



Ein cyf/Our ref: qA1474789

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10 November 2021

Dear Ms Darrie

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 62D.
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016.
APPLICATION BY MÔR HAFREN BIO POWER LIMITED FOR THE CONSTRUCTION AND
OPERATION OF AN ENERGY RECOVERY FACILITY (ERF), INCLUDING THE
FORMATION OF A NEW ACCESS ONTO NEWLANDS ROAD AND ANCILLARY
INFRASTRUCTURE. LAND AT NEWLANDS ROAD, CARDIFF CF23 2EU.
APPLICATION REFERENCE: DNS/3236340.**

1. Consideration has been given to the report of the Inspector, Alwyn B Nixon BSc MRTPI, who held hearings to examine the planning application.
2. In accordance with sections 62D of the Town and Country Planning Act 1990 and Regulation 3 of The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016, the application was made to the Welsh Ministers for determination.
3. The Inspector held Hearings on 23 to 26 March 2021 and made a site visit on 24 June 2021. The Inspector recommends planning permission be refused. A copy of the Inspector's report ("IR") is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.
4. I note the applicant submitted a representation after the hearings were closed, regarding the consultation by the UK Government on draft National Policy Statements ("NPS") for energy infrastructure. The territorial extent of NPSs designated under s.5 of the Planning Act 2008 extends only to Development Consent Orders in Wales, and its relevance in decision-making in Wales is confined to s.104 of the Planning Act

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2008. Therefore, I have not given weight to the draft or current NPS in my determination of this planning application, which is made under the Town and Country Planning Act 1990. I am satisfied the Inspector has identified the relevant development plan and other material considerations in the IR.

Main Issues

5. I agree the main issues are those listed by the Inspector in IR 578:
- whether the proposed development would be consistent with waste management policy requirements and objectives in Wales, particularly regarding need for the development, having regard to relevant development plan policies and other material policy considerations;
 - the effect of the proposed development on the ecology of the area, particularly in terms of the special features of the Rumney and Peterstone Site of Special Scientific Interest ("SSSI"), internationally designated sites in the area and protected species;
 - the effect of the proposed development on air quality in the area in terms of consequences for human receptors;
 - the environmental effects of the proposed development in other respects, including on the character and appearance of the area, on road traffic conditions in the surrounding locality and its effects in terms of noise and vibration, during both construction and operation of the facility; and
 - whether the benefits of the proposal outweigh any factors which weigh against it.

Need/Consistency with Waste Management Policy Requirements and Objectives

6. The Inspector sets out the relevant development plan policies and national policy in IR 579-581.
7. The Inspector notes Technical Advice Note 21: Waste ("TAN 21") identifies the role of The Collections, Infrastructure and Markets Sector Plan (2012) ("CIM Sector Plan") in setting out the need for sufficient capacity for the recovery of residual mixed wastes which are incapable of being recycled, in the short to medium term, as a means to reduce disposal by landfill. (IR 582)
8. Whilst TAN 21 confirms a short to medium term need for more waste treatment and recovery facilities in order to reduce reliance on landfill, it also confirms the longer term aim of an infrastructure network based on higher levels of reuse and recycling. (IR 583-584)
9. The Inspector notes TAN 21 requires applicants to clearly justify why a proposal is necessary. It is clear the CIM Sector Plan represents the starting point for determining the need for future capacity. TAN 21 states where it cannot be clearly demonstrated there is a need for the proposal it may be appropriate to consider refusing planning permission. This is likely to be the case where the level of provision exceeds the upper range identified in the CIM Sector Plan for any given region. (IR 585)
10. Towards Zero Waste ("TZW") is the Welsh Government's overarching waste strategy. It sets out a number of targets, including a 2050 zero waste target to as a minimum

reduce the impact of waste in Wales to within our environmental limits (roughly 65% less waste than in 2010), aiming to phase out residual waste through enhanced actions on waste prevention and sustainable consumption and production and ensuring that all waste that is produced is reused or recycled. Beyond Recycling is the Welsh Government's strategy for progress towards a circular economy. (IR 586-587)

