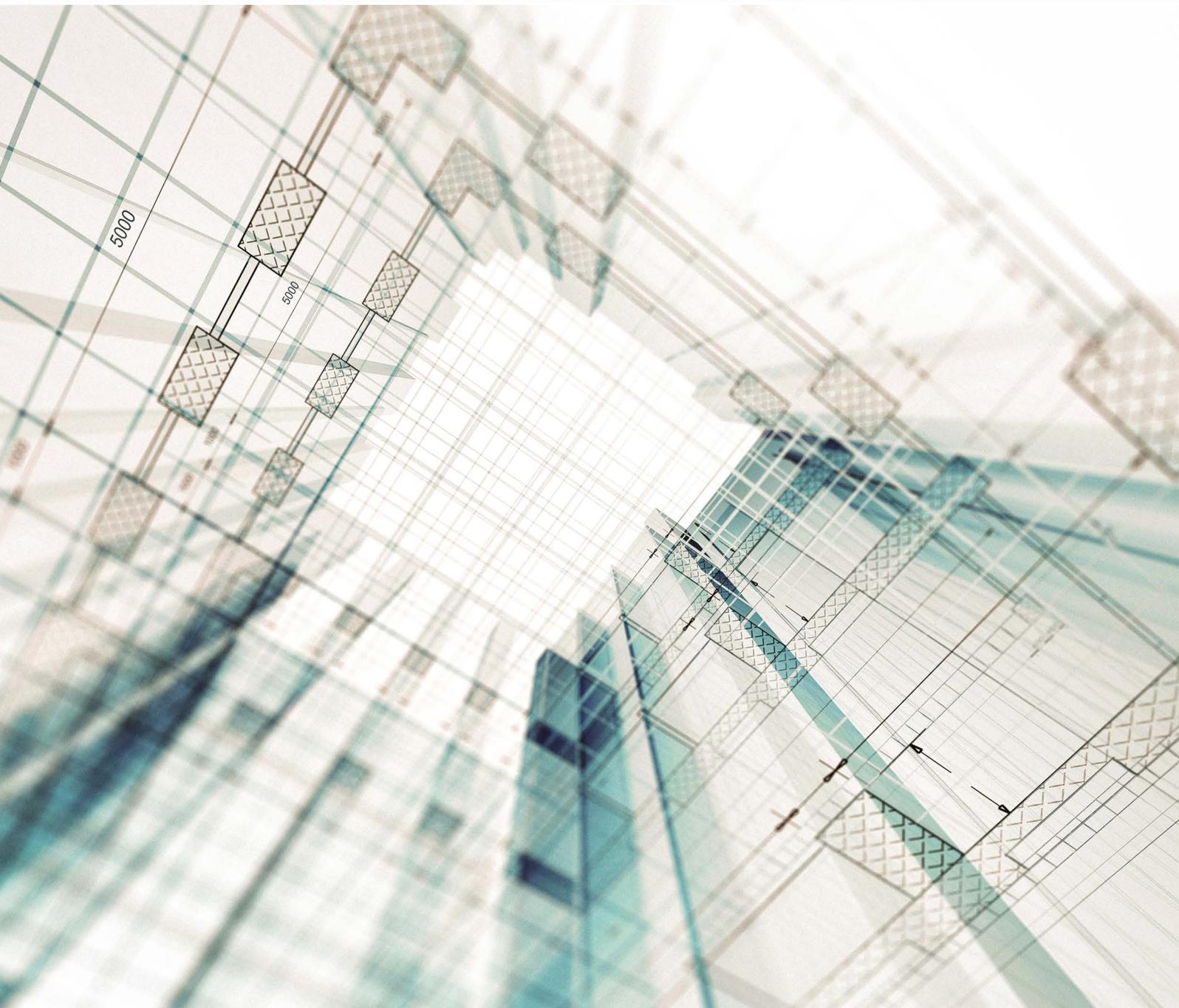


6.0

Planning policy



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Planning policy

6.1	Introduction	60
6.2	General Policy Overview	60
6.3	National Planning Policy	61
6.4	Planning Policy Wales	61
6.5	Local Planning Policy	61
6.6	Legislative Policy Context	67
6.7	Development Outside of LDP Area	69

6.1 Introduction

This section considers and discusses pertinent Local, National and European planning and energy policies which are relevant to the construction of the proposed BtEf and Eco-parks.

