



Ein cuff/Our ref: qA1446714

Ms Sarah Burley
Environmental Compliance Limited

E-mail: s.burley@ecl.world

20 July 2022

Dear Ms Burley,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 62D.
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016.
APPLICATION BY BROAD ENERGY (WALES) LIMITED FOR THE CONSTRUCTION
AND OPERATION OF AN ENERGY RECOVERY FACILITY FOR THE IMPORTATION,
STORAGE AND TREATMENT OF MUNICIPAL, COMMERCIAL AND INDUSTRIAL
WASTE AND GENERATION OF HEAT AND ELECTRICITY, INVOLVING PARTIAL RE-
PROFILING OF QUARRY VOID, EARTH WORKS, ALTERATION TO EXISTING
RESIDENTIAL ACCESS AND PROVISION OF NEW VEHICULAR SITE ACCESS FROM
THE A458 AND SITE HAUL ROADS, ANCILLARY BUILDINGS, STRUCTURES,
TRANSFORMER, SUB-STATION AND GRID CONNECTION, PARKING,
HARDSTANDING INCLUDING LAYDOWN AREAS FOR MATERIALS STORAGE AND
PLANT, WORKSHOP, WEIGH BRIDGE, OFFICES, WELFARE/MESS FACILITIES,
FENCING, GATES, SECURITY AND CCTV, BICYCLE STORAGE AND ELECTRIC
VEHICLE CHARGING FACILITIES, SUSTAINABLE DRAINAGE MEASURES,
LANDSCAPE WORKS AND ECOLOGICAL ENHANCEMENTS. LAND AT BUTTINGTON
QUARRY, BUTTINGTON, WELSHPOOL, POWYS, SY21 8SZ.
APPLICATION REFERENCE: DNS/3214813.**

1. Consideration has been given to the report of the Planning Inspector, who held hearings to examine the Development of National Significance (“DNS”) 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 between 14 and 18 March and made a site visit on 21 March 2022. The Inspector recommends planning permission be refused. A copy of

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the Inspector's report ("IR") is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

Main Issues

4. I agree the main issues are those listed by the Inspector in IR 431:
 - Whether the proposal would be consistent with the aims of waste planning policy in Wales in terms of need, sustainability and direction of travel, in the context of national and development plan policy;
 - The effect of the proposal on air quality and human health;
 - The landscape and visual impact effects of the proposal on the character of the area and on receptors;
 - The effect of the operation of the proposal on nature conservation, biodiversity and the ecology of the area. In particular, whether there would be significant effects on the Montgomery Canal Special Area of Conservation and SSSI, and Moel y Golfa SSSI;
 - The effects of the development on highway safety; and
 - Whether the benefits of the proposal outweigh any adverse impacts that are identified.

Waste Planning Policy and Need

5. The Inspector sets out the relevant policy provisions in Policy W1 "Location of Waste Development" and W2 "Waste Management Proposals" of the Powys Local Development Plan ("LDP"). Much of the application site is allocated under Policy E1 of the LDP "Employment Proposals on Allocated Employment Sites". These are sites for B1, B2 and B8 uses. The supporting text to Policy W1 states Buttington Quarry may be suitable as a permanent recycling repository or 'urban quarry' to enable the storage and processing of wastes arising from construction and demolition. (IR 435-437)
6. The relevant national policies in Planning Policy Wales ("PPW") and Technical Advice Note 21, Waste ("TAN 21") are noted by the Inspector. Towards Zero Waste ("TZW") provides the overarching waste strategy, which is accompanied by a suite of sector plans, including the Collections, Infrastructure and Markets ("CIM") Sector Plan. (IR 438-439)
7. Demonstration of need for the proposed Energy Recovery Facility ("ERF") is a fundamental requirement of development plan and national policy, regarding waste-related development. TAN 21 identifies the role of the CIM Sector Plan in setting out the need for recovery of residual mixed wastes which are incapable of being recycled, in the short to medium term, to reduce disposal by landfill. However, it also confirms the longer-term aim of an infrastructure network based on higher levels of reuse and recycling. (IR 440)
8. TAN 21 states applicants should clearly justify why a proposal is necessary and the CIM Sector Plan represents the starting point for the determination of need for future capacity. (IR 441)