11. The Inspector notes the CIM Sector Plan supports TZW. Paragraph 2.3.4.4 of the CIM Sector Plan identifies a need across Wales to develop more residual waste treatment and recovery facility capacity and notes the future needs for residual mixed waste treatment and recovery cannot be predicted with any complete certainty due to the variety of factors that will affect future tonnages and a variety of factors that affect actual existing capacity. However, the Inspector notes the strategic assessment for the need for new energy from waste capacity in section 2.3.4 of the CIM Sector Plan has been replaced by the "Strategic assessment for the future need for energy from waste capacity in the three economic regions of Wales" ("Strategic Assessment"), dated 24 March 2021. The Strategic Assessment is clear the new information should be used when assessing the need for a new energy from waste facility. (IR 588-589)
12. TAN 21 clearly states the CIM Sector Plan represents the starting point for the determination of need for future capacity. The new Strategic Assessment figures explicitly replace those in the CIM Sector Plan. (IR 590)
13. The applicant's Waste Planning Assessment assesses the proposed development against Scenario 2 in the Strategic Assessment, under which recycling targets are met and waste reduction is set to zero for the purposes of the projections. (IR 591)
14. The Inspector notes the overall baseline figures indicate a regional need in 2019/2020 for additional energy from waste capacity of around two-thirds of the capacity represented by the Môr Hafren proposal. By 2024/25, the anticipated operational date for the plant, even under the more conservative Scenario 2, the need for additional capacity will have fallen to less than a quarter of the capacity represented by the Môr Hafren scheme, with the need for capacity provided by the proposed facility progressively diminishing thereafter. (IR 593)
15. Even assuming an estimated throughput of 180,000 tonnes per annum for the proposed facility and considering only the commercial and industrial waste figures, the Inspector notes the feedstock requirement of the Môr Hafren scheme would be around twice the projected Scenario 2 need for additional commercial and industrial feedstock capacity in the region in both 2024/25 and 2034/35, assuming that Trident Park continues to take around 100,000 tonnes per annum of commercial and industrial waste as at present. (IR 596)
16. I note the Inspector has no evidence to support the applicant's suggestion that the Trident Park facility may replace its commercial and industrial feedstock with additional local authority waste contracts. I agree with the Inspector the amount of municipal waste feedstock can be expected to decrease as the measures in the waste management plan take effect. (IR 597)
17. As the Inspector notes, if 20% of the commercial and industrial feedstock currently going to Trident Park was taken by the Môr Hafren scheme, this would result in a diversion of residual waste arisings from one facility to another. The projected totals of residual waste suitable for Energy from Waste facilities available in the region would not be altered and, therefore, the calculation of need for the proposed development would not be affected. (IR 598)

18. The Inspector has no supporting evidence relating to the applicant's submission that there is a likelihood of securing a supply of up to 50,000 tonnes per annum of commercial and industrial residual waste from a supplier in close proximity to the Môr Hafren site and, therefore, gives this argument little weight. I note this matter does not affect the statistical projections in the Strategic Assessment. (IR 599)
19. I am satisfied the Strategic Assessments projections are a valid basis on which to assess need. (IR 600)
20. TAN 21 advises where planning permissions already exist in an area, they should be taken into account in determining the level of need. The Inspector has considered submissions relating to an energy from waste proposal at Alexandra Dock, Newport and concludes the Alexandra Dock proposal lacks sufficient clarity and certainty to carry substantive weight in determining the level of need for additional energy from waste capacity in the region. I am content with the Inspector's conclusions on this matter. (IR 601-605)
21. I agree with the Inspector, the applicant's argument for an additional energy from waste facility to reduce reliance on a single facility is not convincing and is not supported by the capacity gap projections in the Strategic Assessment. (IR 606)
22. The Inspector notes the applicant's comments relating to apparent inconsistency concerning the commercial and industrial waste reduction projections in Appendix 2 of TZW. However, the Inspector states it is evident from the targets and priorities for waste prevention in TZW, the annual reduction rates relied on in Table 1 Scenario 1 of the Strategic Assessment are 1.2% for commercial waste and 1.4% for industrial. (IR 607)
23. The Inspector notes whilst the proposal's contribution to carbon emission savings and the production of electricity are matters to be taken into account in considering the overall justification of the scheme, they do not relate to the demonstration of need in waste management terms, as required by TAN 21. (IR 608)
24. The Inspector notes the applicant has questioned the status of Beyond Recycling. I confirm Beyond Recycling, the Welsh Government's written statement of 24 March 2021 and the Strategic Assessment represent the latest updates to the overall waste policy. (IR 609)
25. Whilst the moratorium announcement contained in the written statement of 24 March means the Welsh Government does not consider there to be a need for any new large scale energy from waste plants of 10MW or greater, as the Inspector notes, in the wholly exceptional circumstances where large scale energy from waste or proposals of 10MW or greater have, or may, come forward, the information in the Strategic Assessment, which updates the relevant part of the CIM Sector Plan, will be a material consideration. The Inspector has assessed the proposal on its merits, taking into account the information and guidance in the Strategic Assessment and the evidence submitted by the applicant and other parties. (IR 610 - 611) I am satisfied with the Inspector's approach to the assessment of the proposal.
26. The Strategic Assessment reiterates that TAN 21 is clear the capacity assessments in the CIM Sector Plan (which are updated by the Strategic Assessment for energy from waste capacity) represent the starting point for the determination of need for future capacity. The Inspector concludes the need for an energy from waste facility of the scale proposed has not been demonstrated, as required by TAN 21 and, therefore, the proposal fails to satisfy LDP policies KP12 "Waste" and W1 "Sites for Waste"