Local, National and European policy which outline the growing requirements for renewable and sustainable green energy generation have been reviewed in the context of the proposed development.

This section then discusses how the proposed BtEf is fully in line with local planning policy, and will help to meet national and European renewable green energy objectives and targets.

6.2 General Policy Overview

The Welsh Government (WG) Energy Policy Statement – A Low Carbon Revolution (WG, 2010) aims to promote energy saving measures and to increase efficiency in order to lower the cost of producing low carbon energy. The policy statement recommends the use of indigenous renewable fuels, an increase in skill base and an increase in Research and Development to promote job creation within the sector.

Energy Wales – A Low Carbon Transition (WG March 2012) aims to create a sustainable, low carbon economy for Wales. The document sets a number of ambitions which include the following: –

- Become increasingly decarbonised – the European Council reconfirmed in February 2011 the European Union’s objective of reducing greenhouse gas emissions by 80-95% by 2050 compared to 1990, with a consequent impact on increasing low carbon electricity generation;
- Meet other environmental standards such as those for pollutants and waste;
- Provide energy security and resilience; and
- Deliver, through energy markets, affordability and a credible framework for long term investment.

The document notes that Wales has significant assets in virtually every energy source and also possesses the key infrastructure to make the most of the energy opportunity in terms of our roads, railways, deep ports and electrical and gas grids.

The document also references the importance of ensuring that Wales benefits economically from energy developments stating: -

“It is vital that business delivers on the promise of jobs from investment into energy in Wales. It is also essential that Welsh companies are actively involved in delivering energy developments and encouraged and supported to take advantage of the procurement processes associated with them. We must build a competitive Welsh energy supply-chain that can help unlock our own energy resources and export energy-related expertise, goods and services to the rest of the UK and globally”

6.3 National Planning Policy

The Welsh Government (WG) is responsible for the overall framework of the planning system in Wales, and in January 2016 published the 8th edition of Planning Policy Wales. It provides the policy framework by which, Local Authorities should develop their own Local Development Plans. This policy document is supplemented by topic-based Technical Advice Notes (TAN's), and procedural guidance which are given in Welsh Office, National Assembly for Wales and Welsh Government circulars.

In November 2008 the Planning and Energy Act 2008 became law enabling local planning authorities in Wales to set requirements for the generation of energy from local renewable sources, low carbon energy and for energy efficiency to be included in local development plans.

In 2010, the Welsh Government (WG) produced its waste strategy – Towards Zero Waste 2050. This strategy aims to ensure that businesses, households and the public sector are recycling at least 70% of their waste by 2025, and by 2050 eliminate waste completely.

On the 1st of March 2016, The Developments of National Significance (Wales) Regulations 2016 came in to force. These regulations require applications which meet the requirements set out in the guidance to be submitted to the Welsh Government for determination instead of the Local Planning Authority. The DNS Legislation also allows applications for secondary consents associated with the primary DNS activity to be submitted and where deemed appropriate also be determined by the Welsh Government.

6.4 Planning Policy Wales

Planning Policy Wales (PPW) edition 8 - 2016 sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TAN). The PPW guidance and relevant TAN documents have been reviewed and taken into account in the preparation of this EIA.

PPW also requires every local planning authority in Wales to prepare a Local Development Plan (LDP) for its area. The LDP will be the development plan for each county or county borough council and each National Park, superseding the Unitary Development Plan (UDP) or any other existing development plan. The Pembrokeshire County Council LDP has been reviewed and used to inform the EIA. The Pembrokeshire LDP and specific policies contained within it are discussed further below and on the following pages.

6.5 Local Planning Policy

The Pembrokeshire Local Development Plan (LDP) was implemented on the 28th February 2013 and replaces the Joint Unitary Development Plan for Pembrokeshire (JUDP), adopted in 2006, for all parts of Pembrokeshire that lie outside Pembrokeshire Coast National Park.