9. The Inspector notes TZW sets out the Welsh Government's strategy for achieving zero waste by 2050, with an intermediate milestone in 2025. Beyond Recycling ("BR"), the Welsh Government's strategy to make the circular economy in Wales a reality, provides more detail on the intended approach beyond 2025 towards the TZW 2050 goal. (IR 442-443)
10. The CIM Sector Plan supports TZW by detailing outcomes, policies and delivery actions which contribute to the delivery of WG's commitments, including targets, set under relevant EU Directives. The Inspector notes the "Strategic Assessment for the Future Need for Energy from Waste Capacity in the three economic regions of Wales" ("Strategic Assessment"), dated March 2021, replaces the strategic assessment provided in section 2.3.4 of the CIM. I note the Strategic Assessment states the information will be a material consideration when considering new small scale (<10MW) energy from waste facilities, and in the "wholly exceptional circumstances" where large scale energy from waste facilities of 10MW or greater come forward. (IR 444 - IR 445)
11. The Strategic Assessment notes a Waste Flow Model has been developed for the three economic regions of Wales for two future scenarios using the latest Local Authority, industrial and commercial and construction and demolition waste data available. It uses two scenarios to estimate future waste arisings. Scenario 1 – 'Recycling and Waste Minimisation Targets Met' uses the annual waste arising prevention targets contained within Appendix 2 of TZW. For Scenario 2 - 'Recycling Targets Met, No Waste Reduction' waste reduction has been set to zero. (IR 446)
12. For the Mid and South West Wales region, the region in which the application site is located, Scenarios 1 and 2 estimate total noninert residual waste arisings of 300 thousand tonnes in 2019/20 reducing to 220 to 240 thousand tonnes in 2024/25 and 170 to 220 thousand tonnes in 2034/35. The Inspector notes the stated capacity of the proposal is 167,000 tonnes, although in reality the stated maximum will be approximately 150,000 tonnes when maintenance periods are taken into account. This means that the level of need is more than the capacity of the plant, even using the optimistic waste minimisation targets met in scenario 1. (IR 447)
13. The Inspector interprets waste policy as being clear that identified need should be met in each of 3 waste regions. The Inspector notes the applicant has accepted this approach by offering a condition to require 70% of the waste to come from the Mid and South West region. The Inspector notes this is a relevant consideration in the context of the All-Wales need, which is stated to be between 40,000 over-capacity to 165,000 tonnes of under-capacity in 2034/35. (IR 448)
14. TAN 21 and the Strategic Assessment both state where planning permissions already exist in an area (region) they should be taken into account in determining the level of need. The Local Planning Authority ("LPA") notes there is a valid planning permission for a 30,000 tonnes per annum ERF in Welshpool and consider it would meet the future needs of the Mid Wales area. TAN 21 sets out a number of matters to be considered in order to determine the significance which can be attached to proposed (planned) capacity. The Inspector has given regard to these considerations and concludes the commissioning of the proposed ERF is a realistic possibility. Therefore, the Inspector has taken it into account in determining the level of need for additional ERF capacity in the region. (IR 450 - 452)

Sustainability

15. The proposal meets the relevant standards to be considered a ERF. Although the proposal has higher status in the waste hierarchy than landfill, the Inspector notes there is evidence the disposal of municipal waste to landfill will shortly be reduced to such a level as to be eliminated altogether. (IR 453)
16. The Inspector notes the plant would emit carbon and does not make provision for carbon capture and storage. Whilst the applicant has confirmed carbon capture technology can be retrofitted, the Inspector states the possibility of using carbon capture technology has been investigated and the evidence leads to the conclusion that it is not viable. The Inspector notes the applicant has suggested a condition to require carbon capture by 2050. (IR 454)
17. The proximity principle is fundamental to waste planning policy. The Inspector notes there are a number of reasons why it is important to manage waste where it arises, including the detrimental impacts associated with transportation of waste. The Inspector considers transportation emissions are an important sustainability issue. (IR 455)
18. The evidence presented to the Inspector demonstrates annual waste in Powys and Ceredigion is relatively low and the main sources of waste in the region are in Swansea, Neath/Port Talbot, Carmarthen and Pembrokeshire. The application site is a considerable distance from these locations and the connecting roads are of a lower standard – matters the Inspector considers represent a significant drawback of the proposal. (IR 456)
19. Whilst the Inspector recognises the application site is close to the North Wales region, figures in the Strategic Assessment show there would be no need for additional ERF facilities in that region in 2034/35. Although parts of Powys are close to the other waste regions, the site itself is not. The evidence shows the approved small-scale ERF in Welshpool could meet the needs of Powys and Ceredigion, it could also supply heat. (IR 457)