Management Facilities” of the Cardiff Local Development Plan 2006-2026 (“LDP”). (IR 612 – 615)

27. The Inspector sets out the overall waste management policy objectives, noting the ultimate goal of zero non-recycled waste by 2050. The Inspector also notes the Welsh Government’s well-being objectives under the Well-being of Future Generations (Wales) Act 2015 (“WFG Act”) include an objective to “Embed our response to the climate and nature emergency in everything we do”, with specific initiatives identified in the Programme of Government designed to contribute to waste reduction and minimisation. (IR 616-617)
28. The Inspector notes part of the applicant’s case for the proposed development relates to the benefits in terms of reducing carbon emissions by diverting waste from landfill, the production of energy for the grid and the potential contribution to a district heating network. Whilst the Inspector recognises the benefits in terms of reducing carbon emissions, if the availability of residual waste reduces as projected, the proposed facility would need to source more feedstock from a wider area, adding to transportation emissions. (618 - 619)
29. I note the Inspector has considered carbon capture and notes there is insufficient space in the site to accommodate the necessary structures for carbon capture and storage at a future date. (IR 620) Furthermore, I note the expected output of the site does not trigger the requirement that a suitable space is set aside for the equipment necessary to capture all of the CO₂ that would otherwise be emitted from the facility, as would be required by regulation 6A of the Carbon Capture Readiness (Electricity Generating Stations) (Amendment) (Wales) Regulations 2019.
30. Whilst noting the matters above, the Inspector considers the proposal would bring significant benefits in terms of greenhouse gas emissions and energy supply, which need to be weighed in the planning balance. (IR 621)
31. In concluding on this matter the Inspector states the need for the proposed energy from waste facility has not been demonstrated. The proposal fails to comply with TAN 21 and conflicts with LDP policies KP12 and W1. Notwithstanding the region’s identification for growth in Future Wales (“FW”), the proposal runs counter to the Welsh Government’s strategy for waste, in particular regarding new energy from waste plants, as set out in TZW, Beyond Recycling and the Strategic Assessment. The Inspector considers the substantial benefits from the scheme in terms of carbon emission savings and energy production benefits do not outweigh the insufficient need for the proposal and lack of compliance with waste policies and the Welsh Government’s waste strategy. (IR 622 - 626)

Ecology including Protected Sites and Species

32. The Inspector notes the site is located within the Rumney and Peterstone SSSI, part of the wider Gwent Levels SSSI area. The Inspector states whilst a large part of the site is degraded, the drainage ditch and tree-lined corridor along the south-western edge together with other areas of scrub and undergrowth are features of ecological value. (IR 627 - 629)
33. The Inspector states, in the Gwent Levels SSSI, Natural Resources Wales (“NRW”) requires the provision and maintenance of buffer zones in relation to watercourses. NRW considers the watercourse along the south-west side of the site requires a 7m buffer zone in order to prevent pollution of the water environment, to allow access to and management of ditches and to maintain habitat corridors. The Inspector notes the

submitted development layout falls short of this minimum buffer requirement. (IR 630-631)

