

DNS/3236340 Mor Hafren ERF

Cardiff Council Hearing Statement Session 1: Strategic/Policy Considerations

1. Overarching Waste Strategy/Policy Context.

Future Wales – the National Plan 2040

- 1.1 Published on 24 February 2021, Future Wales comprises the Welsh Government's national development framework and forms part of the development plan framework. From publication, all decisions are required to be made in accordance with the Local Development Plan and Future Wales. This application therefore needs to demonstrate its general conformity with Future Wales.
- 1.2 Future Wales identifies Cardiff as a National Growth Area for employment (Policy 1) in which sustainable growth is supported. Together with Newport and the Valleys, Cardiff is the main focus for growth and investment in the South East Region (Policy 33).
- 1.3 The policies within this document do not, in the Council's consideration, introduce a new direction of travel for the national planning policy context. Key themes including ecosystem resilience, active travel and renewable energy are not new policy considerations. However, Future Wales does build upon previous policy documents by reinforcing the importance of these issues for Wales' future development as well as introducing some new commitments.
- 1.4 The need for enhancement and resilience throughout Wales' ecosystems and green infrastructure is clearly communicated through Policy 9. Identification of areas requiring safeguarding to create important ecological networks that are not compromised by development is emphasised, together with maximising the

potential of green infrastructure in place making new developments. All development proposals are required to secure the maintenance and enhancement of biodiversity (providing a net benefit) through demonstrating resilience of ecosystems and green infrastructure assets through innovative, nature-based approaches to site planning and the design of the natural environment. This approach is considered to be consistent with the direction of travel established in PPW10.

- 1.5 Active travel and public transport continue to be prioritised over the private car in Policies 11 (National Connectivity) and 12 (Regional Connectivity) to support sustainable growth and urban regeneration. Active travel is prioritised for all local travel and the creation of comprehensive networks of walking and cycling routes to connect people and places for everyday purposes is supported. There remains a clear commitment to ensure active travel is “an essential and integral component of all new developments, large and small,” including contributions by developments to the expansion of walking and cycling networks where appropriate.
- 1.6 A commitment for LPAs to seek a minimum of 10% of car parking spaces to have electric vehicle charging points on new non-residential development has been introduced.
- 1.7 Policy 13 (Supporting Digital Communications) seeks to improve digital infrastructure in new developments and contains a clear recommendation for all new developments to include gigabit capable broadband infrastructure from the outset.
- 1.8 The supporting text to Policy 16 (Heat Networks) is worth special mention. Energy from waste facilities are explicitly referenced as an “effective, efficient heat source.”
- 1.9 Whilst not materially altering the national planning policy considerations, Future Wales does introduce new policy commitments which are of relevance for this application.

Planning Policy Wales 11

- 1.10 Published in February 2021, PPW11 is the latest edition of Wales' national planning policy.
- 1.11 Concerning green infrastructure, the document continues to set its policies within the context of the Environment (Wales) Act 2016 in which the maintenance and enhancement of biodiversity and ecosystem resilience is promoted.
- 1.12 Green infrastructure provides multiple benefits and plays a fundamental role in shaping places.
- 1.13 The uniqueness of landscapes are again highlighted as an important consideration in development proposals. Proposals should seek to sustain and enhance their special qualities and deliver maximum benefits for present and future generations.
- 1.14 Creating sustainable travel choices is again a key component of PPW. The private car re-appears at the bottom of the sustainable transport hierarchy, with public transport and active travel (walking and cycling) at the top.
- 1.15 In respect of energy, the document promotes local heat networks and sources, recognising the potential they have to contribute to renewable energy supply. Reference is made to Future Wales and the identification of Cardiff as one of the region's urban centres that has potential to contribute towards low carbon electricity.
- 1.16 Planning Authorities are advised to plan positively for the use of locally generated heat and electricity to meet the 2030 one Gigawatt target. Waste heat is specifically identified as a potential local heat source that should be maximised (paragraph 5.9.12).

- 1.17 PPW11 also promotes the transition to a circular economy that was advocated in PPW10. Keeping materials, components and products in use ('circulation') for as long as possible brings environmental, social and economic benefits and helps to reduce waste generation. PPW continues to promote a move away from the current linear model of 'make, use, dispose' towards the 'reuse, repair and recycle' of waste. The circular economy should underpin all new developments (5.11.3).
- 1.18 PPW11 recognises the need for the provision of sustainable waste management facilities to realise benefits and meet waste strategy targets, subject to the consideration of their impacts upon local amenities and the natural and built environment.
- 1.19 The Waste Hierarchy remains a key component of national policies guiding waste management. Waste Recovery remains towards the lower end of the hierarchy, sitting above landfill and incineration without energy recovery. Local planning authorities are advised to be supportive, in principle, of proposals which fit with the aspirations of 'Towards Zero Waste' reflecting the waste hierarchy 'as far as possible.' Local Planning Authorities are directed to support the provision of wide ranging and diverse waste infrastructure including recovery facilities for mixed municipal waste which cannot be dealt with higher up the waste hierarchy (5.13.10).
- 1.20 In respect of waste management policies, the application proposals remain consistent with the direction of travel set out in the new national policy documents. Whilst the long-term aim is to reduce waste production and move towards a circular economy, energy recovery facilities are still recognised to make a contribution to the sustainable management of waste, being a preferred alternative to landfill and incineration without energy recovery. The application includes an intent to provide up to 15MW of electricity for the local grid, with any surplus being transferred to the national grid.