Conclusions on need and sustainability

20. The Inspector concludes there is unmet need in the Mid and South West Wales region in 2034/34, with the Strategic Assessment showing 170 to 220 thousand tonnes per annum of under-capacity, which the proposal would largely address. However, the Inspector notes the direction of travel of waste policy means the long-term solution is a move away from incineration. (IR 458)
21. Sustainability is an important part of Welsh Government policy in the context of the declared climate change emergency and it also important to the achievement of the Well-being of Future Generations (Wales) Act 2015 (“WFG Act”) and the Welsh Government’s well-being objectives. The Inspector concludes the proposal would not be in a sustainable location and a possible, more sustainable small-scale alternative exists. The proposal would be contrary to LDP Policy W2 “Waste Management Proposals” and the proximity principle. (IR 459)

Air Quality and Human Health

22. The Inspector notes there is considerable local concern, regarding the perceived risk of adverse health effects resulting from the proposed ERF. Annex C of TAN 21 states air emissions and the potential emission of pathogens and/ or toxins are a material

planning consideration and may represent a significant public concern. It notes such matters are controlled through the environmental permitting regime, however, air quality issues can be a material planning consideration as well as a pollution control issue. TAN 21 also notes modern, well managed incinerators are unlikely to make a significant contribution to local concentrations of air pollutants. The Inspector advises no permitting application had been submitted by the time of the hearings. (IR 460 - 461)

23. The applicant submitted an Air Dispersion Modelling assessment of emissions. The Inspector notes Natural Resources Wales ("NRW") was consulted for its views on the proposal and raised no objection on this matter. The dispersion modelling results, confirmed by the health impact assessment, show there would be no significant health risk associated with potential exposure to emissions of pollutants from the proposed ERF. The Inspector notes an environmental permit is required before the site can legally operate. The permit application would be assessed against the environmental quality standards and associated levels and thresholds set out by NRW. NRW confirmed the issues regarding plume grounding would be considered in the Environmental Permit application. The Inspector notes objectors were reassured that matters relating to bio-accumulating pollutants would be addressed in an environmental permit application. The Inspector is satisfied the environmental permit application process would adequately address any issues relating to Chromium (Cr) VI. The Inspector notes objectors have raised concerns, regarding small particles known as PM_{2.5}, and considers in the context of a planning decision it is difficult to draw any firm conclusions from the data. (IR 465 - 472)
24. The Inspector has considered all the evidence submitted concerning emissions and health impacts, noting NRW has confirmed the information provided by the applicant provides a sufficiently robust basis on which to decide whether planning permission should be granted. The application for an environmental permit will consider effects on human health in further detail. (IR 473)
25. Fear about the consequences of the proposal on human health is a material consideration in this case and is given some weight by the Inspector. However, the controls provided by the permitting process limit the weight the Inspector gives to this matter. (IR 474)
26. The Inspector's overall conclusion on this issue is the proposed ERF would not cause unacceptable harm to the environment or human health. Therefore, in these terms the Inspector is satisfied there is no conflict with the development plan, in particular LDP policies W2 and DM14 "Air Quality Management". (IR 475)