34. The applicant's Arboricultural Impact Assessment accepts "due to the size and scale of building requirement there is conflict with the trees that cannot be avoided and therefore mitigation proposals will need to be considered". The Inspector notes new tree planting is proposed, although there is no detailed information relating to species, size and numbers at this stage. The Inspector expresses concern that without adequate replanting there would be harm to the value of the ditch corridor as a bat foraging resource and connecting corridor to other areas of habitat. (IR 632-633)
35. The Inspector is satisfied, subject to appropriate design to mitigate against noise, and the inclusion of a sensitive lighting scheme, there would be no other adverse impacts on bats. (IR 634)
36. I note there is disagreement between the applicant and the Local Planning Authority's ("LPA's") Ecologist, regarding the presence of dormice on the site. I note the Inspector has advised the applicant, in accordance with advice in Technical Advice Note 5: Nature Conservation and Planning, dormouse surveys should be undertaken and the presence or otherwise of the species on the site determined together with adequate mitigation to protect the species before planning permission is granted. The Inspector notes the applicant commenced dormouse surveys in April 2021. (IR 635 – 639)
37. Given the concerns regarding dormouse, the applicant has prepared a Dormouse Conservation Plan on the assumption dormice are present. The Inspector notes overall that the proposed development would result in a large net reduction in habitat. Whilst it is unlikely the site could support a self-sustaining population of dormice, it does provide scope for foraging and cover and provides connectivity with areas of known dormice presence close to the application site. The Inspector notes LDP Policy EN6 "Ecological Networks and Features of Importance for Biodiversity" aims to protect Cardiff's ecological networks and landscape features that are important for biodiversity and LDP Policy EN7 "Priority Habitats and Species" opposes development proposals that would have a significant adverse effect on the continued viability of habitats and protected species. The Inspector also notes FW Policy 9 "Resilient Ecological Networks and Green Infrastructure" reflects the statutory duty on public authorities in section 6 of the Environment (Wales) Act 2016 to maintain and enhance biodiversity and promote the resilience of ecosystems. Given this context the Inspector considers it important the proposal does not diminish the site's value in these terms. (IR 640-643)
38. The applicant considers new hedgerow planting would improve the habitat quality and provide compensation for the net loss of suitable dormouse habitat. The Dormouse Conservation Plan states hedgerows should be allowed to grow tall and bushy to maximise flowering and fruiting potential. (IR 644)
39. However, the Inspector notes the Dormouse Conservation Plan fails to recognise the competing objectives and requirements of maintaining the ditch corridor in an appropriate condition that provides the habitat for aquatic plants and invertebrates, which are key interest features of the SSSI. A continuous tall hedgerow would conflict with the requirement to manage the watercourse corridor appropriately. (IR 645-646)
40. On this matter the Inspector considers whilst the proposal would include some measures to manage the watercourse feature together with some other perimeter landscaping, much of the existing habitat value of the site would be lost and this loss would not be adequately compensated by the creation of artificial features such as bat and dormouse boxes. Therefore, the Inspector considers the proposal fails to accord with LDP policies

EN6 “Ecological Networks and Features of Importance for Biodiversity” and EN7 “Priority Habitats and Species”. The scheme also fails to comply with FW Policy 9 “Resilient Ecological Networks and Green Infrastructure”. (IR 647-648)

