



The Planning Inspectorate Yr Arolygiaeth Gynllunio

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CF10 3NQ CF10 3NQ mail:

- Môr Hafren Bio Power Ltd
(c/o Maureen Darrie, GP Planning)
 - Cardiff County Council
 - Natural Resources Wales
 - Wentlooge Community Council
 - Residents Against the CF3 Incinerator
 - Marshfield Community Council
- Ein Cyf / Our Ref: DNS/3236340
Dyddiad / Date: 31/03/2021

Dear Sir/Madam,

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

Application by: MÔR HAFREN BIO POWER LTD
Site: LAND OFF NEWLANDS ROAD, CARDIFF

The appointed Inspector, Alwyn B Nixon BSc (Hons) MRTPI, has asked me to contact you regarding this Development of National Significance (DNS) application.

This communication constitutes official notification of important matters related to this DNS application. Please read the following information in its entirety. If anything is unclear, please contact us. This letter should be treated as:

- 1. Notice under Section 62L(5) of the Town and Country Planning Act 1990 (as amended) of suspension of the determination period**
- 2. A formal request for 'further information' under Regulation 24 of the EIA Regulations and under Regulation 15(2) of the DNS Regulations for further information from the parties named in the relevant section**
- 3. Additional notice under section 319B of the Town & Country Planning Act 1990 (as amended) concerning the examination procedure**
- 4. Invitation to hearing participants to comment on the *Strategic assessment for the future need for energy from waste capacity in the three economic regions of Wales*¹**

¹ <https://gov.wales/strategic-assessment-future-need-energy-waste-capacity-wales>

1. Notice under Section 62L(5) of the Town & Country Planning Act 1990 (as amended) of suspension of the determination period

In line with the published Guidance on the DNS process, the Inspectorate considers it appropriate to suspend the determination of the application to allow time for the submission of additional information as explained in point 2 below and to allow the Inspectorate to undertake publicity and consultation in respect of the additional information.

I hereby suspend the determination period for this application by a period of 9 weeks, i.e. the determination period will resume on Thursday 3 June 2021.

2. Formal Request for further information under Regulation 24 of the EIA Regulations and Regulation 15(2) of the DNS Regulations from the parties named in the relevant section (see Annex A)

The Inspector has considered the initial observations of the Applicant and other parties during hearing sessions 3 and 4 concerning the publication by the Welsh Government on 24 March of its *Strategic assessment for the future need for energy from waste capacity in the three economic regions of Wales*. He has also considered the submissions of the various parties during hearing session 3 concerning information on dormice and the roosting potential for bats of the trees proposed for removal, having regard to Technical Advice Note (TAN) 5 *Nature Conservation and Planning*, in particular paragraph 6.2.2. The Inspector has decided that further information is required on these matters, to inform a decision as to whether planning permission should be granted.

In relation to the dormouse issue the Inspector recognises the time issue associated with undertaking dormouse presence surveys. In order to avoid excessive delay in the consideration of the application he is prepared to proceed on the basis of a presumption that there is a dormouse presence on the site, and for the further work required on this matter to be undertaken on this basis. Notwithstanding this, however, the Inspector considers that dormouse presence surveys should be carried out in any event, for as long as may be necessary during the forthcoming April -November period, so that this might further inform the Minister's eventual decision on the application.

The required information is set out in Annex A to this letter and must be submitted no later than 20 May 2021. The Inspector may also seek further information at a later date if he decides it is necessary.

The information sought from the applicant will include 'further information' to the Environmental Statement and which is required to inform the hearing sessions detailed in Annex A. We will carry out the necessary publicity on receipt of the requested information which will extend over a period of 2 weeks. During this time, we will accept representations which relate to the further information submitted by the applicant in response to the formal request.

3. & 4. Additional notice under section 319B of the Town & Country Planning Act 1990 (as amended) concerning the examination procedure and invitation to hearing participants to comment on the *Strategic assessment for the future need for energy from waste capacity in the three economic regions of Wales*

The Inspector previously decided that hearing sessions were required in order to discuss the topics identified in an Annex to the Planning Inspectorate's letter of December 2020. Those hearing sessions were held on 23-26 March 2021.