Landscape and Visual Impact

27. A Landscape and Visual Impact Assessment ("LVIA") was undertaken, and forms part of the Environmental Statement ("ES"). The Inspector notes there is no dispute that the LVIA is comprehensive and accurate, or that the views are representative. The Inspector has considered all the information and evidence provided and has visited the site and surroundings, including viewpoints used in the LVIA. (IR 476)
28. The Inspector notes the main difference between the LVIA and the LPA's Local Impact Report ("LIR") relates to the applicant allegedly downplaying the effects by ascribing lower sensitivity values and the absence of a landscape susceptibility analysis. (IR 477-478)

29. Although the building would be located in a quarry void, the Inspector considers the building would be visible due to its height and scale. Proposed mitigation includes bunding, landscaping and cladding. The Inspector has taken into account that planting is proposed and it would take some years for it to have a significant screening effect. The applicant considers these mitigation measures mean the development would be assimilated into the landscape setting, resulting in a neutral effect. The Inspector considers the general approach should be the effects cannot be viewed as beneficial or neutral as the proposal is a large industrial scale development in a rural area. (IR 479 - 480)
30. The Inspector notes the application site is within the Crewgreen to Forden Hill and Scarp Visual and Sensory Aspect Area ("VSAA"), a predominantly rural area. The Inspector agrees with the assessment in the LIR that the proposal would introduce a large new industrialised development, which would have a significant adverse effect on its character, even with the mitigation proposed. Similar assessments apply to parts of three adjoining VSAA's – Long Mountain, Breidden Hill and River Severn floodplain. The Inspector notes the effects diminish with distance from the site, however, the proposal would be a prominent element from views from the hill summits in the Breidden Hill VSAA. For these reasons the Inspector considers there would be major adverse effects on landscape character of the host VSAA and a moderate adverse effect on the three adjoining VSAA's. (IR 481)
31. The Inspector considered the sensitivity of receptors, has visited the viewpoints ("VPs") and assessed the impacts using the photomontage evidence provided. The Inspector states, "There would be major adverse significance of effect from close range views at VP1 to VP4, with the closest VP1 being skyline and having a substantial significance of effect (which is the highest category). From close and medium views to the North and East there would be Moderate to Major significance of effect from VPs 10 to 13. The building and stack would appear prominent and on the skyline in all these views. These VPs include views from the nearby residential areas in Cefn/Trewern. The significance of views from the nearby hilltops has been underestimated by the applicant. From here receptors look down on the proposal and there are clear views of the existing quarry area. I consider that there would be a Moderate to Major adverse significance of effect from VPs 16 to 18, in agreement with the LIR. VP 22 at Buttington Bridge captures significant views from the National Offa's Dyke Path ("ODP"). The sensitivity of users of this path means that there would be a Major adverse significance of effect. The building and stack would appear prominent and on the skyline in this view. There is existing development in the vicinity of the VP, but it does not affect the view towards the Breidden Hills and the site". (IR 482 – 484)
32. The Inspector is satisfied there would not be any significant effects on other VSAA's or from other VPs. The Inspector notes the applicant's response to the issues raised by other objectors. (IR 485-486)
33. The Inspector concludes there would be significant landscape and visual impacts and the proposal would be contrary to Policies DM4 "Landscape" and DM13 "Design and Resources" of the LDP - a significant adverse impact to be weighed in the planning balance. (IR 487)

Cultural Heritage

Powis Castle

34. The Castle comprises four separate Grade I listed buildings, the Park and Garden are also Grade I. The Inspector notes the significance of the heritage assets is very high and the contribution the setting makes to the castle, terraces and gardens is very important. The Inspector refers to the relevant legal test in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in applying this legal test, notes the effect on the setting of the heritage assets at Powis Castle in terms of the impact on their significance must be considered. The Inspector notes the National Trust suggested additional viewpoints at the East Front of the Castle given the importance of views from and of the Castle and grounds. (IR 488)
35. The Inspector has considered the additional photomontages and photographs provided by the applicant and has visited the Castle and viewed the relationship to the proposal from the East Front and terraces. The Inspector concludes the effect on any planned view would be very small and unlikely to detract from the appreciation of the significance of the heritage assets. The Inspector agrees with Cadw that the scale of the proposed visual change is unlikely to have a significant impact on the way that the castle and historic park and garden are experienced, understood and appreciated. For these reasons, the Inspector concludes the effect on the setting of the heritage assets would be minor and not significant. The Inspector notes an appeal decision has been referred to at Leighton Farm, however, the circumstances in this case are not comparable. (IR 489-491)