41. The Inspector notes the ES assesses the site as having low potential for the presence of other protected species. The LPA’s Ecologist agrees although considers there is a possibility the site could support both Grass Snakes and Common Lizards. The LPA is satisfied appropriate mitigation measures, which could be secured by planning condition, would guard against potential harm to these protected species. (IR 649)
42. Regarding the potential impact of aerial emissions for water quality in the reens and ditches of the SSSI, the Inspector notes the modelling undertaken indicates the process contributions of the proposed development would have a negative impact on watercourse nutrient Nitrogen levels within specified SSSI locations, which cannot be ruled out as insignificant. (IR 650-652)
43. Given the site’s proximity to the Severn Estuary Special Area of Conservation (“SAC”)/Special Protection Area (“SPA”)/Ramsar, the River Usk/Afon Wysg SAC and the Cardiff Beech Woods SAC, all sites forming part of National Site Network (“NSN”), the applicant has undertaken a Habitats Regulations Assessment (“HRA”) screening process. The Stage 1 HRA screening concludes there would be no likely significant effects on interest features of the NSN, either alone, or in combination with other plans and projects. The Inspector is satisfied with the Stage 1 HRA and considers an appropriate assessment is not required in this case. (IR 653-654)
44. The Inspector concludes the proposed ERF would have adverse effects on ecology and conflicts with LDP policies EN6 “Ecological Networks and Features of Importance for Biodiversity” and EN7 “Priority Habitats and Species”. The Inspector also considers the proposal conflicts with FW Policy 9 “Resilient Ecological Networks and Green Infrastructure”. The Inspector considers there would be negative effects in terms of increased nutrient nitrogen levels at specific SSSI locations, contrary to the thrust of LDP policy EN5 “Designated Sites”. On the other hand the proposal would result in better management of the ditch along the south-west margin of the application site, within the Gwent Levels (Rumney & Peterstone) SSSI. (IR 655)

Air Quality – Human Receptors

45. The Inspector notes detailed dispersion modelling has been undertaken of emissions to the atmosphere from the stack of the proposed energy from waste facility. The Inspector states the health impact assessment confirms there would be no significant health risk associated with potential exposure to emissions of pollutants from the proposed energy from waste facility. The results of the cumulative impact assessment with other developments proposed locally conclude there is no significant difference between the model predictions for the Môr Hafren site in isolation and the combined emissions scenario at the location of the maximum Process Contribution or nearby residential properties, and the overall impacts continue to be screened as insignificant. (IR 656-662)
46. The Inspector notes the criticisms expressed, regarding the modelling exercise. However, NRW, the statutory consultee in this matter and the authority responsible for determining the Environmental Permit application, which will be required before the facility could operate, is satisfied the modelling exercise is robust and the results are sufficiently detailed for the determination of the planning application. The Inspector has no basis for disagreeing with NRW on these matters. (IR 663-665)

47. The Inspector has considered potential impacts from traffic emissions, odour and concerns relating to possible adverse health effects arising from aerial emissions associated with the energy from waste facility. The Inspector's overall conclusion from the detailed modelling of emissions from the proposed development and modelling of emissions from vehicle movements is the potential impact on air quality is likely to be small and is unlikely to result in a significant threat to the health of people living and working nearby. The proposed energy from waste plant would not cause unacceptable harm to the environment or human health, therefore, there is no conflict with relevant development plan policies. (IR 666 - 672)

Other Environment Effects

Character and Appearance

48. The Inspector notes the landscape and visual impact of the proposed development has been assessed in detail as part of the Environmental Impact Assessment ("EIA") process. The submitted Landscape and Visual Impact Assessment was undertaken in accordance with relevant guidelines. (IR 674)
49. On this matter the Inspector concludes whilst the proposed development would have an adverse impact on the character and appearance of the area, due to the exceptional height and bulk of the buildings and the landscape context it would occupy, there has been careful attention to building design in order to minimise such impact and assimilate the development with its surroundings as far as possible. The development would occupy a semi-urban context, within an allocated employment area where a wide range of built development forms can be expected. The Inspector's view is that whilst it cannot be said the proposal accords with LDP Policy KP5, taking account of the intrinsic design requirements of the facility, it meets the expectations of the policy so far as can reasonably be expected. Overall, the Inspector regards the development's effect on the character and appearance of its surroundings as acceptable. (IR 673 – 683)