The Planning and Compulsory Purchase Act 2004 requires each local planning authority in Wales to prepare a LDP with the objective of contributing to the achievement of sustainable development.

The LDP provides the framework for decisions to be made up until 2021 on how land is used and developed.

The Plan establishes a Vision based development strategy and policies to guide the development and use of land in Pembrokeshire from adoption to 2021. It provides the policy context for directing development to appropriate locations, conserving the natural, built and historic environment and providing a basis for rational and consistent decision-making on planning applications. The base date for the Plan's land use allocations is 2011.

The LDP provides a sound basis to deliver sustainable development, well supported by evidence, consistent with national policy and the adopted / emerging local development plans of neighbouring local planning authorities.

The LDP seeks to develop a network of strong urban and rural communities, with the distribution of new development reasonably balanced between urban and rural areas and directed to settlements in accordance with existing and anticipated infrastructure provision and levels of service provision.

The LDP complements the Wales Spatial Plan and the Pembrokeshire Community Plan. It relies on national policy, set out in Planning Policy Wales, 5 November 2012, Minerals Planning Policy Wales 2000 together with the supporting suite of Technical Advice Notes and Circulars as the context for decision making on land use planning where there is no locally specific LDP policy. These and all adopted Supplementary Planning Guidance (SPG), which support this Plan will be material considerations when making decisions on relevant proposals for development.

6.5.1 LDP Strategy

The LDP strategy is designed to deliver a vision for Pembrokeshire, meet the objectives of this Plan and respond to the issues identified to deliver sustainable development. It is derived from national and regional policy principles and an evaluation of economic, social and environmental factors and the key issues and characteristics that make Pembrokeshire unique.

6.5.2 The Local Development Plan Background

The planning system provides for a presumption in favour of sustainable development and national planning policy provides a definition of sustainable development in Wales.

The overarching aim of the LDP is to ensure that Sustainable Development is achieved. This means ensuring that the types of development that take place are appropriate for their location and that they are built and designed in such a way as to achieve positive economic, social and environmental impacts.

Detailed policies such as General Policies GN.1 to GN.4 and GN.33 to GN.38 of the Plan will be critical in ensuring that this Strategic Policy is met. These policies focus on ensuring that proposals are appropriate in scale and nature for different locations, that the design achieves safe, attractive and inclusive environments which are sustainable and optimise energy use and efficiency and incorporate renewable energy technologies where feasible, whilst also addressing landscaping and infrastructure requirements of any development.

Development: Pembrokeshire has a range of previously developed (brownfield) land. One of the issues in Pembrokeshire is that many of these sites, such as some former airfields, may not be suitable for development because of their location and / or scale. Brownfield land within or adjoining settlements and suitable for development should be prioritised for development over greenfield land in accordance with national planning policy. Some brownfield sites in the Plan area have potential or perceived contamination problems which will need remediation in conjunction with their redevelopment.

The LDP Policy GN9 - Extensions to Employment sites also states that "Proposals to diversify or intensify employment uses and/or extend them onto adjacent land will be permitted where the scale and nature of the original development together with the extension is compatible with its location. This supports the location of the cheese and packaging factories and the new development carpark on land immediately adjacent to the Waterston Eco-park.

The South West Wales Integrated Transport Consortium (SWWITCH) has developed the Regional Transport Plan for South West Wales (RTP for SWW). This establishes regional transport policy and acts as a bidding document for transport funds for the period 2010-2015 aiming to deliver improvements to address identified transport problems in the region. The RTP's vision for south west Wales is 'to improve transport and access within and beyond the region to facilitate economic development and the development and use of more sustainable and healthier modes of transport'. To deliver this vision, the RTP identifies strategic objectives, a long term strategy and a programme of projects to deliver the strategy and objectives. This Plan reflects the RTP for SWW, by seeking to ensure sustainable economic development and encourage the use of more sustainable and healthier modes of transport.

Employment: This strategy establishes how the Rural Development Plan for Wales will be implemented in Pembrokeshire. The overarching priority of the Pembrokeshire Local Development Strategy, in particular as it relates to Axis 3 of the Rural Development Plan for Wales, is to "create sustainable employment opportunities and establish the conditions needed for sustainable economic growth."

