

## 4 POLICY CONTEXT

### 4.1 INTRODUCTION

4.1.1 This chapter sets out an overview of the relevant planning policy framework for the site and surrounding area, having regard to the development proposed. It identifies the relevant planning policy context from the national to the local level, including National Planning Policy, Technical Advice Notes and the Development Plan – in addition to emerging planning policy.

4.1.2 In order to avoid duplication, specific commentary / evaluation of planning policy is set out within the context section of each individual chapter where appropriate. Additionally, the Planning Statement which accompanies this ES also assesses the proposed development against the Planning Policy Framework in detail.

### 4.2 PLANNING POLICY CONTEXT

4.2.1 The principal planning policy context for the scheme (from the national through to the local level) comprises the following documents:

#### National

- Future Wales: the National Plan 2040;
- Planning Policy Wales Edition 11: (Feb 2021);
- Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009);
- Technical Advice Note (TAN) 8: Renewable Energy (2005);
- Technical Advice Note (TAN) 12: Design (2016);
- Technical Advice Note (TAN) 14: Coastal Planning (1998);
- Technical Advice Note (TAN) 15: Development and Flood Risk (2004); and
- Technical Advice Note (TAN) 18: Transport (2007);
- Technical Advice Note (TAN) 23: Economic Development (2014).

#### Local

- Cardiff Local Development Plan 2006 – 2026 (adopted 28<sup>th</sup> January 2016);
- Safeguarding Business and Industrial Land and Premises (November 2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018); and
- Planning Obligations (March 2009).

4.2.2 It is also important to note that the Cardiff Replacement Local Development Plan (2021 to 2036) has also commenced. Consultation is currently taking place on the Draft Vision, Issues and Objectives Paper along with a Call for Sites. The Plan is expected to be adopted in October 2024.

4.2.3 The relevance of each of the tiers of policy and specific guidance relative to the development is set out in brief in the remainder of this chapter.

4.2.4 The relevant National Planning Policy Guidance comprises Planning Policy Wales (PPW), which is supported by a range of Technical Advice Notes (TANs). These documents should be read in conjunction with the Wales Spatial Plan, which reflects the planning policies set out within PPW. The relevance of each of the tiers of policy and specific guidance relative to the development is set out in brief in the remainder of this chapter.

#### **Planning Policy Wales (11th. Edition) (Feb 2021)**

4.2.5 The eleventh edition of PPW was published in February 2021 and sets out the land use policies of the Welsh Government (WG). The document states that land use planning should set the framework for the development and use of land, taking full account of economic, social and environmental issues.

4.2.6 The document identifies the 7 Goals of the Well Being of Future Generations Act:

- A Prosperous Wales
- A Resilient Wales
- A Healthier Wales
- A more Equal Wales
- Fostering Cohesive Communities
- A Vibrant Culture and thriving Welsh Language
- A Globally Responsible Wales

4.2.7 A summary of the way in which the proposals address issues such as these is provided within those chapters which address the specific issues listed where relevant. However, a detailed planning policy appraisal is included within other supporting documents and primarily within the detailed cover letter which accompanies this ES.

4.2.8 PPW Figure 4 sets out the Key Planning Principles which govern the planning system and decision making:

- Growing our economy in a sustainable manner;
- Making best use of resources;
- Facilitating accessible and healthy environments;
- Creating and sustain communities; and
- Maximising environmental protection and limiting environmental impact.

4.2.9 Furthermore, PPW seeks to promote sustainability through good design. Good design is seen to be integral to promoting the efficient use of resources, maximising energy efficiency, tackling the cause of climate change and providing high environmental quality.

4.2.10 PPW sets out policies relating to planning for sustainable buildings – stating that development proposals should mitigate the causes of climate change and confirming an overall aspiration to secure zero carbon buildings. In order to move towards more sustainable and zero carbon buildings in Wales, the Assembly has introduced a minimum BREEAM standards for commercial development.