'Beyond Recycling' Strategy

- 1.21 Published in March 2021, this document sets out the pathway to develop a circular economy in Wales by accelerating action towards zero waste and a low carbon economy. Eight actions headline the strategy to achieve this goal including phasing out single-use items, striving to achieve the highest recycling rates worldwide and taking responsibility for waste. Trends over the past 20 years show that waste sent to landfill has decreased significantly as rates of waste reused, recycled and composted has increased (including waste incinerated with Energy Recovery). Although the status of this document is uncertain against the national planning policy framework, the recent nature of its publication means it should be considered material to the consideration of this DNS application.
- 1.22 Achieving Zero Waste by 2050 is a long-established Welsh Government objective, which removes the need for any landfill or energy recovery. However, there is still some way to go on this journey and whilst progress has been made through increased rates of recycling and reducing the levels of waste that goes to landfill, the strategy does appear, in some sections, to identify a need at this stage in the journey for energy recovery facilities to meet the strategy's aspirations.
- 1.23 Page 26 states: *As repair, re-use and recycling continue to expand, we want to ensure the capacity we have for generating energy from waste is in line with the capacity needed during our transition to a circular economy, with the long-term solution being to move away from incineration.*
- 1.24 So whilst page 32 commits to a moratorium on any future large scale energy from waste developments due to the need being uncertain as recycling rates increase, other parts of the document do identify a short-medium term need for energy recovery. It is unclear when the moratorium is to be introduced (especially when read against the recently published Future Wales and PPW11 which supports energy recovery where they are linked to urban heat networks).
- 1.25 This strategy document introduces actions points which, if achieved, would likely reduce to some extent, the availability of residual waste within the catchment area. However, this is by no means certain or guaranteed. When read against

other policy documents there remains a case that sufficient waste streams are projected to remain available throughout the intended lifetime of the development.

2. Sustainability considerations – Wellbeing of Future Generations and Environmental, Social and Economic Benefits.

2.1 The Well-being of Future Generations (Wales) Act 2015 places a duty on all public bodies to carry out sustainable development and improve the social, economic, cultural and environmental wellbeing of Wales. The Act introduces seven goals to shape the work of public bodies within Wales as follows:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

2.2 The Act also contains ‘five ways of working’ to guide the decision-making of all public bodies:

- Involvement
- Collaboration
- Integration
- Prevention; and
- Long-term factors

Waste Planning Assessment and Sustainability Considerations

- 2.3 The plant operations can be controlled through conditions or an obligation to ensure that only commercial and industrial residual waste is received.
- 2.4 The Waste Planning Assessment (WPA) makes its case that there will be sufficient residual waste within a 30 mile radius of the development to supply the development. The CIM Sector Plan recognises that there will continue to be a need to collect waste that cannot be recycled as the country moves towards zero waste by 2050, a timescale that corresponds with the 25 year lifespan of the proposed development.
- 2.5 It is reasonable to assume that there will be technological advances in the sustainable management of waste over the development's lifespan which may affect the availability of residual feedstock. The application has factored technological advances into its projections. There is also a balance to be struck between ensuring sufficient capacity to deal with waste arisings in the short term without compromising longer-term goals.
- 2.6 As Wales continues its journey towards zero waste by 2050, it is recognised that energy recovery facilities will continue to make a contribution to achieving the stated goals. The CIM Plan (2012) states there is a need to develop more residual waste treatment and recovery facility capacity. The future needs for residual mixed waste treatment and recovery cannot be predicted with complete certainty. Although the long-term goal is to move away from energy recovery, in the short-medium term there remains a role for these facilities.
- 2.7 The application makes a clear commitment to make energy available for export to the local grid and provide opportunities for heat to be supplied to local businesses. There is no reason to assume that these are unrealistic aims and they can be secured through appropriately worded conditions or planning obligations.
- 3. Rationale for site location, justification for an ERF and process selection/consideration of alternatives.**

3.1 Attention is drawn to the Welsh Government's South East Wales Waste Planning Monitoring Report (April 2016) which contains information for the region's key waste statistics.