Strategic priorities identified in the Rural Development Plan that have significance for this Plan include: a focus on quality agriculture, fisheries and food sectors and quality tourism sector; energy (including renewables) and environmental goods and services; maximising benefits of broadband availability; improving community safety; encouraging active age balanced rural communities; protecting and enhancing the quality of the built and natural environment; improving access to the countryside and coast; increasing biodiversity and improving habitat management; establishing an international reputation as an area for knowledge businesses and building links with other regions and countries able to add value.

The focus on creating sustainable employment opportunities with an emphasis on the strategic priorities above is an important consideration for this Plan and one which is delivered by allocations and criteria based policies.

Low-Carbon Energy:

The delivery of zero-carbon development and wider use of low-carbon and no-carbon technology in new building projects is being driven by Government targets and associated changes to the Building Regulations, the related 'Code for Sustainable Homes' and the requirements of BREEAM. This policy is complementary to these initiatives, which in combination will help to deliver new development that is sustainable.

The UK has signed up to the EU Renewable Energy Directive which includes a UK target of 10% (2010) rising to 15% (2020) of energy from renewable sources by 2020. The Planning and Energy Act 2008 enables Local Planning Authorities in Wales to set reasonable requirements in this Plan for "the generation of energy from local renewable sources and low carbon energy and for energy efficiency"

Work undertaken on behalf of the Welsh Government has demonstrated the potential for renewable energy to contribute to the energy needs of major developments in Pembrokeshire.

Environment: European legislation requires that protection of the environment be given a high priority throughout the preparation of the Plan, through a process referred to as Strategic Environmental Assessment (SEA). Pembrokeshire has over 85 designated Sites of Special Scientific Interest (SSSIs), 13 Special Areas of Conservation (SACs), 3 Special Protection Areas (SPAs), 8 National Nature Reserves (NNRs) and 1 Marine Nature Reserves (MNR).

The predominance of designated sites in the County demonstrates its importance, internationally and nationally, across a rich diversity of habitats, including river, marine, lowland heaths and semi-natural oak woodland and some coastal and estuarine areas. These assets, including marine and terrestrial Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), Local Nature Reserves (LNRs) and Wildlife Reserves need to be managed carefully for both local and national benefit and to safeguard the unique environment. New sites may be designated during the Plan period through a consultation process with NRW.

This aspect of the LDP is underpinned by European legislation such as the Wild Birds Directive (2009/147/EC), which requires Member States to take special measures to conserve the habitats of migratory birds and certain threatened species. These habitats are often designated as SSSIs or SPAs and form part of an EU network called Natura 2000. The habitats themselves are further protected by their own EU Directive, namely The Habitats Directive, which requires the Conservation of Natural Habitats of Wild Fauna and Flora (1992/43/EEC). This provides the highest level of protection for sites, which are usually designated as SACs and therefore, developments that have potential to impact them are subject to rigorous scrutiny.

Any fauna and flora in areas not afforded special protection in their own right, may still be covered by the Wildlife and Countryside Act 1981 (as amended). This piece of UK legislation confirms a duty on the local authorities to protect European, national, regional or locally scarce, threatened, or endangered species. Policy 65 of the UDP confers that due consideration is given to a development proposal, which, would be likely to result in disturbance or harm to a species or its habitat.

The principal behind this policy is encapsulated by the Pembrokeshire Local Biodiversity Action Plan (LBAP) in conjunction with the concept of sustainable development. "Due regard will be given to the CRoW Act Section 74 List of Species and Habitats of Principal Importance for Conserving the Biological Diversity of Wales." The advice of relevant conservation organisations will be paramount in reaching decisions that impact species and habitats covered by this policy.

The Pembrokeshire LDP has taken into account the close interrelationship with the Pembrokeshire Coast National Park. The plan is compatible with the LDP for the National Park in terms of vision, objectives and policies and approach to key policy areas, including the building of sustainable communities, the promotion of a sustainable economy, the protection of the environment, achieving sustainable accessibility and respecting the distinctiveness of each plan area and those who live in, work in and visit those areas.