- 4.2.11 The Welsh Government’s objectives in relation to transport are set out in 5.3 of PPW. The objectives include reducing the need to travel, especially by the private car, by locating development where there is good access to public transport, walking and cycling; locating development near other related uses to encourage multi-purpose trips and reduce the length of journeys; and improving accessibility by walking, cycling and public transport.

#### **Future Wales: The National Plan 2040 (Feb 2021)**

- 4.2.12 Future Wales – The National Plan 2040 is Wales’ national development framework which sets out the direction for development in Wales up to 2040. It is a development plan that sets out a strategy for addressing key national priorities including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and wellbeing of our communities. The spatial strategy is a guiding framework which sets out the key national policies that will guide and encourage development which supports sustainable growth in both urban and rural areas across Wales.
- 4.2.13 In particular, Policy 33 (National Growth Area – Cardiff, Newport and The Valleys) notes that ‘growth in the South East region should primarily be focused in Cardiff, Newport and the Valleys’. In particular, the policy notes how ‘Cardiff will remain the primary settlement in the region, its future strategic growth shaped by its strong housing and employment markets and it will retain its capital city role, accommodating higher level functions and attractions’. In addition to this, the policy considers how the ‘Welsh Government will work with regional bodies and local authorities in the region and in neighbouring regions of England to promote and enhance Cardiff, Newport and the Valleys’ strategic role and ensure key investment decisions support places in the National Growth Area and the wider region’.

#### **Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)**

- 4.2.14 TAN 5 – Nature Conservation and Planning outlines the development control issues for Special Protection Areas (SPAs), Special Areas of Conservation (SACs), and Sites of Special Scientific Interest (SSSIs). This document provides background information and guidance on nature conservation outside statutorily designated sites and protection of species.

#### **Technical Advice Note (TAN) 8: Renewable Energy (2005)**

- 4.2.15 TAN 8 – Renewable Energy provides guidance on areas including onshore renewable energy technologies, design and energy and how renewable energy should be accounted for as part of development plans, development management and monitoring processes

#### **Technical Advice Note (TAN) 12: Design (2016)**

- 4.2.16 TAN 12 – Design sets out detailed guidance as to how good quality design can be facilitated in new development. The objectives of good design will need to be reflected within the development scheme.
- 4.2.17 The TAN advises that a holistic approach to design should be followed, and that all those involved in the design process should focus from the outset on meeting the objectives of good

design rather than a total reliance on prescriptive standards. The design response will need to ensure that these objectives are achieved, whilst also responding to local context.

#### **Technical Advice Note (TAN) 15: Development and Flood Risk (2004)**

4.2.18 TAN 15 – Development and Flood risk provides advice on matters including the use of development advice maps to determine flood risk issues, how to assess the flooding consequences of proposed development and action that can be taken through development plans and development control to mitigate flood risk when planning for new development.

#### **Technical Advice Note (TAN) 18: Transport (2007)**

4.2.19 TAN 18 – Transport identifies that the integration of land use planning and development of transport infrastructure has a key role to play in addressing the environmental aspects of sustainable development, and in particular climate change. Integration can help achieve sustainable development policy objectives by:

- Ensuring new development is located where there is, or will be, good access by public transport, walking and cycling thereby minimising the need for travel and fostering social inclusion;
- Managing parking provision;
- Ensuring that new development and major alterations to existing developments include appropriate provision for pedestrians, cycling, public transport and traffic management and parking / servicing;
- Encourage the location of development near other related uses to encourage multipurpose trips;
- Promoting cycling and walking;
- Supporting the provision of high quality, inclusive public transport; and
- Encouraging good quality design of streets that provide a safe public realm and a distinct sense of place.

4.2.20 Development which is likely to have an impact upon the local highway network will need to be supported by a Transport Assessment.

#### **Technical Advice Note (TAN) 23: Economic Development (2014)**

4.2.21 TAN 23 – Economic Development provides guidance on assessing the economic benefits of new development to the local and national economy and promotes the creation of sustainable and more equitably distributed economic development.