3.2 Regarding the suitability of the site to accommodate the proposals, LDP Policy W1 (Sites for Waste Management Facilities) encourages such facilities to be located on existing industrial land (Use Class B2). The site is identified as existing employment land in the LDP (Policy EC1.4) and has also been granted permission previously for a similar scheme. From the Council's perspective, there is policy support in principle for the site to accommodate the facility, subject to other material considerations.

4. Transportation Impacts and Travel Considerations.

4.1 The Council has no further comments to make at this time beyond those previously submitted in the Local Impact Report.

5. Sustainable Drainage Measures, Flood Risk and Flood Consequences

5.1 In respect of sustainable drainage measures, whilst the SAB documents submitted with the application referred to the legislation and the 6 statutory standards, the design and information provided was inadequate to conclude with any surety that SAB approval would be achieved. This is summarised in the Local Impact Report. Since then the SAB Officer has met with the applicant's team who have amended the layout and submitted a SAB pre-application. Whilst changes will still be required and there is too little detail for a full SAB application at this stage, it is considered that a viable SAB application is deliverable with this project, subject to further detailed discussions.

6. Conformity with the Development Plan

- 6.1 The additional further information supplied by the applicant has not addressed, to the satisfaction of Council Officers, matters relating to trees and biodiversity.
- 6.2 The Council's Tree Officer has provided the following comments on the additional tree information:

“These documents show that in terms of material considerations, x6 trees are to be removed as part of development along with part of x1 tree group. Five ‘U’ category trees that are not a material consideration are also removed and there will be encroachment within the Root Protection Area of the retained group G1. Other than the x5 ‘U’ category trees, the trees lost are all ‘C’ category with the exception of x2 early mature ‘B’ category pedunculate oaks (Quercus robur). Essentially, the vast majority of the existing trees bounding the site are removed, leaving a narrow landscape corridor bounded by a ditch. Considering this loss and the loss of vegetated soil to accommodate the main development, I consider the development to be at odds with KP15 and EN8. The conflict with EN8 is with particular regard to the loss of the ‘B’ category oaks, but also because there is an absence of detailed information concerning mitigation planting. The corridors available for planting are narrow and no Soil Resource Survey or Plan has been prepared to inform the design or specification of landscaping. Presumably the applicant is looking at landscaping being a conditional matter, but considering the scale of the losses and the constrained nature of the landscaping corridors proposed, I think proposed landscaping should be detailed upfront. The trees lost essentially comprise mixed native species typical of moist and disturbed soils. Whilst some have defects in arboricultural terms, the combined impact in terms of a green corridor is not negligible. The oaks lost have the potential for very large size and very long life. As such, oaks are a ‘front line defence’ in terms of mitigating the predicted impacts of climate change. Oaks are also a distinctive and important component of the landscape in North Cardiff, being characteristic on the deeper clay loams and silty clays that characterise this area.”

New landscaping is not just mitigation for the loss of existing trees, but also mitigation for the loss of/disturbance to/sealing of and compaction of existing vegetated soils. The volume of soil impacted by development is huge, whereas the provision for mitigation in terms of new planting is restricted to peripheral and narrow corridors. There is a significant imbalance in terms of the loss of trees and vegetated soil and the provision to mitigate this loss.”

- 6.3 LDP Policy 8 (Trees, Woodlands and Hedgerows) prevents development from occurring that would cause unacceptable harm to trees, woodlands and hedgerows where they are of significant public amenity, natural or cultural heritage value, or that contribute significantly to mitigating the effects of climate change. It is accepted that conditions to secure an appropriate landscape scheme can be used to ensure satisfactory compensatory planting where tree losses are inevitable, however in this instance concerns remain with the Council regarding the site’s ability to accommodate such a scheme.
- 6.4 The Council’s Ecologist, having considered the further information, remains concerned that the application is in conflict with LDP Policy EN7 (Priority Habitats and Species). The Ecologist’s response to the further information will form part of the Council’s Hearing Statement for Session 3 (Ecology).
- 6.5 He advises that dormice have been detected 200m west of the application site south of the railway and in direct ecological connectivity with the present site. He also identifies that there are scrub and outgrown hedgerows on the site which could support this species. He recommends that a full dormice survey should be carried out before any planning permission is granted. He advises that failure to consider the likely occurrence of this protected species at the site and the impacts of the scheme upon it is in conflict with PPW and TAN 5 as well as LDP Policy EN7.
- 6.6 The Ecologist also notes that the Habitats Regulations Assessment has not included an ‘in-combination assessment’ with other sites and therefore it is not known whether the development will have a significant effect on the Severn

Estuary sites. Uncertainty therefore remains regarding the application's compliance with LDP Policy EN5 (Designated Sites).