Archaeology and Historic Landscapes: The County has a high number of heritage assets. The Plan area has 1632 listed buildings and 236 Scheduled Ancient Monuments. There are 20 Historic Parks and Gardens, two Historic Landscapes, 24 Conservation Areas – with a Townscape Heritage Initiative in Pembroke Dock, two country parks and 8.64km² of village green and common land, which together add to the special natural characteristics and cultural heritage of the area. These areas are an important part of what makes the LDP Plan area distinctive. Areas and sites of national significance are protected by national policy including Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Landscapes of Historic Interest and Historic Parks and Gardens.

In addition to national policy adopted Conservation Area Character Appraisals will also be a material consideration when determining planning applications.

Contaminated Land: Pembrokeshire has a range of previously developed (brownfield) land. One of the issues in Pembrokeshire is that many of these sites, such as some former airfields, may not be suitable for development because of their location and / or scale. Brownfield land within or adjoining settlements and suitable for development should be prioritised for development over greenfield land in accordance with national planning policy. Some brownfield sites in the Plan area have contamination problems which will need remediation in conjunction with their redevelopment.

6.5.3 Local Development Plan Site Specific Policies

An extract of the LDP for the site is provided below as Figure 6.1

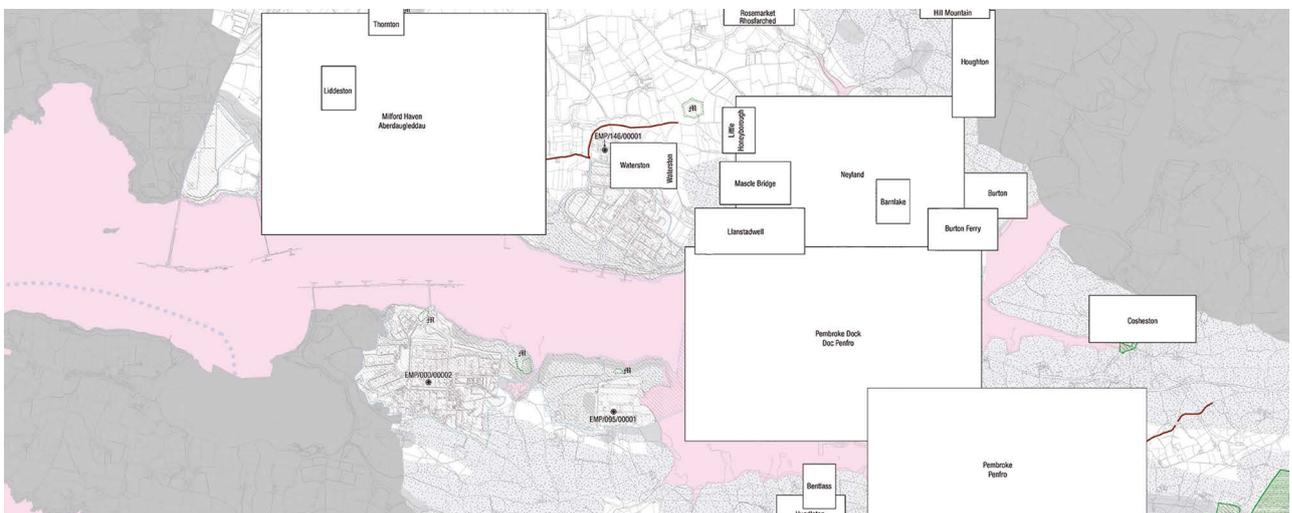


Figure 6.1: Extract from Pembrokeshire County Council LDP

Pembrokeshire LDP – The Pembrokeshire Local Development Plan was adopted on 28 February 2013. The LDP refers to the Blackbridge site, which encompasses most of the land associated with the proposed Biomass Power Plant, as a Strategic Employment site under policy S/EMP/086/ LDP/01.

The LDP also states: -

“to support the future development of port and energy related activities in proximity to the Milford Haven Waterway, strategic employment sites are allocated at Blackbridge (Milford Haven) and at the Pembrokeshire Science and Technology Park (Pembroke Dock). The energy sector (renewable energy technology in particular) is important as a potential growth sector in the Waterway area.”

