed in paragraph 4.2 together with copies of the document title pages showing full title and date of adoption or approval.

### **From Welsh Government Highways as the Highway Authority for the trunk road network (A458 and A483 in this case)**

The Inspector notes that the Welsh Government consultation reply (REP001) merely states that the Welsh Government as highway authority does not issue a direction in respect of this application. Powys County Council makes no comment in its local impact report because Welsh Government is the highway authority. In these circumstances the Inspector requires a substantive consultation reply from Welsh Government as the relevant Highway Authority. The applicant has submitted a Transport Impact Assessment and other information attached to Chapter 8 of the submitted environmental statement. Many

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<sup>1</sup> The relevant paragraph numbers in the LIR

objectors refer to the inadequacy of the A458 to accommodate additional HGV traffic because of the width and alignment of the road and bridges in the vicinity of the site. You may wish to consider a response to the issues raised. For example, the Buttington Incinerator Impact Group (OBJ003) representation contains residents' comments on Chapter 8 of the environmental statement.

If you have any queries in respect of this correspondence, please do not hesitate to contact a member of our team.

Yours sincerely

*N Kinsey*

**NINA KINSEY**  
**Case Officer**  
Swyddog Achos

*(Annex A appended below)*

## **Annex A: Topic based hearing sessions and relevant participants**

Note: It is intended to hold the hearings in the period 13 to 20 September. Additional details on aspects of the topics to be discussed may be provided nearer to the date of the event.

### **Hearing 1: Strategic/Policy Considerations:**

- National Policy for Waste and the Welsh Government Strategic Assessment
- Need for the proposal and alternatives considered
- Sustainability considerations including material to be removed from the site

### **Hearing 1 Participants**

In accordance with regulation 24, those invited to take part are:

*Broad Energy (Wales) Limited*

*Powys CC*

*NRW*

*Buttington Incinerator Impact Group*

### **Hearing 2: Effects on sensitive human receptor locations (construction and operational phases):**

- Air Quality and human health
- Odours
- Noise (including traffic noise)
- Geotechnical Issues

### **Hearing 2 Participants**

In accordance with regulation 24, those invited to take part are:

*Broad Energy (Wales) Limited*

*Powys CC*

*NRW*

*Buttington Incinerator Impact Group*

### **Hearing 3 Landscape and Visual Impacts/ Ecological Issues**

- LVIA – assessment of significance and magnitude of impact
- Effect on Powis Castle including on the setting of heritage assets
- Clarification of risk of air pollution to Moel-y-Golfa SSSI

### **Hearing 3 Participants**

In accordance with regulation 24, those invited to take part are:

*Broad Energy (Wales) Limited*

*Powys CC*

*NRW*

*Buttington Incinerator Impact Group*

*National Trust*

### **Hearing 4: Conditions, Planning Obligations, Regulatory Mechanisms:**

- Recommended conditions as agreed with the Local Planning Authority and NRW
- Construction and Environmental Management Plan (CEMP).
- Planning Obligations (if any are proposed)
- Existence and scope of other Regulatory controls

### **Hearing 4 Participants**

In accordance with regulation 24, those invited to take part are:

*Broad Energy (Wales) Limited*

*Powys CC*

*NRW*

*Buttington Incinerator Impact Group*