

INTERNAL MEMORANDUM

To: David Cross - Development Control Case Officer

Reference: P/20/0276

From: Planning Policy and Implementation Section

Please ask for: Natasha Lade

Extension: 6220

Date: 8th December 2020

Observations in respect of the request for policy advice on planning application no. P/20/0276 at heat and electricity at Kepak Group Limited, Pengarnddu Industrial Estate, Dowlais, Merthyr Tydfil, CF48 2TA.

1. Proposed Development

The application submitted is for the Installation of a 2.7 MW natural gas powered combined heat and power unit to generate heat and electricity on the south east corner of the St Merryn Meat factory site at Kepak Group Limited, Pengarnddu Industrial Estate Dowlais, Merthyr Tydfil.

2. Development Plan Framework

National Planning Policy

Planning Policy Wales (Edition 10, December 2018)

Planning Policy Wales provide guidance on matters relevant to this application, namely:

- Strategic & Spatial Choices: (Paragraph 3.5, 3.13 & 51).
- Active and Social Places: Sustainable Transport (Paragraphs 4.1.10, 29, 33, 34 & 38).
- Productive & Enterprise Spaces: Economic Development (Paragraphs 5.4 2 & 18), Energy (Paragraphs 5.7.7, 8 & 13; 5.8.3 & 6; 5.9.5 - 6 & 9).
- Distinctive and Natural Places: Integrating Green Infrastructure and Development (Paragraph 6.2.5), Soundscapes (Paragraphs 6.7.7, 14, 15, 21 & 24) & and Lighting (Paragraphs 6.8.3 & 4).

Technical Advice Note 21: Waste (November 2001)

Technical Advice Note TAN 18: Transport (March 2007)

Technical Advice Note 23: Economic Development (February 2014)

Technical Advice Note 12 Design (March 2016)

Local Planning Policy

The Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016 - 2031)

The relevant LDP Objectives are -

- *LDP Objective 4 - Regeneration: To promote the suitable reuse of previously developed land and the continued regeneration of local communities.*
- *LDP Objective 6 - Sustainable Design: To promote high quality, sustainable and inclusive design and support measures, which mitigate the predicted effects of climate, change.*
- *LDP Objective 7 - Transport: To support an integrated transport system, promote active travel and ensure new developments are accessible by walking, cycling and public transport links*
- *LDP Objective 9 - Heritage and cultural assets: To protect, enhance and promote all heritage, historic and cultural assets and*
- *LDP Objective 12 - Economic Development: To provide and safeguard appropriate land for economic and skills development.*
- *LDP Objective 16 Renewable Energy: To promote renewable and low carbon energy.*

The following local development plan policies would apply: -

- *Policy SW4: Settlement Boundaries.*
- *Policy SW9: Planning Obligations*
- *Policy SW11: Sustainable Design and Placemaking.*
- *Policy SW12: Improving the Transport Network.*
- *Policy CW1: Historic Environment.*
- *Policy EnW4: Environmental Protection.*
- *Policy EnW5: Landscape Protection.*
- *Policy EcW2: Protecting Employment sites*
- *Policy EcW8: Renewal Energy and*
- *Policy EcW9: District Heating.*

The following Supplementary Planning Guidance is also applicable: -

- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 2: Planning Obligations (March 2012).*
- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 4: Sustainable Design (July 2013).*

3. Policy Considerations

The Council has formally adopted the Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016 - 2031). The proposal is considered therefore against the policies contained within it.

The application property comprises a small unit, for the generation of heat and electricity, to the south of the St Merryn Meat factory site within the Pengarnddu Industrial Estate that lies within the Primary Growth Area and settlement boundary where Policy SW4 applies. Here new development can be considered acceptable in principle subject to proposals being compatible with the Plan's other policies and all other material considerations.