Policy SP3 Employment Land Requirements states;

“Land is provided for the development of 173 hectares on a mix of strategic and local employment sites. Strategic Employment Sites are identified at the following locations: Site reference S/EMP/086/ LDP/01 33.45 hectares at Blackbridge Milford Haven use classes B1, B2, B8.” Policy SP3 goes on to state; “The specified uses are those that will be permitted on the listed sites. Where appropriate, other classes of employment use or compatible sui generis uses may also be permitted (or combinations of such uses).”

The proposed Biomass Power Plant covers a significant area of the land designated as the Blackbridge strategic employment site, the boundary of which is shown in Figure 6.2 on the following page.



Figure 6.2: Blackbridge strategic employment site

Milford Haven Port (which incorporates the dock areas at both Milford Haven and Pembroke Dock) provide internationally important and scarce deep-water port facilities in a sheltered location. Milford Haven and some of the surrounding areas have therefore been designated for Port and Energy related development.

All of the Biomass to Energy facility and the majority of the Eco-park development lies within the designated Port and Energy Related development boundary, which is shown in Figure 6.3 below.



Figure 6.3: Port and energy related development

6.6 Legislative Policy Context

During development of this EIA, relevant UK and EU legislation and guidance has been considered.

There are eight EU Directives relating to the proposed development with respect to meeting its environmental requirements. These are: -

- Directive 1997/11/EC of 3rd March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (the EIA Directive);
- Directive 2003/35/EC of 26th May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (the Public Participation Directive);
- Directive 2008/50/EC of 11th June 2008 on ambient air quality and cleaner air for Europe (the Air Quality Directive);
- Directive 2008/1/EC of 15th January 2008 concerning integrated pollution prevention and control (IPPC);

- Directive 2010/75/EU (IED) of 11th November 2010 on industrial emissions (Integrated Pollution Prevention and Control);
- Directive 1992/43/EEC of 21st May 1992 on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive);
- Directive 2009/147/EC of 30th November 2009 on the conservation of wild birds (the Birds Directive).

The EIA Directive aims to ensure that plans, programmes and projects likely to have significant effects on the environment are made subject to an environmental assessment, prior to their approval or authorisation. Consultation with the public is a key feature of environmental assessment procedures. The provisions of the Directive are included in the Electricity Works (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 2007.

The Public Participation Directive implements the obligations arising from the Århus Convention and amends the EIA and IPPC Directives to improve public participation in the evaluation of plans, programmes and projects. It requires information be provided to the public concerned, and to non-governmental organisations charged with the protection of the environment. In addition, any supplementary voluntarily information submitted following the submission of the ES is be subject to the same public consultation as the original ES. Finally, following determination of the application, information about the public's participation and the right to challenge the validity of that decision, must be made publicly available. These obligation are enacted in the UK through the Pollution Prevention and Control (England and Wales) (Amendment) Regulations 2007, which came into force on the 6th April 2007.

The Air Quality Directive identifies the level for concentrations of ground-level pollutants such as sulphur dioxide, nitrogen dioxide and oxides of nitrogen, PM10, PM2.5, lead, benzene and carbon monoxide. The limits have been set to ensure that there are no adverse effects with regard to human health. The Directive identifies desired maximum ground level concentrations and the date by which the objectives should be met. The Directive is implemented in Wales through the Air Quality Standards (Wales) Regulations 2010.

The Integrated Prevention and Control of Pollution Directive sets out the main principles for the permitting and control of industrial installations based on an integrated approach and the application of best available techniques (BAT). These are the most effective techniques to achieve a high level of environmental protection that take account of the costs and benefits. Measures are laid down to prevent or, where that is not practicable, to reduce emissions in the air, water and land in order to achieve a high level of protection of the environment. The IPPC Directive has been implemented into UK Legislation under the Environmental Permitting (England and Wales) Regulations 2010.