#### **Cardiff Local Development Plan 2006-2026 (adopted 28th January 2016)**

4.2.22 Within the LDP, the key planning designations at the local level of relevance to the site and proposals are as follows:

- Located partly within the Existing Employment Land identified as EC1.3 (Rover Way (Celsa Steel Works, Tremorfa Industrial Estate, Seawall Road)).

4.2.23 The LDP also includes a constraints map which identifies constraints to development within Cardiff. The constraints of relevance to the site are as follows:

- The Eastern Bay Transport Link;
- A Strategic Recreation Route – The Wales Coastal Footpath;
- A Site of Important Nature Conservation (SINC), Pengam Moors, to the north of the site; and
- The Severn Estuary mudflats to the south and east, which is designated as the following – Special Area of Conservation (SAC); Special Protection Area (SPA); Ramsar; and Site of Special Scientific Interest (SSSI).

4.2.24 Given the above, it is considered that the most relevant policies of the adopted LDP for this proposal area as follows:

- **Policy EC1** – Existing Employment Land;
- **Policy EC7** – Employment Proposals on Land Not Identified for Employment Use;
- **Policy EN5** – Designated Sites;
- **Policy EN12** – Renewable Energy and Low Carbon Technologies;
- **Policy T7** – Strategic Transport Infrastructure; and
- **Policy KP16** – Green Infrastructure.

4.2.25 The following policies are also considered relevant to the proposals:

- **Policy KP5** – Good Quality and Sustainable Design;
- **Policy KP15** – Climate Change;
- **Policy KP18** – Natural Resources;
- **Policy EN3** – Landscape Protection;
- **Policy EN6** – Ecological Networks and Features of Importance for Biodiversity;
- **Policy EN7** – Priority Habitats and Species;
- **Policy EN13** – Air, Noise, Light Pollution and Land Contamination.

### **Supplementary Planning Guidance**

4.2.26 The following Supplementary Planning Guidance (SPG) have also been taken into consideration in developing this planning application:

- Safeguarding Business and Industrial Land and Premises (November 2017);
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018); and
- Planning Obligations (March 2009).

### **Renewable Energy Assessment**

4.2.27 As part of the preparation of the LDP, Cardiff City Council prepared a Renewable Energy Assessment (REA) which acts as an evidence base to underpin the policies within the LDP that can support and facilitate the deployment of renewable and low carbon energy technologies.

4.2.28 This assessment is intended to inform the delivery of renewable energy installations in Cardiff. This will help to meet the two key challenges for UK energy policy, namely tackling climate change by reducing carbon dioxide emissions and improving energy security.

#### **4.3 National Energy Policy (is this necessary given we've removed the biomass element)**

##### **Climate Change Act (2008)**

4.3.1 The Climate Change Act 2008 makes it the duty of the Secretary of State to ensure that the net UK carbon account for all six Kyoto greenhouse gases for the year 2050 is at least 80% lower than the 1990 baseline, toward avoiding dangerous climate change.

4.3.2 The Act aims to enable the United Kingdom to become a low-carbon economy and gives ministers powers to introduce the measures necessary to achieve a range of greenhouse gas reduction targets. An independent Committee on Climate Change has been created under the Act to provide advice to UK Government on these targets and related policies. In the Act Secretary of State refers to the Secretary of State for Energy and Climate Change.

4.3.3 The proposed Project would be a secure low carbon energy development and would therefore make a direct contribution towards the Government's Climate Change objectives.

4.3.4 It is considered that the principle of the Project is in accordance with European policy as it is an established technology which will successfully direct waste wood away from landfill and generate a renewable source of energy and heat, without significant adverse effects on the environment and human health.

##### **UK Bioenergy Strategy (April 2012)**

4.3.5 It is widely recognised that bioenergy has an important role to play if the UK is to meet its low carbon objectives by 2050. The strategy sets out the Coalition Government's approach to securing the benefits of bioenergy.