However, a significant part of the discussion at hearing session 1 on 23 March concerning the need for the proposal has been overtaken by the publication on 24 March 2021 by the Welsh Government of its *Strategic assessment for the future need for energy from waste capacity in the three economic regions of Wales*, which amongst other things replaces Tables 22, 23, 25, 26 and 31-33 in the CIM Sector Plan 2012. In the light of this the Inspector considers it necessary for the Applicant to review the content of its previously-submitted Document 10 Waste Planning Assessment and to provide a revised document which takes full account of the new strategic assessment and the revised statistics and projections therein. In order that the implications of the new strategic assessment and the associated revised statistics can be properly scrutinised and discussed, the Inspector has decided that a further hearing session should be held into these matters. At this juncture it is anticipated that the hearing will focus primarily on (i) the implications of the new strategic assessment for the determination of the Môr Hafren application and (ii) the justification for the proposal in the light of the new non-inert residual waste and energy from waste need and capacity figures and projections for the SE Wales economic region.

The additional hearing will also provide an opportunity to examine any outstanding points of contention regarding the additional information and assessment concerning dormouse and bat roosting potential also required in Annex A. Finally, it will deal with any outstanding matters from the earlier Hearing Sessions 1 and 4 and provide an opportunity for brief closing comments from those parties who wish to present them.

The further hearing session will be held on 29 June 2021, commencing at 10:00 am. We will be in contact regarding arrangements for the hearing session 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 the hearing session.

The Inspector is inviting the applicant, the local planning authority and those other parties who participated in the earlier hearing sessions concerning the above matters to attend the additional hearing session 5. The detailed matters to be discussed at the hearing session will be set out in the form of an agenda listing the Inspector's initial questions/points for discussion in due course. Please note that the hearing sessions are held in public, and any other person may observe proceedings. If anybody who has not been invited to participate wishes to take part in the 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. Any other matters which fall to be considered in respect of the application and which have not already been the subject of earlier hearing sessions will be dealt with by the Inspector on the basis of the written representations.

In addition to the request for further information, those participating in the Hearing may submit a further representation on the matters the Inspector wishes to discuss. The Applicant, LPA and the respective invited participants may submit a hearing statement addressing the relevant topics, including the further information that will have been submitted by the applicant. The hearing statements must not exceed 3000 words. **The hearing statements must be submitted two weeks before the hearing session.**

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 agree and crystallize any remaining points of difference, will assist greatly in focussing the subsequent hearing session on the key matters in dispute. These should also be provided two weeks before the hearing session.

Should a party decide it is not necessary to submit a statement, and wish to rely on information previously submitted, you should confirm this in writing as soon as possible. The responses to the Inspector's request for information, and any hearing statements submitted by the parties, will be published to the DNS Portal website:

<https://dns.planninginspectorate.gov.uk/projects/wales/mor-hafren-energy-recovery-facility/?ipcsection=docs>

After conducting the hearing, 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.

Yours sincerely

H Edgeworth

HARRY EDGEWORTH
Team Leader – Casework 2 & DNS

(Annexes A and B appended below)

ANNEX A

Formal request under Regulation 24 of the EIA Regulations and Regulation 15(2) of the DNS Regulations for further information from the applicant Môr Hafren Bio Power Ltd.

To be submitted no later than 20 May 2021:

1. A revised Waste Impact Assessment which takes full account of the newly- published *Strategic assessment for the future need for energy from waste capacity in the three economic regions of Wales* and the revised statistics and projections therein, which replace those contained in the CIM Sector Plan 2012.
2. Dormouse habitat surveys and assessment: Provision of dormouse habitat assessment, assessment of impact of the proposal on dormouse habitat and a Dormouse Conservation Plan setting out the enhancement, mitigation and/or compensatory measures that would be put in place to offset the anticipated impacts on the species. The habitat assessment should provide details of the habitat to be lost, habitat to be created and that to be retained, identifying the habitat type, extent, location and value for dormice on an appropriately scaled and annotated map.
3. Tree loss in terms of roosting potential for bats: A detailed assessment of the bat roosting potential of the individual trees identified for removal on the submitted Tree Retention and Removal Plan (Doc 97) and described in the schedule at Appendix 3 of the Arboricultural Impact Assessment (Doc 94), together with the nature and extent of any mitigation that might be required.

(NB: Items 2 and 3 above are required in the form of an Addendum to the submitted Environmental Statement).

ANNEX B

Key event timings

Deadline for submission of Annex A information by Applicant	Thursday 20 May 2021
Deadline for representations in response to Applicant's submissions	Thursday 3 June 2021
Examination proceedings resume	Thursday 3 June 2021
Hearing Statements by	Thursday 17 June
Applicant's response to other parties' hearing statements	Friday 25 June
Hearing Session 5	Tuesday 29 June 2021