The Industrial Emissions Directive (IED) 2010/75/EU was adopted on 24th November 2010, and came into force on the 6th January 2011. It has to be transposed into national legislation by Member States before the 7th January 2013. The IED replaces the IPPC Directive and sectorial directives as of 7th January 2014, with the exemption of the LCP Directive, which will be repealed with effect from 1st January 2016.

The aim of the Incineration of Waste Directive is to minimise the negative effects and impacts on the environment and human health resulting from emissions to air, soil, surface and ground water from the incineration and co-incineration of waste. It has been developed to reflect the ability of modern incineration plants to achieve high standards of emission control more effectively. The principles of the legislation are implemented through the Waste Incineration (England and Wales) Regulations 2002.

The purpose of the Habitats Directive is to contribute towards protecting biodiversity through the conservation of natural habitats and of wild fauna and flora. The Directive requires the Member States to maintain or restore, at conservation status, natural habitats and species of wild fauna and flora of Community interest, at the same time they must also consider the economic, social and cultural requirements and regional and local characteristics. This Directive is enacted through The Conservation (Natural Habitats, &c.) (Amendment) (England and Wales) Regulations 2009.

The Birds Directive aims to address the declining populations of wild birds resulting from pollution, hunting, loss of habitat and unsustainable practices. It recognises that migratory species are a shared heritage of the Member States, and that effective protection and conservation can only be achieved through international cooperation. Wild birds and their habitats are protected in the UK under the Wildlife and Countryside Act 1981 (as amended).

The UK government has established Renewable Heat Incentive (RHI) Scheme to assist in achieving its legal commitment to meeting 20% of the UK's energy demand from renewable resources by 2020. DECC supports large and small scale generation of Biomass Heat. The RHI Scheme has been open to applicants since November 2011 and aims to encourage an additional 6.4 TWh of renewable heat by 2016.

The development has been designed to be fully compliant with the RHI Scheme.

6.7 Development Outside of LDP Area

The Cheese and Packaging facilities are located on previously developed land which was utilised as a contractor car park during the construction of the Refinery sites.

Despite being previously developed and still being comprised of tarmac and hardstanding, the land is not allocated for development within the Pembrokeshire Local Development Plan.

As discussed within section 3 of the EIA, the location of the packaging facility and cheese factory have been carefully chosen, considering the HSE zones associated with the Dragon LNG and SEM Logistics sites. The locations were chosen to ensure that relatively high density employment facilities are located outside the zones that would cause concern with respect to the COMAH regulations. The HSE consultation response has confirmed that the proposed layout is acceptable. The previous use of the area as a car park is also advantageous, with Egnedol planning to reinstate parking spaces to service part of the requirement for construction and operational parking. Furthermore the cheese factory will utilise heat generated by the Sustainable Energy facility at Blackbridge. The heat will be transferred via hot water pipes up to a heat exchanger within the Waterston Eco-park. Heat will be re-distributed from the exchanger unit to the cheese factory and the other eco-park units, which benefit from being located as close to the exchanger as possible. All of the land upon which the Cheese and Packaging Facilities will be constructed is hardstanding.

Given the previous industrial use, the existing condition of the land which retains features associated with its former use and the considerations with respect to COMAH and the heat main to distribute heat for the operation of the facility, Egnedol consider that the proposed location is justifiable.

During the pre-application consultation, concerns were raised by local residents with respect to increased traffic passing through the village of Waterston.

Although traffic modelling shows that the roads have sufficient capacity to accept the new development without any requirements for improvement, it would be possible to create a new car park to the north of the cheese factory and packaging plant area, and for this to serve as the main parking for the whole facility.

Staff would be able to walk from the new car park to the whole of the Waterston Eco Park facility, thus diverting all new traffic associated with this element of the development out of the village.

A minibus service would transfer staff from this car park to the Blackbridge Eco Park and Biomass to energy facility. The traffic movements associated with the minibus are described in the traffic assessment section of this EIA.

The parking facility would also be offered to Dragon and SEM Logistics.

The land proposed for the car park is outside of the area designated for development within the LDP but has been identified by Egnedol as a potential traffic movement mitigation measure for Waterston and consequently that it is justifiable for this development.

The facility would be provided with an engineered turf surface and would be provided with a simple shelter to provide weather protection to pedestrians.