Traffic

50. The Transport Assessment has considered the impact of the scheme in terms of transport accessibility, highway capacity, safety, parking and traffic routeing. The Inspector notes the Local Highways Authority's Operational Manager for Transportation has no objection to the proposal. (IR 684)
51. The Inspector has considered the traffic impacts of the scheme, including objectors' concerns relating to heavy goods vehicle movements, and is satisfied the impacts of the proposed scheme on the road network would be acceptable. The Inspector considers the proposal would provide a safe means of access to the highway and adequate on-site parking and turning facilities. In planning policy terms, the Inspector considers there is no conflict with relevant LDP policies. (IR 685 – 695)

Noise and Vibration

52. The Inspector notes the supporting Environmental Statement ("ES") included a Noise Impact Assessment, which considers operation and construction phase environmental noise impacts calculated from the nearest noise sensitive receptors in the vicinity of the application site. (IR 696)
53. On this matter, the Inspector notes the Noise Impact Assessment concludes the proposed energy from waste facility would not cause harm to human or ecological receptors and the wider environment in noise and vibration terms. The Inspector states

the LPA concludes, with appropriate safeguards in place, the likely noise and vibration impacts of the development would have a neutral effect. The Inspector has no reason to disagree with these conclusions and is satisfied there is no conflict with relevant LDP policies. (IR 697 – 703)

Other Matters

54. The site is located within Flood Zone C1 . Technical Advice Note 15: Development and Flood Risk (“TAN 15”) classifies the proposed energy from waste facility as highly vulnerable development. Paragraph 6.2 of TAN 15 requires justification tests to be satisfied before highly vulnerable development should be permitted in zone C1. (IR 704-705)
55. The Inspector is content, in the event a decision is made on the scheme which accepts need for the proposed facility has been adequately demonstrated, the proposal would satisfy parts i-iii of the justification test. Regarding the justification test concerning flooding consequences, the Inspector notes NRW accept the potential consequences of flooding can be managed to an acceptable level. (IR 706 – 708)
56. The Inspector has considered all other relevant matters, including evidence relating to possible implications of the proposal in terms of effects on cultural heritage and potential for light pollution. The Inspector is satisfied none of these matters raise issues which weigh significantly in the planning balance. (IR 709 – 710)

Benefits of the Proposal and the Planning Balance

57. The Inspector recognises the Môr Hafren proposal would bring various benefits. It would provide around 15MW of reliable electrical power to the local electricity network for the operational life of the project. This would be a significant contribution to future electricity requirements during a period when demand for electricity is likely to increase. (IR 711)
58. Although the resulting energy supply would not be carbon emission-free, the Inspector considers utilising the waste as feedstock rather than it going to landfill would provide significant CO₂ savings. (IR 712)
59. The Inspector also notes the proposed facility would have the potential to use steam to create a local heat network serving nearby businesses. (IR 713)
60. The Inspector notes the focus of the waste strategy is to phase out residual waste through actions on waste prevention and sustainable consumption and production so any waste produced is reused or recycled. Therefore, any benefit the proposal may provide in terms of diverting residual waste from landfill to energy recovery would progressively diminish. (IR 714)
61. The Inspector recognises there would be significant socio-economic benefits associated with construction and operation of the proposed energy from waste facility through direct and indirect employment opportunities. Also, the Inspector notes it is calculated the scheme would create additional Gross Value Added (GVA) worth £74.7m through wider economic activity. (IR 715 - 716)
62. The Inspector identifies a benefit of the proposal would be the proactive management of a length of ditch along the south-western edge of the site in order to improve its water quality and habitat value. The Inspector considers this would be a beneficial outcome of the development in terms of safeguarding the Gwent Levels (Rumney and

Peterstone) SSSI's special features, although the length of ditch concerned is minor relative to total length of watercourses present within the designated area. (IR 717)