Other Heritage Assets

36. The Inspector has noted the issues raised by objectors in relation to the impact of the proposal on designated and undesignated heritage assets and archaeological remains. The Inspector has had regard to the statutory duties in respect of listed buildings. Cadw has no objection to the proposal. Clwyd-Powys Archaeological Trust ("CPAT") confirms it has no objection as there would be no significant impacts to non-designated heritage assets. (IR 492-494)
37. On cultural heritage, the Inspector concludes there will be minor adverse effects upon the heritage assets at Powis Castle. Whilst minor adverse effects upon the wider settings of a Grade I, a Grade II* and four Grade II Listed Buildings and upon Strata Marcella Abbey Scheduled Ancient Monument are identified in the ES, no harm to their significance has been identified. The Inspector states these less significant impacts attract little weight against the proposal and notes Cadw and CPAT had no objections to the proposal. (IR 495)

Nature Conservation and Biodiversity

38. The Inspector notes the statutory duties set out in The Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations") and the relevant provisions in PPW and Technical Advice Note 5: Nature Conservation and Planning ("TAN 5"), regarding the need to consider any adverse effects on European protected species. NRW has confirmed the proposal, with appropriate conditions, is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of Great Crested Newts. NRW has also confirmed, subject to mitigation measures secured by condition, the scheme is not likely to be detrimental to the maintenance of favourable conservation status of any local populations of Dormice, bats and otters. (IR 496-497)

39. The statutory requirements in the Habitats Regulations, regarding the assessment of implications of proposals on European sites are noted by the Inspector. Three European sites have been identified as being within 10km of the application site: Montgomery Canal Special Area of Conservation ("SAC"), Granllyn SAC and Midland and Midland Meres and Mosses a Phase 1 Ramsar site. (IR 498)
40. The Inspector notes a shadow Habitats Regulations Assessment ("HRA") has been provided by the applicant and NRW has been consulted. The shadow HRA describes the qualifying features that are a primary reason for selecting the site. The Inspector is satisfied the results of the assessment show there would be no likely significant effects on the Granllyn SAC or Midland Meres and Mosses Phase 1 Ramsar site and their qualifying interest features. (IR 499 - 500)
41. The modelling shows the only likely significant effect on the on the Montgomery Canal SAC concern would be ammonia deposition. The information on nitrogen and ammonia deposition shows the amounts would be very small and would not have a significant effect. NRW has not raised any concerns with this assessment. The Inspector is satisfied there would be no likely significant effects on Montgomery Canal SAC and its qualifying interest features as a result of the proposal. (IR 501)
42. The Inspector concludes, based on the particular circumstances and evidence of this case, it is beyond reasonable scientific doubt that the scheme, either alone or in combination with other projects would not have an adverse effect on the integrity of European Sites (the National Sites Network), namely the Montgomery Canal SAC, Granllyn SAC and Midland Meres and Mosses, a Phase 1 Ramsar site. (IR 502 – 503)
43. The potential impacts on Moel Y Golfa SSSI have been considered, the modelling indicates the only concern would be ammonia deposition. NRW advise, as part of the environmental permit, Best Available Techniques can be applied and considered in more detail to limit the ammonia contributions from the development to the SSSI if necessary and NRW do not consider the process contribution is likely to result in a significant impact to the SSSI. (IR 504)
44. The Inspector notes the Environment (Wales) Act 2016 imposes duties to maintain and enhance biodiversity and promote the resilience of ecosystems. The Inspector is satisfied the amount and quality of the habitat created would exceed the areas that would be lost, resulting in an overall gain, once established and, therefore, complies with relevant legal duties, PPW, TAN 5 and LDP Policy DM2 "The Natural Environment". (IR 505 - 507)