4.3.6 The UK Government has a responsibility to ensure that its policies only support bioenergy use in the right circumstances. This strategy is based on a statement of four principles which will act as a framework for future government policy on bioenergy. The four principles state that:

- Policies that support bioenergy should deliver genuine carbon reductions that help meet UK carbon emissions objectives to 2050 and beyond;
- Support for bioenergy should make a cost-effective contribution to UK carbon emission objectives in the context of overall energy goals; and
- Support for bioenergy should aim to maximise the overall benefits and minimise costs (quantifiable and non-quantifiable) across the economy.

##### **2020 Renewables Target**

4.3.7 The 2009 Renewable Energy Directive sets a target for the UK to achieve 15% of its energy consumption from renewable sources by 2020. This compares to 3.3% in 2010. The scale of the increase over the next 8 years represents a huge challenge and will require strong contributions from all sectors of electricity, heat and transport.

### **2050 Carbon Reduction Target**

4.3.8 The Climate Change Act 2008 establishes a long-term framework to tackle climate change.

4.3.9 The Act aims to encourage the transition to a low-carbon economy in the UK through unilateral legally binding emissions reduction targets. This means a reduction of emissions of at least 34% by 2020 and a domestic greenhouse gas emissions reduction of at least 80 percent by 2050. Both targets are against a 1990 baseline.

4.3.10 It is clear there is a need for renewable energy developments in relation to both demand and the achievement of the Government's climate change objectives. On this basis substantial weight should be given to the contributions made by renewable energy developments such as the proposed Project.

### **The 2007 White Paper: Meeting the Energy Challenge**

4.3.11 UK Energy policy is set out in the Energy White Paper of May 2007 and Low Carbon Transition Plan of July 2009.

4.3.12 The 2007 White Paper: "Meeting the Energy Challenge" sets out the Government's international and domestic energy strategy to address the long-term energy challenges faced by the UK, and to deliver four key policy goals:

- 1 'To put the UK on a path to cut carbon dioxide emissions by some 60% by about 2050, with real progress by 2020;
- 2 To maintain reliable energy supplies;
- 3 To promote competitive markets in the UK and beyond, helping to raise the rate of sustainable economic growth and to improve productivity; and
- 4 To ensure that every home is adequately and affordably heated;
- 5 To ensure that every home is adequately and affordably heated'

4.3.13 The Government has set national targets for electricity generated from renewable sources and expects 10% of total electricity generation by 2010, 15% by 2013 and 20% by 2020.

4.3.23 In particular, the White Paper confirms that applicants for energy development do not need to demonstrate either the overall need for renewable energy or its distribution, nor question the energy justification for why a proposal for such development must be sited in a particular location.

### **Welsh Government Energy Policy Statement – A Low Carbon Revolution**

- 4.3.24 The Welsh Government Energy Policy Statement – A Low Carbon Revolution (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.
- 4.3.25 One of the aims of this Policy Statement is 'to deliver by 2020 up to 6 kWh/d/p in Wales of electricity from Biomass – 50% indigenous / 50% imported – and a heat potential of 2-2.5 kWh/d/p in Wales.
- 4.3.26 In addition to the above, Energy Wales – A Low Carbon Transition (2012) aims to create a sustainable, low carbon economy for Wales. The document sets a number of ambitions which include the following:
- Become increasing 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;
  - Providing energy security and resilience; and
  - Deliver, through energy markets, affordability and a credible framework for long term investment.
- 4.3.27 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 reference 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.'*
- 4.3.28 To note, the Department for Business Innovation and Skills estimated that biomass contributed £279 million in sales in 2009/10.

#### **4.4 CONCLUSION**

- 4.4.1 This chapter has provided a broad overview of the planning policy context for the application site and the proposals. National and regional planning policy supports the efficient use of land and development within sustainable locations.
- 4.4.2 The site is located within, and adjacent to, an existing employment zone, and the principle of development of the site in this location has been approved, in terms of land use policy.

4.4.3 For the purposes of this ES, this application seeks to bring forward the key provisions outlined within the Development Framework.