63. The Inspector concludes the proposal would generate substantial energy, environmental and socio-economic benefits, which must be weighed in the planning balance. (IR 718)
64. Regarding the overall balance of considerations, the Inspector states the evidence falls well short of demonstrating need for the proposed facility. The Inspector notes this is a fundamental requirement of TAN 21. As the Inspector notes, the application site is a protected existing employment area under LDP Policy EC1 where waste management facilities would be acceptable, however, as the proposal fails to demonstrate need it fails to accord with LDP policies KP12 and W1. The Inspector considers if the scheme was implemented it would result in an overprovision of energy from waste capacity in the South-East Wales economic region, which would plainly run counter to the thrust of TZW as supplemented by Beyond Recycling and the Strategic Assessment, particularly as regards the longer-term objective of moving away both from landfill and from recovery operations post 2024/25 in order to achieve the zero waste and net zero carbon goals. (IR 719)
65. The Inspector notes the diversion of residual waste from landfill to recovery brings CO₂ equivalent emissions savings, which are not dismissed lightly. The Inspector notes the substantial benefits of the scheme in terms of energy generation, with the opportunity for a local heating network. However, the Inspector considers these benefits do not outweigh the insufficient need for the proposal and the lack of compliance with waste policies and the Welsh Government's waste strategy. (IR 720-721)
66. The creation of employment opportunities during construction and operation, with associated wider economic activity is also noted by the Inspector. (IR 722)
67. The Inspector considers there would be some ecological benefit through positive management of the ditch on the south-western edge of the site, however overall the scheme would have a negative effect on the site in ecological/biodiversity terms and therefore, the proposal fails to accord with LDP policies EN6 and EN7, and FW Policy 9. (IR 723)
68. Regarding other impacts, the Inspector is satisfied the proposal is acceptable in terms of its implications for Rumney and Peterstone SSSI1 and for nearby internationally designated sites. However, there would be a negative impact in terms of nutrient nitrogen levels at nearby locations within SSSI2 and SSSI3. The Inspector is satisfied there would be no unacceptable effects on air quality for human receptors, or from traffic, noise and vibration, flood risk, effect on character and appearance or in other respects. (IR 724)
69. The Inspector concludes the insufficient need for the proposal, adverse ecological effects, conflict with the development plan and lack of compliance with the Welsh Government's waste strategy outweigh the carbon emission, energy generation, socio-economic and SSSI ditch management benefits the scheme would bring. The Inspector has considered all other aspects of the proposal and concludes the balance of considerations is such that planning permission should be withheld. (IR 725)
70. In reaching this conclusion the Inspector has taken account of the WFG Act and is satisfied the recommendation is consistent with the well-being goals and objectives. (IR 726)

71. The Inspector's recommends planning permission should be refused for the reasons given. (IR 735-736).

Formal Decision

72. I agree with the Inspector's reasoning and conclusions as detailed in IR 578-736. For the reasons given I hereby refuse planning permission for planning application DNS/3236340.
73. I have taken the ES and all other environmental information provided into account in the consideration of this application.
74. In reaching this decision I note the Welsh Ministers must, in accordance with the WFG Act, carry out sustainable development. I have taken into account the ways of working set out at section 5(2) of the WFG Act and 'SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the WFG Act'. My assessment against each of the ways of working is set out below.

Looking to the long-term

75. The decision takes account of the long-term objective of achieving zero waste in Wales by 2050.

Taking an integrated approach

76. I have considered the impacts from the development proposal on the Welsh Government's well-being objectives, which incorporate the well-being goals set out in section 4 of the WFG Act. Where an objective is not set out, the effect of this decision is neutral.

Impact on well-being objectives

- Make our cities, towns and villages even better places in which to live and work – positive effect.
- Build a stronger, greener economy as we make maximum progress towards decarbonisation – positive effect.
- Embed our response to the climate and nature emergency in everything we do – positive effect.

Involving people/Collaborating with others

77. Within the framework of a statutory decision making process, which is governed by prescribed procedures, the application was subject to publicity and consultation, providing the opportunity for public and stakeholder engagement. Representations received through these procedures have been considered and taken into account in making a determination on this application.

Prevention

78. The decision takes account of the need for waste reduction and the phasing out of residual waste as we move towards the 2050 zero waste target.

79. I consider my decision accords with the sustainable development principle set out in the WFG Act. The decision does not have any negative effects on the Welsh Government's well-being objectives, however if the application was approved, the benefits in terms of supporting the objectives of the waste management plan may not be secured. Therefore, I consider the decision is a reasonable step towards meeting the Welsh Government's well-being objectives.

Yours sincerely



Julie James AS/MS

Y Gweinidog Newid Hinsawdd
Minister for Climate Change