Highway Safety

45. The Inspector has considered the ES and accompanying Transport Assessment and has taken into account objectors' highway safety concerns. On this matter, the Inspector concludes access arrangements would not have a significant impact on highway safety or existing traffic flows. This view is supported by the Welsh Government Highway Authority ("WGHA"). The Inspector considers on this matter the proposal would comply with Technical Advice Note 18: Transport ("TAN 18") and Policies T1 "Travel, Traffic and Transport Infrastructure" and W2 of the LDP. (IR 508 – 512)

Other Matters

46. The applicant's noise assessment is contained in the ES. The Inspector notes the objections raised regarding potential noise impacts on nearby residential properties and is satisfied any adverse impacts can be addressed by planning condition. The Inspector considers the proposal complies with the noise criteria in LDP Policies W2 and DM13. (IR 513 – 515)
47. The Inspector is satisfied any geotechnical and slope stability issues and risks could be addressed by condition and concludes the proposal would comply with LDP Policy DM10 "Contaminated and Unstable Land". (IR 516)
48. Regarding the removal of material from the quarry and the use of Incinerator Bottom Ash ("IBA") as a secondary aggregate, the Inspector notes the applicant refers to the potential to develop an IBA re-processing facility, however no firm commitment has been given to this. The Inspector considers the lack of firm proposals for the removed material and IBA is a lost opportunity, which reduces the sustainability credentials of the proposal. (IR 517)
49. The Inspector has considered all other relevant matters, including objections relating to the local school and points raised relating to the Health Impact Assessment, however none of these matters raise issues which weigh significantly in the planning balance. (IR 518)

Benefits of the Proposal and the Planning Balance

50. The Inspector has considered the exceptional circumstances set out by the applicant in terms of the need for an ERF in the region. The Inspector acknowledges the proposal would largely address the identified shortfall in capacity to deal with residual waste in the Mid and South West Wales region in 2034/35 and gives this significant weight. The Inspector also notes the proposal would generate up to 12.8MW of electricity and affords this significant weight. (IR 534 – 536)
51. The Inspector has considered the available evidence and finds the generation of electricity from the proposed development would not be low carbon as it would generate electricity by burning waste material. The Inspector also finds the proposal would not be a form of renewable energy. (IR 537)
52. The applicant commissioned a Waste and Resources Assessment Tool for the Environment ("WRATE Assessment"), which shows the development would be more beneficial than landfill in terms of CO₂ savings. However, the Inspector notes as Wales moves towards zero waste and phases out residual waste the significance of the proposal's benefit in these terms would progressively diminish. (IR 538)
53. The Inspector considers the capital investment and job creation, which would result from the scheme, carry modest weight. Concerns of some local businesses, regarding a potential adverse effect on tourism, are noted by the Inspector. However, the Inspector considers these concerns were not supported by convincing evidence and are given little weight in the overall balance. (IR 539)
54. Regarding the supply of heat, the Inspector notes there are no firm proposals to provide a district heating network or secure potential customers so any potential benefits from heat supply have not been taken into account. The Inspector considers this reduces the scheme's sustainability credentials. (IR 540)

55. Overall, the Inspector gives substantial weight to the identified energy, environmental and socio-economic benefits. (IR 541)
56. The Inspector concludes the proposal would not be in a sustainable location and is contrary to Policy W2 of the LDP and the proximity principle. The Inspector considers the proposal would have adverse effects on sustainability due to transport emissions, a significant dis-benefit to which the Inspector gives considerable weight. (IR 542)
57. The Inspector has set out the adverse landscape and visual impacts of the proposal on receptors. Taking account of the proposed mitigation measures, the Inspector finds the adverse effects would be significant. The Inspector attaches considerable weight to this important consideration. (IR 543)
58. The minor adverse impacts, identified for a number of heritage assets, are afforded limited weight by the Inspector. The absence of firm proposals for the removal and beneficial re-use of IBA is considered to be an adverse impact of the proposal. The Inspector is satisfied the potential adverse effects on air quality can be adequately addressed by the necessary environmental permit. The Inspector states fear about the consequences of the proposed development on the health of local residents is a material consideration in this case, which the Inspector gives some limited negative weight. The Inspector is content the negative impacts of the proposal on nature conservation interests can be mitigated. The proposed habitat creation within the site would be a benefit of some weight. The Inspector is satisfied there would be no unacceptable effects in terms of noise and vibration, highway safety or geotechnical matters. (IR 544)
59. The Inspector has weighed the need for and benefits of the proposal against the adverse sustainability, landscape and visual and other impacts of the proposal. The Inspector notes the direction of travel of Welsh Government waste policy and continued efforts to reduce and eliminate waste have led to the Welsh Government's moratorium announcement that no further large scale EfW plants are required in Wales. The Inspector concludes the evidence of continued success of waste reduction policies and the Welsh Government's commitment to securing ambitious future targets means that the balance of considerations is such that planning permission should be refused. In reaching this conclusion, the Inspector has taken account of the WFG Act (IR 545 - 546).
60. The Inspector recommends planning permission be refused for the reasons given in the IR. (IR 547)