Policy EcW2 seeks to protect existing office, employment and industrial warehousing land (B1, B2 and B8 uses) to ensure their role and function in providing accessible sources of employment. At Pengarnddu Industrial Estate, development will be permitted if it: is within Use Classes B1(b), B1(c), B2 or B8; or provides an ancillary facility or service that supports the primary employment use, or is an acceptable complementary commercial service outside class B uses, or is an appropriate waste management facility compatible with existing industrial and commercial activities.

Development proposals for uses other than these that would result in the loss of employment land or premises will only be permitted if the proposal would not lead to an unacceptable change in the nature of the employment site; and where the existing use is inappropriate; or the land / premises are surplus to the requirements of the employment market.

The proposed development would result in the loss of a small proportion of the larger industrial unit and a tiny proportion of the wider protected employment site. However, this is acceptable given the nature of the development and an industrial estate is an appropriate location for the proposed use that is considered ancillary to the primary employment use. Policy EcW2 allows for the development of ancillary services or facilities that support the primary employment use. Due to their ancillary nature, these will be of an appropriate nature and scale to the existing employment site and will have an obvious and clear benefit to the existing employment use. It is clear that this is the case and the proposal is therefore in accordance with the second criterion of Policy EcW2 of the LDP.

Paragraph 5.9.6 of Planning Policy Wales 10, supports the use of locally generated electricity and heat and considers that Local Authorities should seek to promote Combined Heat and Power (CHP) schemes, with a presumption in favour of identified areas (paragraph 5.9.8). Furthermore, paragraph 5.9.9 states that outside of priority areas, applications for low carbon energy developments should be determined on their individual merits. LDP Policy EcW9 therefore encourages the use of Combined Heat and Power and whilst it defines heat priority areas it recognises that some sites may be suitable for a retrofitted heat network although delivery will ultimately depend on factors such as viability and legal/management arrangements and or other factors outside the planning process.

Policy EnW4 follows the 'precautionary approach' in line with PPW10 paragraph 6.7.15 and developers are encouraged to assess any impact at the earliest stage. Policy EnW4 states that development proposals will be required to demonstrate that they would not result in an unacceptable impact on people, residential amenity, property, and / or the natural environment from either:

- Pollution of land, surface water, ground water and the air.
- Land contamination.
- Hazardous substances.
- Land stability.
- Noise, vibration, dust, odour nuisance and light pollution; or
- Any other identified risk to public health and safety.

The applicant should be required to demonstrate that appropriate measures are incorporable to reduce, or minimise the impact identified to the lowest possible acceptable level, for identified impacts. Planning conditions may be imposed, or legal obligation requested to secure any necessary mitigation and monitoring processes both during and post construction. To this end, the views of the Public Health Officer and the Health and Safety Executive are relevant.

Policy SW9 considers the requirement for planning obligations, in accordance with this Policy no obligations are sought on this development, and Community Infrastructure Levy (CIL) is not chargeable on this use.

Policy SW11 advises that development must contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design. Where appropriate, new development will be required, amongst other things to:

- be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;
- not result in an unacceptable impact on local amenity, loss of light or privacy, or visual impact, and incorporate a good standard of landscape design.
- incorporate resource efficient/adaptable buildings and layouts using sustainable design and construction techniques;
- minimise the demand for energy and utilise renewable energy resources;
- provide and protect relevant utility services and infrastructure without causing any unacceptable environmental impacts;
- incorporate measures to improve ground and surface water quality wherever possible;
- provide adequate facilities and space for waste collections and recycling; and
- promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour.

Policy EnW5 is a general landscape protection policy. Given that there is mature vegetation, in the vicinity the development should secure the enhancement of the character, appearance and quality of the landscape, through restoration,

management or enhancement where possible and the views of the Landscape Architect are therefore relevant.

Finally, Policy SW12 supports development that encourages a modal shift towards sustainable transport. Developments should demonstrate how they intend to reduce the need to travel and encourage the use of sustainable transport. As such, the views of the Engineering and Traffic Group Leader are of relevance.