

INTERNAL MEMORANDUM

To: Caroline Pulley - Development Control Case Officer

Reference: P/21/0405

From: Planning Policy and Implementation Section

Please ask for: Natasha Lade

Extension: 6220

Date: 15th December 2021

Observations in respect of the request for policy advice on planning application no. P/21/0405 at Kepak / St Merryn, Pengarnddu Industrial Estate Dowlais, Merthyr Tydfil, CF48 2TA.

Proposed Development

The application submitted is for the installation of a Local Energy Centre, comprising Combined Heat & Power and Energy Storage Scheme on 555 sqm of existing hard standing at Kepak / St Merryn, Pengarnddu Industrial Estate, Dowlais, Merthyr Tydfil.

Development Plan Framework

National Planning Policy

Future Wales – The National Plan 2040

Future Wales – The National Plan 2040 is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system. Matters relevant to this application include:

Low Carbon Energy – pages 14, 46, 48, 56, 95 - 99 (Policy 17), Economy – page 34 and Transport Infrastructure – page 42.

Planning Policy Wales (Edition 11, 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 TAN 18: Transport (March 2007).

Technical Advice Note 23: Economic Development (February 2014).

Technical Advice Note 12: Design (March 2016).

Technical Advice Note 8: Renewable Energy (February 2017).

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 EnW1: Nature Conservation and Ecosystem Resilience.*
- *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 4: Sustainable Design (July 2013).*

Policy Considerations

The Council formally adopted The Merthyr Tydfil County Borough Council Replacement Local Development Plan (RLDP) (2016 - 2031) in January 2020. The development proposal is considered against the policies contained within it.

The application site is located 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 employment sites. At Pengarnddu Industrial Estate, development will be permitted if it: is within Use Classes B1(b), B1(c), B2 or B8; provides an ancillary facility or service that supports the primary employment use or it is an acceptable complementary commercial service outside class B uses. It is considered that the proposal provides a service that supports the primary employment use, is an acceptable commercial service outside a class B use, and therefore accords with this Policy.

Policy EcW9 encourages the use of combined heat and power (CHP), given that the system can be suitably retrofitted within the site the proposal is in accordance with this Policy.

Policy 17 of Future Wales 2040 strongly supports the principle of developing renewable and low carbon energy from all technologies at all scales to meet our future energy needs. It states, "*In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency*". Furthermore, paragraph 5.7.1 of Planning Policy Wales 11 states that low carbon electricity must become the main source of energy in Wales and paragraph 5.9 states that local authorities should facilitate all forms of low carbon energy with a presumption in favour of identified areas.

Policy EcW8 supports the delivery of national policy by encouraging low carbon energy projects, subject to material planning considerations and contains criteria against which proposals up to local authority-wide scale will be assessed for energy generating proposals of less than 10MW. Proposals which are likely to have a significant effect on the landscape/ and or visual amenity will require an LVIA. Given that, the proposal comprises utilising land and space within the footprint of the existing units and without alterations to any other buildings it is considered that the

proposal complies with Policy EcW8, subject to other material planning considerations.

Policy EnW5 offers general landscape protection. Proposals will only be acceptable where they would not cause unacceptable harm to the character and quality of the landscape setting of the County Borough or where damage to local landscape character cannot be avoided appropriate mitigation has been secured. In view of this, the views of the Council's Landscape Architect should be sought.

Policy EnW4 follows the 'precautionary approach' in line with PPW11 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.

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 may be of relevance.