Formal Decision

61. The moratorium announcement is clear, the Welsh Government does not consider there to be a need for any new large-scale energy from waste facilities of 10MW or greater. However, I note the Strategic Assessment states in the wholly exceptional circumstances where such proposals have come forward, the new strategic assessment information contained in the Strategic Assessment will be a material consideration. I have considered the planning application on this basis, on its merits, taking account of the waste management plan and all other material considerations. I have had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
62. I note TAN 21 states the CIM Sector Plan is the starting point for determining need for future capacity and the figures in the Strategic Assessment update the CIM Sector

Plan. I accept the Strategic Assessment, and therefore the CIM Sector Plan, identifies unmet need in the Mid and South West Wales region in 2034/35. In accordance with TAN 21 I agree with the Inspector that the small-scale Welshpool ERF should be taken into account in determining the level of need for additional ERF capacity in the region. Although this reduces the level of need for future capacity, I acknowledge there would still be unmet need to deal with residual waste within the region in 2034/35.

63. However, as noted by the Inspector, and described in TAN 21, the proximity principle is fundamental to waste planning policy and must be taken into account when considering this planning application. The proximity principle is also identified as a key planning principle in PPW. I agree with the Inspector that transport emissions are an important sustainability issue and I note the main sources of waste within the Mid and South West Wales region are some distance from the application site. Whilst the application site is close to the North Wales region, the Strategic Assessment shows there is no need for additional ERF facilities in that region in 2034/35. For these reasons I consider the proposal to be contrary to LDP Policy W2 and the proximity principle.
64. The Inspector has outlined the Welsh Government's overall waste policy and the stated objective to move towards zero waste by 2050, a situation where all waste that is produced is re-used or recycled as a resource, without the need for any landfill or energy recovery. Therefore, in addition to failing to accord with LDP Policy W2 and the proximity principle, I also consider the proposal fails to comply with the Welsh Government's overall waste management policy for Wales.
65. I accept the Inspector's findings, regarding the adverse landscape and visual impacts of the proposal. I have no reason to disagree that these adverse effects would be significant.
66. I am satisfied with the Inspector's findings on all other considerations and acknowledge the proposal would generate energy and socio-economic benefits, as described in the Inspector's report. I agree these benefits carry substantial weight in the overall balance. I note the Inspector considers the scheme would have some environmental benefit on the basis the proposal has higher status in the waste hierarchy compared to landfill. However, I agree any benefit would diminish over time as Wales moves towards zero waste.
67. Subject to the comments made above, I agree with the Inspector's recommendation and conclusions, for the reasons given. I consider the application site is not in a sustainable location, fails to comply with the proximity principle and therefore fails to accord with LDP Policy W2 and TAN 21. I also consider the proposal fails to comply with the Welsh Government's policy for waste management. Finally, due to the identified significant adverse landscape and visual impacts, the application is contrary to LDP Policies DM4 and DM13. I consider these matters outweigh the identified benefits of the proposal. Therefore, I hereby refuse planning permission for planning application DNS/3214813.
68. I have taken the ES and all other environmental information provided into account in the consideration of this application.
69. 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

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

Taking an integrated approach

71. 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

72. 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

73. 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.
74. 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